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L A W S

AND

RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION 1874-'75,

BEGUN AND HELD IN THE

CITY OF RALEIGH,

On Monday, the Sixteenth day of November, A. D. 1874,

TO WHICH ARE PREFIXED

A REGISTER OF STATE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY AND  
JUDICIARY, AND A LIST OF COMMISSIONERS OF AFFIDAVITS.

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PUBLISHED BY AUTHORITY.

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RALEIGH:

JOSIAH TURNER, STATE PRINTER AND BINDER.

1875.

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# CONTENTS.

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STATE GOVERNMENT.....	VII
SUPREME COURT JUDGES.....	VIII
SUPERIOR COURT JUDGES.....	VIII
SOLICITORS .....	IX
GENERAL ASSEMBLY .....	XI
COMMISSIONERS OF AFFIDAVITS.....	XXI
CAPTIONS TO PUBLIC AND PRIVATE LAWS.....	XXIX
CAPTIONS TO RESOLUTIONS.....	XL
INDEX TO <u>LAW</u> S AND RESOLUTIONS.....	743



REGISTER OF STATE OFFICERS,  
MEMBERS OF THE GENERAL ASSEMBLY  
AND THE  
JUDICIARY,  
FOR THE YEAR 1875.



# OFFICIAL REGISTER

FOR THE

## YEAR 1875.

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### STATE GOVERNMENT.

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- CURTIS H. BROGDEN, . . . . Wayne County, . . . . . Governor.  
R. F. ARMFIELD, . . . . Iredell County, . . . . . Lieutenant Governor.  
WM. H. HOWERTON, . . . . Rowan County, . . . . . Secretary of State.  
JOHN REILLY, . . . . . Cumberland County, . . . . Auditor.  
DAVID A. JENKINS, . . . . Gaston County, . . . . . Treasurer.  
STEPHEN D. POOL, . . . . Craven County, . . . . . Supt. Pub. Instruction.  
T. L. HARGROVE, . . . . . Granville County, . . . . . Attorney General.  
JOHN C. GORMAN, . . . . Wake County, . . . . . Adjutant General.  
W. C. KERR, . . . . . Wake County, . . . . . State Geologist.  
T. R. PURNELL, . . . . . Forsythe County, . . . . . State Librarian.  
JOHN B. NEATHERY, . . . . Wake County, . . . . . Private Sec. to Gov'r.  
T. H. BAILEY, . . . . . Rowan County, . . . . . Clerk to Sec. of State.  
WM. P. WEATHERELL, . . Wake County, . . . . . Chief Clerk to Auditor.  
D. W. BAIN, . . . . . Wake County, . . . . . Chief Clerk to Treas'r.  
A. D. JENKINS, . . . . . Gaston County, . . . . . Ass't Clerk to Treas'r.

## THE JUDICIARY.

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### SUPREME COURT.

NAMES.	RESIDENCES.
RICHMOND M. PEARSON, Chief Justice,.....	Richmond Hill, N. C.
EDWIN G. READE, Associate Justice,.....	Washington, “
WM. B. RODMAN, Associate Justice,.....	Washington, “
W. P. BYNUM, Associate Justice,.....	Charlotte, “
THOMAS SETTLE, Associate Justice,....	Greensboro', “
TAZEWELL HARGROVE, Reporter, .....	Raleigh, “
W. H. BAGLEY, Clerk,.....	Raleigh, “
DAVID A. WICKER, Marshal, ....	Raleigh, “

---

### SUPERIOR COURT JUDGES.

DISTRICTS AND NAMES.	RESIDENCES.
1. MILLS L. EURE, .....	Gatesville, N. C.
2. W. A. MOORE,.....	Plymouth, “
3. A. S. SEYMOUR,.....	New Bern, “
4. A. A. MCKAY,.....	Clinton, “
5. R. P. BUXTON,.....	Fayetteville, “
6. SAMUEL W. WATTS,.....	Franklinton, “
7. JOHN KERR,.....	Reidsville, “
8. JOHN M. CLOUD,.....	Winston, “
9. DAVID SCHENCK,.....	Lincolnton, “
10. ANDERSON MITCHELL,.....	Statesville, “
11. JAMES L. HENRY,.....	Asheville, “
12. RILEY H. CANNON,.....	Franklin, “

## SOLICITORS.

DISTRICTS AND NAMES.	RESIDENCES.
1. JAMES P. WHEDBEE,.....	Elizabeth City, N. C.
2. J. J. MARTIN,.....	Williamston, “
3. L. J. MOORE,.....	New Berne, “
4. W. S. NORMENT,.....	Lumberton, “
5. S. J. PEMBERTON,.....	Albemarle, “
6. J. C. L. HARRIS, .....	Raleigh, “
7. F. N. STRUDWICK,.....	Hillsboro’, “
8. JOSEPH DOBSON,.....	Yadkinville, “
9. W. J. MONTGOMERY,.....	Concord, “
10. W. H. H. COWLES,.....	Wilkesboro’, “
11. J. M. GUDGER,.....	Burnsville, “
12. W. L. TATE,.....	Waynesville, “



# LEGISLATIVE DIRECTORY.

## SENATE.

OFFICERS.		POST OFFICE.	COUNTY AND STATE.
R. F. Armfield, President of Senate.....	Statesville .....	Iredell,	N. C.
Johnstone Jones, Principal Clerk.....	Charlotte .....	Mecklenburg,	"
P. H. Winston, Jr., Assistant Clerk.....	Windsor .....	Bertie,	"
J. McL. Turner, Engrossing Clerk.....	Asheville .....	Buncombe,	"
J. E. Morris, Principal Doorkeeper.....	Newbern .....	Craven,	"
Anderson Douglass, Asst. Doorkeeper.....	Yadkinville .....	Yadkin,	"
D. P. Mast, Enrolling Clerk.....	Winston.....	Forsythe,	"

  

COUNTIES.	NAMES OF SENATORS.	POST OFFICE.
1 Currituck, Camden, Pasquotank, Hertford, Gates, Chowan, Perquimans, Tyrrell, Washington, Martin, Dare, Beaufort and Hyde.....	W. B. Shaw..... Thomas R. Jernigan..... Charles Latham..... Milton S. Selby.....	Currituck Court House, Winton, Plymouth, Lake Landing,
3 Northampton and Bertie.....	W. W. Peebles.....	Jackson,
4 Halifax.....	John Bryant.....	Halifax,
5 Edgecombe .....	W. P. Mabson.....	Tarboro,
6 Pitt .....	Jos. B. Stickney.....	Washington,

DIS?

SENATE—(Continued.)

COUNTIES.	NAMES OF SENATORS.	POST OFFICE.
7 Wilson, Nash and Franklin.....	Charles M. Cooke.....	Louisburg,
8 Craven.....	Nick W. Boddie.....	Nashville,
9 Jones, Onslow and Carteret.....	Richard Tucker.....	Newbern,
10 Wayne and Duplin.....	W. T. R. Bell.....	Newport,
11 Lenoir and Greene.....	John D. Stanford.....	Kenansville,
12 New Hanover.....	D. E. Smith.....	Mount Olive,
13 Brunswick and Bladen.....	Josiah Sugg.....	Snow Hill,
14 Sampson.....	Edward Cantwell.....	Wilmington,
15 Columbus and Robeson.....	Joseph Cashwell.....	Abbotsburg,
16 Cumberland and Harnett.....	Edwin W. Kerr.....	Clinton,
17 Johnston.....	W. F. French.....	Lumberton,
18 Wake.....	George W. Pegram.....	Chalk Level,
19 Warren.....	L. R. Waddell.....	Smithfield,
20 Person, Orange and Caswell.....	Charles M. Busbee.....	Raleigh,
21 Granville.....	John M. Paschall.....	Manson,
22 Chatham.....	C. E. Parish.....	Hillsboro,
23 Rockingham.....	George Williamson.....	Yanceyville,
24 Alamance and Guilford.....	Richard G. Sneed.....	Townsville,
25 Randolph and Moore.....	W. G. Albright.....	Mud Lick,
26 Richmond and Montgomery.....	James Irvin.....	Reidsville,
27 Anson and Union.....	James T. Morehead.....	Greensboro,
	A. S. Holton.....	High Point,
	K. H. Worthy.....	Jonesboro,
	James LeGrand.....	Mangum,
	C. M. T. McCauley.....	Mourne,

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POST OFFICE.

NAMES OF SENATORS.

COUNTIES.

1871

28	Cabarrus and Stunly	Dr. R. Anderson	Albemarle,	N. C.
29	Mecklenburg	R. P. Waring	Charlotte,	"
30	Rowan and Davie	J. H. Clement	Mocksville,	"
31	Davidson	Alfred Hargrave	Lexington,	"
32	Stokes and Forsythe	N. S. Cook	Winston,	"
33	Surry and Yadkin	J. G. Marler	Yadkinville,	"
		R. F. Armfield	Statesville,	"
34	Iredell, Wilkes and Alexander	R. Z. Linney	Taylorsville,	"
		A. J. McMillan	Mouth of Wilson,	Va.
35	Alleghany, Ashe and Watauga	J. C. Mills	Morganton,	N. C.
36	Caldwell, Burke, McDowell, Mitchell, and Yancey	D. W. Young	Bakersville,	"
		W. A. Graham, Jr.	Iron Station,	"
37	Catawba and Lincoln	Jesse Jenkins	Shelby,	"
38	Gaston and Cleaveland	Martin Walker	Rutherfordton,	"
39	Rutherford and Polk	John S. McElroy	Little Ivy,	"
40	Buncombe and Madison	T. W. Taylor	Hendersonville,	"
41	Haywood, Henderson and Transylvania			"
42	Cherokee, Clay, Graham, Jackson, Macon, and Swain	J. R. Love	Webster,	"

HOUSE OF REPRESENTATIVES.

OFFICERS OF THE HOUSE.	POST OFFICE.	COUNTY.
James L. Robinson, Speaker, . . . . .	Franklin, . . . . .	Macon.
John D. Cameron, Principal Clerk, . . . . .	Hillsboro', . . . . .	Orange.
W. M. Hardy, Assistant Clerk, . . . . .	Asheville, . . . . .	Buncombe.
W. J. Barrett, Engrossing Clerk, . . . . .	Kinston, . . . . .	Lenoir.
John H. Hill, Principal Doorkeeper, . . . . .	Asheboro', . . . . .	Randolph.
J. P. Norton, Assistant Doorkeeper, . . . . .	Marion, . . . . .	McDowell.

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.	
Alamance, .. . . .	James E. Boyd, . . . . .	Graham,	N. C.
Alleghany, . . . . .	W. C. Fields, . . . . .	Gap Civil,	"
Alexander, . . . . .	Dr. J. M. Carson, . . . . .	Taylorsville,	"
Anson, . . . . .	W. E. Smith, . . . . .	Moven,	"
Ashe, . . . . .	Squire Trivett, . . . . .	Jefferson,	"
Beaufort, . . . . .	W. H. Thompson, . . . . .	Aurora,	"
Bertie, . . . . .	W. T. Ward, . . . . .	Windsor,	"
Bladen, . . . . .	John Newell, . . . . .	Clarkton,	"
Brunswick, . . . . .	J. L. Bennett, . . . . .	Easy Hill,	"
Buncombe, . . . . .	{ W. G. Candler, . . . . .	Laurel Fork,	"
	{ M. Patton, . . . . .	Asheville,	"
Burke, . . . . .	S. McD. Tate, . . . . .	Morganton,	"
Cabarrus, . . . . .	P. B. Means, . . . . .	Concord,	"
Carteret, . . . . .	Appleton Oaksmith, . . . . .	Hollywood,	"
Camden, . . . . .	F. N. Mullin, . . . . .	South Mills,	"
Caldwell, . . . . .	M. A. Barnhardt, . . . . .	Lenoir,	"
Caswell, . . . . .	{ Thomas S. Harrison, . . . . .	Purley,	"
	{ Wilson Cary, . . . . .	Yanceyville,	"
Catawba, . . . . .	S. M. Finger, . . . . .	Newton,	"
Chatham, . . . . .	{ O. A. Hanner, . . . . .	St. Lawrence,	"
	{ J. M. Moring, . . . . .	Morrisville,	"
Cherokee, . . . . .	M. C. King, . . . . .	Murphy,	"
Chowan, . . . . .	Richard Elliott, . . . . .	Small's Roads,	"
Clay, . . . . .	John O. Hicks, . . . . .	Hayesville,	"
✓ Cleaveland, . . . . .	Allen Bettis, . . . . .	Shelby,	"
Columbus, . . . . .	V. V. Richardson, . . . . .	Whiteville,	"

## HOUSE OF REPRESENTATIVES—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.	
Craven,.....	{ John R. Good,.....	New Bern,	N. C.
	{ Edward H. Hill, .....	Cobelan,	"
Cumberland,.....	{ S. McD. Jessup,.....	Cedar Creek,	"
	{ James C. McRae,.....	Fayetteville,	"
Carrituck, .....	{ J. M. Woodhouse,.....	Poplar Branch,	"
Dare, .....	{ John B. Etheridge, .....	Manteo,	"
Davidson .....	{ M. H. Pinnix,.....	Lexington,	"
	{ T. A. Mock,.....	Midway,	"
Davie, .....	{ Charles Anderson,.....	Calahan,	"
Duplin, .....	{ W. B. Wells, .....	Rose Hill,	"
	{ A. G. Mosely,.....	Warsaw,	"
Edgecombe, .....	{ T. Goodwin, .....	Tarboro',	"
	{ Willis Bunn,.....	Battleboro',	"
Forsythe, .....	{ W. H. Wheeler, .....	Winston,	"
Franklin, .....	{ T. T. Mitchell,.....	Franklinton,	"
Gaston, .....	{ W. A. Stowe, .....	Pin Hook,	"
Gates,.....	{ R. H. Ballard, .....	Gatesville,	"
Graham,.....	{ Votes with Cherokee, .....		
Granville,.....	{ W. H. Crews,.....	Oxford,	"
	{ H. T. Hughes, .....	Oxford,	"
Greene,.....	{ F. E. Hooker,.....	Hookerton,	"
Guilford,.....	{ Nereus Mendenhall,.....	Jamestown,	"
	{ John N. Staples,.....	Greensboro',	"
Halifax, .....	{ J. A. Jones,.....	Enfield,	"
	{ John A. White,.....	Scotland Neck,	"
Harnett, .....	{ John A. Spears,.....	Lillington,	"
Haywood,.....	{ F. M. Davis, .....	Waynesville,	"
Henderson, .....	{ James Blythe,.....	Blue Ridge,	"
Hertford, .....	{ Solomon Parker, .....	Murfreesboro',	"
Hyde, .....	{ A. J. Smith, .....	Sladesville,	"
Iredell, .....	{ A. F. Gaither,.....	Eagle Mills,	"
	{ A. C. Sharp, .....	Fancy Hill,	"
Jackson, .....	{ E. D. Davis,.....	Webster,	"
Johnston, .....	{ E. J. Holt,.....	Princeton,	"
	{ E. A. Bizzell,.....	Newton Grove,	"
Jones, .....	{ J. F. Scott,.....	Trenton,	"
Lenoir,.....	{ I. F. Parrott,.....	Kinston,	"
Lincoln, .....	{ W. A. Thompson,.....	North Brook,	"
Macon, .....	{ J. L. Robinson, .....	Franklin,	"

HOUSE OF REPRESENTATIVES—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.	
Martin, . . . . .	J. R. Mizell, . . . . .	Jamesville,	N. C.
Madison, . . . . .	H. A. Gudger, . . . . .	Marshall,	"
McDowell, . . . . .	A. M. Erwin, . . . . .	Marion,	"
Mecklenburg, . . . . .	J. L. Jetton, . . . . .	Davidson College,	"
	J. Sol. Reid, . . . . .	Providence,	"
Mitchell, . . . . .	Moses Young, . . . . .	Bakersville,	"
Moore, . . . . .	A. A. McIver, . . . . .	Jonesboro',	"
Montgomery, . . . . .	Elias Hurley, . . . . .	Mount Gilead,	"
Nash, . . . . .	W. T. Griffin, . . . . .	Nashville,	"
	H. Brewington, . . . . .	Wilmington,	"
	W. H. Moore, . . . . .	Wilmington,	"
New Hanover, . . . . .	Alfred Lloyd, . . . . .	Topsail Sound,	"
Northampton, . . . . .	R. J. Walden, . . . . .	Jackson,	"
Onslow, . . . . .	John W. Shackelford, . . . . .	Richland,	"
Orange, . . . . .	Joseph W. Latta, . . . . .	Durham,	"
	Matthew Atwater, . . . . .	Snipes' Store,	"
Pasquotank, . . . . .	W. J. Munden, . . . . .	Woodville,	"
Person, . . . . .	S. C. Barnett, . . . . .	Roxboro',	"
Perquimans, . . . . .	J. Q. A. Wood, . . . . .	Woodville,	"
	Jos. S. Staton, . . . . .	Greysonville,	"
Pitt, . . . . .	J. L. Barrett, . . . . .	Greenville,	"
	John Garrison, . . . . .	Columbus,	"
Randolph, . . . . .	M. T. Moffitt, . . . . .	Moffitt's Mills,	"
	A. H. Kendall, . . . . .	Hoover Hill,	"
Richmond, . . . . .	P. D. Walker, . . . . .	Rockingham,	"
Robeson, . . . . .	R. M. Norment, . . . . .	Lumberton,	"
	Neill McNeill, . . . . .	St. Paul's,	"
Rockingham, . . . . .	W. N. Mebane, . . . . .	Wentworth,	"
	John S. Johnston, . . . . .	Ruffin's,	"
Rowan, . . . . .	J. S. McCubbins, . . . . .	Mill Bridge,	"
	G. M. Bernhardt, . . . . .	Gold Hill,	"
Rutherford, . . . . .	Eli Whisnant, . . . . .	First Broad,	"
	James J. McCalop, . . . . .	Clinton,	"
Sampson, . . . . .	W. H. Bryan, . . . . .	Newton Grove,	"
Stanly . . . . .	A. C. Freeman, . . . . .	Albemarle,	"
Stokes, . . . . .	Thomas Martin, . . . . .	Colesville,	"
Surry, . . . . .	Wm. Haymore, . . . . .	Mount Airy,	"
Swain, . . . . .	T. D. Bryson, . . . . .	Charleston,	"
Transylvania, . . . . .	Thomas D. Gash, . . . . .	Brevard,	"

## HOUSE OF REPRESENTATIVES—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.	
Tyrrell,.....	W. W. Walker, .....	Columbia,	N. C.
Union, .....	Samuel Presson, .....	Monroe,	"
	Michael Whitley,.....	Wakefield,	"
Wake,.....	George V. Strong,.....	Raleigh,	"
	L. D. Stephenson,.....	Raleigh,	"
	M. W. Page,.....	Morrisville,	"
Warren, .....	J. William Thorne,.....	Ridgeway,	"
	J. Hawkins W. Carter,..	Warrenton,	"
Washington. ....	G. B. Wiley,.....	Plymouth,	"
Watauga, .....	L. L. Greene,.....	Boone,	"
Wayne,.....	J. T. Dortch,.....	Goldsboro',	"
	John N. Isler,.....	LaGrange,	"
Wilkes,.....	T. J. Dula, .....	Wilkesboro',	"
	J. H. Foote,.....	Delaplane,	"
Wilson,.....	T. J. Eatman, .....	Wilson,	"
Yadkin, .....	W. B. Glenn,.....	Yadkinville,	"
Yancey, .....	W. W. Proffitt,.....	Ball Creek,	"



LIST  
OF  
COMMISSIONERS OF AFFIDAVITS,  
IN THE  
SEVERAL STATES AND TERRITORIES  
AND IN THE  
DISTRICT OF COLUMBIA,  
FOR THE  
STATE OF NORTH CAROLINA..



LIST OF COMMISSIONERS OF AFFIDAVITS, &C.,  
OF THE  
STATE OF NORTH CAROLINA.

*List of Commissioners of Affidavits in the several States and Territories, and in the District of Columbia, for the State of North Carolina, appointed since July 4th, 1868, together with residence, dates of commission and qualification of each.*

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Arkansas,	W. H. Goran,	Mariano,	March 6th, 1875.	March 16th, 1875.
California,	Edmond Chattin,	San Francisco,	Dec. 18th, 1874.	Jan. 8th, "
"	N. Proctor Smith.	"	Feb. 5th, 1875.	Feb. 15th, "
Connecticut,	Edward Goodman,	Hartford,	Jan. 18th, "	Jan. 21st, "
Colorado,	S. B. Erwin,	Denver,	March 16th, "	March 30th, "
District of Columbia,	J. K. Plant,	Washington,	May 1st, 1874.	May 4th, 1874.
"	W. P. Young,	"	Oct. 31st, "	Nov. 1st, "
"	R. H. Marsh,	"	Dec. 18th, "	Dec. 24th, "
Georgia,	Frank H. Miller,	Augusta,	Jan. 25th, 1875.	Feb. 1st, 1875.
"	Lamar Cobb,	Athens,	April 10th, 1874.	April 13th, 1874.
"	Jno. W. Burroughs,	Savannah,	Nov. 27th, "	Nov. 3rd, "
"	Thos. J. Perry,	Rome,	Dec. 7th, "	Dec. 10th, "
"	Samuel Levy,	Augusta,	Jan. 20th, 1875.	Jan. 25th, 1875.
Illinois,	Phillip A. Hayne,	Chicago,	Jan. 21st, "	Jan. 26th, "

## LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFY'G.
Illinois,	Chas. Knobelsdorff,	Chicago,	May 25th,	1874.
"	Simeon W. King,	"	Jan. 8th,	1875.
Indiana,	James Smith,	Zionsville,	Jan. 5th,	1874.
Louisiana,	J. G. Eastis,	New Orleans,	Jan. 21st,	1875.
"	Andrew Hero, Jr.,	"	Jan. 21st,	"
Maryland,	Henry Brock,	Baltimore,	Jan. 22nd,	1874.
"	Wm. B. Hill,	"	Dec. 5th,	"
"	Wm. W. Latimer,	"	Jan. 1st,	1875.
Massachusetts,	Geo. S. Angell,	Boston,	Jan. 25th,	"
"	Edward Jones,	"	May 1st,	1874.
"	James B. Bell,	"	Jan. 8th,	1875.
Missouri,	Samuel Jennison,	"	Jan. 20th,	"
New Jersey,	John R. Boas,	St. Louis,	March 6th,	"
New York,	Thomas C. Chandler,	Newark,	Jan. 8th,	"
"	Wm. F. Lett,	New York,	Jan. 22nd,	"
"	Lucious How,	"	Jan. 21st,	"
"	J. DuBois,	"	Jan. 25th,	"
"	Chas. W. Anderson,	"	Jan. 21st,	"
"	A. H. Nones,	"	Feb. 5th,	"
"	Watson J. Hildreth,	"	Jan. 21st,	"
"	John Bizzell,	"	Jan. 22nd,	"
"	Moses B. Macloy,	"	Feb. 5th,	"
"	Alex. Ostrander,	Brooklyn,	Dec. 24th,	1874.
"	Sylvester Lay,	New York,	March 6th,	1875.
"	Ole H. Holberg,	"	March 6th,	"
			March 17th,	"

New York,	John A. Hillery,	New York,	April 15th,	1875.	April, 19th,	1875.
"	James Taylor,	"	Feb. 28th,	1874.	March 12th,	1874.
"	Spencer Smith,	"	May 1st,	"	May 9th,	"
"	Wm. Edwin Osborn,"	"	May 1st,	"	May 9th,	"
"	Thos. B. Oliford,	"	June 27th,	"	July 30th,	"
"	Edward Wade,	Albany,	July 29th,	"	Aug. 3rd,	"
"	*Fred. R. Anderson,	New York,	Feb. 9th,	"	July 9th,	"
"	Joseph B. Nones,	"	Dec. 5th,	"	Dec. 14th,	"
"	A. C. Anderson,	"	Dec. 14th,	"	Dec. 18th,	"
"	Thomas Kilvert,	"	Dec. 12th,	"	Dec. 18th,	"
"	Harold A. Bagley,	"	Dec. 18th,	"	Dec. 24th,	"
"	Edwin F. Carey, Jr.,	"	Jan. 8th,	1875.	Jan. 11th,	1875.
"	Wm. H. Melick,	"	Jan. 21st,	"	Jan. 25th,	"
"	Rufus K. McHarg,	"	Jan. 21st,	"	Jan. 25th,	"
"	H. C. Banks,	"	Jan. 21st,	"	Jan. 25th,	"
"	Harce Andrews,	"	Jan. 22nd,	"	Jan. 25th,	"
"	Charles H. Hatch,	"	Jan. 21st,	"	Jan. 26th,	"
"	Charles Nettleton,	"	Jan. 21st,	"	Jan. 27th,	"
Ohio,	Samuel S. Carpenter,	Cincinnati,	Feb. 5th,	1875.	Feb. 10th,	1875.
"	Jesse W. Wartman,	"	June 9th,	1874.	June 26th,	1874.
Pennsylvania,	Chas. Chauncey,	Philadelphia,	Jan. 21st,	1875.	Jan. 30th,	1875.
"	Samuel B. Huey,	"	Jan. 25th,	"	Jan. 30th,	"
"	Alex. Raunsey,	"	Jan. 21st,	"	Jan. 30th,	"
"	H. E. Hindmarsh,	"	Jan. 22nd,	"	Jan. 29th,	"
"	Joseph Traakish.	"	Jan. 25th,	"	Feb. 4th,	"
"	Henry Reed,	"	Jan. 22nd,	"	Feb. 13th,	"
"	Ellwood Matlock,	"	March 6th,	"	March 10th,	"
"	Cyrus R. Lantz,	"	March 6th,	"	March 10th,	"
"	Benjamin F. Moore,	"	April 26th,	"	April 29th,	"
"	Joseph S. Perot,	"	March 19th,	1874.	March 23rd,	1874.
"	Wm. H. Smith,	"	June 15th,	"	June 18th,	"

REGISTER OF STATE OFFICERS.

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Pennsylvania,	Wm. F. Mithell,	Philadelphia	Oct. 16th	Oct. 19th, 1874.
"	Edward Shippen,	"	Nov. 25th,	"
"	J. Paul Diver,	"	Jan. 20th,	Jan. 23rd, 1875.
"	John Sparhawk,	"	Jan. 20th,	"
"	Kinley J. Tener,	"	Jan. 20th,	"
"	J. D. Reinboth,	"	Jan. 20th,	"
"	Theo. D. Rand,	"	Jan. 22nd,	"
"	Geo. W. Thurston,	"	Jan. 20th,	"
"	John Russell,	"	Jan. 20th,	"
"	Samuel L. Taylor,	"	Jan. 21st,	"
South Carolina,	Thomas Frost,	Charleston,	Jan. 25th,	"
"	Julian Mitchell,	"	Jan. 25th,	"
"	A. B. Horton,	"	Feb. 9th,	"
"	Augustus E. Cohen,	"	March 6th,	"
"	V. J. Tobias,	"	Jan. 20th,	"
Tennessee,	R. Dudley Frayser,	Memphis,	Feb. 5th,	"
"	James K. Stephens,	Jackson,	Feb. 5th,	"
"	Hunsden Cary,	Memphis,	Jan. 25th,	"
Texas,	R. D. Johnson,	Galveston,	Jan. 25th,	"
Virginia,	G. M. Peek,	Hampson,	Feb. 5th,	"
"	F. J. Lundy,	Independence,	March 4th,	"
"	W. P. Howerton,	Halifax C. H.,	Sept. 11th,	Sept. 14th, 1874.
"	Jno. M. White,	Charlottesville,	Sept. 15th,	"
"	L. D. Starke,	Norfolk,	Nov. 25th,	"
"	Wm. Martin,	"	Nov. 25th,	"

Virginia,	A. M. Aiken,	Danville,	Dec. 5th,	1874.	Dec. 8th,	1874.
"	T. R. Borland,	Norfolk,	Dec. 24th,	"	Dec. 26th,	"
"	W. G. Elliott,	"	Dec. 18th,	"	Jan. 4th,	1875.
"	John C. Baker,	"	Jan. 7th,	1875.	Jan. 9th,	"
"	Alexander Donnan,	Petersburg,	Jan. 13th,	"	Jan. 15th,	"
"	E. M. Garnett,	Richmond,	Jan. 18th,	"	Jan. 20th,	"
"	John R. Kilby,	Suffolk,	Jan. 19th,	"	Jan. 21st,	"
"	E. R. Hunt,	Portsmouth,	May 24th,	1875.	May 26th,	1875.
France,	Emile R. Morrell,	Paris,	Feb. 28th,	1874.	Feb. 19th,	1874.

\*Resigned April 29th, 1875.

STATE OF NORTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Raleigh, May 15th, 1875.

I, WM. H. HOWERTON, Secretary of State, hereby certify that the foregoing contains a correct list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their qualification and places of residence, as recorded in this office.

WM. H. HOWERTON,  
*Secretary of State.*



CAPTIONS  
OF THE  
LAWS AND RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
OF  
NORTH CAROLINA,  
SESSION 1874-'75.



# CAPTIONS

TO THE

# PUBLIC LAWS.

---

	PAGE.	
An act for the relief of the tax-payers of New Hanover county,	1	Captions to public laws.
An act to repeal an act entitled "an act to provide for the payment of the interest of the lawful debt of the State,"	1	
An act for the relief of the tax-payers of Craven county,	2	
An act to extend the time of the sheriff of Beaufort county to settle with the Public Treasurer,	3	
An act to repeal a part of section 135, chapter 32, of Battle's Revisal, concerning trials of solicitors by the Governor for failure to prosecute bribery cases,	3	
An act to authorize and empower the constable of the town of Shelby, Cleaveland county, to collect arrearages of taxes,	4	
An act to allow Clifton Ward, late sheriff of Sampson, to collect the arrear taxes for the year 1873,	5	
An act to allow T. W. Taylor, late sheriff of Henderson county, to collect arrearages of taxes for the years of 1870, 1871, 1872, and 1873,	5	
An act for the relief of the securities of W. W. Moore,	6	
An act to change the name of "the North Carolina Steel Rail Company,"	7	
An act to amend chapter 60, section 28, of Battle's Revisal,	7	
An act to repeal an act entitled "an act empowering the board of education for Davidson county to establish a teachers' institute or normal school,"	8	
An act extending the time for the sureties on the bond of John L. Harris, late sheriff of Person county, to settle with State Treasurer,	8	
An act to charter the Watauga and Caldwell Narrow Gauge Railroad,	9	
An act to allow Clifton Ward, late sheriff of Sampson county, a credit of four hundred and two dollars, on account of State taxes for the year 1874,	12	
An act concerning the board of commissioners of Wake county,	13	
An act to re-enact sections 24, 25, 26 and 27, of chapter 32, of the Revised Code,	13	
An act to extend the time of the sheriff of Franklin county to settle with the State Treasurer,	15	
An act to re-enact and revive sections 115, 116, 117 and 118, of chapter 31, of the Revised Code, concerning the removal of cases,	16	
An act to amend chapter 181, public laws of 1872-'73, entitled "an act for amnesty and pardon," Battle's Revisal, chapter 4, section 6,	7	

	PAGE.
Captions to public laws.	
An act in relation to public arms,	18
An act to amend an act entitled an act to incorporate the Cape Fear Agricultural Association, ratified the 12th day of April, 1869,	18
An act for the relief of Edward W. Taylor, tax collector of Brunswick county,	20
An act for the relief of the sheriff of Halifax county and his sureties,	21
An act to authorize the county commissioners of Tyrrell county to sell the present poor house lot and to purchase another,	21
An act in relation to the Wake county work house or house of correction,	22
An act to amend the charter of the Greenville and French Broad Railroad Company,	23
An act concerning the taking of fish in the waters of Goshen swamp,	24
An act to allow Luby Harper, sheriff of Greene county, to settle with the Auditor,	24
An act for the relief of James I. Moore, sheriff of Granville county,	25
An act providing for a term of the Superior Court for the county of Wayne,	26
An act to regulate the times of holding the terms of the Superior Court of Cumberland county,	27
An act to amend chapter 106, section 15, of Battle's Revisal,	27
An act to amend chapter 37, laws of 1873-'74, section 2,	28
An act to amend chapter 27, laws of 1873-'74,	29
An act authorizing and requiring the Treasurer to settle with William J. Hardison, sheriff of Martin county,	29
An act amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified the 1st day of March, 1870,	31
An act to amend chapter 19, of the laws of 1873-'74, entitled an act to restore the records of Watauga county,	31
An act to amend section 84, chapter 32, of Battle's Revisal, concerning retailing spirituous liquors,	32
An act to amend section 6, of chapter 91, of Battle's Revisal,	32
An act to amend section 1 of chapter 32, of public laws of 1872-'73.	33
An act to amend section 15, chapter 104, Battle's Revisal, entitled roads, ferries, etc.	34
An act in relation to the North Carolina Manual,	34
An act to repeal section 3, and to amend section 13, of chapter 166, of the public laws of 1873-'74,	35
An act for the relief of John Horton, former sheriff of Watauga county,	35
An act to amend an act entitled an act to establish a Bureau of Immigration, Statistics and Agriculture,	36
An act for the general relief of sheriffs and tax collectors,	37
An act for making valid certain irregular entries of land,	38
An act to amend chapter 30, section 6, acts of 1868-'69, and chapter 105, section 16, acts of 1870-'71, of Battle's Revisal,	38
An act to extend the time for removing improvements off of the State lots in the city of Raleigh, North Carolina,	39
An act concerning lost or destroyed records,	40

	PAGE.	
An act to prevent the misapplication of the bonds, securities and other property and effects of the State,	40	Captions to public laws.
An act to regulate the fees of jailors,	41	
An act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery,	42	
An act to amend chapter 171, of laws of 1873-'74, fixing the weight of packages of salted fish,	43	
An act to extend the time of taking out grants from the State,	44	
An act providing two additional terms of the Superior Court for the county of Wayne,	44	
An act concerning the weighing of lint cotton,	45	
An act to change the time of holding the Superior Courts in the third Judicial District,	46	
An act to allow the county commissioners of Gaston county to levy a special tax,	47	
An act for the protection of magistrates and other persons,	48	
An act to amend Battle's Revisal, chapter 33,	49	
An act to change the dividing line between the counties of Franklin and Granville,	49	
An act for the relief of the sureties of John L. Harris, late sheriff of Person county,	52	
An act to amend chapter 102, public laws of 1873-'74, concerning Clark's creek and Maiden creek, in the counties of Lincoln and Catawba,	53	
An act to provide for two additional terms of the Superior Court for the county of Mecklenburg,	54	
An act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company,	56	
An act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike,	59	
An act to allow the Wilmington and Weldon Railroad Company to execute the provisions of the 4th section of chapter 42 of the act of the General Assembly, passed at its session of 1836, which authorizes the consolidation of the Halifax and Weldon Railroad Company with the Wilmington and Raleigh Railroad Company,	61	
An act to amend section 1, chapter 62, of the laws of 1873-'74, of an act entitled an act to prohibit the sale of cotton within certain hours,	63	
An act to give justices of the peace jurisdiction of civil actions in the nature of forcible entry and detainer,	63	
An act authorizing the making a turnpike road in the county of Haywood,	64	
An act to amend chapter 98, public laws of 1873-'74,	67	
An act to amend chapter 155, public laws of 1873-'74,	68	
An act to change the time of holding the Superior Courts of Hyde and Dare,	68	
An act to alter and amend section 308, of chapter 17, of Battle's Revisal,	69	
An act concerning fences in Iredell and certain other counties,	70	
An act to amend chapter 12, Battle's Revisal, concerning Building Associations,	71	

	PAGE.
Captions to public laws.	
An act to repeal section 17, of chapter 112, of Battle's Revisal,	72
An act to prevent live stock from running at large within Cabarrus and certain other counties,	72
An act providing for the enforcement of decrees in suits in equity rendered prior to a certain act of 1806,	77
An act to authorize the county of Carteret to compromise its debts,	78
An act to revive the board of internal improvements,	86
An act to regulate the rate of interest and to prevent usury,	87
An act in favor of the contractors and employees of the Marion and Asheville Turnpike,	88
An act to authorize Cherokee and Graham counties to cancel bonds, and for other purposes,	90
An act to amend an act entitled an act in relation to the meadows of Rockingham county, chapter 187, public laws of 1870-'71,	90
An act to allow the commissioners of Burke county to issue bonds,	91
An act to amend chapter 5, section 4, page 82, line 9, of Battle's Revisal, in regard to preventing white children to be bound to colored masters,	92
An act to authorize the chairman of the board of commissioners of Watauga county to make titles to town lots in certain cases,	92
An act to establish a new county by the name of Pender,	93
An act to prohibit the sale of intoxicating liquors within two and one-half miles of Ifan's Chapel church, in the county of Chatham,	94
An act to repeal an act prohibiting the sale of liquor within three miles of the court house of Richmond county,	94
An act to amend chapter 137, section 1, of the laws of 1873-'74,	95
An act to amend section 5, chapter 138, laws of 1873-'74,	95
An act in relation to lotteries and gift concerts,	96
An act relative to the Western turnpike road, in the counties of Haywood and Buncombe,	97
An act to levy a special tax for the county of Jones,	98
An act to prevent obstruction to navigation in the waters of Newport river, Carteret county,	99
An act to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes,	99
An act to amend an act entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company,	102
An act to lay off and establish a free turnpike road in Burke and Mitchell counties, and to improve the road from Morganton to William Morris', on the Blue Ridge,	102
An act to allow a deposit of a mortgage in the courts of the State in lieu of the bond or undertaking or a money deposit, as now required by law,	105
An act to provide for the support of the North Carolina institution for the Deaf and Dumb and the Blind for the years 1875-'76,	106
An act to create a township in the county of Lenoir, to be known as Woodington township,	107

	PAGE.	
An act for the relief of the sureties to the bond executed by T. F. Lee, late sheriff of Wake county, to secure the collection of the county taxes of said county for the year 1873,	108	Captions to public laws.
An act to give compensation to sheriffs for bringing convicts to the State prison,	110	
An act to amend Revised Code chapter 67, and the public laws of 1872-'73, chapter 41, section 1, as brought forward in Battle's Revisal, chapter 38, sections 1 and 2, entitled dogs,	111	
An act in relation to writs of <i>certiorari</i> , <i>recordari</i> and <i>supersedeas</i> ,	112	
An act to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled Salaries and Fees,	112	
An act to amend Battle's Revisal, chapter seventeen, sections 198 and 199b, in relation to attachments,	113	
An act to amend chapter thirty-nine, Battle's Revisal, entitled draining wet lands,	113	
An act to relieve the counties of the State from the payment of costs of expenses of criminal prosecutions,	114	
An act to define the rights of counsel,	115	
An act in relation to fishing in Albemarle Sound and certain rivers,	115	
An act supplemental to an act in favor of the contractors and employees of the Marion and Asheville Turnpike, ratified the 18th day of February, 1875,	116	
An act entitled an act to protect the stock of the citizens of Forsythe county,	117	
An act to change the time of holding certain courts in the eleventh judicial district,	118	
An act to amend chapter 17, of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, sub-division 4,	119	
An act to secure the sufficiency of official bonds,	120	
An act to amend chapter 184, laws of 1850-'51, entitled an act to encourage the raising of sheep in the counties of Watauga and Ashe,	121	
An act to attach so much of Craven county as lies north and east of Adams' creek to Carteret county,	122	
An act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county-seat,	123	
An act to provide for filling vacancies occurring in the board of county commissioners in this State,	124	
An act to change the dividing line between the counties of Gaston and Lincoln,	124	
An act to prevent the sale of intoxicating liquors within three miles of the located line of the Asheville and Spartanburg Railroad during its construction,	125	
An act to allow the Lincolnton township, Lincoln county, North Carolina, to subscribe to the Chester and Lenoir Narrow Gauge Railroad,	125	
An act to authorize the commissioners of Montgomery county to levy special tax,	129	
An act to change the line of Pamlico county,	129	

	PAGE.
Captious to public laws.	
An act to incorporate the Deep River, Saxapahaw and Danville Railroad Company,	130
An act to incorporate the Albemarle and Roanoke Railroad Company,	138
An act to authorize the board of county commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company,	148
An act to punish the burning of grain and other products secured in stacks or otherwise out of doors,	151
An act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, A. D. 1872,	152
An act supplemental to an act entitled an act to change the times of holding certain courts in the 11th judicial district,	153
An act supplemental to an act passed at the present General Assembly, entitled an act to lay off and establish a county by the name of Pender,	154
An act to amend chapter 120, section 1, laws of 1871-'72,	159
An act for the better protection of the Caldwell & Watauga Turnpike Co.	160
An act to re-assess the real property of Pitt county,	161
An act to incorporate the North Carolina Border Railroad Company,	162
An act to authorize the commissioners of Craven county to levy a special tax,	165
An act to amend chapter 137, laws of 1873-'74,	167
An act to construe an act passed by the General Assembly at its session of 1872-'73, entitled "an act in relation to fences, and for the better protection of crops,"	167
An act to amend the charter of the Western Railroad Company,	168
An act to support the Insane Asylum of North Carolina,	169
An act in relation to charters of cities and towns,	170
An act to authorize the commissioners of Moore county to levy a special tax for county purposes,	170
An act for adjusting the debt of Yancy county,	171
An act to empower the commissioners of Cabarrus county to sell their present court house and jail lots, and to levy a special tax,	172
An act in relation to the Western North Carolina Railroad,	172
An act to require officers of the various counties to make reports of all public funds which come into their hands,	176
An act to lay off and establish a public road in the counties of Wilkes and Alexander,	177
An act to allow the Commissioners of Ashe county to levy a special tax,	179
An act to provide for the payment of costs and the indemnity of public officers in certain cases,	179
An act to attach the county of Watauga to the 10th Judicial District, and to change the times of holding certain courts in said district,	180
An act to provide for the removal of the county seat in Johnston county,	181
An act to authorize the Commissioners of Rockingham county to issue bonds for the purpose of reconstructing and repairing a bridge in said county,	183
An act concerning applications for prohibition of the sale of spirituous liquors or repeal of prohibitory laws in the State,	184
An act in relation to changing gauge of railroads,	185
An act to change the line between the counties of Alleghany and Surry,	186

	PAGE.	Captions to public laws.
An act to authorize the Board of Commissioners of Watauga county to re-establish burnt and lost records of the court,	187	
An act to authorize the board of county commissioners of Haywood county to levy a special tax,	187	
An act supplemental to and to amend an act entitled an act to prevent live stock from running at large within Cabarrus and certain other counties, ratified the 12th day of February, 1875,	189	
An act for the more effectual prosecution of offenders against the criminal laws of the State,	190	
An act to authorize the county commissioners of Cherokee county to levy a special tax,	191	
An act to punish breaking into an uninhabited house with intent to commit a felony,	191	
An act to prevent the felling of trees or putting obstructions in Big Bear Creek, in Stanly county,	192	
An act amendatory of the law concerning suits against railway corporations,	193	
An act to authorize the county commissioners of Hyde county to levy special tax,	193	
An act to amend section 53, chapter 17, sub-chapter 4, of Battle's Revisal,	194	
An act to authorize the board of commissioners of Guilford and Rockingham to employ convict labor to drain certain lands in said counties,	195	
An act to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company,	196	
An act to facilitate the trial of actions in the nature of <i>quo warranto</i> ,	200	
An act to authorize the commissioners of Hertford county to issue bonds to fund and pay the county debt,	201	
An act to compromise, commute and settle the State debt,	202	
An act providing for additional terms of the Superior Courts of Northampton and Halifax counties,	206	
An act concerning banking institutions in this State,	207	
An act in regard to compromises,	208	
An act to allow Catawba Springs Township, Lincoln county, an additional justice of the peace,	209	
An act to protect the fishing interests in the waters of Neuse river, between Newbern, Craven county, and Kinston, Lenoir county, and the waters of Contentnea creek from mouth of said creek to the Greene county line,	210	
An act to amend chapter 90, section 21, laws of 1872-'73, brought forward in Battle's Revisal, chapter 68, section 47,	211	
An act to change the dividing line between Craven and Pamlico counties,	211	
An act for the protection of fishermen,	212	
An act to provide for the collection of taxes by the State and the several counties of the State on property, polls, etc., known as the machinery act,	213	
An act to raise revenue,	239	
An act supplemental to an act to raise revenue, passed at the present session of the General Assembly,	256	

	PAGE.
Captions to public laws.	
An act to authorize the commissioners of Northampton county to levy a special tax,	256
An act to amend chapter 137, laws of 1873-'74,	257
An act to authorize the mayor and commissioners of Elizabeth City, in the county of Pasquotank, to levy a special tax,	258
An act to authorize the county commissioners of Macon county to levy a special tax for the purpose of rebuilding and repairing the bridges of said county, and for other purposes,	258
An act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes,	259
An act to amend an act to prevent live stock from running at large within Cabarrus and certain other counties, ratified February 12th, 1875,	260
An act to regulate the taking of fish in the waters of New River, in Onslow county,	260
An act to amend an act passed at the present session of the General Assembly, entitled an act to change the time of holding the Superior Courts in the 3d judicial district,	261
An act to protect birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford, Rockingham, Orange, Caswell, Mecklenburg and Edgecombe,	261
An act to amend chapter 329, laws of 1850-'51,	262
An act to authorize the commissioners of the county of Franklin to levy a special tax for the purpose of paying the outstanding debt of said county,	263
An act for the dissolution of the Ronoake Navigation Company,	264
An act to preserve the public records of Burke county, and for other purposes,	265
An act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes,	266
An act providing a fence law for the counties of Anson, Union and Guilford,	267
An act to obtain information concerning State's interest in works of internal improvements,	270
An act to facilitate the construction of telegraph lines,	271
An act in relation to taxation in Burke and McDowell counties,	274
An act to amend sections 42, 43 and 44, chapter 199, laws of 1871-'73, brought forward in Battle's Revisal, chapter 26, sections 42, 43 and 44, in relation to insurance companies, etc.,	275
An act entitled an act to change the time of sales day,	279
An act to provide additional arms for military schools,	280
An act to encourage the manufacture of domestic wines in this State,	281
An act to amend chapter 64, of Battle's Revisal, "Landlord and Tenant Act,"	281
An act to authorize the board of commissioners of Cumberland county to fund their debt,	284
An act to authorize the North Western North Carolina Railroad Company to adapt its gauge to its only connecting railroad,	285

	PAGE.	
An act to punish accessories before the fact in either of the crimes of murder, arson, burglary or rape,	285	Captions to public laws.
An act concerning evidence in cases of fraud where the State is concerned,	286	
An act to be entitled an act to amend section 11, chapter 53, of Battle's Revisal, entitled guardian and ward,	287	
An act to amend section 1, chapter 31, laws of 1873-'74,	287	
An act to authorize a specific appropriation for the erection of the penitentiary,	288	
An act to incorporate the Snow Hill Branch Railroad Company,	289	
An act to incorporate the Wilmington, Raleigh and Danville Railroad Company,	294	
An act to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes,	300	
An act to authorize the county commissioners of Pitt county to levy a special tax,	301	
An act to appoint a public guardian in every county,	302	
An act to call a convention of the people of North Carolina,	303	
An act to authorize the officers in charge of the Western North Carolina Railroad to pay the money in the treasury of the same to the officers entitled to the same,	306	
An act to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll,	307	
An act to punish the fraudulent use of brands,	308	
An act to amend chapter 120, section 1, Battle's Revisal,	308	
An act to prevent the netting of birds in the county of Forsythe,	309	
An act to punish the wilful burning of houses,	310	
An act to change the time of holding certain courts,	310	
An act to amend election laws,	311	
An act to amend an act entitled an act in favor of certain officers and tax payers of North Carolina, it being chapter 70 of public laws of 1873-'74,	312	
An act concerning public printing,	312	
An act concerning county taxes of Columbus county,	313	
An act to amend section 12, chapter 63, of Battle's Revisal,	313	
An act to amend Battle's Revisal, section 6, chapter 118,	314	
An act to carry into effect section 6, article 9, of the Constitution in relation to unclaimed dividends,	314	
An act to change the time of holding elections in this State in the year 1876,	315	
An act concerning maintainance of lunatics,	318	
An act to prohibit the sale of spirituous liquors in certain localities,	319	
An act to prevent discrimination in freight tariffs by railroad companies operating in this State,	322	
An act to alter the times of holding the Superior Courts in the second judicial district,	323	
An act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road.	324	

	PAGE.
Captions to public laws.	
An act to ascertain the indebtedness of the different counties, cities and towns of this State, and to prescribe a statute of limitations,	325
An act to provide for the crection of new kitchen and store house rooms at the Insane Asylum,	326
An act explanatory of certain acts and to enable parties holding bonds of the State issued for internal improvements under acts passed prior to the war to sell the same,	328
An act to authorize the hire of convict labor in or outside the State's prison, and to regulate the same,	329
An act in relation to fees in State cases,	334
An act to enable the mayor and commissioners of the town of Fayetteville to issue new bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company,	335
An act to provide another asylum for the insane of North Carolina,	336
An act to provide for the colored insane of North Carolina,	338
An act to amend chapter 113, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 45, section 115,	339
An act in relation to the land scrip fund for establishment of colleges for the benefit of agricultural and mechanical arts,	339
An act to amend section 2, chapter 23, of Battle's Revisal, entitled "constables,"	341
An act concerning lost and destroyed records,	341
An act to regulate the sale of liquors in Northampton county,	342
An act to allow actions for the recovery of real estate to be prosecuted in the name of the person who may be the rightful owner, amendatory of Battle's Revisal, chapter 17, section 57,	343
An act to require the Secretary of State to perform certain duties,	343
An act in relation to estrays,	344
An act to amend chapter 118, Battle's Revisal,	348
An act to amend chapter 41, section 9, of Revised Code, as brought forward in Battle's Revisal, chapter 40, section 14,	348
An act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified 20th day of December, Anno Domini, 1873,	349

CAPTIONS  
TO THE  
RESOLUTIONS.



# CAPTIONS.

---

	PAGE.	
Resolution for the relief of the North Carolina institution for the Deaf and Dumb and the Blind,	355	Captions to resolutions.
Resolution in favor of Henry M. Miller,	356	
Resolution in regard to heating the Capitol,	356	
Joint resolution concerning the furnishing of Battle's Revisal for the use of the Senate and House of Representatives,	357	
Resolution to pay G. D. Miller,	357	
Joint resolution in regard to the public debt,	358	
Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner,	358	
Joint resolution for the relief of the Insane Asylum,	359	
Resolution in relation to repairs on the Capitol,	360	
Resolution concerning State Railroads,	360	
Resolution in regard to printing on all stationery used by the General Assembly the name of the House in which it is used,	361	
Resolution to allow the tax collector of Wake county to settle with the Treasurer,	361	
Resolutions of instruction to the Senators and Representatives in the United States Congress from North Carolina, for the county of Davidson,	362	
A joint resolution concerning the direct tax levied and collected by the federal government of lands in the year 1865,	363	
Resolution raising a joint committee on Constitutional reform,	364	
Resolution of instruction to our Senators and Representatives in Congress touching the internal revenue laws of the United States,	364	
A joint resolution asking an appropriation by the Congress of the United States for the construction of a court house and post office building in the cities of Greensboro and Asheville,	365	
Resolution of instruction to our Senators and Representatives in Congress concerning the Cape Fear River bar,	366	
A resolution requesting our Senators and Representatives in Congress to use their influence to have repealed the tax on tobacco,	366	
Resolution in relation to civil rights bill,	367	
Joint resolution in relation to Centennial,	368	
Resolution of instruction to the Senators and members of the House of Representatives in Congress from North Carolina,	368	
Resolution of instruction to our Senators and Representatives in Congress concerning the tax levied and collected on spirits of turpentine after the late war,	369	
Resolution in regard to filing papers,	370	

	PAGE.
Captions to resolutions	
Resolution on adjournment,	370
Resolution concerning the survivors of the Mexican war,	370
Resolution to appoint a joint select committee to make a list of bonds and coupons in Treasurer's office,	371
Resolution to improve the harbor of Edenton, North Carolina,	371
Resolution directing the Public Treasurer to pay public printer,	372
Resolution concerning the State debt,	372
Resolution in regard to collection of public arms,	373
Resolution requesting our Senators and Representatives in Congress to obtain an appropriation from the Congress of the United States to open the mouth of Scuppermong river,	373
Resolution in favor of N. M. Wilson, sheriff of Yancey county,	374
Resolution in regard to the flag staff on the top of the Capitol,	374
Resolution reducing the price of Battle's Revisal,	374
Resolution in favor of F. J. Satchwell, sheriff of Beaufort county,	375
Resolution concerning the memorial of the Chamber of Commerce of the city of Wilmington,	375
Resolution of instruction to our Senators and Representatives in Congress concerning Freedman's Savings and Trust Company,	376
Resolution of respect to the memory of the late Governor Tod R. Caldwell,	377
Resolution in favor of W. F. Cooper, sheriff of Graham county,	378
Resolution of instruction to State Geologist,	378
Resolution concerning the constitution,	378
Joint resolution to authorize the joint select committee to examine the coupons in Treasurer's office, to cancel, burn or destroy said bonds,	379
Resolution urging the repeal by Congress of the tax on issues of State Banks,	379
Resolution on adjournment,	381
Resolution of instruction to our Senators and Representatives in Congress,	381
Resolution authorizing the Engrossing Clerks and Enrolling Clerk to employ additional assistance,	382
Resolution on the subject of an asylum,	382
Resolution requesting Representatives in Congress to amend pension laws,	382
Resolution in relation to heating the Capitol,	384
Resolution to pay Clerk of the Joint Committee on State railroads,	384
Resolution in relation to the Journal of Education,	384
Resolution in relation to the Western North Carolina Railroad,	385
Resolution in favor of W. H. Morriss & Co.,	386
Resolution in regard to the Lovejoy academy,	386
Resolution in relation to the salary of Judge McKoy, for the fourth district, 1874,	387
Resolution relative to pardon, &c.,	387
Resolution in favor of J. H. Enniss,	388
Joint resolution to pay actual expenses of committee on western insane asylum,	389
Resolution in favor of J. E. Morris,	389

	PAGE.	
Joint resolution as to vacant lot in the city of Raleigh belonging to the State,	389	Captions to resolutions.
Joint resolution in relation to the board of public charities,	390	
Joint resolution of inquiry in reference to deposits made by the State Treasurer,	390	
Resolution in favor of James H. Enniss,	391	
Resolution of instruction to State Treasurer,	391	
Resolution in relation to the Chesapeake and Albemarle Canal Company,	391	
Resolution concerning educational interest of Cherokee,	392	
Resolution of inquiry into the affairs of the Albemarle and Chesapeake Canal Company,	393	
Resolution to pay principal clerks for preparing printed calendar,	394	
Resolution concerning a custom house and other useful improvements in the city of Newbern, N. C.,	394	
Resolution to authorize the engrossing clerk of the House to employ additional clerical aid,	395	
Resolution to pay witness and clerk in the Onderdonk investigation,	395	
Resolution to allow joint committee on railroads to employ clerical assistance,	396	
Resolution in favor of James H. Enniss,	396	
Resolution in favor of Sarah E. Wilder, Executrix,	396	
Resolution concerning the out-house of the Capitol,	397	
Resolution in favor of Joseph Marshall, late sheriff of Stanly county,	397	
Resolution in favor of witnesses in the matter of J. Williams Thorne,	398	
Resolution in favor of S. Trivett,	398	
Resolution in favor of Godfrey Keebler,	399	
Resolution in favor of the clerks of the General Assembly,	399	
Resolution providing for payment of warrant No. 678, signed by John Reilly,	400	
Resolution on adjournment,	400	
Resolution in favor K. Haynes, sheriff of Columbus county,	400	
Resolution in regard to cloth in the hands of the Keeper of the Capitol,	401	
Resolution concerning certain commissioners,	401	
Resolution in favor of W. M. Moore,	402	
Joint resolution on superintendent of insane asylum,	402	
Resolution in regard to the centennial of American independence,	403	
Resolution in favor of George D. Miller,	403	
Resolution concerning the funeral expenses of the late Governor Tod R. Caldwell,	404	
Resolution in regard to the battery of artillery belonging to this State,	405	
Resolution concerning an appeal to the Supreme Court of the United States,	405	
Resolution in favor of James Farriss and James Lumley,	406	
Resolution in regard to the doorkeepers and pages of this General Assembly,	407	



CAPTIONS  
TO THE  
PRIVATE LAWS.



# CAPTIONS.

---

	PAGE.	
An act to incorporate Monore High School, in the county of Union,	411	Captions to private laws.
An act to amend chapter 246 of the laws of 1870-'71,	412	
An act to amend an act entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, ratified January 17th, 1871,	413	
An act to repeal chapter 166, laws of 1871-'72, entitled an act to prohibit the sale of intoxicating liquors in the town of Swansboro, or within six miles thereof, in the county of Onslow,	414	
An act supplemental to an act entitled an act to renew the charter of the Richmond Manufacturing Company, passed at session of 1863-'69, and ratified on the 10th day of April, 1869,	414	
An act to repeal chapter 41, laws of 1873-'74, in regard to inspector of wood and coal for the city of Raleigh,	415	
An act to amend chapter 182, section 10, private laws of 1872-'73, entitled an act to incorporate the Central Fire Insurance Company of North Carolina,	416	
An act to incorporate the light house club of Currituck sound,	416	
An act to incorporate the Gaston Mining Company,	417	
An act to amend the charter of the town of Newport, in the county of Carteret,	421	
An act to amend an act passed at the session of 1873-'74,	42	
An act to amend an act incorporating the town of Sanford, in the county of Moore,	428	
An act to amend the charter of the city of Greensboro.	428	
An act to prohibit the sale of intoxicating drinks within one mile of the court house in the town of Dallas, Gaston county,	432	
An act for the relief of Brice Harralson, of Caswell county,	433	
An act to amend an act entitled an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st day of March, 1871,	434	
An act to incorporate Olive Branch Lodge, No. 37, I. O. O. F., in the county of Johnston,	434	
An act to amend chapter 29, laws of 1870-'71, and chapter 36, amendatory thereof, passed at session of 1873-'74.	435	
An act to incorporate Eno Grange, No. 134, Patrons of Husbandry, Orange county, N. C.,	436	
An act to incorporate the town of Mount Moarne, in the county of Iredeell,	437	
An act for the relief of the sureties of John A. Reid, late sheriff of Halifax county,	438	
An act so amend chapter 137, section 1, laws of 1873-'74,	439	

	PAGE.
Captions to private laws.	
An act to continue in force an act appointing trustees for Haywood Academy, in Chatham county,	439
An act to amend the second and third sections of an act ratified March 6th, 1866, entitled an act to incorporate the Albemarle Steam Navigation Company,	440
An act to amend chapter 121, private laws of 1873-'74,	441
An act to amend chapter 71, section 6, of the private laws of 1873-'74,	442
An act to incorporate Swann's Station, in the county of Moore,	443
An act to repeal a portion of chapter 137, laws of 1873-'74,	444
An act to amend chapter 50, of the private laws of 1871-'72, entitled an act to incorporate the town of Boone, in the county of Watauga,	445
An act to continue in force an act to incorporate the Bank of Raleigh,	445
An act repealing a certain part of chapter 137, laws of 1873-'74,	446
An act to amend chapter 171, laws of 1872-'73,	446
An act to repeal the charter of the town of Beaufort, in Carteret county,	447
An act to amend an act entitled an act to incorporate the town of Whitakers, in the counties of Edgecombe and Nash,	447
An act to incorporate Columbus Lodge, No. 27, I. O. O. F., Whiteville, N. C.,	448
An act to incorporate Graham High School, in Alamance county,	449
An act entitled an act to incorporate the Patrons of Mercy, Lodge No. 1, Grand Order of Brothers, of Wilmington, N. C.,	450
An act to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons,	450
An act to incorporate "the Oak City Building and Loan Association, of Raleigh, N. C."	451
An act to incorporate the town of Morrisville, in the county of Wake,	455
An act to prevent the sale of intoxicating liquors near Hayesville, Clay county,	457
An act to incorporate the Public Insurance and Banking Company,	458
An act to amend the charter of the city of Wilmington,	462
An act entitled an act to amend an act to incorporate the Cheoah Turnpike Company, by authorizing the construction of a branch road from Valley river, in Cherokee county, to Hayesville, Clay county,	471
An act to incorporate the bank of Durham,	473
An act to secure the insurance of public buildings in Lincoln county,	477
An act to incorporate the Widows' and Orphans' Benefit Society of the North Carolina Conference, Methodist Episcopal Church, South,	477
An act to amend chapter 146, laws of 1872-'73,	479
An act to amend chapter 137, laws of 1873-'74,	480
An act to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground and of Rehoboth Church, in Catawba county,	480
An act to define the jurisdiction of the mayor of Charlotte,	481
An act to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company,	482
An act to incorporate Newbern Golden Link Lodge, No. 1,632, Grand United Order of Odd Fellows,	482
An act to prevent the felling of timber in the South Fork river, and in Rock and Laurel creeks, in Burke county,	483

	PAGE.	
An act to incorporate the Board of Directors of the Hickory High School, in the county of Catawba,	484	Captions to private laws.
An act to incorporate Direct Trade Union, Patrons of Husbandry,	485	
An act to incorporate the town of Shelby, Cleveland county,	488	
An act to amend section 4, chapter 164, of the laws of 1850-'51, entitled an act to incorporate the Caldwell and Ashe Turnpike Company,	499	
An act for the better regulation of the Newbern Academy,	499	
An act to incorporate Piney Creek Baptist church, in Alleghany county, N. C.,	501	
An act to amend the charter of the city of Newbern,	502	
An act to provide for the passage of fish in the Catawba, Dan and Mayo rivers,	503	
An act to incorporate the "Cleveland Savings Bank," in the town of Shelby, Cleveland county,	504	
An act to incorporate the Roanoke Valley Railroad Company,	509	
An act to amend an act entitled an act to consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof,	513	
An act to amend sections 6 and 7, of chapter 31, of the private laws of the State of North Carolina, passed at session of 1873-'74,	514	
An act to amend the charter of the town of Lincolnton,	514	
An act to amend chapter 137, acts of the General Assembly of North Carolina, of the session of 1873-'74,	515	
An act to incorporate Pleasant Grove Camp Ground, in the county of Union,	516	
An act to amend an act to prohibit the sale of spirituous liquors in certain localities, chapter 137, and ratified the 16th day of February, 1874,	517	
An act for the better protection of the county bridge across Scuppernong river, at Columbia, in Tyrrell county,	517	
An act to incorporate Ferguson's Camp Ground, of the Methodist Church, South, in the county of Haywood,	518	
An act to amend an act entitled an act to incorporate the town of Hickory, in the county of Catawba, ratified December 18th, 1873, and for other purposes,	519	
An act to incorporate Olive Branch Baptist church, in the county of Union,	521	
An act to incorporate trustees of Statesville Academy,	522	
An act to incorporate the North Carolina State Grange, Patrons of Husbandry,	524	
An act to incorporate No. 6, Cherokee Mining and Manufacturing Co.,	525	
An act to incorporate the town of Yadkin College, in the county of Davidson,	527	
An act to incorporate the town of Marlboro, in Pitt county,	528	
An act concerning the city of Raleigh,	529	
An act to incorporate the Yadkin River and Wilkesboro' Navigation Company,	536	
An act to amend the charter of the city of Newbern,	541	
An act to amend an act ratified the 28th of December, 1833, entitled "An act to amend an act entitled an act to establish a literary and manual labor institution in the county of Wake, passed in 1833,"	547	

	PAGE.
Captions to private laws.	
An act to incorporate the village of Rose Hill, in the county of Duplin,	550
An act to incorporate the trustees of Burnt Chimney Academy, in Rutherford county,	551
An act to incorporate the City Bank of Wilmington,	552
An act to amend an act entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe, ratified the 19th day of February, 1867,	556
An act to incorporate the Fayetteville and Goldsboro' Railway Company,	558
An act to incorporate the Rutherford Manufacturing Company,	563
An act to amend the charter of the North Carolina Mutual Home Insurance Company,	565
An act to incorporate the town of Franklinsville, in the county of Randolph, North Carolina,	566
An act to incorporate the Southern Underwriters' Association,	568
An act for the relief of Mike Woods, of Wayne county,	571
An act to appoint trustees for Pleasant Retreat Academy,	572
An act to regulate fishing in Newbeginn creek, Pasquotank county,	573
An act to incorporate the Golden Lyre Lodge, No. 1,608, Grand United Order of Odd Fellows, of Wilmington, North Carolina,	574
An act to incorporate "The Bank of Gaston county,"	575
An act to incorporate the Raleigh Savings Bank and Trust Company,	579
An act to incorporate the Western North Carolina Baptist Female College,	582
An act to incorporate the Bank of Reidsville, in the county of Rockingham,	584
An act to provide for the appointment of a Superintendent of Health for the city of Wilmington,	586
An act to authorize the sale of parts of a certain street and alley in the town of Shelby,	588
An act to amend the charter of the Beaver Creek Manufacturing Company,	589
An act to incorporate the American Mining Company, in the county of Haywood,	591
An act to incorporate the Western North Carolina Land and Colonization Company.	593
An act concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor,	595
An act to amend the charter of the town of LaGrange, in the county of Lenoir,	596
An act to incorporate the town of Weaverville, in the county of Buncombe,	600
An act to lay out and construct a public road through the counties of Watauga and Caldwell,	601
An act to amend the charter of the town of Durham,	603
An act to incorporate the town of Youngsville, in the county of Franklin,	623
An act to incorporate the Carolina Plumbago Company,	623
An act to incorporate the town of Albemarle, in the county of Stanly,	625
An act to prohibit the sale of spirituous liquors in or within three miles of the town of Murfreesboro, in the county of Hertford,	628

	PAGE.	
An act to amend an act entitled an act to incorporate the National Loan and Trust Company, ratified the 4th day of March, 1867, and the several acts amendatory thereof,	629	Captions to private laws.
An act to authorize the mayor and commissioners of the town of Fayetteville to re-organize the fire department of said town,	633	
An act to incorporate the Plummer Hook and Ladder Company, No. 1,	635	
An act to allow a jury in Madison county to lay off a road to Marshall, North Carolina,	636	
An act to amend the charter of the town of Cerro Gordo, county of Columbus,	637	
An act to amend an act to lay off and establish a public road in the counties of Davie and Davidson,	637	
An act to prohibit the sale of spirituous liquors within one and one half miles of Poplar Spring church, in the county of Franklin,	638	
An act to authorize the county commissioners of Jackson county to erect a toll gate on a road known as the Tuckasegee and Keowee Turnpike road,	639	
An act to incorporate the Robeson County Agricultural Society,	641	
An act to incorporate the Mecklenburg Centennial Association,	643	
An act to incorporate the Atlantic Iron and Steel Manufacturing Company,	645	
An act to extend the corporate limits of the town of Goldsboro, and for other purposes,	646	
An act to incorporate the Historical Society of North Carolina,	648	
An act to amend section 1, chapter 14, of private laws of 1870-'71, and to re-enact the same,	649	
An act to incorporate the Rocky Ford Manufacturing Company in the county of Richmond,	650	
An act to extend the time for the organization of certain coporations,	654	
An act to amend the charter of the town of Kinston, Lenoir county, and for other purposes,	655	
An act to incorporate "The Railway Operatives Mutual Insurance Company,"	661	
An act to incorporate the Sampson County Agricultural Society,	662	
An act to incorporate the Fifth Ward Independent Bucket Company, Number 1, of Wilmington, North Carolina,	664	
An act to incorporate the Grange Bank of Cumberland county,	665	
An act to incorporate the North Carolina Printing and Publishing Company,	669	
An act to incorporate the town of Penny Hill, in the county of Pitt,	670	
An act to authorize the establishment of public graded schools in the city of Charlotte,	673	
An act to incorporate the Wilberforce school,	675	
An act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873-'74,	677	
An act to amend the charter of Elizabeth City, in the county of Pasquotank,	677	
An act to amend chapter 69, private laws of 1872-'73,	678	

	PAGE.
●aptions to private laws.	679
An act to define the jurisdiction of the Mayor of Newbern,	679
An act to incorporate Perseverance Council, Number 74, Friends of Temperance, of Fayetteville, North Carolina,	679
An act to prohibit the sale of spirituous liquors in certain localities in Chatham county,	680
An act to incorporate Wilkesboro High School, in the county of Wilkes,	681
An act to extend and define the corporate limits of the town of Morganton,	682
An act to incorporate the Dry Pond and New Town Bucket Company, of the city of Wilmington, North Carolina,	682
An act to incorporate the American Type-setting Machine Company,	683
An act to incorporate Orion Lodge, Number 67, Independent Order of Odd Fellows, Wilmington, North Carolina,	686
An act concerning the sale of ardent spirits on the Island of Oera-coke,	687
An act to incorporate the Dan River Navigation Company,	688
An act to incorporate the Shaw University,	693
An act to be entitled an act to amend chapter 137, public laws, 1873-'74,	699
An act concerning inspector of lumber in the city of Wilmington,	700
An act to create another township in the county of Burke,	702
An act to incorporate Whitaker's Mills, in Nash county,	703
An act to incorporate the town of Polkton, in the county of Anson,	704
An act to incorporate the Ridgeway Cemetery Association,	705
An act to incorporate Balfour Lodge, No. 188, of Free and Accepted Masons, in the town of Ashboro, county of Randolph,	707
An act to lay out and construct a public road from Edwin D. Greer's store to Jefferson, in Ashe county,	708
An act to incorporate the Marion and Jefferson Turnpike Company,	709
An act to incorporate the Wilmington and Coast Turnpike Company,	712
An act supplemental to the charter of the town of Statesville, Iredell county,	718
An act to incorporate the town of Ore Knob, in Ashe county,	719
An act to incorporate the Wilmington Ice Company,	720
An act to incorporate the Yadkin River Bridge and Turnpike Company,	721
An act for the better government of the town of Tarboro,	723
An act to incorporate the Vestry of Calvary church, at Wadesboro, North Carolina,	731
✓ An act to amend the charter of the town of King's Mountain, Cleveland county,	732
An act to prevent the sale of intoxicating liquors within two and one-half miles of Roeky River church, in Cabarrus county,	732
An act to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county,	733
An act to define the jurisdiction of intendant or mayor of Salisbury, and the mayor of the town of Louisburg,	735
An act to incorporate Nashville Lodge, No. 84, Independent Order of Odd Fellows, North Carolina,	735

	PAGE.	
An act to lay out and construct a public road from Peach Bottom Copper Mine, in the county of Alleghany, to the Virginia line,	736	Captions to private laws.
An act to extend the corporate limits of the town of Carthage, in the county of Moore,	738	
An act to lay off and establish a public road from Horse Gap, on the Blue Ridge, to the Virginia line, near the mouth of Willson,	739	



PUBLIC LAWS  
OF THE  
STATE OF NORTH CAROLINA.



# PUBLIC LAWS

OF THE

## STATE OF NORTH CAROLINA,

SESSION 1874-'75.



### CHAPTER I.

AN ACT FOR THE RELIEF OF THE TAX-PAYERS OF NEW HANOVER COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Time extended.  
*enact*, That A. R. Black, late sheriff of New Hanover county, be allowed until the first day of February, Anno Domini, one thousand eight hundred and seventy-five, to collect and settle the taxes due the State by said county for the year one thousand eight hundred and seventy-four.

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

Ratified the 23d day of November, 1874.

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### CHAPTER II.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF THE INTEREST OF THE LAWFUL DEBT OF THE STATE."

SECTION 1. *The General Assembly of North Carolina do* Act of Aug. 1868 repealed.  
*enact*, That an act entitled "an act to provide for the pay-

ment of the interest of the lawful debt of the State," ratified the nineteenth day of August, one thousand eight hundred and sixty-eight, be, and the same is hereby repealed.

Instruction to  
Treasurer.

SEC. 2. That the treasurer shall not pay or discharge any claim for interest upon any portion of the bonded debt of this State, except as hereafter provided for by law.

Instruction to  
Auditor.

SEC. 3. That the auditor shall not audit or recognize any claim for principal or interest upon any portion of the bonded debt of this State heretofore made or pretended to be made by authority of this State, except as hereafter provided for by law.

Transfer to gen-  
eral fund.

SEC. 4. That any money now in or which may be paid into the treasury on account of special taxes heretofore levied for the payment of interest on bonds or pretended bonds of this State, is hereby transferred and appropriated to the general fund.

SEC. 5. That this act take effect from its ratification.  
Ratified the 23d day of November, 1874.

### CHAPTER III.

#### AN ACT FOR THE RELIEF OF THE TAX-PAYERS OF CRAVEN COUNTY.

Time extended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sheriff of Craven county be allowed until the first Monday in March next to collect the county, State and special taxes, and to settle with the State and county treasurers for the year one thousand eight hundred and seventy-four, and that the said sheriff is hereby relieved from all pains, forfeitures and penalties incurred by reason of not settling before the first Monday in March next.

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

Ratified the 28th day of November, 1874.

## CHAPTER IV.

AN ACT TO EXTEND THE TIME OF THE SHERIFF OF BEAUFORT COUNTY TO SETTLE WITH THE PUBLIC TREASURER.

SECTION 1. *The General Assembly of North Carolina do* Time extended.  
*enact*, That F. J. Satchwell, sheriff of Beaufort county, be allowed until the first day of January, Anno Domini one thousand eight hundred and seventy-five, to settle with the public treasurer of the State for the taxes due for the year one thousand eight hundred and seventy-four, and he is hereby relieved from any and all penalties, pains or forfeitures incurred by reason of not settling before the said first day of January, one thousand eight hundred and seventy-five: *Provided*, That said sheriff shall not have Proviso.  
 the benefit of this act, nor be relieved from any penalties, fines and forfeitures unless he pay to the public treasurer fifty per cent. of the amount due by said county of Beaufort by the first Monday in December, one thousand eight hundred and seventy-four.

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

Ratified the 30th day of November, 1874.

## CHAPTER V.

AN ACT TO REPEAL A PART OF SECTION ONE HUNDRED AND THIRTY-FIVE, CHAPTER THIRTY-TWO, OF BATTLE'S REVISAL, CONCERNING TRIALS OF SOLICITORS BY THE GOVERNOR FOR FAILURE TO PROSECUTE BRIBERY CASES.

SECTION 1. *The General Assembly of North Carolina do* Section 135, chap  
32 Batt'e's Re-  
visal repealed.  
*enact*, That section one hundred and thirty-five, chapter thirty-two, of Battle's Revisal, be amended by striking out

all from the beginning of said section down to and including the word "defence" in the fifth line thereof.

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

Ratified the 1st day of December, 1874.

## CHAPTER VI.

AN ACT TO AUTHORIZE AND EMPOWER THE CONSTABLE OF THE TOWN OF SHELBY, CLEVELAND COUNTY, TO COLLECT ARREARAGES OF TAXES.

Authorizes collection of arrearages.

SECTION 1. *The General Assembly of North Carolina do enact*, That the constable of the town of Shelby, Cleveland county, be authorized and empowered to collect all taxes in arrears and still due on the list of Shelby, Cleveland county an incorporated town, for the years one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four: *Provided*, That if any tax payer will make affidavit before a justice of the peace that he has paid said taxes, he shall not be compelled to pay the same: *Provided further*, That this act shall not refer to executors and administrators.

Proviso.

SEC. 2. That the power hereby granted and the time for collection is extended to the first day of January, one thousand eight hundred and seventy-six.

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

Ratified the 1st day of December, 1874.

## CHAPTER VII.

AN ACT TO ALLOW CLIFTON WARD, LATE SHERIFF OF SAMPSON, TO COLLECT THE ARREAR TAXES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact*, That Clifton Ward, late sheriff of Sampson county, be allowed until the first day of April, Anno Domini one thousand eight hundred and seventy-five, to collect the arrear taxes for the year one thousand eight hundred and seventy-three, still due him as late sheriff of said county: *Provided*, That if any tax-payer will make affidavit before a justice of the peace that he has paid said taxes, he shall not be compelled to pay the same: *Provided further*, That this act shall not apply to executors and administrators.

Authority to collect arrearages of taxes.

Proviso.

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

Ratified the 1st day of December, 1874.

## CHAPTER VIII.

AN ACT TO ALLOW T. W. TAYLOR, LATE SHERIFF OF HENDERSON COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact*, That T. W. Taylor, late sheriff of Henderson county, be allowed until the first day of November, one thousand eight hundred and seventy-five, to collect the arrears of taxes for the years one thousand eight hundred and seventy,

Authorizes collection of arrearages.

one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three, still due him as late sheriff of said county: *Provided*, That if any tax payer will make affidavit that he has paid his taxes, he shall not be compelled to pay the same: *Provided further*, That this act shall not apply to administrators and executors.

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

Ratified the 1st day of December, 1874.

## CHAPTER IX.

### AN ACT FOR THE RELIEF OF THE SECURITIES OF W. W. MOORE.

Authorized to  
collect arrearages  
of taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties of the official bond of the late W. W. Moore, as late sheriff of Martin county, be and they are hereby authorized to collect all arrearages of taxes for the years one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, and for that purpose a majority of said sureties may appoint one or more persons to make said collection under same rules and regulations as are now prescribed for the regular collection of taxes, and the powers and authority hereby granted shall cease on the first day of January, one thousand eight hundred and seventy-six: *Provided*, That this act shall not apply to any person who will make oath that he has paid his taxes for the years aforesaid: *And provided further*, That this act shall not apply to executors, administrators or guardians.

Proviso.

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

Ratified the 1st day of December, 1874.

## CHAPTER X.

AN ACT TO CHANGE THE NAME OF "THE NORTH CAROLINA  
STEEL RAIL COMPANY."

SECTION 1. *The General Assembly of North Carolina do enact*, That the North Carolina Steel Rail Company, a corporation chartered by an act of the General Assembly of North Carolina, chapter nine (9) of the private laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, ratified February seventh, one thousand eight hundred and seventy-three, shall hereafter be known by the name and style of "The American Iron and Steel Company," and under that name shall have the franchises and rights provided by said corporation as heretofore designated. Corporate name changed.

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

Ratified the — day of December, 1874.

## CHAPTER XI.

AN ACT TO AMEND CHAPTER SIXTY, SECTION TWENTY-EIGHT,  
OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and sixty-two, section twenty-eight, of the act of the General Assembly of North Carolina of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as brought forward in Battle's Revisal, chapter sixty, section twenty-eight, be amended by striking out the words "which notice shall in no case be waived by such officer, nor dispensed with, in the discretion of any court." Chap. 60, sec. 28,  
Battle's Revisal  
amended.

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

Ratified the 4th day of December, 1874.

## CHAPTER XII.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT EMPOWERING THE BOARD OF EDUCATION FOR DAVIDSON COUNTY TO ESTABLISH A TEACHERS' INSTITUTE OR NORMAL SCHOOL."

Act authorizing Teachers' Institute repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter seventy-five (75) of the private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, ratified the eleventh day of February, one thousand eight hundred and seventy-four, entitled "An act empowering the board of education for Davidson county to establish a teachers' institute or normal school," be and the same is hereby repealed.

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

Ratified the 4th day of December, 1874.

## CHAPTER XIII.

AN ACT EXTENDING THE TIME FOR THE SURETIES ON THE BOND OF JOHN L. HARRIS, LATE SHERIFF OF PERSON COUNTY, TO SETTLE WITH STATE TREASURER.

Time extended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties on the bond of John L. Harris, late sheriff of Person county, may have till the first Monday in March, Anno Domini one thousand eight hundred and seventy-five, to make a final settlement with the State treasurer. All laws in conflict with this act are hereby repealed.

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

Ratified the 5th day of December, 1874.

## CHAPTER XIV.

AN ACT TO CHARTER THE WATAUGA AND CALDWELL NARROW  
GAUGE RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That a company may be formed with a capital stock not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be known as the Watauga and Caldwell Narrow Gauge Railroad Company, for the purpose of constructing a narrow gauge railroad from the town of Lenoir, in Caldwell county, North Carolina, *via* Patterson Factory, Cook's Gap of the Blue Ridge, Boone, Watauga county, to the Tennessee line at or near the head of Cove creek. And such company, when formed as hereinafter directed, shall have power to receive, own and transfer real and personal estate, to have a common seal and to pass such by-laws, not inconsistent with the laws of the State, as may be necessary to carry out the object of the corporation; shall be capable of suing and being sued, and shall enjoy all the rights of other railroad corporations under the laws of this State, and have the right to transfer and carry persons and any articles of commerce on such road and at such prices as they may fix.

Capital stock.

Freights.

SEC. 2. That for the purpose of creating the capital stock of said company, W. B. Council, D. B. Dougherty, Wm. Horton, Joel Norris, Hiram McBride, J. B. Adams, Matt. Banner, W. F. Shull, S. F. Harper, E. W. Jones, Samuel Patterson, John Nelson, Abram Sudderth, M. V. Moore and J. C. Harper, or any three of them, are hereby appointed commissioners, whose duty it shall be to appoint such commissioners to open books of subscription at such times and places as they shall deem best, and under such rules as they may prescribe. Such subscription, or any part thereof, may be received payable in land, money, labor or material necessary in the construction of said road, or lands, stock or other valuable credits, in such manner and on such

Commissioners.

terms as shall be agreed between said company and such subscribers.

**General meetings.** SEC. 3. That whenever the sum of fifty thousand dollars shall have been subscribed to the said capital stock, it shall be the duty of the commissioners above named, or any three of whom may act, to call a general meeting of the stockholders, after giving reasonable and sufficient notice, and at such times and places as they shall determine, and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business, and said stockholders, at their first general meeting, shall elect a president and five directors for said company, whose term of office shall be for one year, and until others are chosen. In the election of such officers and enacting such laws for the company as may be necessary, the stockholders shall be entitled to one vote for each share owned by them.

SEC. 4. That the stockholders at their first meeting shall prescribe the manner and time in which payment of stock on the subscription books shall be made.

**Officers.** SEC. 5. The president and directors shall have the general direction and management of the affairs of the company. They shall appoint a treasurer, secretary and engineer, whose term of office shall be determined by the by-laws of the company, and who shall perform such duties as are ordinarily imposed on such officers. Said directors shall have power to fill vacancies that may occur in their board until their next regular meeting, and in the absence of the President may elect one of their number for the time.

**President to report.** SEC. 6. That at least once a year, and at the annual meeting of the stockholders, the president shall make a full report of the condition and affairs of the road.

**If owner refuse to sell Directors may condemn.** SEC. 7. That whenever lands shall be required for the location and construction of the road or warehouses, water stations, work shops, or other building purposes, and for any cause the same cannot be bought from the owner, the di-

rectors may condemn the same at a valuation to be ascertained as follows: The sheriff of the county in which the lands are situated shall, at the request of the president of the road, summon five disinterested freeholders of his county, who, under oath to be administered by the sheriff, shall ascertain the value, they first deducting the enhanced value of the land caused by said road from such valuation and adding particular loss or damage, and upon payment or tender by the president of the amount so assessed, the title of the property so seized and appraised shall thereby vest in the said corporation: *Provided*, That either party may appeal to the Superior Court of the county upon the question of the amount assessed: *And provided further*, That not more than one hundred feet from the center of the road shall be allowed so condemned.

SEC. 8. That for the purpose of securing the building of said road, the company shall have power to mortgage or lease the same, or any part thereof, with all its franchises.

SEC. 9. That said company shall, upon the consent of the stockholders, be consolidated with and form one and the same body corporate with the Chester and Lenoir Narrow Gauge Railroad Company, under such corporate name as the stockholders of the said two companies may hereafter agree upon, possessing all the rights, powers, privileges, immunities and franchises heretofore conferred upon said companies by the act of incorporation.

SEC. 10. That in case a consolidation is effected between the two companies, the affairs of the said consolidated company shall be managed and directed by a president and a general board to consist of twelve directors to be elected by the stockholders from among their number.

SEC. 11. That the question of approving the consolidation herein authorized shall be submitted to a meeting of the stockholders of each company upon public notice of one month, and determined in the manner provided in their charters for the decision of matters upon which it is necessary for the stockholders to act as a company.

Conditions of  
charter.

SEC. 12. This charter is granted upon the conditions that any railroad company heretofore or that may be hereafter chartered by this State shall have the right to connect with said railroad and to the interchange of traffic upon mutually reciprocal terms.

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

Ratified the 12th day of December, 1874.

## CHAPTER XV.

AN ACT TO ALLOW CLIFTON WARD, LATE SHERIFF OF SAMPSON COUNTY, A CREDIT OF FOUR HUNDRED AND TWO DOLLARS, ON ACCOUNT OF STATE TAXES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Credit allowed.

SECTION 1. *The General Assembly of North Carolina do enact*, That Clifton Ward, late sheriff of Sampson county, be allowed a credit of four hundred and two dollars in his settlement of State taxes for the year one thousand eight hundred and seventy-four, which said sum of four hundred and two dollars of State taxes was paid into the treasury on July first, one thousand eight hundred and seventy-four, and credited upon the State tax for one thousand eight hundred and seventy-three, whereas it should have been credited upon his State tax for one thousand eight hundred and seventy-four.

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

Ratified the 5th day of December, 1874.

## CHAPTER XVI.

AN ACT CONCERNING THE BOARD OF COMMISSIONERS OF WAKE  
COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of Wake county be and they are hereby authorized and empowered to continue the special meetings held by them on the first Mondays in January, February, April, May, June, July, August, October, November and December from day to day until the business before said board is disposed of: *Provided*, That none of said meetings shall be holden for more than four (4) days.

Legalizes special meetings.

Proviso.

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

Ratified the 7th day of December, 1874.

## CHAPTER XVII.

AN ACT TO RE-ENACT SECTIONS TWENTY-FOUR, TWENTY-FIVE,  
TWENTY-SIX AND TWENTY-SEVEN OF CHAPTER THIRTY-TWO  
OF THE REVISED CODE.

SECTION 1. *The General Assembly of North Carolina do enact*, That in any civil action wherein the court shall declare that a party is entitled to the possession of property, real or personal, the legal title whereof may be in another or others, parties to the civil action, and the court shall adjudge a conveyance of such legal title to him so declared to be entitled; or where, for any cause, the court shall adjudge that one of the parties holding property in trust shall convey the legal title therein to be held in trust to another per-

Decree in certain cases to be a conveyance of title.

son, although not a party; the court, after declaring the right and adjudging the conveyance, shall have power also, to be used in its discretion, to declare in the judgment there made, or in any mode in the progress of the cause, that the effect thereof shall be to transfer to the party to whom the conveyance is directed to be made, the legal title of the said property, to be held in the same plight, condition and estate, as though the conveyance adjudged was in fact executed; and shall bind and entitle the parties adjudged to execute or to take benefit of the conveyance, in and to all such provisions, conditions and covenants as may be adjudged to attend the conveyance, in the same manner and to the same extent as the conveyance would if the same were executed according to the judgment, and any party taking benefit under the judgment may have same redress at law on account of the parties adjudged as he might in the conveyance, if the same had been executed.

Judgment to be regarded as a deed.

SEC. 2. That every judgment in which the transfer of title shall be so declared shall be regarded as a deed of conveyance, executed in due form and by capable persons, notwithstanding the want of capacity in any person adjudged to convey, and shall be registered in the proper county under the same rules and regulations as may be prescribed for conveyance of similar property executed by the party; and all laws which may be passed for extending the time for registration of deeds, shall be deemed to include such judgments, provided the conveyance, if actually executed, would be so included.

Copy from register's office evidence

SEC. 3. That in all legal proceedings touching the right of parties derived under such judgment, a certified copy thereof from the register's books shall be evidence of its existence and of the matters therein contained, as fully as if the same were proven by a perfect transcript of the whole case.

Judgment how registered.

SEC. 4. That the party desiring registration of such judgment shall produce to the register a copy thereof certified by the clerk of the court in which it is recorded or on file, under

the seal of the court, and the register shall record both the judgment and certificate.

SEC. 5. That all proceedings heretofore had in any of the courts which would have been valid under the foregoing provisions had they been in force, shall be deemed valid as fully as if they had been in full force at all times since their enactment in one thousand eight hundred and fifty.

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

Ratified the 5th day of December, 1874.

## CHAPTER XVIII.

### AN ACT TO EXTEND THE TIME OF THE SHERIFF OF FRANKLIN COUNTY TO SETTLE WITH THE STATE TREASURER.

SECTION 1. *The General Assembly of North Carolina do enact*, That James C. Wynne, sheriff of Franklin county, be allowed until the first day of January, one thousand eight hundred and seventy-five, to settle with the treasurer of the State for the taxes due for the year one thousand eight hundred and seventy-four, and he is hereby relieved of any and all penalties and forfeitures: *Provided*, That said sheriff shall not have the benefit of this act unless he pay to the treasurer of the State on or before the first Monday in December, one thousand eight hundred and seventy-four, one half of the amount of taxes due by said county. Extends time.  
Proviso.

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

Ratified the 7th day of December, 1874.

## CHAPTER XIX.

AN ACT TO RE-ENACT AND REVIVE SECTIONS ONE HUNDRED AND FIFTEEN, ONE HUNDRED AND SIXTEEN, ONE HUNDRED AND SEVENTEEN AND ONE HUNDRED AND EIGHTEEN OF CHAPTER THIRTY-ONE OF THE REVISED CODE, CONCERNING THE REMOVAL OF CASES.

Revives sections 115, 116, 117 and 118, chap. 31 Revised Code.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, and one hundred and eighteen of chapter thirty-one of the Revised Code be and the same are hereby re-enacted and revived: *Provided*, That the words after the word "trial" in the seventh line of section one hundred and fifteen down to the word "provided" in said section, shall not be revived by this act.

Proviso.

Removal of cases.

SEC. 2. That hereafter any case, either civil or criminal, may be removed in accordance with the provisions of said sections.

Legalizes past orders.

SEC. 3. That all orders heretofore made by any court of competent jurisdiction, removing actions, civil or criminal, and all proceedings had in any action so removed, are hereby legalized and made as valid as if this act had been in force at the time such orders were made and proceedings had.

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

Ratified the 7th day of December, 1874.

## CHAPTER XX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-ONE, PUBLIC LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, ENTITLED "AN ACT FOR AMNESTY AND PARDON," BATTLE'S REVISAL, CHAPTER FOUR, SECTION SIX.

SECTION 1. *The General Assembly of North Carolina do enact*, That full and complete amnesty and pardon is hereby given to any and all persons acting under the commands, decrees or determinations of and embraced as members in any and all the various organizations, associations and societies mentioned in section one, chapter one hundred and eighty-one, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, Battle's Revisal, chapter four, section six, for all crimes and offences against or in violation of the laws of North Carolina, except the crime of rape: *Provided*, That this act shall not be construed to extend to any person who is now under sentence of punishment made in pursuance of law by any court of competent jurisdiction: *And provided further*, That this act shall not be construed to extend to any person not a member of some one of the several organizations, associations, societies or assemblies specified in section one of chapter one hundred and eighty-one of said act of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three: *Provided*, That the amnesty and pardon herein granted shall not extend to any person included within the last proviso of section four, chapter one hundred and eighty-one, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, as brought forward in Battle's Revisal, chapter four, section nine, relating to embezzlers and misappropriators of moneys and bonds.

Amnesty and pardon for all offences.

Proviso.

SEC. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 8th day of December, 1874.

## CHAPTER XXI.

### AN ACT IN RELATION TO PUBLIC ARMS.

Treasurer to pay  
freight on.

SECTION 1. *The General Assembly of North Carolina do enact*, That the auditor of the State is hereby authorized and directed to issue his warrant upon the public treasurer for the payment of such sums as may be certified by the adjutant general and governor, and as may be actually necessary to pay the freight and drayage upon the public arms received as the quota of North Carolina, from the United States government, under the acts making provision for the arming of the militia of the several States and territories, or returned to the arsenals of the United States for exchange under the act of Congress of one thousand eight hundred and seventy-three.

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

Ratified the 8th day of December, 1874.

## CHAPTER XXII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CAPE FEAR AGRICULTURAL ASSOCIATION, RATIFIED THE TWELFTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the new association known as the Cape Fear

Agricultural Association, of which S. L. Fremont, Henry Nutt, W. L. DeRossett, J. W. Atkinson, O. G. Parsley, Jr., F. W. Kerchner, C. P. Mebane, C. D. Myers, James Williard, A. Weil, J. A. Engelhard and S. C. DeRossett, are shareholders and managers, with their associates and successors, are hereby incorporated and made a body corporate and politic under and by the name of the Cape Fear Agricultural Association, and as such may sue and be sued, plead and be impleaded, and have all the rights, privileges and immunities heretofore conferred upon the association having the same name and operating under and by virtue of the act to which this is an amendment, and all shareholders in this new association shall be and they are hereby constituted shareholders under the act: *Provided*, The body created by this act shall become the purchasers of the property of the original association at any legal sale of the same, and all the rights of property and franchise heretofore acquired by that original corporation shall be by such act of purchase conveyed to, and become the property of, the corporation created by this act: *Provided further*, That for the purpose of holding a fair on the grounds of original association in the month of December, one thousand eight hundred and seventy-four, and for ninety days thereafter, it shall have all the legal corporate rights and privileges of the original association by leasing the grounds for the purpose aforesaid.

Corporate name

Rights and privileges.

Proviso.

SEC. 2. The capital stock of this association shall consist of five hundred shares of the value of twenty-five dollars each, and the number of shares may be increased to one thousand at any time by a majority of the shareholders voting in a meeting duly organized according to the laws of this State: *Provided*, That the present organization shall be legal when one thousand dollars of the capital stock has been paid into the treasury of the aforesaid association.

Capital stock.

Proviso.

SEC. 3. The object and purpose of this organization being to hold fairs and do all other acts and things lawful and proper for the promotion of agriculture, commerce and the mechanic arts in all that portion of the country of which

Object.

Powers. Wilmington is the commercial centre, shall have all the legal rights, powers and privileges conferred by the original act and all amendments to the same which this act is an amendment, and all other laws of this State governing corporations of a like nature, and not inconsistent with the laws of the United States.

Rents. SEC. 4. That the collection of rents for the use of the grounds, or any portion of them, for the privilege of any lawful exhibition held thereon, shall be legal before any court of competent jurisdiction.

Management. SEC. 5. The shareholders of this association shall annually elect a president and board of management to consist of as many managers as they may determine, not exceeding fifteen, and may make any number not less than five an executive committee to control and manage the affairs of the association, and the board of management may appoint such officers and agents and such number of police to preserve order at fairs as they may deem necessary.

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

Ratified the 8th day of December, 1874.

## CHAPTER XXIII.

AN ACT FOR THE RELIEF OF EDWARD W. TAYLOR, TAX COLLECTOR OF BRUNSWICK COUNTY.

Time extended. SECTION 1. *The General Assembly of North Carolina do enact*, That Edward W. Taylor, tax collector of Brunswick county, be authorized and allowed until the first day of January, Anno Domini one thousand eight hundred and seventy-five, to collect and pay over to the State all the taxes due from said county for the year one thousand eight hundred and seventy-four; and that said Edward W. Taylor and his

sureties be relieved from all pains, forfeitures and penalties incurred by reason of a failure to settle with state treasurer on the day fixed by law: *Provided*, That the benefits of this act shall only extend to said Taylor and his sureties until the first day of January, one thousand eight hundred and seventy-five. Proviso.

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

Ratified the 9th day of December, 1874.

## CHAPTER XXIV.

AN ACT FOR THE RELIEF OF THE SHERIFF OF HALIFAX COUNTY  
AND HIS SURETIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That John A. Reid, sheriff of Halifax county, and the sureties on his official bond, shall have until the first day of January, one thousand eight hundred and seventy-five, to settle the State taxes of said county: *Provided*, Said sheriff pay into the treasury one-half of such taxes within the time prescribed by law. Further time.  
Proviso.

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

Ratified the 9th day of December, 1874.

## CHAPTER XXV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF TYRRELL COUNTY TO SELL THE PRESENT POOR HOUSE LOT AND TO PURCHASE ANOTHER.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Tyrrell county be and Authority to sell.

they are hereby authorized and empowered to sell the present poor house site or lot and land belonging thereto, of the county of Tyrrell, upon such terms as they may think proper, and to select and purchase another for the purpose of erecting and building a county poor house thereon.

SEC. 2. That this act shall take effect from its ratification.

Ratified the 9th day of December, 1874.

## CHAPTER XXVI.

### AN ACT IN RELATION TO THE WAKE COUNTY WORK HOUSE OR HOUSE OF CORRECTION.

Board authorized to sell land, and locate elsewhere.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of Wake county be and they are hereby authorized and empowered to sell or otherwise dispose of in such manner as to said board may seem best, the tract of land and buildings in said county known as the county work house or house of correction, and to locate the same elsewhere in said county at such place as said board may deem advisable, whether the same be one mile or more from the present location of said work house.

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

Ratified the 9th day of December, 1874.

## CHAPTER XXVII.

AN ACT TO AMEND THE CHARTER OF THE GREENVILLE AND  
FRENCH BROAD RAILROAD COMPANY.

WHEREAS, The Greenville and French Broad Railroad Preamble.  
Company of North Carolina, and the Spartanburg and  
Asheville Railroad Company of South Carolina, have, in  
pursuance of the laws of North and South Carolina, been  
consolidated into one company, under the corporate name  
of the Spartanburg and Asheville Railroad Company; *and*  
*whereas*, it is deemed expedient to repeal some of the re-  
strictions contained in the charter of the Greenville and  
French Broad Railroad Company:

SECTION 1. *The General Assembly of North Carolina do* Repeal.  
*enact*, That so much of the act to incorporate the Green-  
ville and French Broad Railroad Company, and of all acts  
amendatory thereof, as enacts that the directors shall not  
exceed in the contracts the amount of capital in the com-  
pany, and that the president and directors who are present  
at the meeting when any such contracts shall be made, shall  
jointly and severally be liable for the excess, be and the  
same are hereby repealed: *Provided*, That the capital Proviso.  
stock of such company shall not exceed the sum of five  
millions of dollars: *Provided further*, That said company  
shall prorate upon mutually reciprocal terms with any and  
all railroads chartered, or which shall hereafter be chartered  
by the State of North Carolina.

SEC. 2. That so much of the said acts as limits the quorum Quorum.  
at a meeting of the stockholders or of the board of direc-  
tors is also hereby repealed, and the said Spartanburg and  
Asheville Railroad Company are hereby authorized to de-  
clare and adjust the quorum by any by-law of the company<sup>1</sup>

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

Ratified the 9th day of December, 1874.

## CHAPTER XXVIII.

AN ACT CONCERNING THE TAKING OF FISH IN THE WATERS OF  
GOSHEN SWAMP.

Not lawful to  
take fish from  
by fire-light.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to engage in the taking of fish from the waters of Goshen swamp, in Duplin county, by firelight, between sunset and sunrise, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifteen dollars, or imprisoned not more than ten days.

Penalty.

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

Ratified the — day of December, 1874.

## CHAPTER XXIX.

AN ACT TO ALLOW LUBY HARPER, SHERIFF OF GREENE COUNTY,  
TO SETTLE WITH THE AUDITOR.

Preamble.

WHEREAS, W. J. Taylor, late sheriff of Greene county, having failed to exhibit the vouchers, and also failing to give any of the bonds as required by law; *and whereas*, Luby Harper was duly elected sheriff of said county for the ensuing two years, did on the first Monday in September last execute the several bonds as required by law and entered into the discharge of his duties as sheriff aforesaid, whereupon the tax list was placed in his hands and he has collected the same and is prepared to settle the State tax in

full with the auditor; *and whereas*, said auditor has refused to allow him to settle said taxes, upon the ground that the commissioners of said county should have appointed him tax collector; now therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That Luby Harper, sheriff of Greene county, be and he is hereby authorized and empowered to settle the State taxes for Greene county for the year one thousand eight hundred and seventy-four. New sheriff authorized to collect.

SEC. 2. That the auditor of the State be and he is hereby required to make settlement with the said Luby Harper, sheriff of Greene county, for the taxes aforesaid. Auditor to settle with.

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

Ratified the 10th day of December, 1874.

## CHAPTER XXX.

### AN ACT FOR THE RELIEF OF JAMES I. MOORE, SHERIFF OF GRANVILLE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That James I. Moore, sheriff of Granville county, be allowed until the fifteenth day of January, one thousand eight hundred and seventy-five, to collect and settle the taxes due the State by said county: *Provided*, He shall pay into the treasury at the time prescribed by law two-thirds of said taxes. Allowed till January 15, 1875, to settle.

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

Ratified the — day of December, 1874.

## CHAPTER XXXI.

AN ACT PROVIDING FOR A TERM OF THE SUPERIOR COURT FOR  
THE COUNTY OF WAYNE.

Extra term pro-  
vided for.

SECTION 1. *The General Assembly of North Carolina do enact*, That a term of the Superior Court be held for the county of Wayne for the transaction of all business, both criminal and civil, commencing on the first Monday in January next, and continuing for two weeks unless the business be sooner disposed of, said term to be held by the judge of the third judicial district, for which he shall receive a compensation of one hundred dollars.

Judge's compen-  
sation.

Restrictions.

SEC. 2. That no original or penal process in civil actions shall be returnable thereto, nor shall any execution or penal process in civil actions issue upon any judgment rendered at said term until after the next succeeding regular term.

SEC. 3. That all precepts in criminal actions which have been issued, or which may hereafter issue, returnable to the next regular term of the Superior Court of said county as now provided by law, shall be deemed and held returnable to the term of said court as fixed by this act. And all persons who have been recognized or summoned as witnesses to appear at the next Superior Court of said county are required to appear at the term of said court as fixed by this act.

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

Ratified the 11th day of December, 1874.

## CHAPTER XXXII.

AN ACT TO REGULATE THE TIMES OF HOLDING THE TERMS OF  
THE SUPERIOR COURT OF CUMBERLAND COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That in addition to the regular terms of the Superior Court of Cumberland county, now established by law, there shall be a term of said court beginning on the last Monday in January in each and every year and to continue two weeks unless the business is sooner disposed of: *Provided*, That no original or final process in civil actions shall be made returnable to said January term.

Extra term provided for.

Proviso.

SEC. 2. On or before the first Monday in January preceding said term, the commissioners of said county shall draw the necessary jurors for said court.

Jurors.

SEC. 3. The judge holding said court shall be entitled to receive one hundred dollars for the said service, to be paid by the commissioners of said county.

Judge's compensation.

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

Ratified the 12th day of December, 1874.

## CHAPTER XXXIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIX, SECTION  
FIFTEEN, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section seventeen, chapter one hundred and five, of Revised Code, and section fifteen, of chapter one hundred and six, of Battle's Revisal, be amended by adding thereto the following, viz: Every sheriff, by himself or his lawful

Sheriffs and constables to execute all writs from justice's courts.

Penalty,

deputies, and every constable shall execute all writs and other process to him legally issued and directed from a justice's court within his county, and make due return thereof under penalty of forfeiting one hundred dollars for each neglect or refusal, where such process shall be delivered to him ten days before the return day thereof, to be paid to the party aggrieved by order of the said court, upon motion and proof of such delivery, unless such sheriff or constable can show sufficient cause to the court at a day within three months from the date of the entry of the judgment *ni si*, of which the said officer shall be duly notified.

SEC. 2. This act shall be in full force from its ratification. Ratified the 12th day of December, 1874.

## CHAPTER XXXIV.

AN ACT TO AMEND CHAPTER THIRTY-SEVEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, SECTION TWO.

Chap. 37, laws  
1873-'74,  
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter thirty-seven, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, section two, be amended by inserting after the word "retail," in line first, the words "or sell in any quantity whatsoever any," so as to read "who shall retail or sell in any quantity whatsoever any intoxicating liquors," &c.

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

Ratified the 14th day of December, 1874.

## CHAPTER XXXV.

AN ACT TO AMEND CHAPTER TWENTY-SEVEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter twenty-seven (27) laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be continued in force for the term of two years, or until the work therein contemplated is completed.

Chap. 27, laws  
1873-'74, con-  
tinued in force.

SEC. 2. This act shall take effect and be in force from and after the 20th day of December, Anno Domini one thousand eight hundred and seventy-four.

Ratified the 14th day of December, 1874.

## CHAPTER XXXVI.

AN ACT AUTHORIZING AND REQUIRING THE TREASURER TO SETTLE WITH WILLIAM J. HARDISON, SHERIFF OF MARTIN COUNTY.

WHEREAS, William W. Moore, late sheriff of Martin county, who was duly elected sheriff on the first Thursday in August last, and who has failed to exhibit the vouchers, and also failing to give any bonds as is required by law, the commissioners of said county, on the first Monday in September last, elected Wm. J. Hardison sheriff of said county for the ensuing two years, who executed the several bonds as required by law, and entered into the discharge of his duties as sheriff aforesaid, whereupon the tax lists of said county were placed in his hands and he has collected the same, and is prepared to settle the State tax in full with the

Preamble.

auditor ; *and whereas*, the said auditor has refused to allow him to settle said taxes, upon the ground that the commissioners of said county should have appointed him a tax-collector ; now therefore,

New sheriff empowered to settle taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That William J. Hardison, sheriff of Martin county, be and he is hereby authorized and empowered to settle the State taxes for Martin county for the year one thousand eight hundred and seventy-four.

SEC. 2. That the auditor of the State be and he is hereby required to make settlement with the said William J. Hardison, sheriff of Martin county, for the taxes aforesaid.

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

Ratified the 14th day of December, 1874.

## CHAPTER XXXVII.

AN ACT AMENDATORY OF AN ACT TO LAY OUT AND CONSTRUCT A ROAD THOUGH THE COUNTIES OF ALLEGHANY AND ASHE, RATIFIED THE FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Chap. 66, laws 1869-'70, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two, of chapter sixty-six, public laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, be amended by striking out "twenty" in line one, and inserting in lieu thereof "sixteen," and by striking out "sixteen" in line three, and inserting "fourteen."

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

Ratified the 14th day of December, 1874.

## CHAPTER XXXVIII.

AN ACT TO AMEND CHAPTER NINETEEN OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, ENTITLED AN ACT TO RESTORE THE RECORDS OF WATAUGA COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter nineteen of the laws of one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four be amended, adding after section four, in said chapter, the following sections :

SEC. 5. That any person or persons having in their possession any deed or deeds which have been duly proven before the clerk of the late county court, or the judge of probate, the registration of which has been destroyed, may have the same re-registered upon paying the register of deeds his lawful fees: *Provided*, That the certificate of the clerk of the late county court, or judge of probate, shall be competent proof to authorize said registration.

Deeds re-registered without requiring probate.

SEC. 6. That any person having in his or her possession any will, the record of which has been destroyed, on which the certificate of probate shall appear, may have the same recorded again by paying the judge of probate his lawful fee.

Wills.

SEC. 7. The records and registries made in pursuance of the provisions of this act shall have the same force and effect as original records and registries.

SEC. 8. The court may allow any witness tickets to be filed in place of such as may be destroyed, upon satisfactory proof.

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

Ratified the 16th day of December, 1874.

## CHAPTER XXXIX.

AN ACT TO AMEND SECTION EIGHTY-FOUR, CHAPTER THIRTY-TWO, OF BATTLE'S REVISAL, CONCERNING RETAILING SPIRITUOUS LIQUORS.

Penalty for re-tailing liquor in violation of law.

SECTION 1. *The General Assembly of North Carolina do enact*, That section eighty-four, chapter thirty-two, of Battle's Revisal, be amended so as to read as follows: If any person shall retail spirituous liquors by the small measure in any other manner than is prescribed by law, he shall be deemed guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court.

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

Ratified the 16th day of December, 1874.

## CHAPTER XL.

AN ACT TO AMEND SECTION SIX, OF CHAPTER NINETY-ONE, OF BATTLE'S REVISAL.

How processioner to proceed in cases of disputed lines.

SECTION 1. *The General Assembly of North Carolina do enact*, That section six, of chapter ninety-one, of Battle's Revisal, be amended so as to read as follows: "In all cases when a line is disputed and the processioner is forbidden by any of the persons interested in the event of the processioning, to proceed further in running and making the same, he shall within (10) ten days report the matter, stating truly all the circumstances of the case, with the names of the persons who forbade further proceedings, to the clerk of the Superior Court of the county for which the processioner is appointed, and the said court shall thereupon

appoint five respectable freeholders who shall appear with the processioner on the line or lines so disputed and proceed, after being sworn by the processioner or some justice of the peace to do equal right and justice between the contending parties to establish such disputed line or lines as shall appear to them right, and procession the same and make report of their proceeding within thirty (30) days to the clerk of the Superior Court, which shall be recorded as above directed: *Provided, nevertheless,* That either of the parties may call in any other surveyor to act with the processioner, and complete such survey, and the party against whom the decision is made shall pay all costs. Proviso.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 16th day of December, A. D. 1874.

## CHAPTER XLI.

AN ACT TO AMEND SECTION ONE OF CHAPTER THIRTY-TWO, OF PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact,* That section one, of chapter thirty-two, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended by adding: *Provided,* That that portion of said property lying in the county of Caldwell be listed for taxes in said county. Property in Caldwell county to be listed there.

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

Ratified the 17th day of December, A. D. 1874.

## CHAPTER XLII.

AN ACT TO AMEND SECTION FIFTEEN, CHAPTER ONE HUNDRED AND FOUR, BATTLE'S REVISAL, ENTITLED ROADS, FERRIES, ETC.

Provides that side-cuttings shall be 10 feet wide.

SECTION 1. *The General Assembly of North Carolina do enact*, That section fifteen, chapter one hundred and four, Battle's Revisal, be amended by adding: *Provided*, That in the county of Caldwell where there shall be side cuttings, the roads shall be ten feet wide, and points on the roads in such places always in sight of each other, shall be of sufficient length and width to allow vehicles and wagons to pass each other.

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

Ratified the 17th day of December, A. D. 1874.

## CHAPTER XLIII.

AN ACT IN RELATION TO THE NORTH CAROLINA MANUAL.

Repeals resolution for printing

SECTION 1. *The General Assembly of North Carolina do enact*, That the resolution in relation to a "North Carolina Manual," ratified the tenth day of February, Anno Domini one thousand eight hundred and seventy-four, be and the same is hereby repealed.

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

Ratified the 18th day of December, A. D. 1874.

## CHAPTER XLIV.

AN ACT TO REPEAL SECTION THREE, AND TO AMEND SECTION THIRTEEN, OF CHAPTER ONE HUNDRED AND SEVENTY-SIX, OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three, of chapter one hundred and seventy-six, of the public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be and the same is hereby repealed, and in line six, section thirteen, of said chapter one hundred and seventy-six, strike out the words and figures "forty-six (46.)"

Repeals sec. 3, chap. 176, laws of 1873-'74.

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

Ratified the 18th day of December, A. D. 1874.

## CHAPTER XLV.

AN ACT FOR THE RELIEF OF JOHN HORTON, FORMER SHERIFF OF WATAUGA COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That John Horton, former sheriff of Watauga county, be authorized and allowed to collect all taxes in arrears and still due, on the tax list of Watauga county for the years of one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three, with all the powers which belonged to him as sheriff of said county for said years: *Provided*,

Authority to collect arrearages of taxes.

Proviso.

Proviso.

That any person who makes oath that he has settled his taxes for the years aforesaid shall not be made to pay the same: *Provided further*, That it shall not apply to guardians, executors or administrators.

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

Ratified the 19th day of December, A. D. 1874.

## CHAPTER XLVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH  
A BUREAU OF IMMIGRATION, STATISTICS AND AGRICULTURE.

Makes E. R. Liles  
and J. D. Whitford  
members of  
Board of Immig-  
ratiou.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act to establish a Bureau of Immigration, Statistics and Agriculture, ratified the sixteenth day of February, Anno Domini one thousand eight hundred and seventy-four, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, chapter one hundred and thirty-five, section one, be and the same is hereby amended, by inserting between the words "county" and "and" in the eleventh line of said section, the words, "E. R. Liles, of Anson county, John D. Whitford, of Craven county," thereby making the said E. R. Liles and John D. Whitford members of the Board of Immigration, provided for and established in said act.

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

Ratified the 19th day of December, A. D. 1874.

## CHAPTER XLVII.

## AN ACT FOR THE GENERAL RELIEF OF SHERIFFS AND TAX COLLECTORS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all persons who are, or have been sheriffs, or tax collectors of the several counties, towns and cities of the State, for the years one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and their legal representatives, be and the same are hereby authorized and empowered to collect arrears of taxes unpaid for the years aforesaid, under such rules and regulations as are now prescribed by law for the regular collection of taxes: *Provided*, That nothing herein contained shall be construed to relieve said sheriffs, tax collectors, or their representatives from their liabilities to pay the State, county, or other taxes, at the times and places now prescribed by law.

Authority to collect arrears of taxes.

Proviso.

SEC. 2. That no person shall be compelled to pay taxes under the provisions of this act, who will make oath according to law, that he or she has paid the same or believes the same to have been paid: *And provided further*, That no executor or administrator shall be compelled to pay such arrears of taxes.

Certain parties not to be compelled to pay.

SEC. 3. That any persons authorized to collect taxes under the provisions of this act are hereby authorized to administer the oath mentioned in section two of this act.

SEC. 4. That the power and authority hereby given shall determine on the thirty-first December, one thousand eight hundred and seventy-five.

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

Ratified the 19th day of December, A. D. 1874.

## CHAPTER XLVIII.

AN ACT FOR MAKING VALID CERTAIN IRREGULAR ENTRIES OF  
LAND.

Legalizes certain  
entries of land.

SECTION 1. *The General Assembly of North Carolina do enact*, That wherever persons have heretofore irregularly entered lands, by entering the same in the office of the Superior Court clerk, and have paid the price required by law for the public lands to the Secretary of State, and have obtained grants for such lands duly executed, then and in that case the title to the said land shall not be affected by reason of such entries; and the said grants are hereby declared to be as good and valid as if such entries had been properly made.

SEC. 2. *Provided*, That nothing herein shall be construed to affect titles or grants legally and regularly obtained before the passage of this act.

SEC. 3. This act shall be in force from and after its passage. Ratified the 19th day of December, A. D. 1874.

## CHAPTER XLIX.

AN ACT TO AMEND CHAPTER THIRTY, SECTION SIX, ACTS OF ONE  
THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOU-  
SAND EIGHT HUNDRED AND SIXTY-NINE, AND CHAPTER ONE  
HUNDRED AND FIVE, SECTION SIXTEEN, ACTS OF ONE THOUSAND  
EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT  
HUNDRED AND SEVENTY-ONE, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section six, chapter thirty, of Battle's Revisal, be amended so that it shall read as follows: The compensa-

Pay of County  
Treasurer.

tion of the treasurer shall be fixed by the board of commissioners, not exceeding one and a half per centum on moneys received, and one and a half per centum on moneys paid out: *Provided*, That in counties where the compensation of the treasurer cannot exceed the sum of two hundred and fifty dollars that two and a half per centum on receipts and disbursements may be allowed in the discretion of the county commissioners. Proviso.

SEC. 2. That chapter one hundred and five, of Battle's Revisal, be amended by striking out the sixteenth section thereof.

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

Ratified the 21st day of December, A. D. 1874.

## CHAPTER L.

AN ACT TO EXTEND THE TIME FOR REMOVING IMPROVEMENTS  
OFF OF THE STATE LOTS IN THE CITY OF RALEIGH, NORTH  
CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That all persons having improvements on State lots in the city of Raleigh, be allowed until the first of June, Anno Domini one thousand eight hundred and seventy-five, to remove the same: *Provided, however*, That the provisions of this act shall not enure to the benefit of any person or persons from whom rents are due or contracted to be paid for the use and occupation of any such lot until the same are paid. Allowed till  
June 1, 1875.  
  
Proviso.

SEC. 2. That the Keeper of the Capitol and Public Grounds be instructed to notify all parties having said improvements on said lots to remove the same within the time specified in this act, or the same will be taken as belonging

to the State, unless the provisions of this act are complied with.

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

Ratified the 21st day of December, A. D. 1874.

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## CHAPTER LI.

### AN ACT CONCERNING LOST OR DESTROYED RECORDS.

Orders of old  
Courts of Pleas  
and Quarter Ses-  
sions legalized.

SECTION 1. *The General Assembly of North Carolina do enact*, That in addition to the eighteenth section of chapter fourteen, of Battle's Revisal, it shall be presumed that any order or record of the old courts of pleas and quarter sessions, which was made and has been lost or destroyed, was made by a legally constituted court, and the requisite number of justices, without naming said justices.

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

Ratified the 21st day of December, A. D. 1874.

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## CHAPTER LII.

### AN ACT TO PREVENT THE MISAPPLICATION OF THE BONDS, SECURITIES AND OTHER PROPERTY AND EFFECTS OF THE STATE.

Embezzlement of  
State property  
how punished.

SECTION 1. *The General Assembly of North Carolina do enact*, That any officer, agent or employee of the State, or other person having or holding in trust for the same, any bond or bonds issued by said State, or any security or securities or other property and effects of the same, who shall

embezzle or knowingly and wilfully misapply or convert the same to his or her use, or otherwise wilfully or corruptly abuse the said trust, and all persons aiding and abetting, or otherwise assisting such person or persons therein, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than ten thousand dollars, or imprisoned at hard labor, not less than twenty years, or both, at the discretion of the Court.

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

Ratified the 21st day of January, A. D. 1875.

## CHAPTER LIII.

### AN ACT TO REGULATE THE FEES OF JAILORS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section 40, chapter one hundred and five, Battle's Revisal, be amended by striking out the words "and shall not be altered within one year thereafter," at the end of said section. Amends chapter 105, sec. 40, Battle's Revisal.

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

Ratified the 21st day of January, A. D. 1875.

## CHAPTER LIV.

AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNMENT OF THE UNITED STATES TO PURCHASE AND HOLD LANDS IN NORTH CAROLINA FOR THE PURPOSE OF A NATIONAL CEMETERY.

May purchase  
land for Cemetery  
at Wilmington.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for the government of the United States, or any person under authority of the same, to purchase a tract, piece or parcel of land situated near the eastern boundary of the city of Wilmington, North Carolina, containing five (5) acres and adjoining the lands of Benjamin White and others, beginning at a point forty-nine and a half ( $49\frac{1}{2}$ ) feet north of the centre of the Wilmington and Topsail Sound Plank Road and five (5) chains and sixty links west of the western edge of Green's mill pond; thence north seven degrees ( $7^\circ$ ) west at right angles with said plank road ten (10) chains to the edge of said mill pond, thence with the western line of said pond to a point forty-nine and a half ( $49\frac{1}{2}$ ) feet north of the centre of said plank road; thence south eighty-three degrees ( $83^\circ$ ) west parallel to said plank road to the beginning, now occupied as a National Cemetery: *Provided*, Said tract or parcel of land shall not exceed ten (10) acres.

Where recorded.

SEC. 2. That all deeds, conveyances or other like papers for the same shall be recorded as in other cases in the office of the register of deeds in which the lands so conveyed may lie, in the same manner and under the same regulations as other deeds and conveyances are now recorded, and in like manner may be recorded a sufficient description by metes and bounds, courses and distances of any tract or tracts or legal divisions of any public land belonging to the United States, which may be set apart by the general government for the purpose before mentioned by an order, patent or other official documents or papers so describing such land.

Exempt from  
taxation.

SEC. 3. That the said lot or parcel of land, together with the tenements and appurtenances for the purpose before

mentioned shall be exempt from taxation by the State of North Carolina.

SEC. 4. That nothing herein contained shall be so construed as to bar or hinder any of the officers of this State from executing any process or levying an execution within the limits of said tract or parcel of land so held and purchased by the government of the United States, in the same manner as if this act had never been passed.

State officers  
may execute pro-  
cess.

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

Ratified the 22d day of January, A. D. 1875.

## CHAPTER LV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-ONE OF LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, FIXING THE WEIGHT OF PACKAGES OF SALTED FISH.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two, of chapter one hundred and seventy-one, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, shall be amended so as to insert the following: That the provisions of said section shall not apply to fishermen themselves or those directly engaged with nets and seines, but shall apply only to merchants and others who may be classed as packers within the proper meaning of the term.

Laws 1873-'74 to  
apply only to  
merchants and  
packers.

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

Ratified the 23d day of January, A. D. 1875.

## CHAPTER LVI.

## AN ACT TO EXTEND THE TIME OF TAKING OUT GRANTS FROM THE STATE.

Time extended  
till December  
31st, 1875.

SECTION 1. *The General Assembly of North Carolina do enact*, That all enterers of vacant lands in the several counties of this State who may be unable to obtain grants from the State on or before the thirty-first of December, one thousand eight hundred and seventy-four, as now required by law, shall have until the thirty-first of December, one thousand eight hundred and seventy-five, in which to have surveys made, and to obtain grants from the State therein.

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

Ratified the 22d day of January, A. D. 1875.

## CHAPTER LVII.

## AN ACT PROVIDING TWO ADDITIONAL TERMS OF THE SUPERIOR COURT FOR THE COUNTY OF WAYNE.

Two additional  
terms provided  
for.

SECTION 1. *The General Assembly of North Carolina do enact*, That in addition to the two regular terms of the Superior Court of Wayne county as now, or hereafter may be provided for, there shall be two other regular terms of said court in each year, to be held for two weeks, unless the business be sooner disposed of, and the said two terms hereby provided for, shall begin respectively on the fourth Monday in January, and the second Monday in July.

Time of holding.

Original or final  
process.

SEC. 2. That no original or final process in civil actions shall be returnable thereto, nor shall any execution or final

process in civil actions issue upon any judgment rendered at said terms until after the next succeeding term.

SEC. 3. That all precepts in criminal actions which have been issued, or which may hereafter issue returnable to the next term of said court as now provided, shall be deemed and held returnable to the next term of said court as fixed by this act, and all persons who have been recognized or summoned as witnesses to appear at the next Superior Court of said county are required to appear at the time prescribed by this act.

Precepts in criminal actions.

SEC. 4. That the judge holding such additional terms shall receive one hundred dollars for each term, and the solicitor attending the same shall be allowed twenty dollars for each term, additional compensation for their services to be paid by the county.

Judge's and Solicitor's compensation.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 25th day of January, A. D. 1875.

## CHAPTER LVIII.

### AN ACT CONCERNING THE WEIGHING OF LINT COTTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any purchaser or weigher of cotton to make any deduction from the weight of any bag, bale or package of lint cotton for or on account of the draft, turn or break of the scales, steelyards or other implement used in weighing the same, or for any other cause except as hereinafter allowed, but said weigher may make a proper deduction as shall be agreed on by him and the seller or his agent, for water, dirt or other such foreign substance in or on such bag, bale or package of cotton, or for other just cause.

Deductions from weight forbidden.

Weigher's oath.

SEC. 2. Every public weigher of cotton in this State shall, before entering on the duties of his office, make and subscribe the following oath before some person entitled to administer it, viz: I, ———, public weigher for the city of ———, (or as the case may be), do solemnly swear that I will justly, impartially and without any deduction except as may be allowed by law, weigh all cotton that may be brought to me for that purpose, and tender a true account thereof to the parties concerned if required so to do: So help me God. Such oath, when made, shall be filed in the office of the register of deeds for the county in which the person acts as weigher, and said register shall make a note of the same, and any person acting as weigher without making and filing the above or some equivalent oath, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace, be fined twenty-five dollars for every bag, bale, or package of cotton [weighed] weight.

Filed with Register.

Penalty.

SEC. 3. Any person violating the first section of this act shall, on conviction before any judge of the Superior Court of this State, be fined three hundred dollars for every offence.

SEC. 4. This act shall be in force from and after March first, one thousand eight hundred and seventy-five.

Ratified the 27th day of January, A. D. 1875.

## CHAPTER LIX.

### AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS IN THE THIRD JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the terms of the Superior Courts in the counties composing the third judicial district shall begin at the times following, to-wit: Greene, second Monday in March

Greene.

and September; Jones, second Monday after the second Monday in March and September; Craven, fourth Monday after the second Monday in March and September; Wayne, sixth Monday after the second Monday in March and September; Lenoir, eighth Monday after the second Monday in March and September; Wilson, tenth Monday after the second Monday in March and September; Pamlico, twelfth Monday after the second Monday in March and September.

SEC. 2. That all precepts and other legal proceedings in civil and criminal actions which have been already issued, or which may be hereafter issued returnable to the next term of the Superior Courts of said counties as heretofore provided by law, shall be returnable to the next term of said courts as fixed by this act, and all persons who have been recognized or summoned to appear, or who shall hereafter be recognized or summoned to appear at the next term of said courts as heretofore provided by law, are required to appear at the time prescribed by this act.

SEC. 3. This act shall take effect from and after the first day of January, one thousand eight hundred and seventy-five.

Ratified the 27th day of January, A. D. 1875.

Jones.  
Craven.  
Wayne.  
Lenoir.  
Wilson.  
Pamlico.

Precepts when  
returnable.

## CHAPTER LX.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF GASTON COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Gaston county are hereby authorized and empowered to levy and collect a special tax, not to exceed one-third of one per cent. on every one hundred dollars' worth of real and personal property, and a tax on each taxable poll in said county, an amount equal to the

Special tax.

tax on three hundred dollars' worth of property, for the purpose of paying the expense incurred in rebuilding and furnishing a court-house in said county.

SEC. 2. That said county commissioners shall levy and collect the taxes mentioned in this act at the same time and in the same manner as other county taxes for the year one thousand eight hundred and seventy-five.

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

Ratified the 29th day of January, A. D. 1875.

## CHAPTER LXI.

### AN ACT FOR THE PROTECTION OF MAGISTRATES AND OTHER PERSONS.

Preamble.

WHEREAS, Chapter forty-nine, Battle's Revisal, entitled "Forcible Entry and Detainer," has been construed by certain magistrates to confer upon them jurisdiction to hear and determine complaints thereunder; *and whereas*, in an honest endeavor to discharge what they believed to be their duty in the premises, they have exercised jurisdiction in pursuance of the provisions of said act; *and whereas*, under a recent decision of the Supreme Court of the State of North Carolina said chapter is declared unconstitutional, and the said magistrates and other persons acting in pursuance of the orders of said magistrates are held liable for criminal prosecution for what they believed to be law; therefore,

Magistrates and others not liable to indictment.

SECTION 1. *The General Assembly of North Carolina do enact*, That all magistrates who have taken jurisdiction for the purpose of determining the rights of parties under chapter forty-nine, Battle's Revisal, entitled "Forcible Entry and Detainer," and all persons acting under and in pursuance of the orders, judgments and directions of such magistrates,

shall not be held liable upon indictment or prosecution for their actions in the premises nor for civil damages upon the suit of any party who may have been dispossessed of his property under such proceedings: *Provided*, That this act shall not be construed to apply to officers or persons who shall have wilfully abused the person or property of another under such orders or directions.

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

Ratified the 29th day of January, A. D. 1875.

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## CHAPTER LXII.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER THIRTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter thirty-three, of Battle's Revisal, be amended by inserting after section sixty-seven the following additional section, viz: 67 a. The defendant may be charged in the same indictment in several courts with the separate offences of receiving stolen goods knowing them to be stolen, and larceny.

Chapter 33, Battle's Revisal amended.

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

Ratified the 3d day of February, A. D. 1875.

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## CHAPTER LXIII.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN THE COUNTIES OF FRANKLIN AND GRANVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the dividing line between the counties of Granville and Franklin on the south side of Tar river, shall be changed as follows: Begin on the south bank of Tar river

Dividing line changed.

at the point where the old dividing line between said counties crosses said river, thence up the said river about three miles to a black-gum, at the high rock, one hundred yards above the point where Fort creek empties into said river, and near Kearney's old mill, thence south twenty-three degrees west, seven miles one hundred and ten yards, to a red oak in the road near A. S. Gill's store, thence south four miles to the Wake line, thence with the Wake line to what was formerly the southwestern corner of Franklin county, and all that portion of Granville county cut off by the line herein established be and the same is hereby attached to and shall constitute and form a portion of the county of Franklin.

Franklinton  
Township.

SEC. 2. The said territory until otherwise ordered by the board of commissioners of Franklin county shall constitute a part of Franklinton township, and all the electors residing in said territory at all elections hereafter held at which the electors of Franklin county shall be entitled to vote, shall be allowed and are hereby authorized to vote at Franklinton, in Franklinton township, or at any other place established by law for holding the election in said township, until a new township shall be established by the board of commissioners of Franklin county.

Registrar duties of.

SEC. 3. Any registrar of said township who shall refuse to register any qualified elector residing in said territory, shall be guilty of a misdemeanor, and on conviction in the Superior Court of Franklin county shall be fined not less than one hundred dollars and imprisoned not less than thirty days; and any judge of election or poll-holder in said township who shall refuse to allow any qualified elector residing in said territory to vote at any election at which the voters residing in other portions of said township shall be entitled to vote, shall be guilty of a misdemeanor, and on conviction in the Superior Court of Franklin county shall be fined not less than one hundred dollars, and imprisoned not less than thirty days.

Penalty on tax  
collector.

SEC. 4. Any officer or person other than the officer lawfully authorized or appointed to collect taxes in the county

of Franklin, or his deputy, who shall attempt to collect any tax or taxes, or who shall demand the payment of any tax or taxes of any one of the residents within said territory, for any persons who shall demand of any one of the residents within said territory the payment of any tax or taxes on any poll residing within said territory or on any property situated within said territory other than the tax or taxes required and authorized by law on the poll and property situated in the county of Franklin, shall be guilty of a misdemeanor, and on conviction in the Superior Court of Franklin county, shall be fined not less than two hundred dollars, and imprisoned not less than thirty days, and shall moreover forfeit and pay the sum of five hundred dollars to any one who shall sue for the same, to be recovered in the Superior Court of Franklin county: *Provided*, The foregoing shall not apply to the collection of taxes due the United States government.

SEC. 5. In all cases where letters testamentary or letters of administration have been issued by the Probate Court of Granville county before the passage of this act, and where guardians have been appointed by said court before the passage of this act, said court shall, notwithstanding the passage of this act, retain jurisdiction of all such cases.

Letters testamentary.

SEC. 6. The county of Franklin by its board of commissioners shall assume the proportion of the debt of Granville county, existing after the application of all the taxes to which the residents of said territory paid their part to the reduction of said debt, for which the residents of said territory would be liable, taking the value of the property within the boundaries herein mentioned, relative to the aggregate value of the property of Granville county as the basis. J. S. Amis, of Granville county, and J. J. Davis, of Franklin county, are hereby appointed commissioners to ascertain and determine the just proportion of the debt of Granville county to be assumed by the county of Franklin, and in case of disagreement on their part, or in case they shall fail to determine this matter on or before the first of January,

Proportion of debt.

Commissioners.

one thousand eight hundred and seventy-six, or in case the county of Franklin shall refuse or fail on or before that day to assume the payment of the sum thus due, then and in that case it shall be competent for the board of commissioners of Granville county to proceed to have the matter determined by a suit in the Superior Court of Warren county, against the board of commissioners of Franklin county: *Provided, however,* That nothing in this section shall be construed as a condition precedent to the annexation of said territory to the county of Franklin; but said territory shall be and is a part of the county of Franklin for any and all purposes: *Provided further,* That the sheriff of Granville county shall be allowed to collect arrears of taxes due him by the citizens of the territory proposed to be severed from the county of Granville.

Proviso.

Proviso.

SEC. 7. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

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

Ratified the 3d day of February, A. D. 1875.

## CHAPTER LXIV.

### AN ACT FOR THE RELIEF OF THE SURETIES OF JOHN L. HARRIS, LATE SHERIFF OF PERSON COUNTY.

To collect arrear-  
ages of taxes.

SECTION 1. *The General Assembly of North Carolina do enact,* That the sureties of John L. Harris, late sheriff of Person county, be and the same are hereby authorized and empowered to collect all arrears of taxes due for the years one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, under such rules and regulations as are now prescribed by law for the regular collection of taxes, or

which may hereafter be prescribed by law; and the power and authority hereby granted shall cease on the first day of January, Anno Domini one thousand eight hundred and seventy-six.

SEC. 2. That all laws in conflict with this act are hereby repealed: *Provided*, That no executor or administrator shall be compelled to pay any such arrears of taxes.

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

Ratified the 3d day of February, A. D. 1875.

## CHAPTER LXV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWO, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, CONCERNING CLARK'S CREEK AND MAIDEN CREEK, IN THE COUNTIES OF LINCOLN AND CATAWBA.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of chapter one hundred and two, public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out the names "John Hillian, Sr.," and "Joseph H. Bost," and inserting in lieu thereof the names "M. M. Wilson" and "Henry Rudisill."

SEC. 2. That section three of said act be amended so as to read as follows: That said commissioners shall estimate the number of acres of bottom land belonging to each land owner in their respective counties and lying within one half mile of the main channels of said creeks, whether said bottom lands be immediately on said creeks or on tributaries running into them, and shall furnish each overseer with a copy of the estimate for his section, and said land owners when

Commissioners to estimate lands.

required, after five days' notice by the overseer, shall each furnish one efficient hand with appropriate tools, for every ten acres of bottom land so estimated, and in that proportion (one to ten) for any less or greater number of acres, and on failing to do so shall forfeit and pay two dollars for each failure, which may be recovered by said overseer by warrant as in cases of failure to work on public roads; and it shall be the duty of each overseer, with the hands so provided, to work not less than four nor more than twenty-four days, at the discretion of the commissioners in each and every year on the channels of said creeks, with power to straighten the same when necessary within the bounds of their respective sections, to remove obstructions and to improve the banks thereof, under such directions as said commissioners may prescribe.

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

Ratified the 2d day of February, A. D. 1875.

## CHAPTER LXVI.

AN ACT TO PROVIDE FOR TWO ADDITIONAL TERMS OF THE SUPERIOR COURT FOR THE COUNTY OF MECKLENBURG.

Four terms.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be four regular terms of the Superior Court held annually for the county of Mecklenburg, to commence respectively on the last Monday in February, on the eighth Monday after the fourth Monday in March, on the last Monday in August, and on the eighth Monday after the fourth Monday in September.

Term.

SEC. 2. That the said several terms of the said court shall each continue for the space of two weeks, unless the business thereof shall be sooner disposed of.

SEC. 3. That the judge holding the terms of the said court commencing on the last Monday in February and August shall be entitled to receive compensation at the rate of one hundred dollars per week for his services, to be paid by the treasurer of the county upon the certificate of the clerk of said court, stating the number of days occupied by the judge in holding said term. Judge's compensation.

SEC. 4. That no original or final process in civil actions be returnable to the terms of said court commencing on the last Monday in February and on the last Monday in August, nor shall any execution or final process in civil actions issue upon any judgment rendered at said terms until after the next succeeding term. Process and judgments.

SEC. 5. That all precepts in criminal actions which have been issued, or which may hereafter issue, returnable to the next term of the said court, as now provided by law, shall be deemed and held returnable to the next term of the court as fixed by this act, and all persons who have been recognized or summoned as witnesses to appear at the next Superior Court of said county are required to appear at the next term provided by this act. Precepts in criminal actions.

SEC. 6. That the Secretary of State is hereby required to furnish to the Superior Court of Mecklenburg county a copy of this act. Copy furnished.

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

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

Ratified the 30th day of January, A. D. 1875.

## CHAPTER LXVII.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY TO SUBSCRIBE TO THE CAPITAL STOCK OF THE YADKIN RAILROAD COMPANY.

\$100,000.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of county commissioners of Rowan county be and they are hereby authorized to subscribe for the county of Rowan the sum of one hundred thousand dollars to the capital stock of the Yadkin Railroad Company to aid in the completion of a railroad from Salisbury, in the county of Rowan, to Wadesboro', in the county of Anson.

May issue bonds.

SEC. 2. That to provide for the payment of said subscription of one hundred thousand dollars mentioned in the next preceding section, the county commissioners of Rowan county shall make and issue coupon bonds to the amount of one hundred thousand dollars in denominations of not less than five hundred dollars and not more than one thousand dollars, and that the coupons of said bonds shall be received in the payment of county taxes when said coupons become due.

How signed.

SEC. 3. That said bonds shall be signed by the chairman of the board of county commissioners of Rowan county and countersigned by the clerk of the board of commissioners of said county, and shall bear interest at the rate of six per centum per annum, interest to be paid annually.

Principal when payable.

SEC. 4. That the principal of said bonds so issued shall be payable as follows, to-wit: four thousand dollars on the first day of April, one thousand eight hundred and eighty, and four thousand dollars on the first day of April of each succeeding year thereafter until all are paid.

Taxes.

SEC. 5. That the board of county commissioners of said county shall levy and collect the necessary taxes to pay the principal and interest of said bonds as the same shall fall due, and in the same manner as other taxes are levied and collected.

SEC. 6. That when said bonds are issued twenty thousand dollars of them shall be delivered to the president and board of directors of the Yadkin Railroad Company at or before the expiration of sixty days from the ratification of this act by the qualified voters of Rowan county; twenty thousand more when ten miles of the said road is graded, commencing at Salisbury, and twenty thousand for each additional ten miles when graded, until all of said bonds are delivered. When delivered

SEC. 7. That the president and board of directors of said Yadkin Railroad Company shall issue to the board of county commissioners of Rowan county a certificate of stock equivalent to the amount of bonds delivered at par value of said bonds, and that the county commissioners of Rowan county be empowered to appoint one of their number or some other suitable person to represent the county of Rowan in the meetings of the stockholders of the said Yadkin Railroad Company. Certificate of stock.

SEC. 8. That the board of county commissioners of Rowan county shall hold an election on the thirteenth day of May, one thousand eight hundred and seventy-five, for the purpose of ascertaining the sense of the qualified voters of Rowan county as to whether they will subscribe the aforesaid sum of one hundred thousand dollars, having first given three months' notice of said election by public advertisement posted at the court-house door in the town of Salisbury, and at one or more places in each township in said county, and also in the "Salisbury Watchman" and "Salisbury Intelligencer," weekly newspapers published in the said town of Salisbury, which said advertisements in said newspapers shall contain a copy of this act. Election.

SEC. 9. That said election shall take place and be conducted under the law as prescribed for the election of members of the General Assembly, and those voting for the subscription and issue of said bonds shall vote on a written or printed ticket "Subscription," and those voting against said subscription and issue of said bonds shall vote "No Subscription." How conducted

Penalty for fail-  
ing of Commis-  
sioners.

SEC. 10. That if said board of commissioners shall fail to order said election mentioned in the section nine of this act, or shall refuse to issue said bonds after the qualified voters of the said county shall vote for said subscription, then and in that case they and each of them shall be deemed guilty of a misdemeanor and shall be fined not less than one thousand dollars or imprisoned not less than six months, in the discretion of the court.

Proviso.

SECTION 11. That this act shall take effect from and after its ratification: *Provided*, That the provisions herein contained requiring the board of county commissioners of said county to subscribe one hundred thousand dollars and to issue bonds for said amount, and for levying taxes for the payment of the principal and interest of said bonds, shall have no force or effect until ratified by a majority of the qualified voters of said county who shall vote at the election mentioned in section eight of this act: *And provided further*, That this act shall not be in force and binding on said county till the county commissioners of Stanly county shall, in accordance with the existing law, subscribe fifty thousand dollars to the capital stock of the Yadkin Railroad Company and the said subscription be duly approved by a majority of the qualified voters of Stanly county: *And provided further*, That one hundred thousand dollars shall be subscribed to the capital stock of the Yadkin Railroad Company by individuals, corporations or otherwise, in addition to what has already been subscribed and five per centum of the individual subscription paid in after such ratification. This act shall be in force provided the county commissioners of Rowan and Stanly counties shall deem the said subscription solvent.

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXVIII.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD FROM BOONE, WATAUGA COUNTY, TO THE CALDWELL AND WATAUGA TURNPIKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a public road, commencing in or near the town of Boone, in Watauga county, thence the most practicable route to the Caldwell and Watauga turnpike, so as to intersect said turnpike at or near the top of the Blue Ridge, between William Morris' and Loany Henley's. Public road established.

SEC. 2. That the said road shall be made twenty feet wide, except where there shall be side cuttings, and in such places it shall be sixteen feet wide, and in no part of the road shall it rise on ascending any hill or mountain more than one foot in sixteen, and to be well made as herein directed. Width.

SEC. 3. That D. B. Dougherty, Nathan Horton and Thomas J. Coffey be appointed to engineer and locate said road, who shall, before entering upon their duties, take an oath before the chairman of the board of commissioners of Watauga county to faithfully discharge their duties for the best interest of their county. Engineers.

SEC. 4. That if the owners of any lands through which said road shall pass shall consider himself, herself or themselves injured thereby, it shall be competent for each person or persons by petition to the county commissioners of the county praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the commissioners to order such jury to be summoned by the sheriff of the county, as in cases of such public roads, and it shall be the duty of the jury to take into consideration the benefit to the land as well as the injury by making such road, and on report of the jury made to and confirmed by Parties injured.

the commissioners, the damage shall be paid by the county.

Damages.

SEC. 5. That if any person or persons shall claim damages and call for a jury to assess them, and none are found, the person or persons so calling shall defray all the expenses in the case.

County Commissioners may call out hands

SEC. 6. That the county commissioners of the county shall have power to call out all hands of the county liable to work on public roads under existing laws at such times and for such length of time as will not materially conflict with working crops, to construct the road.

Limit.

SEC. 7. That no person shall be required to work on said road more than thirty days in any one year.

When constructed report to.

SEC. 8. That when said road provided for in this act has been constructed as herein provided, it shall be the duty of the township board of trustees through whose township said road runs to receive the same and report to the county commissioners that said road has been constructed according to law.

Compensation of engineers.

SEC. 9. That the per diem of said engineers appointed to engineer and locate said road, shall be fixed by the board of county commissioners and paid by the county: *Provided*, That nothing herein contained shall be so construed as to prevent the board of county commissioners from exercising their own discretion as to the number of hands ordered to work on said road, and the time when said work shall commence.

Proviso.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXIX.

AN ACT TO ALLOW THE WILMINGTON AND WELDON RAILROAD COMPANY TO EXECUTE THE PROVISIONS OF THE FOURTH SECTION OF CHAPTER FORTY-TWO OF THE ACT OF THE GENERAL ASSEMBLY, PASSED AT ITS SESSION OF ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX, WHICH AUTHORIZES THE CONSOLIDATION OF THE HALIFAX AND WELDON RAILROAD COMPANY WITH THE WILMINGTON AND RALEIGH RAILROAD COMPANY.

WHEREAS, By an act of the General Assembly of North Preamble.  
Carolina, passed at its session held on the third Monday of November, one thousand eight hundred and thirty-six, it was enacted that the stockholders of the Halifax and Weldon Railroad Company might subscribe their stock upon the books of the company, then styled the Wilmington and Raleigh Railroad Company, but now the Wilmington and Weldon Railroad Company, upon such terms as might be stipulated between the stockholders in said Halifax and Weldon Railroad Company and the president and directors of said Wilmington and Raleigh Railroad Company; and that so soon as said subscription may be made the said Halifax and Weldon Railroad Company should cease as a corporation, and thenceforward be deemed a part of the Wilmington and Raleigh Railroad; and it was provided by section four of said act that the assent of the said Wilmington and Raleigh Railroad Company and Halifax and Weldon Railroad Company to the subscription of the stock as aforesaid, evidenced by a paper writing under the hands and seals of the president and directors of the said corporations, shall be made matter of record, by registering the same in the register's office of Halifax county, and recording it in the office of the Secretary of State: *And whereas*, although the consolidation of said railroads was accomplished in the manner prescribed on or about the twentieth day of February, one thousand eight hundred and thirty-seven, and ever since that time the said Halifax and Wel-

don Railroad has been deemed to all intents and purposes a part of said Wilmington and Weldon Railroad, yet by neglect of the proper authorities the writing evidencing the same has never been made matter of record in the manner required; and there remains as evidence of said consolidation only the proposed terms thereof, made on behalf of the stockholders of said Halifax and Weldon Railroad Company about the fourteenth day of February, one thousand eight hundred and thirty-seven by S. Whitaker, A. Joyner and James Holiday, they being duly appointed for that purpose, to the said Wilmington and Raleigh Railroad Company, and the acceptance by the Wilmington and Raleigh Railroad Company of the terms proposed on or about the twentieth day of said month; now therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the Wilmington and Weldon Railroad Company are hereby allowed to cause the writing containing said terms of consolidation proposed by the Halifax and Weldon Railroad Company, together with the proceedings of the Wilmington and Raleigh Railroad Company in accepting the same, to be registered in the register's office of the county of Halifax, and recorded in the office of the Secretary of State.

Proceedings to be registered.

SEC. 2. *Be it further enacted*, That a copy of said terms proposed by the Halifax and Weldon Railroad Company, and the proceedings had thereon by the Wilmington and Raleigh Railroad Company, subscribed by the President and duly certified under the seal of the latter company, shall be deemed sufficient evidence to allow of the registering and recording of the same as directed by the said act of one thousand eight hundred and thirty-six, and for all purposes shall be deemed of the same force and effect as if the said act had been complied with in all respects, and that the fees for the same shall be paid by said company.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXX.

AN ACT TO AMEND SECTION ONE, CHAPTER SIXTY-TWO, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, OF AN ACT ENTITLED AN ACT TO PROHIBIT THE SALE OF COTTON WITHIN CERTAIN HOURS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter sixty-two, of laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled an act to prohibit the sale of cotton within certain hours, ratified twenty-seventh January, Anno Domini one thousand eight hundred and seventy-four, be amended so as to read as follows: "That it shall be unlawful for any person or persons to buy, sell, deliver, or receive for a price, or any reward whatever, any cotton in the seed or any unpacked lint cotton, brought or carried in a basket, hamper or sheet, or in any way where the quantity is less than is usually baled, or is not baled, between the times of sunset and sunrise.

Unlawful to buy, sell, or deliver less than a bale between sunset and sunrise.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXI.

AN ACT TO GIVE JUSTICES OF THE PEACE JURISDICTION OF CIVIL ACTIONS IN THE NATURE OF FORCIBLE ENTRY AND DETAINER.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all civil proceedings under chapter forty-seven, Battle's Revisal, commenced before a justice of the

No plea except under oath.

peace, no plea of title shall be put in except under oath ; and that in such case the justice instead of dismissing the action shall bind the parties over to the Superior Court and return his proceedings to that court.

Duty of clerk.

SEC. 2. That it shall be the duty of the clerk of the Superior Court to whom such proceedings may be returned, to place the same upon the civil issue docket, to be proceeded with as though the action had been taken up by appeal from the court of a justice of the peace.

SEC. 3. This act shall take effect from the date of its ratification.

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXII.

AN ACT AUTHORIZING THE MAKING A TURNPIKE ROAD IN THE COUNTY OF HAYWOOD.

Commissioners.

SECTION 1. *The General Assembly of North Carolina do enact*, That William W. Rhea, W. B. Noland, A. J. Ferguson, Samuel Ferguson and W. C. Hill be and they are hereby appointed commissioners with power and authority to open books and receive subscription to the amount of one thousand dollars, which sum shall constitute capital stock of the company incorporated for the purpose of making and keeping in repair a turnpike road, commencing at the Tennessee line, at or near a point known as Mock's Patch, on the camel trail, in the county of Haywood, running thence the nearest and most practicable way to intersect the Western turnpike road in said county, the said road to be when completed of the following dimensions, that is to say, sixteen feet wide, clear of obstructions, except when side cutting is necessary, in which case the road shall be twelve feet wide, all necessary bridges shall be twelve feet wide. The

grade of the road when completed shall not raise more than one foot in sixteen.

SEC. 2. The above named road shall consist of three divisions: From the Tennessee line to Fines Creek shall compose the first division; from Fines Creek to Crabtree Creek shall compose the second division; from Crabtree Creek to the Western turnpike road shall compose the third division. Three divisions.

SEC. 3. That the aforesaid capital stock be divided into shares of ten dollars each, and it shall be the duty of the commissioners to notify the stockholders by advertisement to require their attendance at such times and places as they may designate, and if the stockholders holding a majority of the shares subscribed shall attend such general meeting, it shall and may be lawful for the stockholders to appoint a president, treasurer and three directors for the term of one year and until the next general meeting of the stockholders, and the president and directors when so appointed and their successors in office shall constitute a body politic and corporate in law, by the name and style of the Rich Mountain Turnpike Company, may sue and be sued, plead and be impleaded before any court of record or any justice of the peace in said county, and as such shall have perpetual succession, and have a common seal, and have all other power and right to incorporate companies which may be necessary to carry into effect the object of this incorporation. Shares of stock.

SEC. 4. That the number of votes to which each stockholder shall be entitled according to the number of shares he shall hold. Votes.

SEC. 5. That the owners of a majority of the shares subscribed shall have power to appoint commissioners to lay off and make the location of the road and make all necessary by-laws for the government and regulations of the said company, and the officers thereof, and shall have authority at any time to remove from office the president and directors of said company or any of them, and to appoint officers in their stead, and shall from time to time in gene- Commissioners to lay off, &c.

ral meeting, make all necessary rules and regulations as deemed necessary for the management of the affairs of the company not inconsistent with the by-laws of the stockholders, which shall be in force until the next general meeting. It shall be the duty of the president to make a full and fair statement of the affairs of the company to each meeting of the stockholders, unless otherwise ordered, and employ such agents and officers as the company may require.

Treasurer.

SEC. 6. That it shall be the duty of treasurer to receive all moneys due the company and keep a fair account of the same, and perform all such duties as may be from time to time assigned to him by the stockholders.

Stock.

SEC. 7. That the stockholders at their first general meeting fix on the terms and proportion in which stock subscribed shall be paid and shall have power to declare the stock of delinquent stockholders forfeited.

Toll gates, &c.

SEC. 8. And when the first division of said road shall be completed as heretofore by this act directed, it shall and may be lawful for the company to erect a toll-gate at some convenient place on first or mountain division of said road and demand and receive the following toll, that is to say: for every loose horse, five cents, and for every man and horse, ten cents, for every head of cattle three cents, for every head of hogs and sheep two cents, for every buggy twenty-five cents, for every one-horse wagon or cart twenty cents, for every two horse wagon twenty-five cents, for every three horse wagon forty cents, for every four horse wagon fifty cents, for every five horse wagon sixty cents, and for every six horse wagon seventy-five cents.

Commissioners  
to receive road.

SEC. 9. That before the toll shall be collected as aforesaid the commissioners of Haywood county shall appoint three commissioners for the purpose of viewing and receiving and seeing that said road is made in accordance with above named act.

Avoiding pay-  
ment of toll.

SEC. 10. That if any person or persons shall go round said gate for the purpose of avoiding payment of toll on said road, shall forfeit and pay the sum of five dollars, to be re-

covered before an acting justice of the peace of said county, and when collected shall be paid into the treasurer of said company.

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

Ratified the 9th day of February, A. D. 1875.

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### CHAPTER LXXIII.

AN ACT TO AMEND CHAPTER NINETY-EIGHT, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter ninety-eight, public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended as follows: after the word "misdemeanor" in the fifth line of section one, insert the words "and any felony not capital."

SEC. 2. That in the title of said chapter the word "misdemeanor" be stricken out and the words "criminal offence" be inserted instead.

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

Ratified the 9th day of February, A. D. 1875.

## CHAPTER LXXIV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FIVE,  
PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEV-  
ENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEV-  
ENTY-FOUR.

Strike out Gland  
and insert Island.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and fifty-five, public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended as follows: In section one, after the word "misdemeanor," in the fifth line, insert the words "or any felony not capital;" strike out the word "Gland" whenever it may occur in said chapter and insert the word "Island."

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

Ratified the 9th day of February, A. D. 1875.

## CHAPTER LXXV.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS  
OF HYDE AND DARE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the regular terms of the Superior Courts of the county of Hyde shall be held on the sixteenth Mondays after the second Mondays in January and July in each year, instead of on the fourteenth Mondays, as now provided, and that the regular terms of the Superior Court for the county of Dare shall be held on the eighteenth Mondays in January and July in each year, instead of on the sixteenth Mondays, as now provided.

SEC. 2. That all precepts, recognizances and other legal proceedings in civil and criminal cases which have been already issued and had, or which may be hereafter issued and had, returnable to next term of the Superior Court of either of said counties of Hyde and Dare, as now provided, shall be held returnable to the next term of said courts as fixed by this act, and all persons who have been recognized, or bound, or summoned to appear at the next term of the Superior Court for either of said counties of Hyde or Dare, are hereby required to appear at the time prescribed by this act.

Precepts, &c., to be returned to next term.

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

Ratified the 9th day of February, A. D. 1875.

## CHAPTER LXXVI.

AN ACT TO ALTER AND AMEND SECTION THREE HUNDRED AND SIXTY-EIGHT OF CHAPTER SEVENTEEN OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three hundred and sixty-eight, of chapter seventeen, of Battle's Revisal, be amended so as to read as follows: When an action shall be brought by the Attorney General by virtue of this chapter on the relation or information of a person having an interest in the question, the name of such person shall be joined with the State as plaintiffs, and in every such case the Attorney General shall require as a condition for bringing such action, that satisfactory security shall be given to indemnify the State against the costs and expenses to be incurred thereby, and such security shall be given before the commencement of the action, and in every case when such security is given, the measure of the compensation to be paid by such person

Security to be given.

or persons to the Attorney General shall be left to the agreement of the parties express or implied.

SEC. 2. That when any such action has been commenced and is now pending in any of the courts of this State, the individual relator or relators in such action shall give satisfactory security, as is required in the first section of this act; and in case of failure by the relator or relators to give such securities at or before the next term of the Court in which such action may be pending, which may be held after the passage of this act, then such action shall be dismissed on motion of defendant or defendants therein.

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

Ratified the 9th day of February, A. D. 1875.

## CHAPTER LXXVII.

### AN ACT CONCERNING FENCES IN IREDELL AND CERTAIN OTHER COUNTIES.

Law of 1872-'73  
extended to cer-  
tain counties.

SECTION 1. *The General Assembly of North Carolina do enact*, That the provisions of chapter one hundred and ninety-three (193) of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled an act relating to fences and further protection of crops, which was ratified on the third day of March, Anno Domini one thousand eight hundred and seventy-three, be and the same are hereby, so far as the said provisions are applicable, extended to the counties of Iredell, Caswell, Cleveland, Bertie, Chowan, Gates, Hertford, Perquimans, Pasquotank, Camden, Currituck, Gaston, Anson, Transylvania, Burke, Union, Wayne, Richmond, Randolph, Washington, Sampson, Johnston and Tyrrell.

SEC. 2. That the election mentioned in section seven (7) Election ordered. of said act, shall be ordered by the county commissioners of Iredell, Caswell, Cleaveland, Bertie, Chowan, Gates, Hertford, Perquimans, Pasquotank, Camden, Currituck, Gaston, Anson, Transylvania, Burke, Union, Wayne, Richmond, Randolph, Washington, Sampson, Johnston and Tyrrell counties, for any township in said counties, or either of them, whenever written application therefor shall be made to said commissioners or the commissioners of either of said counties by twenty-five (25) persons of said township: *Provided*, That this act shall not be construed Proviso. to authorize any election for the whole counties of Iredell, Caswell, Cleaveland, Bertie, Chowan, Gates, Hertford, Perquimans, Pasquotank, Camden, Currituck, Gaston, Anson, Transylvania, Burke, Union, Wayne, Richmond, Randolph, Washington, Sampson, Johnston and Tyrrell, or either of them, such as is provided for in section five (5) of said act, but only for separate townships, as provided in section seven (7) aforesaid.

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

Ratified the 12th day of February, A. D. 1875.

## CHAPTER LXXVIII.

AN ACT TO AMEND CHAPTER TWELVE, BATTLE'S REVISAL, CONCERNING BUILDING ASSOCIATIONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter twelve (12), section five (5), Battle's Revisal, be amended by adding at the close of said section the following proviso: *Provided*, That any association that Proviso. has been or may be organized under this chapter shall be and they are hereby authorized and empowered to establish

one or more additional class or classes of shares, under such rules and regulations and restrictions for issuing, paying and redeeming the same as to them shall appear expedient and proper, not inconsistent with the general provisions of this chapter, or laws of North Carolina.

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

Ratified the 11th day of February, A. D. 1875.

## CHAPTER LXXIX.

AN ACT TO REPEAL SECTION SEVENTEEN, OF CHAPTER ONE HUNDRED AND TWELVE, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section seventeen, of chapter one hundred and twelve, of Battle's Revisal, be and the same is hereby repealed.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 12th day of February, A. D. 1875.

## CHAPTER LXXX.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE WITHIN CABARRUS AND CERTAIN OTHER COUNTIES.

Cabarrus, Mecklenburg, Catawba, Rowan, Rockingham.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any live stock to run at large within the counties of Cabarrus, Mecklenburg, Catawba, Rowan or Rockingham, or within any township of said

counties, upon the qualified voters in any of the said counties or townships adopting the provisions of this act as hereinafter provided,

SEC. 2. That this act shall not be in force in any of said Lawful fence. counties or townships until a good and lawful fence has been erected around its boundaries with gates on all the public roads where they intersect the surrounding fence: *Provided*, That it shall be a misdemeanor for the citizens of any county or township so fenced to allow their stock to run at large in the counties or townships not accepting the provisions of this act, that this proviso shall not apply to persons owning fifty or more acres of land in townships not fenced.

SEC. 3. That upon the written application of two hundred voters of any of said counties the commissioners thereof shall immediately order an election for the adoption of this act by said county; and two or more adjacent counties, each for itself, having adopted this act may unite and enclose their territory with a common fence; the commissioners of each county having charge of erecting the fences and gates along its boundary and the control of the same after they are erected. Election how ordered.

SEC. 4. That upon the written application of one fourth Election. of the voters of any township in either of said counties the county commissioners of such county shall immediately order an election to be held in said township for the adoption of this act; and any two or more adjacent townships may enclose their territory under a common fence: *Provided*, Proviso. That in the counties of Cabarrus and Mecklenburg any township wherein chapter one hundred and ninety-three of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three has not been adopted, may have an election for adoption of this act upon application as aforesaid of twenty-five freeholders: *And provided further*, No such election shall be ordered more than once in twelve months in any of said

counties or townships mentioned in the first section of this act.

Election how held.

SEC. 5. That said election shall be held in accordance with the existing election law, at the time of said election, as near as may be, after giving thirty days' notice of said election at three or more public places in said county or township as the case may be; at which election each qualified voter of the county or township proposing to adopt this act shall be entitled to cast one ballot upon which shall be printed or written "Adoption" or "Rejection;" and if the commissioners of the county, the returns having been made to and examined by them, shall declare that a majority of the votes cast at said election were for "Adoption," then the provisions of this act shall be in full force and effect in said county or township, as it may be, upon the erection of the gates and fences herein provided for.

To whom this act shall apply.

SEC. 6. That any person owning land in a township which does not adopt, and adjoining one which does adopt this act, may have his land adjacent to the township adopting this act enclosed under the fence built in pursuance of such adoption, and the county commissioners shall proceed in the erection of gates and in all other respects as if the fence followed township boundaries, and said adjacent and enclosed land shall be subject to all the provisions of this act as if it were a part of the township with which it is enclosed.

Land condemned

SEC. 7. That if the owner of any land shall object to the building of a fence herein allowed, his land not exceeding twenty feet in width shall be condemned for the fence worm or way as land is now condemned for railroad purposes: *Provided*, That no fence shall divide any tract of land against the consent of the owner, but may follow the boundary line thereof: *Provided further*, That where a public highway divides a tract of land and is also a county or township boundary the fence may follow the highway as far as it constitutes such boundary, even against the consent of the owner of the land so divided.

SEC. 8. That the county commissioners shall have the exclusive control of erecting and repairing the fences and gates herein provided for and the appointment of such keepers for the same as they deem proper, and are hereby granted plenary powers for that purpose, to be exercised in such manner as they deem best.

SEC. 9. That for the purpose of the next preceding section Special tax. the county commissioners may levy and collect as other taxes a special tax upon all property and polls taxable by the State and county, within the township or county which may adopt this act, and any person wilfully refusing to pay the same shall be deemed guilty of a misdemeanor.

SEC. 10. That any person wilfully permitting his live Live stock at large. stock to run at large within any of said counties or townships adopting this act shall be deemed guilty of a misdemeanor.

SEC. 11. That it shall be lawful for any person to take Taking up live stock. up any live stock running at large within any township wherein this act is in force and impound the same within the township wherein said stock is taken up, and such impounder may demand fifty cents for every animal so taken up, and twenty-five cents for every head for each day such stock is kept impounded, and may retain the same, with rights to use it under proper care, until all legal charges for impounding said stock, and for damages caused by the same, are paid.

SEC. 12. That if the owner of said stock be known to such Stock impounded impounder, he shall immediately inform such owner where his stock is impounded, and if said owner shall for two days after such notice wilfully refuse or neglect to redeem his stock, then the impounder shall, after ten days' written notice, posted at three or more public places within the township where said stock is impounded, describing the same and stating place, day and hour of sale, or if the owner be unknown, after twenty days' notice in the same manner, and also at the court-house door, sell the said stock at public auction, and apply the proceeds in accordance with the

next preceding and succeeding sections, and the balance he shall turn over to the owner if known, and if the owner be not known, to the trustees of the township in which said stock is impounded, for the benefit of the free schools therein, subject in their hands, for six months, to the call of legally entitled owner.

Damages.

SEC. 13. That upon written application under oath of any resident in a township where this act is in force, stating that he has suffered damage by reason of said stock running at large, any justice of the peace in the township where the said stock is impounded shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming the said stock before it is delivered, and any resident of a township where this act is in force, or owner of land therein, who may suffer damages by reason of said stock running at large therein, may recover double the amount of damages sustained, by action at law against the owner of said stock.

Misappropriation  
of money how  
punished.

SEC. 14. That any impounder wilfully misappropriating money that he may receive under this act, or in any manner wilfully violating any of its provisions, shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding fifty dollars, or imprisonment not exceeding one month.

Rescuing or re-  
leasing stock.

SEC. 15. That any person unlawfully rescuing or releasing any impounded stock, or attempting to do so without complying with the requirements of this act, shall be deemed guilty of a misdemeanor.

Proviso.

SEC. 16. That this act shall not be construed to apply to any stock in charge of drovers or other persons travelling within a township where this act is in force: *Provided, however,* That any drover or other person travelling within a township where this act is in force, or passing from place to place therein, and wilfully in person trespassing upon or permitting his stock to trespass upon any arable or cultivated land within said township, shall be deemed guilty of a misdemeanor.

SEC. 17. That any person wilfully tearing down or in any manner breaking a fence or gate, or leaving open a gate established or erected under this act, or wilfully breaking any inclosure within any township where this act is in force, and wherein any stock is confined, so that the same may escape therefrom, shall be deemed guilty of a misdemeanor.

Tearing down fence or gate.

SEC. 18. That the word stock in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats and all neat cattle and swine.

Construction of word "stock."

SEC. 19. That chapter one hundred and ninety-three of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three is hereby repealed in its application to any county mentioned in first section herein, and this act declared to be in full force and effect in any township that may have adopted provisions of said chapter as therein provided.

Chap. 193, Laws of 1872-'73 repealed as to certain counties.

SEC. 20. That all laws in conflict with this act are hereby repealed in their application to any county or township which hereafter adopts this act, or that has adopted chapter one hundred and ninety-three of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three.

Tie vote.

SEC. 21. That in case of a tie vote in any election under this act the county commissioners shall decide it.

SEC. 22. That this act shall go into effect from and after its ratification.

Ratified the 12th day of February, A. D. 1875.

## CHAPTER LXXXI.

AN ACT PROVIDING FOR THE ENFORCEMENT OF DECREES IN SUITS IN EQUITY RENDERED PRIOR TO A CERTAIN ACT OF ONE THOUSAND EIGHT HUNDRED AND SIX.

WHEREAS, By the act of one thousand eight hundred and six, entitled an act for the more uniform and convenient

Preamble.

administration of justice within this State, it was provided by section thirteen that all causes then pending in the Superior Courts of Law and Courts of Equity shall be transferred with the process and proceedings therein to the Superior Court of the county where the plaintiff resides, etc.; *and whereas*, in some instances certain causes were not transferred, and the decrees therein made before the passage of said act of one thousand eight hundred and six, to be executed at a future day, or cause shown to the contrary, have never been executed or cause shown to the contrary, whereby the legal titles of land decreed in said causes to be conveyed remain as they were at the time of making such decree; therefore,

Parties interested  
may institute  
original proceed-  
ings.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all such cases the parties interested in having such decrees executed may for that purpose institute original proceedings before the judge of the Superior Court of the county wherein the subject matter of the decree or some part thereof is situated, and the court shall proceed with the case as if the same had been originally commenced in such courts and were still pending for final decree.

SEC. 2. This act shall go into effect upon its ratification.  
Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXXII.

AN ACT TO AUTHORIZE THE COUNTY OF CARTERET TO COMPROMISE  
ITS DEBTS.

Preamble

WHEREAS, In the year one thousand eight hundred and fifty-five, the county of Carteret subscribed the sum of fifty thousand dollars to the capital stock of the "Atlantic and North Carolina Railroad Company," upon the condition, as understood by its citizens, that the Atlantic terminus of said

railroad should be located at the town of Beaufort; *and whereas*, the said terminus was subsequently located at the town now called Morehead, greatly to the prejudice of the citizens of Beaufort and in violation of the assurances under which said subscription was made, in consequence of which said county resisted such subscription as will be found by reference to the message of Governor Bragg in State Document twenty-five, session one thousand eight hundred and fifty-six; and notwithstanding that county bonds for such subscription were subsequently issued, the people of said county have never quietly submitted to be taxed therefor; *and whereas*, notwithstanding that large sums have from time to time been collected by taxation and otherwise from the citizens of said county on account of the principal and interest of said bonds, there remains due on the first of February, one thousand eight hundred and seventy-five, about the sum of eighty-five thousand dollars exclusive of certain judgments against the county, and there is also a considerable floating debt; so that the liabilities of said county are largely in excess of the ability of its people to pay; *and whereas*, many of the creditors and holders of bonds of said county have expressed a willingness to compromise their claims upon fair and equitable terms, and it is the desire of the citizens of said county to have their said county debts finally adjusted, provided that the same can be done for an annual charge within their ability to meet; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of compromising and adjusting the debts of the county of Carteret, a special commission of five citizens of said county is hereby constituted, under the name and style of "The Carteret County Commissioners of Liquidation," who, with their successors, shall hold office with power to fill vacancies until the objects of this act shall have been accomplished.

Special commission constituted.

SEC. 2. The following persons shall constitute such board in the first instance, viz: James Rumley, John W. Pelletier,

Members of Board.

Joel H. Davis, Thomas Duncan and M. F. Arendell, who shall have power to make such by-laws or regulations for the control and management of the affairs of said board of liquidation as they deem expedient and proper and in conformity to law. All members of said board shall be deemed commissioners for special purposes pursuant to section seven, article 14, of the constitution and the amendments thereto.

Bonds issued.

SEC. 3. Whenever this act shall have been ratified or accepted by a majority of the qualified voters of Carteret county, by a vote duly taken as hereinafter provided, the county commissioners of said county shall cause to be executed in such form or forms and bearing such date and of such denominations as may be mutually agreed between them and the said board of liquidation, Carteret county bonds amounting in the aggregate to the sum of fifty thousand dollars and no more. Said board shall have semi-annual coupons attached and shall have not less than thirty nor more than forty years to run, and shall be known as the "Consolidated Bonds of Carteret County," of the year of their issue. They shall be signed by the chairman of the board of commissioners, by the county register, who shall keep a strict record of them, and by the county treasurer, and in event of any change by constitution or otherwise in such officers, said bonds shall be signed by the highest officer having power to bind the county, but they shall not be valid until countersigned by chairman of the "Board of Liquidation." They shall be made payable to "The Carteret County Commissioners of Liquidation," and shall be subject to redemption by annual drawings, and the coupons thereof shall be receivable at par for taxes and all county dues, and they shall so express upon their face, and it shall be the duty of the board of county commissioners to deliver said bonds to said "Board of Liquidation" and to take due receipts for the same, which receipts shall be filed or recorded in the register's office or its successor, and when said bonds are so delivered they shall be a binding debt of said county, and all

the tax payers of said county shall be rateably liable therefor according to the tenor and terms of this act.

SEC. 4. It shall be the duty of the county commissioners of Carteret county to provide by annual taxation, to be included in the general levy for county purposes, the sum of thirty-five hundred dollars per annum, which shall be collected by the sheriff and paid over to the said "Board of Carteret County Commissioners of Liquidation" at stated periods to be fixed by them for the following purposes, viz: First. The sum of three thousand dollars annually to pay the semi-annual coupons on said bonds. Second. The sum of five thousand dollars annually to be applied by said "Board of Liquidation" solely as a sinking fund for the redemption of bonds. Said levy shall be continued until all of said bonds shall have been retired by the sinking fund or otherwise. It being understood by the tax payers and creditors of said county upon their acceptance of this act, that the said annual levy of three thousand five hundred dollars shall be all that said tax payers shall have to pay for either principal or interest of the bonds hereby authorized, until by the operations of said sinking fund the said debt shall have been extinguished, when the said annual levy shall cease and determine.

SEC. 5. In case of any default by the board of county commissioners, and on the sheriff of said county, in levying and collecting the tax as provided in section four, preceding, a special annual tax of sixty-five cents on the one hundred dollars of all taxable property in said county is hereby levied, and the said "Carteret County Commissioners of Liquidation" are hereby empowered to make such levy and collect the same, or to appoint one or more tax collectors or agents to collect the same, either of whom shall be invested with equal powers of the sheriff in the premises, and in case of non-payment by any taxpayer of his rateable proportion of such tax, may proceed to sell any property liable in law therefor, and the said "Carteret County Commissioners of Liquidation" are hereby empowered to purchase any prop-

erty so sold, and dispose of it as they think proper, for and on account of the sinking fund hereby created, provided the same is not redeemed within the time prescribed by law for redemption by the State, and all such purchases and sales shall be fully as valid as made by or for account of the Board of Education or the State under like circumstances. The foregoing powers as to purchase and sale shall also vest in the county commissioners of Carteret county for the purposes of this act, and the sheriff of said county shall have the same right and authority to sell the property of delinquents for the taxes herein provided, as in State or any other taxes.

Bonds how sold.

SEC. 6. The said Carteret County Commissioners of Liquidation shall have the right to sell the bonds herein provided at par and accrued interest, only receiving pay for the same in cash or in the old bonds, certificates of indebtedness, or other obligations of said county, at not to exceed the rate of fifty cents on the dollar. It shall be their duty also from time to time, whenever the same can be done at fifty cents on the dollar or less, to purchase any of such county obligations which may be offered, making due record thereof, and after cancellation depositing the same with the register of the county, who shall also make proper entries of such cancellation until the whole of the former indebtedness of the county is liquidated, and the debt herein provided alone remains.

May appoint agency.

SEC. 7. The said Board of Liquidation shall also be empowered to appoint any agency they deem expedient, to settle with the Carteret county creditors, fixing such compensation as they deem proper, or may effect such object by contract or otherwise: *Provided*, That the issue of bonds hereby authorized, amounting in the aggregate to fifty thousand dollars, shall settle all the present obligations of said county; and that no higher charge for principal or interest than thirty-five hundred dollars per annum shall be imposed upon the taxpayers of said county.

Duty of board.

SEC. 8. Said Board of Liquidation shall not hold at any one time more than one year's interest on said consolidated

Carteret bonds in advance; but shall use all funds in excess thereof in absorbing such bonds by purchase or annual drawings into the sinking fund. All of such bonds so drawn or purchased shall be immediately indelibly stamped as follows, viz: "*This bond belongs to Carteret County Sinking Fund,*" and they shall be recorded in books kept for that purpose, one by the county register in his office, and another to be kept by the said *Board of Liquidation*, and thereafter no bond so absorbed and stamped shall be valid in the possession of any other person, parties or corporation, but the interest thereon shall belong and shall continue to be paid to said Commissioners of Liquidation until by the operation of this act the whole amount of said debt shall have been absorbed into said sinking fund, when all of said bonds shall cease and determine and be of no force or effect.

SEC. 9. All coupons of said consolidated bonds may be made payable to any bank or financial agency, and all payments by and of said Board of Liquidation shall be made by check, accompanied by proper vouchers. Coupons.

SEC. 10. The said "Carteret County Commissioners of Liquidation" shall be *ex officio* wreck masters for the entire coast line of Carteret county, and as such shall be entitled to one-tenth of all salvage on wrecks and wrecked property in said county. They may, however, delegate their authority or commute the salvage in special localities or on particular occasions, and the person or persons delegated or substituted, or who commutes, shall be entitled to the said share of salvage upon such terms and conditions as may be agreed with said board. All sums so received by said commissioners shall be placed to the credit of the sinking fund, and be used in the liquidation of said debt hereby created, and for no other purpose; but the said commissioners shall be entitled to receive ten per cent. of all sums so accruing in addition to the pay herein provided. The said board shall be entitled to hold quarterly meetings, each member receiving the sum of three dollars for each day's attendance, to be paid by the county treasurer, or whoever holds the county Wrecks.

funds, upon the warrant of the chairman of said "Board of Liquidation."

Stock in Atlantic  
and N. C. Rail-  
road.

SEC. 11. The said Board of Liquidation are further hereby especially empowered to take such expedients as they may deem expedient to recover the stock owned by Carteret county in the "Atlantic and North Carolina Railroad Company," which stock, amounting to fifty thousand dollars, by section thirty-six of the original charter of said Company, stood pledged as security to the bondholders of said county, and could not rightly be used or appropriated for any other purpose; said Board of Liquidation are empowered to hold said stock, when recovered, in trust for the holders of the bonds issued by said county on account of said railroad, and they may use the same in settling with the holders of said bonds *pro rata* according to the original issue, or in such other manner as may be mutually agreed between them and such bondholders.

How submitted  
to voters.

SEC. 12. This act shall be submitted to the qualified voters of Carteret county at one or both of the next two ensuing elections to be held in said county until it is adopted or rejected, in the manner following: The board of county commissioners of said county shall cause to be printed a sufficient number of tickets both for and against this act in the words following: The first ticket shall contain the words "For Compromise Act," which shall be taken to mean that the person so voting is in favor of and accepts this act. The second ticket shall contain the words "Against Compromise Act," which shall be taken to mean that the person so voting is against this act and refuses to accept it. Each qualified voter shall deposit one of said tickets in the county box, and upon the closing of the polls the township or precinct inspectors shall count such votes and make due return thereof to the county commissioners, who shall, without delay, canvass and declare the vote. If at the first election held after the ratification of this act a majority of the votes cast are in favor of this act, it shall become a law and binding upon all persons and parties in the premises. If, on the contrary, a

majority of said qualified voters in said county vote against this act, it shall not go into effect, but the said county commissioners at the next ensuing election shall again in like manner submit it to the qualified voters. If at such second balloting or election a majority of votes cast are in favor of this act, it shall then become a law and binding upon said county and all the tax payers therein and all parties in the premises. If, on the contrary, they a second time vote against its acceptance this act shall then be considered as lost and shall be of no force or effect.

SEC. 13. In event that by section fifteenth of this act there should at any time be any excess of receipts from taxation over the amount required by section four, such excess shall be placed by said commissioners of liquidation to the credit of the sinking fund, and all sums received by said commissioners of liquidation from any source whatever, by virtue of this act, over and above what may be required to pay the same annual coupons on said consolidated bonds shall be considered a part of said sinking fund and shall be used and employed solely in the purchase of said bonds or their absorption by annual drawings.

Excess of taxation.

SEC. 14. Should circumstances at any time arise by which the commissioners or other lawfully constituted authorities of Carteret county cease to perform their functions as provided by section two, article seven of the constitution, and the laws in pursuance thereof, or which may hereafter be enacted by the General Assembly or any Convention of the people, then the said commissioners of liquidation shall have power and lawful authority to act in their place and stead for the purpose of carrying on the ordinary business of the county, and they may fill the vacancies named in section thirty, article four, of the constitution, and do all other lawful acts which might have been done by said commissioners or other lawfully constituted county authorities: *Provided*, That said commissioners of liquidation shall not in such or any other event or circumstance ever have power to levy taxes for any purpose whatever except to defray the ordinary

Contingency provided for.

expenses of said county and provide for the interest and sinking fund on the consolidated bonds authorized by this act.

SEC. 15. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 16. This act shall take effect from and after its ratification.

Ratified the 16th day of February, A. D. 1875.

## CHAPTER LXXXIII.

### AN ACT TO REVIVE THE BOARD OF INTERNAL IMPROVEMENTS.

Preamble.

WHEREAS, A doubt exists as to the present validity of chapter sixty-one of the Revised Code; and whereas, the office of Superintendent of Public Works was abolished by the fourth amendment to the Constitution, so that there can not now be any conflict of authority in the premises; therefore,

Chapter 61 Revised Code revived.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter sixty-one of the Revised Code, as brought forward in chapter sixty-two of Battle's Revisal, of the public statutes of North Carolina, under the title of "Internal Improvements," be and the same is hereby revived, re-enacted, confirmed and declared valid and of full force and effect.

Vested rights.

SEC. 2. All the duties, rights, powers and privileges vested in, granted to or imposed on the Superintendent of Public Works as set forth and enumerated in chapter two hundred and seventy, sections ninety-seven to one hundred and seven inclusive, of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine,

are hereby imposed on, granted to and vested in the Board of Internal Improvements.

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

Ratified the 18th day of January, A. D. 1875.

## CHAPTER LXXXIV.

### AN ACT TO REGULATE THE RATE OF INTEREST AND TO PREVENT USURY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the legal rate of interest shall be six per cent. per annum, or for such time as interest may accrue and no more: *Provided, however*, That upon special contract in writing, signed by the party to be charged therewith, or his agent, so great a rate as eight per cent. may be allowed.

SEC. 2. That no person, banking institution, corporation or company, upon any contract, shall directly or indirectly take for loan of any moneys, wares, merchandize, real estate or commodities whatsoever, above the value of six dollars or eight dollars, as provided in section first of this act, by way of discount or interest for the forbearance of one hundred dollars for one year, and so after the rate as above specified for a greater or less sum or for a longer or shorter time. And all bonds, contracts and assurances whatsoever for the payment of any principal or money to be lent, or covenanted to be performed, upon or for any usury, whereupon or whereby there shall be reserved or taken above the rate of six dollars or eight dollars on the hundred, as aforesaid, shall be void; and every person, banking institution, corporation or company, who upon any contract shall take, accept and receive, by way of any corrupt bargain, loan or other means whatsoever, for the forbearing or giving day of

payment, a rate of interest greater than hereinbefore specified, shall forfeit and lose for every such offence the double value of the moneys, wares, merchandize or real estate so lent, bargained or exchanged, to any person who will sue for the same.

Misdemeanor.

SEC. 3. That every person, banking institution, corporation or company, and all the officers and agents of any banking institution, corporation or company, who shall violate the provisions of this act shall be guilty of a misdemeanor, and on conviction in the Superior Court shall be fined not less than one hundred dollars nor more than one thousand dollars.

Not to apply to existing contracts.

SEC. 4. That the provisions of this act shall not be construed to apply to any existing contract, made in conformity with law, nor to invalidate any remedy or rights now exercised by any building and loan association for the redemption of their own stock.

SEC. 5. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall take effect and be in force thirty days from and after its ratification.

Ratified the 22d day of February, A. D. 1875.

## CHAPTER LXXXV.

### AN ACT IN FAVOR OF THE CONTRACTORS AND EMPLOYEES OF THE MARION AND ASHEVILLE TURNPIKE.

Balance due.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Auditor of State be and he is hereby instructed to issue his warrant on the Public Treasurer for the payment of any balance due the owners of any warrants now on deposit in his office issued by the Governor to the contractors and appointees of the Marion and Asheville turn-

pike and countersigned by the Auditor: *Provided*, That no owner of any of said warrants who may have purchased the same shall receive more upon any of said warrants than he actually paid the original parties therefor: *And provided further*, That the whole amount appropriated by this act shall not exceed the sum of eight thousand six hundred and fifty-four dollars and twenty-two cents: *Provided*, That the claim of M. L. Banner for the completion of his section be also paid. Proviso.

SEC. 2. That the Public Treasurer is hereby required to pay the same out of any moneys in the treasury not otherwise appropriated: *Provided*, That all claims which have been audited and upon which the proper warrants have been issued and which were not paid out of the last appropriation be included in this appropriation, and such claims shall be placed upon the same footing with those claims heretofore paid.

SEC. 3. That when all the original warrants have been audited as required in section one of this act the Auditor shall make and file in his office a statement thereof showing the number of each warrant issued with the various payments made thereon and that the same is satisfied; and that Geo. V. Strong, Esq., is hereby appointed to examine said warrants with statements of the Auditor, and if the statement be found correct the original warrants shall be destroyed in the presence of the said Geo. V. Strong, Esq., and the Auditor.

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

Ratified the 18th day of February, A. D. 1875.

## CHAPTER LXXXVI.

AN ACT TO AUTHORIZE CHEROKEE AND GRAHAM COUNTIES TO  
CANCEL BONDS, AND FOR OTHER PURPOSES.

Land bonds may  
be applied for  
county purposes.

SECTION 1. *The General Assembly of North Carolina do enact*, That all Cherokee Land Bonds which are now or may hereafter come into the hands of the treasurers of Cherokee and Graham counties and belonging to the counties, may be applied by the county commissioners for county purposes.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER LXXXVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO  
THE MEADOWS OF ROCKINGHAM COUNTY, CHAPTER ONE HUN-  
DRED AND EIGHTY-SEVEN, PUBLIC LAWS OF ONE THOUSAND  
EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT  
HUNDRED AND SEVENTY-ONE.

Chap. 187, laws  
of 1870-'71,  
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four, of chapter one hundred and eighty-seven, public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be amended by adding at the end of said section the word "following," and if any person shall wantonly leave down the fence of any inclosure in the above described territory, or leave open the gate of any inclosure therein, whereby the stock of any person may be turned out upon the uninclosed

crop or premises of any person residing in such territory, such person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding ten dollars or imprisoned not exceeding ten days.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER LXXXVIII.

AN ACT TO ALLOW THE COMMISSIONERS OF BURKE COUNTY TO  
ISSUE BONDS.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Burke county may issue bonds of the county for an amount not exceeding the present bonded debt of said county, and to be used for the purpose of discharging the bonds now outstanding and for no other. May issue bonds.

SEC. 2. That such bonds shall be in the usual form, with *coupons*, bearing a rate of interest not greater than eight *per centum*, and such bonds shall mature in not less than ten years nor more than twenty years. Eight per cent.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER LXXXIX.

AN ACT TO AMEND CHAPTER FIVE, SECTION FOUR, PAGE EIGHTY-TWO, LINE NINE, OF BATTLE'S REVISAL, IN REGARD TO PREVENTING WHITE CHILDREN TO BE BOUND TO COLORED MASTERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter five, section four, page eighty-two, line nine, of Battle's Revisal be amended by adding after the word "years," the following: *Provided*, That no white child shall be bound to a colored master or mistress.

Proviso.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 20th day of February, A. D. 1875.

## CHAPTER XC.

AN ACT TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF WATAUGA COUNTY TO MAKE TITLES TO TOWN LOTS IN CERTAIN CASES.

WHEREAS, W. L. Bryan and J. W. Councill purchased and paid for town lot number —, in the town of Boone, and county of Watauga; *and whereas*, the chairman of the late county court (whose duty it was to make and deliver a deed for the same) failed to execute and deliver said deed during his continuance in office; therefore,

Preamble.

To execute deeds.

SECTION 1. *The General Assembly of North Carolina do enact*, That the chairman of the board of commissioners of Watauga county be authorized and required to execute and deliver a deed or deeds to the said W. L. Bryan and J. W. Councill for the aforesaid premises, and said deed or deeds when executed according to the provisions of this act shall

be as valid to all intents and purposes as if executed by the chairman of the late county court during his continuance in office.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER XCI.

AN ACT TO ESTABLISH A NEW COUNTY BY THE NAME OF PENDER.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that part of the county of New Hanover included within the following bounds, to-wit: Beginning at Rich inlet, on the Atlantic ocean, running thence up the channel of said inlet to the mouth of Foy's creek, thence up said creek to the fork thereof, thence by a direct line to the junction of Old House branch with Island creek, thence down said creek to the north east branch of Cape Fear river, thence down said river to the mouth of Fishing creek, thence by a direct line to the junction of Black river with north west branch of Cape Fear, thence up the north-west branch of Cape Fear to the Bladen county line, and all that portion of the county of New Hanover lying north of said line be and the same is hereby created into a separate and distinct county by the name of Pender with all the rights, privileges and immunities incident and belonging to the other counties in this State.

County line defined

SEC. 2. That the county site of said county shall be located at some point on the Wilmington and Weldon Railroad.

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

Ratified the 16th day of February, A. D. 1875.

## CHAPTER XCII.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN TWO AND ONE HALF MILES OF HANK'S CHAPEL CHURCH, IN THE COUNTY OF CHATHAM.

Prohibits sale of liquor within  $2\frac{1}{2}$  miles.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell any intoxicating liquors, or either directly or indirectly to receive any compensation for the same, within two and one half miles of Hank's chapel church, in the county of Chatham.

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

Ratified the 16th day of February, A. D. 1875.

## CHAPTER XCIII.

AN ACT TO REPEAL AN ACT PROHIBITING THE SALE OF LIQUOR WITHIN THREE MILES OF THE COURT HOUSE OF RICHMOND COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and thirty-seven, section one, of the public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four be amended by striking out the words "or the court house" between the words "church" and "in" in the thirty-first line of said section.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 20th day of February, A. D. 1875.

## CHAPTER XCIV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN, SECTION ONE, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and thirty-seven, section one, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out in line —, the words “three miles,” which refer to Brevard C H., Transylvania county, and insert the corporate limits of Brevard C. H., Transylvania county.

Chap. 137, sec. 1,  
laws of 1873-'74,  
amended.

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

Ratified the 16th day of February, A. D. 1875.

## CHAPTER XCV.

AN ACT TO AMEND SECTION FIVE, CHAPTER ONE HUNDRED AND THIRTY-EIGHT, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That section five, chapter one hundred and thirty-eight, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out in line six, all after the word “township,” down to the word “and,” in line seven, and insert the following: Until an election shall be held under

Chap. 138, laws  
of 1873-'74,  
amended.

the same provisions and in the same manner as is prescribed in said chapter, and a majority of the votes so cast shall be against "Prohibition," and in favor of "License."

SEC. 2. All laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 25th day of February, A. D. 1875.

## CHAPTER XCVI.

### AN ACT IN RELATION TO LOTTERIES AND GIFT CONCERTS.

Preamble.

WHEREAS, There are various organizations in different parts of the State which dispose of property, both real and personal, by gift and chance, upon tickets and certificates, for the purpose of raising money and funds for the aid and benefit of benevolent and charitable institutions; *and whereas*, it is doubtful whether such organizations are liable to prosecution and indictment under section sixty-nine, chapter thirty-two, Battle's Revisal, in the same manner as lotteries and other games of chance; therefore,

Who liable to indictment.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person or persons, or society, association, company or organization of persons whatsoever, who engage in disposing of any species of property whatsoever, money evidences of debt, or in any manner distribute gifts or prizes upon tickets or certificates sold for that purpose, shall be deemed to be held liable to indictment and prosecution under the provisions of section sixty-nine, chapter thirty-two, Battle's Revisal, entitled "Crimes and Punishments:" *Provided, however*, That any person or persons, societies, associations, companies or organizations of persons whatsoever, who have heretofore sold tickets, or in any manner issued certificates of indebtedness for value, to be

Proviso.

cancelled by gift in any manner whatsoever, the proceeds of such sale of tickets or certificates to be applied exclusively to benevolent and charitable purposes, shall be allowed until the first day of January, Anno Domini one thousand eight hundred and seventy-six, to close up their business, and such person or persons, society, association, company or organization shall not be liable under the criminal laws of this State for such sale of tickets and certificates as have heretofore been made, and for such sales hereafter made as will enable them to close up their said business by the said first day of January, Anno Domini one thousand eight hundred and seventy-six: *Provided*, That such tax as may be fixed in the revenue laws of this State shall first have been paid.

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

Ratified the 23d day of February, A. D. 1875.

## CHAPTER XCVII.

AN ACT RELATIVE TO THE WESTERN TURNPIKE ROAD, IN THE COUNTIES OF BUNCOMBE AND HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter eighty-first, laws of one thousand eight hundred and sixty eight and one thousand eight hundred and sixty-nine, ratified the seventeenth day of March, Anno Domini one thousand eight hundred and sixty-nine, relative to the Western Turnpike Road, leading from Asheville, westward, to Murphy, and all acts amendatory thereof, or enacted previous thereto, which empowers and authorizes the erection of toll gates and the collection of tolls for the use and travelling over said Western Turnpike Road, in the said counties of Buncombe and Haywood, be and the same are hereby repealed, and the said Western Turnpike Road

Chap. 81, laws of 1868-'69, repealed

shall be a free public road without the exaction of the payment of tolls in the counties aforesaid, and shall be kept up and repaired as other public roads in said counties.

Road how worked.

SEC. 2. That the county commissioners of each of said counties of Buncombe and Haywood shall continue to divide said road into lots or sections, appoint overseers, allot by name to each overseer all persons liable to work said road, and be governed and controlled by all the provisions of the act entitled an act relative to the Western Turupike Road, ratified the seventeenth day of March, Anno Domini one thousand eight hundred and sixty-nine, and acts amendatory thereof or enacted previous thereto, which are in full force and effect, except as modified by this act.

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

Ratified the 24th day of February, A. D. 1875.

## CHAPTER XCVIII.

AN ACT TO LEVY A SPECIAL TAX FOR THE COUNTY OF JONES.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Jones are hereby authorized and empowered to levy a special tax for the year one thousand eight hundred and seventy-five, not to exceed five thousand dollars, for the purpose of building a court-house in Trenton, in said county: *Provided*, That the constitutional equation between the property and poll shall be observed.

Tax how levied.

SEC. 2. That the tax required to carry out the provisions of this bill shall be levied in one and two years, and half of the whole amount in each year.

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

Ratified the 24th day of February, A. D. 1875.

## CHAPTER XCIX.

AN ACT TO PREVENT OBSTRUCTION TO NAVIGATION IN THE WATERS OF NEWPORT RIVER, CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the waters of Newport river shall be unobstructed from the Beaufort harbor to the head of tide-water navigation.

SEC. 2. That any person or corporation obstructing the navigation of said river shall forfeit and pay to any person or corporation injured thereby fifty dollars for each and every day said obstruction is allowed to remain. Penalties for obstructing.

SEC. 3. That all public and private bridges across said river shall be within sixty days after the passage of this act provided with draw arches of sufficient dimensions for the passage of masted vessels. Bridges.

SEC. 4. Any vessel (or the owner or master) passing along said river shall be responsible for all damages done to bridges; and for the enforcement of the provisions of this section, summary proceedings may be instituted, and the vessel and cargo seized and held until satisfaction is rendered or the suit decided. Owners of vessels liable for damages to bridges.

SEC. 5. All laws and clauses of laws inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect from its passage.

Ratified the 24th day of February, A. D. 1875.

## CHAPTER C.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY TO ISSUE BONDS, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to liquidate the liabilities, and to relieve the people of the county of Currituck, the commis- Commissioners may issue \$40,000 in bonds.

sioners of said county are hereby authorized to issue coupon bonds under the regulations hereinafter prescribed, to an amount not exceeding the sum of forty thousand dollars, in denominations of one hundred and five hundred dollars, the said bearing interest at the rate of six per centum per annum, and bearing date the first of January in the year of their issue.

When payable.

SEC. 2. That said bonds shall be made payable as follows: One-tenth of the principal on the first day of January of each year after the year of their issue, until the whole of the said bonds shall be discharged, and the coupons shall be so graded as to express the exact interest due each year upon the principal then due. The coupons on said bonds after maturity shall be received in payment for all county taxes; said bonds and coupons shall not be deemed to be forfeited until the same shall be signed by the chairman of the board of commissioners of Currituck county, and countersigned by the clerk and stamped with the official seal of said board.

Interest.

SEC. 3. In order to pay the interest on said bonds, and one-tenth of the principal of the same each year, the board of commissioners of said county are hereby authorized and directed to levy a special tax each year for ten years, to be estimated by them, for an amount which shall be equal to one-tenth of the principal of said bonds and interest at six per cent. upon the principal outstanding.

Tax, how collected.

SEC. 4. The moneys raised by this tax shall be collected by the sheriff or tax collector of said county in the same manner and under the same penalties and regulations as other taxes; and shall be paid by said sheriff or tax collector to the treasurer of said county. The treasurer is hereby authorized to pay the interest on said bonds annually as it may become due out of the moneys raised under this act. If there should be any moneys left after the payment of said interest and one-tenth of the principal of said bonds of the proceeds of the tax provided for in this act, the treasurer shall report the same to the commissioners,

and the same shall be taken into account in the levy of the tax for the succeeding year.

SEC. 5. The form of the bonds and coupons, the rules for the payment of the interest and principal, and the cancellation of the coupons and bonds shall be under the control of the board of commissioners, who shall prescribe proper regulations therefor. Form of bonds.

SEC. 6. The board of commissioners, at their first meeting after the ratification of this act, or as soon thereafter as shall be practicable, shall appoint some suitable person to act as the agent of the said county for the negotiation, sale and exchange of said bonds, under the control of the said board. The said agent, who shall receive such compensation as the board shall determine, shall confer with the creditors of said county, especially the holders of the bonds issued by said county to aid in the construction of the Albemarle and Chesapeake Canal, and shall ascertain and report to said board the best terms upon which the bonds authorized by this act can be exchanged for the old bonds, and also the price at which the new bonds can be sold for cash. The money raised shall be applied to the purchase or extinction of said old bonds, or the said new bonds shall be exchanged for the old upon such terms as the commissioners shall determine. The bonds authorized by this act shall be issued from time to time as they shall be required. Co-agent appointed.

SEC. 7. The commissioners shall have power to sell or exchange the stock in the Albemarle and Chesapeake Canal Company now owned by said county, for the bonds of the county upon such terms as they shall think best. Powers of Commissioners.

SEC. 8. It shall be the duty of the clerk of the said board to keep an account of the bonds issued under this act, and to whom issued, the old bonds redeemed under the provisions of this act, and all the transactions connected therewith.

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

Ratified the 24th day of February, A. D. 1875.

## CHAPTER CI.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY TO SUBSCRIBE TO THE CAPITAL STOCK OF THE YADKIN RAILROAD COMPANY.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section eight of the above entitled act be amended by striking out the words "thirteenth day of May" and inserting in lieu thereof, on or before the first Thursday in August or as soon thereafter as the notice of advertisement required in the same section can be given.

Section 11 amended.

SEC. 2. That section eleven be amended by striking out last clause, to-wit: "This act shall be in force provided the county commissioners of Rowan and Stanly counties shall deem the said subscription solvent."

SEC. 3. This act to be in force from and after its ratification. Ratified the 24th day of February, A. D. 1875.

## CHAPTER CII.

AN ACT TO LAY OFF AND ESTABLISH A FREE TURNPIKE ROAD IN BURKE AND MITCHELL COUNTIES, AND TO IMPROVE THE ROAD FROM MORGANTON TO WM. MORRIS', ON THE BLUE RIDGE.

Turnpike to be opened.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of opening a good road by a direct route across the mountains, now greatly needed by the citizens of Burke and Mitchell counties especially, William C. Erwin, Jas. Wilson, Lawson P. Henderson, Israel P. Beck and Benjamin Barrier are hereby appointed commissioners, with full powers to survey, lay off and have con-

structed a good wagon road upon the most direct and practicable route from such point on Upper creek, in Burke county, to the Linville river, in Mitchell county, as they or a majority of them may find to be the most appropriate and will best subserve the public needs, and said commissioners shall have the power to condemn land, timber, stone or other material needful in constructing said road.

SEC. 2. That in order to raise means to build said road, the commissioners may enter any vacant land within one mile of the line of location, and receive the proceeds arising from the entries of vacant land within such distance, if there be any, and apply the same to the construction of said road, and for no other purpose; and the certificate to the Secretary of State of the commissioners named in this act that any lands are within the boundary herein named shall be deemed evidence sufficient for him to issue the grant or turn over the proceeds, as the case may be, to said commissioners.

May enter vacant land.

SEC. 3. That the commissioners may receive any private or corporate subscription in aid of this work, either of money, material or labor, and the county commissioners of Burke county may make details from the forces liable to work roads within the territory bounded by Conon creek, John's river, the Catawba river and the Mitchell county line, between the fifteenth day of July and fifteenth day of September, in the year one thousand eight hundred and seventy-five and one thousand eight hundred and seventy-six: *Provided*, That no person shall be liable to work more than six days in one year on said road, and the county commissioners may, if they deem proper, make an allowance and pay out of the public funds to such detailed laborers not exceeding fifty cents per day for any portion of the time so employed.

Subscription.

Proviso.

SEC. 4. Any person liable to road duty, who, having been detailed and notified, shall fail or refuse to perform such labor, shall be liable to the same penalties as are now prescribed by law for failure to work the public highways.

Penalties for refusing to work.

Inspection.

SEC. 5. That upon the completion of said road the county commissioners of the respective counties in which the same is completed shall have a committee to inspect and receive the road, after which it shall be kept in repair as other public roads as provided for by law.

Obstructions.

SEC. 6. That any person or persons who may fell any tree or place any other obstruction, or otherwise damage said road, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than one month, or both, at the discretion of the court.

Road from Morganton to Boone.

SEC. 7. That for the purpose of improving the road from Morganton to William Morris', on the Blue Ridge, leading to Boone, in Watauga county, William D. Spague, John C. McDowell, Drury D. Coffey, Lot Estes, and Isaac Newton Copening be and are hereby appointed commissioners to make such changes and improvements in the road as they may deem best, and shall have the power to use such subscriptions as they may obtain either in money, supplies or labor, in the improvement and change of said road, and the said commissioners shall have full power to condemn land to construct such road when necessary.

Power of Commissioners.

SEC. 8. That the aforesaid commissioners shall have the power to use such force as may be furnished for the purpose of work upon said road, and the county commissioners of Burke and McDowell and Watauga counties may make details for this purpose from the forces now liable to work upon public roads within such boundaries as they may designate. But the commissioners named in section seven of this act shall have control of the force now liable to work the road between Dr. McDowell's and the Watauga line.

SEC. 9. That this act shall be in force from its ratification.

Ratified the 26th day of February, A. D. 1875.

## CHAPTER CIII.

AN ACT TO ALLOW A DEPOSIT OF A MORTGAGE IN THE COURTS OF THE STATE IN LIEU OF THE BOND OR UNDERTAKING OR A MONEY DEPOSIT, AS NOW REQUIRED BY LAW.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for any person desiring to commence any civil action or special proceeding, or to defend the same, his agent or surety, to execute a mortgage on real estate of the value of the bond required to be given at the beginning of said action, or any stage thereof, to the party to whom the bond would be required to be made, conditioned to the same effect of such bond, with power of sale, which power of sale may be executed upon a breach of any of the conditions of the said mortgage, after advertisement thirty days.

Lawful to deposit mortgage.

SEC. 2. That any administrator, executor, guardian, collector or receiver, or any officer required to give any official bond, or the agent or surety of such person, may in like manner execute a mortgage on real estate of the value of the bond required to be given by such administrator, executor, guardian, collector or receiver, or other officer, to the State of North Carolina, conditioned to the same effect of such bond, with a power of sale, which power of sale may be executed by the clerk of the Superior Court with whom said mortgage is deposited, upon a breach of any of the conditions of said mortgage, after advertisement of thirty days.

Bonded officers may execute mortgage in lieu of bond.

SEC. 3. Any person required to give a bond or enter into a recognizance for his appearance at any court for the security of any costs or fine in any criminal proceeding may also execute a mortgage on real property of the value of such bond or recognizance to the State of North Carolina, with power of sale, which may be executed by the clerk of the court in which said mortgage is executed upon a breach of any of the conditions of said mortgage: *Provided*, That

Any person may execute mortgage.

Proviso.

when said mortgage is executed before a court of a justice of the peace, the power of sale shall be executed by the clerk of the court to which the proceedings are returned.

Affidavit required.

SEC. 4. That in all cases of the execution of a mortgage as hereinbefore mentioned, it shall be the duty of the clerk of the court in which they are executed to require an affidavit of the value of the property mortgaged, by at least one witness not interested in the action or proceeding in which the mortgage is given.

Additional security when required.

SEC. 5. That if from any cause the property mortgaged in cases provided for in sections first and second of this act shall become of less value than the amount of the bond in lieu of which the mortgage is given, and it shall so appear by affidavit of any person having any interest in the matter as a security for which the mortgage was given, it shall be the duty of the said mortgagor to give additional security by a deposit of money or a mortgage on more property, or justify as in cases where bond is given.

Clerk may deposit mortgage.

SEC. 6. In all cases where the clerk of the Superior Court may be given to require security, he may deposit a mortgage with the register of deeds, to be executed by the register of deeds as above directed in cases where the mortgage is deposited with the clerk, and the mortgagee shall in all cases immediately register the same at his own expense.

SEC. 7. This act shall take effect from its ratification.

Ratified the 26th day of February, A. D. 1875.

## CHAPTER CIV.

AN ACT TO PROVIDE FOR THE SUPPORT OF THE NORTH CAROLINA INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND FOR THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX.

\$45,000 appropriated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of forty five thousand dollars (inclusive

of five thousand dollars already appropriated by special resolution) be and is hereby appropriated for the support of the Institution for the Deaf and Dumb and the Blind during the year one thousand eight hundred and seventy-five, and that three thousand dollars in addition thereto be and is hereby appropriated for making such repairs and improvements as the board of trustees of said institution may deem necessary for the care and protection of the said property, and that the sum of forty-five thousand dollars be and is hereby appropriated for the support of the institution for the year one thousand eight hundred and seventy-six. \$3,000 for repairs.

SEC. 2. That the public treasurer is hereby authorized and directed to pay the amount appropriated by section one of this act to the treasurer of said institution out of any funds allotted by law for the support of said institution, or out of any moneys in the treasury not otherwise appropriated: *Provided*, That the amount appropriated for each year shall be drawn quarterly in advance, in equal instalments, during the years for which said appropriation is made. Public Treasurer.  
Proviso.

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

Ratified the 26th day of February, A. D. 1875.

## CHAPTER CV.

AN ACT TO CREATE A TOWNSHIP IN THE COUNTY OF LENOIR, TO  
BE KNOWN AS WOODINGTON TOWNSHIP.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be known as Woodington township, is hereby created and established in the county of Lenoir. That said township shall consist of all that portion of Kinston township lying south of Neuse river. New township.

Duty of Commissioners.

SEC. 2. That it shall be the duty of the county commissioners of Lenoir county to provide for the election of township officers for said township on the third Thursday of March, Anno Domini one thousand eight hundred and seventy-five, after which time said township shall be under the supervision of said officers and shall be entitled to its lawful proportion of the school fund. Said election shall be held at Woodington school house, under all the rules, regulations and restrictions applicable by law to township elections, and for a failure to perform any duty imposed by this act the said county commissioners shall be guilty of a misdemeanor, and on conviction in the Superior Court of said county of Lenoir shall be fined not less than one hundred dollars and be imprisoned not more than two months nor less than thirty days.

Rights and powers.

SEC. 3. Said township shall have all the rights, powers and privileges now granted to other townships by law, and the permanent place of voting therein shall be Woodington school house aforesaid.

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

Ratified the 26th day of February, A. D. 1875.

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## CHAPTER CVI.

AN ACT FOR THE RELIEF OF THE SURETIES TO THE BOND EXECUTED BY T. F. LEE, LATE SHERIFF OF WAKE COUNTY, TO SECURE THE COLLECTION OF THE COUNTY TAXES OF SAID COUNTY FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Preamble.

WHEREAS, The sureties of the bond of T. F. Lee, late sheriff of Wake county, executed to secure the collection of the county taxes of said county for the year one thousand

eight hundred and seventy-three, and liable for the penalty of said bond by reason of the failure of said T. F. Lee to settle with the county treasurer of said county, as required by law; *and whereas*, a large amount of the taxes levied upon the citizens of said county for the years one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three are still uncollected:

SECTION 1. *The General Assembly of North Carolina do enact*, That Henry Mordecai, one of the securities to said bond, for the benefit of himself and his co-securities, is hereby authorized and empowered to collect all arrears of taxes due from the citizens of said county for the years one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, as aforesaid, at any time before the first day of January, one thousand eight hundred and seventy-two, and apply the same when collected to the payment of any moneys now due the said county by the said T. F. Lee, and for which the said Henry Mordecai and his co-securities are liable.

Henry Mordecai  
to collect arrears-  
ages.

SEC. 2. That for making such collections the said Henry Mordecai is hereby authorized to exercise all the powers, and entitled to employ all the means and remedies prescribed for the collection of taxes by an act of the General Assembly entitled "an act to provide for the collection of taxes by the State on property, polls and income, known as the machinery act," ratified the — day of February, one thousand eight hundred and seventy-three.

Full authority  
given.

SEC. 3. That if the said Henry Mordecai shall be unable to collect any of the said arrears of taxes by reason of insolvency of the person or persons from whom such taxes are due, provided such insolvency existed at the time such taxes first became due, upon making the same appear to the board of county commissioners of said county in the manner prescribed by law, the amount of such insolvent taxes shall be deducted from the sum for which the said Mordecai and his

Insolvents.

Proviso.

said co-sureties are now liable as aforesaid: *Provided*, That if any person make affidavit before a justice of the peace that such taxes have been paid, then the same shall not be collected from them: *and provided further*, That this act shall not apply to guardians, executors or administrators.

SEC. 4. This act shall take effect immediately upon its ratification.

Ratified the 27th day of February, A. D. 1875.

## CHAPTER CVII.

### AN ACT TO GIVE COMPENSATION TO SHERIFFS FOR BRINGING CONVICTS TO THE STATE PRISON.

Compensation for bringing convicts to Penitentiary.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sheriffs of the several counties of this State shall be allowed two dollars per day and actual necessary expenses for conveying convicts to the Penitentiary; also one dollar per day each and actual necessary expenses for such guard, not to exceed one guard for every three prisoners, as the sheriff upon affidavit before the clerk of the Superior Court of his county shall swear to be necessary for the safe conveyance of said convicts.

How paid.

SEC. 2. That upon filing such affidavit with the Auditor, together with a fully itemized account, to be sworn to before the Auditor, of the number of days requisite for coming and returning, and of the actual expenses for conveying said convicts and of the guard necessary for their safe keeping, the Auditor shall be required to audit such verified claims of the sheriff, and the Treasurer to pay all such warrants properly drawn upon him out of any moneys in the treasury not otherwise appropriated.

Duty of Sheriff

SEC. 3. That the sheriff shall file with the commissioners of his county a copy of his affidavit as to necessary guard,

together with a copy of his itemized account of expenses, both certified to by the Auditor as true copies of those on file in his office, or be guilty of a misdemeanor.

SEC. 4. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act to go into effect from and after its ratification.

Ratified the 27th day of February, A. D. 1875.

## CHAPTER CVIII.

AN ACT TO AMEND REVISED CODE, CHAPTER SIXTY-SEVEN, AND THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE, CHAPTER FORTY-ONE, SECTION ONE, AS BROUGHT FORWARD IN BATTLE'S REVISAL, CHAPTER THIRTY-EIGHT, SECTIONS ONE AND TWO, ENTITLED DOGS.

SECTION 1. Amend section one by adding after the word "aforesaid" at the end of said section, "and shall be further guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than one month."

Section 1, chap. 41, laws 1862-'63, amended.

SEC. 2. Amend section two by striking out all after the word "shall" in line seven and insert "be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than one month, and the said dog or dogs may be killed by any one if found going at large."

Sec. 2 of above recited act amended.

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

Ratified the 27th day of February, A. D. 1875.

## CHAPTER CIX.

## AN ACT IN RELATION TO WRITS OF CERTIORARI, RECORDARI AND SUPERSEDEAS.

Writs authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That writs of certiorari, recordari and supersedeas are hereby authorized as heretofore in use in this State.

When used as substitutes for appeal.

SEC. 2. The writs of certiorari and recordari, when used as substitutes for appeal, may issue when ordered upon the applicant filing a written undertaking for the costs only; but the supersedeas to suspend execution shall not issue until an undertaking is filed, or deposit made, to secure the judgment sought to be vacated, as in cases of appeal where the execution is stayed.

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

Ratified the 27th day of February, A. D. 1875.

## CHAPTER CX.

## AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIVE, SECTION THIRTY-NINE, BATTLE'S REVISAL, AS BROUGHT FORWARD FROM REVISED CODE, CHAPTER ONE HUNDRED AND TWO, SECTION THIRTY-SEVEN, ENTITLED SALARIES AND FEES.

Section 39, chap. 105, Battle's Revisal amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirty-nine, chapter one hundred and five of Battle's Revisal, be amended by adding to the end of said section: *Provided*, That a reasonable charge may be made for extra work on bushel and half bushel measures, not to exceed twenty-five cents in any one case.

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER CXI.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER SEVENTEEN, SECTIONS ONE HUNDRED AND NINETY-EIGHT AND ONE HUNDRED AND NINETY-NINE *b*, IN RELATION TO ATTACHMENTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one hundred and ninety-eight, chapter seventeen, of Battle's Revisal, be amended by substituting the word "four" for the word "two," in the fourth line of said section. Sec. 198, chap. 17, Battle's Revisal, amended.

SEC. 2. That section one hundred and ninety-nine *b*, chapter seventeen, of Battle's Revisal, be amended by striking out the word "such," after the words "justice of the peace," in the twenty-sixth line of said section, and by adding after the last word in said section the words "publication both as to the summons and the warrant of attachment." Sec. 179, chap. 17, Battle's Revisal, amended.

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER CXII.

AN ACT TO AMEND CHAPTER THIRTY-NINE, BATTLE'S REVISAL, ENTITLED DRAINING WET LANDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter thirty-nine, of Battle's Revisal, be amended by adding at the commencement of section nine Chap. 39, Battle's Revisal, amended.

of said chapter, after (9,) and before (when,) “after the completion of the schedule as above, the applicant or applicants may enter upon the lands specified in his or their application, and make the improvement specified in said application.

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

Ratified the 1st day of March, A. D. 1875.

### CHAPTER CXIII.

AN ACT TO RELIEVE THE COUNTIES OF THE STATE FROM THE PAYMENTS OF COSTS OF EXPENSES OF CRIMINAL PROSECUTIONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section ten, chapter one hundred and seventy-four, of the public laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-four, as brought forward in Battle's Revisal, section seventeen, chapter eighty-nine, be amended by striking out all after the word “convicts,” in the eleventh line of said section and inserting: This section shall apply to any person convicted of any criminal offence in any of the courts of this State and to any defendant in a criminal action, who by the judgment of the Court is made liable for the costs of the prosecution, and the judge may make such orders, and the board of commissioners take such action as is necessary to effectuate the purpose and intent of said section and of this act.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 1st day of March, A. D. 1875.

Sec. 10, chap.  
174, laws 1872  
amended.

## CHAPTER CXIV.

## AN ACT TO DEFINE THE RIGHTS OF COUNSEL.

SECTION 1. *The General Assembly of North Carolina do enact*, That any counsel appearing in any civil or criminal case in any of the courts of this State shall be entitled to address the court or the jury for such a space of time as in his opinion may be necessary for the proper development and presentation of his case. Right of counsel

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER CXV.

## AN ACT IN RELATION TO FISHING IN ALBEMARLE SOUND AND CERTAIN RIVERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to set or fish a dutch net or pod net in Roanoke river, Cashie or Middle rivers, or within two miles of the mouth of said river, or within one mile of the mouth of any other river emptying into Albemarle sound.

SEC. 2. That it shall be unlawful for any person to set or fish with a dutch net or pod net within half a mile to the eastward or westward of the outside windlasses or snatch-blocks of any seine fishery in operation on said sound; and any such net set or fished within one mile of such windlasses or snatch-blocks of any seine fishing in operation shall run in a due north and south course from the shore, and shall not extend further into the sound from the water's edge than

the distance from such windlasses or snatch blocks to the line of such net.

SEC. 3. That all persons who shall set or fish any such net in said sound shall pull up and remove the stakes used for the same by the first day of June next succeeding the fishing season.

SEC. 4. If any person shall set or fish any dutch net or pod net in said sound in violation of this act he shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned in the discretion of the court, and be subject to a further penalty of three hundred dollars, to be recovered by any person in the Superior Court of the county in which the offence shall be committed. And the sheriff of such county shall, when requested, remove any portion of such nets set or fished in violation of this act at the cost of the violator, except those stakes heretofore driven down, which shall be removed by such sheriff at the costs of the person requesting it.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXVI.

AN ACT SUPPLEMENTAL TO AN ACT IN FAVOR OF THE CONTRACTORS AND EMPLOYEES OF THE MARION AND ASHEVILLE TURNPIKE, RATIFIED THE EIGHTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

Parties holding  
bona fide claims  
to be paid.

SECTION 1. *The General Assembly of North Carolina do enact*, That parties holding and owning *bona fide* claims or Auditor's warrants for work and labor done on sections eighteen, nineteen and twenty of the Marion and Asheville turnpike, shall be paid the same out of the appropriation

made by an act ratified the eighteenth day of February, one thousand eight hundred seventy-five, to pay the contractors and employees on said road, together with the claim of T. J. Rollins, superintendent, for services rendered as such, and the claims of William McKeeney and L. J. Buckhannon, contractors and employees, not to exceed one hundred and eighty-two dollars, which the Auditor is hereby directed to audit and the Treasurer to pay out of the said appropriation: *Provided*, That said claims and the warrants and claims in the said act ratified the eighteenth day of February, one thousand eight hundred and seventy-five, shall be paid *pro rata*, and this payment shall be in full of said claims and warrants: *Provided further*, That nothing in this act shall increase the appropriation made in said act referred to.

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

Ratified the 24th day of February, A. D. 1875.

## CHAPTER CXVII.

AN ACT ENTITLED AN ACT TO PROTECT THE STOCK OF THE CITIZENS OF FORSYTHE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons, or the officers of any corporation in the county of Forsythe, to take up or impound any cattle, hogs or other stock within the limits of the said county, except as provided for in chapter one hundred and nine of Battle's Revisal, entitled "Strays:" *Provided*, Nothing herein contained shall be so construed as to prevent the authorities of any corporate town in said county impounding or taking up the cattle, hogs or other stock of citizens living and keeping swine,

Unlawful to impound stock.

Proviso.

cattle, hogs or other stock within the corporate limits of said towns.

Penalty.

SEC. 2. That any person or persons, or officers of any corporation violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than seventy-five dollars, or imprisoned not more than twenty days.

SEC. 3. That all acts or parts of acts, private or public, in conflict with the provisions of this act, are hereby repealed.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXVIII.

AN ACT TO CHANGE THE TIMES OF HOLDING CERTAIN COURTS IN THE ELEVENTH JUDICIAL DISTRICT.

Time changed.

SECTION 1. *Be it enacted by the General Assembly of North Carolina*, That the terms of the Superior Court of Burke county shall begin on the second Monday of March and August; the terms of the Superior Court of Watanga county on the tenth Monday after the fourth Monday in March and August, and the terms of the Superior Court of Mitchell county on the twelfth Monday after the fourth Monday in March and August of each year.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification, and that the Secretary of State shall be required as soon as practicable to forward to the clerks of the Superior Courts of Burke, Watanga and Mitchell counties twenty printed copies each of this act for distribution to officers of said county.

Ratified the 3d day of March, A. D. 1875.

## CHAPTER CXIX.

AN ACT TO AMEND CHAPTER SEVENTEEN, OF BATTLE'S REVISAL,  
 KNOWN AS THE CODE OF CIVIL PROCEDURE, TITLE TWELVE,  
 SECTION TWO HUNDRED AND SEVENTY-SIX, SUBDIVISION FOUR.

SECTION 1. *The General Assembly of North Carolina do* Repeal.  
*enact*, That subdivision four, section two hundred and sev-  
 enty-six, title twelve, of the Code of Civil Procedure, chap-  
 ter seventeen of Battle's Revisal, be and the same is hereby  
 repealed.

SEC. 2. That the following be substituted for the words Substitute.  
 repealed: In an action for assault, battery, false imprison-  
 ment, libel, slander, malicious prosecution, criminal conver-  
 sation or seduction, if the plaintiff recover less than fifty  
 dollars damages, he shall recover no more cost than dam-  
 ages. When several actions shall be brought on one bond,  
 recognizance, promissory note, bill of exchange or instru-  
 ment in writing, or in any other case, for the same cause of  
 action against several parties who might have been joined  
 as defendants in the same action, no costs other than dis-  
 bursements shall be allowed to the plaintiff in more than  
 one of such actions, which shall be at his election, provided  
 that the party or parties proceeded against in such other ac-  
 tion or actions shall at the commencement of the previous  
 action or actions have been within the State and not se-  
 creted.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXX.

## AN ACT TO SECURE THE SUFFICIENCY OF OFFICIAL BONDS.

Insufficient bonds

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever oath shall be made before any judge of the Superior Courts by five respectable citizens of any county within his district, that after diligent inquiry made they verily believe that the bond of any officer of such county, which has been accepted by the county commissioners, is insufficient either in the amount of the penalty or in the ability of the sureties, it shall be the duty of such judge to cause a notice to be served upon such officer requiring him to appear at some stated time and place and justify his bond by evidence other than that of himself or his sureties. And if the evidence so produced shall fail to satisfy the judge that the bond is sufficient, both in amount and the ability of the sureties, he shall give time to the officer, not exceeding twenty days, to give another bond, the judge fixing the amount of the new bond, when there is a deficiency in that particular. And upon failure to give a *good bond* to the satisfaction of the judge within the twenty days he shall declare the office vacant, and if the appointment be with himself, he shall immediately proceed to fill the vacancy; and if not, he shall notify the persons having the appointing power, that they may proceed as aforesaid.

Appointee to give bond.

SEC. 2. The person so appointed shall give bond before the judge, and the bond so given shall in other respects be subject to all the requirements of the law in relation to official bonds, and all official bonds shall be considered liabilities in the meaning of section three, chapter eighty, Battle's Revisal.

Vacancies.

SEC. 3. Whenever a vacancy shall be declared by the judge, he shall file a written statement of all his proceedings with the clerk of the county commissioners, to be recorded by him. And any bond declared insufficient shall not be

put in suit except for breaches previously committed. No member of the board of commissioners, or any other person authorized to take official bonds of any county, shall become surety on any official bond upon the sufficiency of which such board, of which he may be a member, have to pass: *Provided*, This section shall not exonerate him from any liability for taking an insufficient bond. Proviso.

SEC. 4. This act shall take effect from and after its ratification, and shall apply to official bonds already given.

Ratified the 3d day of March, A. D. 1875.

## CHAPTER CXXI.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE, ENTITLED AN ACT TO ENCOURAGE THE RAISING OF SHEEP IN THE COUNTIES OF WATAUGA AND ASHE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and eighty-four, of the laws of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, be amended as follows: Strike out the words "county court" wherever they occur in said chapter and insert "board of county commissioners," and strike out the word "justices" wherever it occurs in said chapter and insert "commissioners." Insert after the word "any" in line seven "wild cat or catamount." Amendments.

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

Ratified the 3d day of March, A. D. 1875.

## CHAPTER CXXII.

AN ACT TO ATTACH SO MUCH OF CRAVEN COUNTY AS LIES NORTH  
AND EAST OF ADAMS' CREEK TO CARTERET COUNTY.

Line changed.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that part of Craven county lying and being on the north and east of Adams' creek be and the same is hereby attached to Carteret county.

SEC. 2. The provisions of the foregoing section shall not be deemed of any effect until the question of "annexation" or "no annexation" be submitted to the legally qualified voters who shall have resided in the section to be effected by this act for thirty days prior to each election, and then only in case a majority of such voters shall cast their votes in favor of "annexation."

Election.

SEC. 3. In order to carry out the provisions of this act the sheriff of Craven county shall order an election to be held within thirty days after the passage of this act, at the various precincts in the territory effected hereby, and make due return of the same within five days thereafter.

SEC. 4. This act shall not be construed to prevent the collection of any arrearages of taxes due the sheriff of Craven within the limitations already prescribed by law.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 3d day of March, A. D. 1875.

## CHAPTER CXXIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO SUBMIT TO THE PEOPLE OF THAT COUNTY THE QUESTION OF CHANGING THE COUNTY-SEAT.

SECTION 1. *The General Assembly of North Carolina do* May submit to people.  
*enact*, That the county commissioners of Brunswick county may submit to the people of said county the question of the removal of the court-house and jail, and for this purpose they may order an election to be held in said county, and shall give notice thereof by advertisement at one or more public places in each township. That at said election two boxes shall be provided at every election precinct, one of which shall contain the votes for Removal or No Removal, and the other box shall contain the names of the places which the county commissioners may select for said removal. Each qualified elector is entitled to vote for removal or no removal, and for one of the places selected by the board of county commissioners to which said court-house and jail is to be removed. The returns of said election shall be transmitted in the usual manner to the county commissioners, who shall count the votes. If a majority of the votes are for removal, the court-house and jail shall be removed to the place which received the largest number of votes.

SEC. 2. The county commissioners may borrow money on May borrow money.  
the best terms which they can to meet the expenses of said removal, provided said expenses shall not exceed the sum of three thousand five hundred dollars. They may sell the ground and lot or lots occupied by the present court house and jail, and sell the buildings or remove them, as they see proper.

SEC. 3. This act shall expire at the end of two years from Expiration.  
its ratification, if the board of county commissioners shall take no action thereon.

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

Ratified the 3d day of March, A. D. 1875.

## CHAPTER CXXIV.

AN ACT TO PROVIDE FOR FILLING VACANCIES OCCURRING IN THE BOARD OF COUNTY COMMISSIONERS IN THIS STATE.

Vacancies.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever vacancies occur in any of the boards of county commissioners of this State by failure to elect, death, resignation or otherwise, the board wherein such vacancies occur may fill the same, and if by reason of such vacancies any board shall be left without a quorum, the clerk of the Superior Court of that county wherein the vacancies occur may appoint such number of commissioners as may be required in the board to compose a quorum: *Provided*, This act shall only apply to the county of Carteret.

Proviso.

SEC. 2. That all acts and clauses of acts in conflict with this act are hereby repealed.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXXV.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN THE COUNTIES OF GASTON AND LINCOLN.

Preamble.

WHEREAS, By the present dividing line between the counties of Gaston and Lincoln, many inconveniences and hardships are imposed upon citizens of Gaston residing in

the northwestern portion of the county and along the line of Lincoln ; *and whereas*, a change in the line between the two counties will give the aforesaid citizens great relief without detriment to the county of Gaston ; therefore,

SECTION 1. *The General Assembly of North Carolina do* Line changed.  
*enact*, That the dividing line between the counties of Gaston and Lincoln be changed as follows, viz: Beginning on said line in the northwestern portion of said Gaston county at the point where the old road known as the Flint Hill road crosses the Gaston and Lincoln county line, and run thence a direct line to the point where said road crosses the line between the counties of Gaston and Cleaveland: *Provided*, That the proposed change be submitted to the qualified voters of Gaston county on the first Thursday in August, one thousand eight hundred and seventy five, and the county commissioners shall provide for said election as other elections.

SEC. 3. All laws in conflict with this act are hereby repealed.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXXVI.

AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS WITHIN THREE MILES OF THE LOCATED LINE OF THE ASHEVILLE AND SPARTANBURG RAILROAD DURING ITS CONSTRUCTION.

SECTION 1. *The General Assembly of North Carolina do* Unlawful to sell.  
*enact*, That it shall be unlawful for any person or persons to sell or in any manner give away any intoxicating liquors, or either directly or indirectly receive any compensation for the same, within three miles of the located line of the Asheville and Spartanburg Railroad during the construction of the said road.

Penalty.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace shall be punished by a fine not less than ten dollars or more than fifty dollars, or by imprisonment of not less than ten days.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXXVII.

AN ACT TO ALLOW THE LINCOLNTON TOWNSHIP, LINCOLN COUNTY, NORTH CAROLINA, TO SUBSCRIBE TO THE CHESTER AND LENOIR NARROW GAUGE RAILROAD.

May subscribe  
\$15,000.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of aiding in the construction of "The Chester and Lenoir Narrow Gauge Railroad," the board of trustees for Lincolnton township, in the county of Lincoln, are hereby authorized, empowered and directed to subscribe the sum of fifteen thousand dollars to the capital stock of the Chester and Lenoir Narrow Gauge Railroad Company upon such terms and conditions as may be specially agreed to by the said trustees and the said railroad company, and the said board of trustees are authorized and empowered to pay the said subscription in the manner and form hereinafter prescribed: *Provided*, A majority of the qualified voters of said township, who shall vote at an election herein provided for, shall vote for such subscription.

Election.

SEC. 2. That for the purpose of testing the question and taking the sense of the said township, an election is hereby ordered to be held under the direction of the said board of trustees by the sheriff of Lincoln county, at the court-house in Lincolnton, under the same rules and regulations as are

prescribed for elections of members of the General Assembly.

SEC. 3. That said board of trustees shall advertise or cause to be advertised the said election, specifying the time and place of holding such election, at five places in said township for thirty days previous to the said election. Advertisement.

SEC. 4. That at said election those voting for subscription shall have written or printed on the ballots the word "Subscription;" those voting against it "No subscription;" and that a majority of the whole number of votes cast shall determine whether the subscription shall be made or not. Ballots.

SEC. 5. That if a majority of the votes cast be for the subscription, the said board of trustees, for the payment of such subscription, shall issue bonds of the township to the amount of fifteen thousand dollars, bearing interest at the rate of seven per centum per annum, and shall pay the same over to the proper officer of said railroad company and shall take therefor in the name of the board of trustees of said township and their successors in office, capital stock of said company to the amount of fifteen thousand dollars. Bonds.

SEC. 6. That the interest on said bonds shall be payable annually, and the said bonds shall be drawn and made so that each year bonds to the amount of one thousand dollars shall become due. Interest.

SEC. 7. That the said board of trustees shall have the power annually, until the said bonds and interest shall have been paid, to levy a tax sufficient to pay off and discharge the accrued interest on said bonds and the bonds which shall annually mature. Tax to meet interest.

SEC. 8. That the said bonds shall not be subject to any State, county or municipal taxation, and that the coupons for the annual interest thereon shall be receivable in payment of the taxes that may be imposed by virtue of this act; and that the proceeds of said bonds shall be applied to the construction of the said railroad from the town of Dallas to the town of Lincolnton. Bonds not taxable.

Taxes how collected.

SEC. 9. That the taxes authorized to be levied by this act shall be collected by the sheriff of Lincoln county at the same time and under the same rules and regulations as are prescribed for the collection of State and county taxes; that the said sheriff is hereby made the agent for said township for the payment of the annual interest and matured bonds for which the said taxes shall be levied: *Provided, however,* He shall file with said board of trustees a bond in the sum of five thousand dollars, with good and sufficient securities, conditioned for the faithful discharge of the duties hereby imposed: *And provided further,* The said bond shall be renewed each and every year. That for the collection and disbursement of the funds, the sheriff shall receive two and one-half per cent. commissions on the total amount collected by him.

Failure of sheriff.

SEC. 10. That if said sheriff shall fail or refuse to file the bond as provided in section nine of this act, the constable of Lincolnton township shall collect the tax and pay out the same as herein provided upon giving the bond as prescribed in section nine; and if the said constable shall fail or refuse to file such bond, the said board of trustees shall elect a qualified voter of said township, who shall, upon giving the bond prescribed, enter upon and discharge the duties imposed on the sheriff in section nine; that the constable, or the party elected by the board of trustees, as the case may be, shall receive the compensation for his services that is prescribed in section nine.

How represented.

SEC. 11. That the said board of trustees shall annually elect some qualified voter of their township to represent the stock of the township at the meetings of the stockholders of said company as often as the same may be held.

SEC. 12. That the said board of trustees shall appoint judges to hold the election herein provided for; and on the Saturday following the election, or as soon thereafter as possible, shall meet at the court-house in Lincolnton and declare the result of the said election.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXXVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MONTGOMERY COUNTY TO LEVY SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Montgomery county be authorized to levy and collect in the same manner as other taxes are levied and collected, a special tax not to exceed two thousand dollars annually until the county debt shall be liquidated, when this act shall cease to operate. Authorized to levy and collect tax.

SEC. 2. That the taxes so collected shall be paid over to the county treasurer, and to be appropriated to compromises of the county debt as in the discretion of said commissioners may seem for the best interest of the county. How paid.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER CXXIX.

AN ACT TO CHANGE THE LINE OF PAMLICO COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that part of Beaufort county comprised within the following boundaries, viz: Beginning at the mouth of Goose creek, and runs up Pamlico river to Lee's Line changed.

creek, then up said creek to the Washington road, then with said road westerly to the township line, then with the township line southerly to the Craven county line, then with the Craven and Pamlico county line to the mouth of Goose creek, be and the same is hereby annexed to and shall form a part of Pamlico county. That the change in the county line between Beaufort and Pamlico counties shall not exempt the citizens of Richland township, Beaufort county, from their proportional part of the debt of Beaufort county: *Provided*, That this act shall have no effect until a majority of the qualified voters of the territory thus designated shall by a vote declare themselves in favor of such annexation.

Proviso.

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

Ratified the 5th day of March, A. D. 1875.

## CHAPTER CXXX.

### AN ACT TO INCORPORATE THE DEEP RIVER, SAXAPAHAW AND DANVILLE RAILROAD COMPANY.

body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Jonathan Newlin, Peter R. Harden, William J. Murray, G. M. Hazelle, Jesse Gant, James E. Boyd, Albert Murray, Coleman Brand, Nathaniel Woody, of the county of Alamance, and Thomas M. Holt, W. R. Albright, of Alamance county, W. G. Albright, of the county of Chatham, and J. Q. Anderson, John Bird and N. M. Roane, of the county of Caswell, and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name of the Deep River, Saxapahaw and Danville Railroad Company, and by that name they and their

successors and assigns shall and may have continued succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style shall be capable, and are hereby invested with the power of purchasing, removing, holding and conveying any lands, tenements, goods and chattels, or any property of whatsoever nature which may be necessary or expedient to the objects and purposes of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be four hundred thousand dollars (\$400,000), with the power to the said company, when in their opinion it may be necessary, to increase the same to the sum of one million dollars (\$1,000,000), and shall be divided into shares of fifty dollars (\$50) each, which shall be deemed personal property, and shall be transferable from one person or persons to another person or persons under such regulations as may be prescribed by the by-laws of said company. Capital stock.

SEC. 3. *And it is further enacted*, That the persons named in the first section of this act shall constitute a board of commissioners, (a majority of whom shall constitute a quorum and have power to act,) to be known as the Deep River, Saxapahaw and Danville Railroad Commissioners, who shall meet in the town of Graham, on the thirty-first of July, one thousand eight hundred and seventy-five, and when they have so met they shall cause books for subscription to the capital stock of said company to be opened under such rules as the said commissioners shall prescribe, and when two thousand shares shall have been subscribed, and the sum of five per centum actually paid thereon in money or lands as hereinafter provided, to the treasurer to be elected by said commissioners, who shall give bond for its safe keeping and payment to the treasurer of the company when organized, then it shall be lawful for such subscribers or Board.

stockholders, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect seven directors, a majority of whom shall be necessary for the transaction of business, and who shall hold for one year and until their successors are duly elected and qualified, and who shall make such rules and regulations and by-laws for the government of the company and for the conduct of its business as they may deem expedient and proper, and the directors first elected under the provisions of this act, those chosen at the annual elections at the time hereafter set forth, shall as soon as may be after such election proceed to elect from their number a president and vice-president, and in case of the death, resignation or removal of the president, vice-president or any director, such vacancy may be filled for the remainder of the year wherein it occurs by the board of directors, or a majority of them, and in case of the absence of the president and vice-president, the said board of directors, or a majority of them, may appoint a president *pro tem.*, who shall have such power as the by-laws shall provide. The annual election of the directors for the said company shall be held in the town of Graham, on the first Monday in March in each year, at which time and place the stockholders in said company shall meet for such election and for the transaction of such other business as may be necessary for the interest of said company. The said directors, under such rules and regulations as the by-laws shall prescribe, shall elect annually a treasurer and secretary and such other officers as the by-laws may designate as necessary to properly carry out the provisions of this act and perform the business of the company, and fix the amount of salaries for such officers at the meetings of the stockholders provided herein for; each share of stock shall be entitled to one vote, which may be given by the holder in person or by proxy.

Election of officers.

SEC. 4. *And it is further enacted,* That in case it should happen that no election of directors shall be made at the time provided for in this act such election may be held at any other

time by resolution of the board of directors or a call majority of the stockholders, notice being given as provided in the by-laws, and the directors for the time being shall continue in office until new ones have been chosen in their stead.

SEC. 5. *And be it further enacted*, That the board of directors at any regular or call meeting, a majority of the directors being present, shall have power to call in the capital stock of said company, by such instalments and at such time as they may direct: *Provided*, That no call shall exceed the sum of five dollars on such share, and that such instalments shall not be called for at a shorter period than thirty days from each other, and in case of the non-payment of said instalments or any one of them the share or shares upon which such default shall arise may by the board of directors be declared to be forfeited after the giving of thirty days previous notice in writing to the holders of such. The said board of directors are empowered to make and prescribe such by-laws, rules and regulations as to them shall appear necessary and proper touching the management and government of the stock, property and estate or effects of the said corporation, and subscriptions to the capital stock in said company may be received in land (whether the same be situated on the line of the said company's railroad or not), labor or material, upon such terms as may be agreed upon by the directors and the land owner, laborer, or furnisher of material.

SEC. 6. *And it is further enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the privileges, rights and powers necessary and expedient to survey, lay out, locate and construct, maintain and operate a railroad from a point at or near Egypt, in the county of Chatham, running it thence near Snow Camp, in the county of Chatham, thence by the way of Graham, in the county of Alamance, to McCray's store, in the said county of Alamance, and thence by the most feasible route through the county of Caswell to Danville, in the State of Virginia, with power to construct

Instalments.

Proviso.

Powers of officers

a branch road from some point on the main line at or near McCray's store, in Alamance county, by the most feasible route to a point on the Richmond and Danville Railroad at or near Reidsville, in the county of Rockingham, with one or more tracks of such gauge as the directors shall prescribe, not to exceed four feet eight and one-half inches in width, and a right of way of one hundred feet in width, and that it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ to enter at all times upon all lands or waters for the purpose of exploring, leveling or laying out the route of such railroad and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private property; and when the route of the said railroad shall have been determined upon, and a survey of such route deposited in the office of Secretary of State, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be necessary for the completion or repairs of said road: *Provided*, That the payment or tender of payment of all damages (assessed as is hereinafter provided) for the occupancy of all lands through which the said railroad be laid out, shall be made before the said company or any person under their employ shall enter upon or break ground in the premises except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained. That the company shall have the right when necessary to conduct the said road across or along any public road or water course: *Provided*, The said company shall not obstruct any public road without constructing another equally good and convenient.

Right of way.

SEC. 7. *And it is further enacted*, That when any land

or right of way may be required by said company for the purpose of constructing their road, and for any cause the same cannot be purchased from the owner, the clerk of the Superior Court of the county in which said land or some part thereof is situated, shall, upon the application of the authorized agent of said company, appoint three disinterested commissioners who shall appraise such lands, and in making the valuation the said commissioners shall take into consideration the damage which the owner sustains by reason of the surrender of such land, and also any advantage, either general or special, which may arise by reason of the location of the road or its works, and the said commissioners shall file their report with the clerk by whom they were appointed within twenty days from their notification of their appointment, giving them a particular description of the land valued and the price set thereon: *Provided*, That if either party is dissatisfied with the action of the said commissioners, he may appeal from their report to the Superior Court of the county. The land or right of way so valued shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation shall have been paid or tendered and refused: *Provided further*, That before the clerk of any Superior Court shall proceed to appoint the commissioners as is hereinbefore provided, it shall be made to appear to him that the owner of the land, or if the owner is an infant or *non compos mentis*, the guardian, if there be one, if not, the nearest relative, has had ten days' notice of the application of the owner, guardian or other person to be served with such notice cannot be found, or is not a resident of this State, then such notice shall be published one time in the nearest newspaper: *Provided further*, That said commissioners shall, before proceeding to act, be sworn to perform faithfully their duties by some justice of the peace, which oath subscribed by them and witnessed by such justice, shall be filed with the report: *Provided further*, That the right of condemnation herein granted shall not authorize the said com-

pany to remove the dwelling house, yard, garden or burial ground of any individual without his consent: *Provided further*, That the right of said company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of the main track of the road, measuring from the centre of the same, and the company shall have power to condemn and appropriate lands in like manner for the construction and building of depots, shops, warehouses and buildings for servants, agents and persons employed on the road, not exceeding five acres in any one lot or station: *Provided further*, That all lands not granted to any other person heretofore within one hundred feet of the centre of said road shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Fare.

SEC. 8. *Be it further enacted*, That said company shall have the right to demand, collect and recover such prices and sums for fare and transportation of persons, property, freights, produce and merchandise as may be authorized and fixed by the said company not inconsistent with the laws of the State: *Provided*, That no greater discrimination than twenty-five per cent. shall be made between local and through freights.

SEC. 9. *Be it further enacted*, That any person who shall wilfully impair, injure, distress or obstruct the use of any railroad constructed under the provisions of this act, or if any person shall commit any act toward any such railroad which by the general laws of this State or the act of incorporation of any other railroad in this State is made indictable, such persons shall be liable to all the penalties, fines, forfeitures and punishments as is now prescribed by law, or such of them as the court may direct.

Real estate.]]

SEC. 10. *And it is further enacted*, That the said company may buy, have, hold with full power to sell or mortgage the same, real estate in any quantity which they may deem proper, whether upon the line of said road or not, that they may hold land at the commencement and terminus or

at any point on said road upon which they may erect and build warehouses, machine shops and other buildings, and shall have the privilege to erect, build and maintain such bridges over all streams of water on the line of their road as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

SEC. 11. *Be it further enacted*, That said company, if in their opinion it is necessary for the construction, improvement or keeping in repair of said road, are hereby authorized to issue coupon bonds of such denomination and value and bearing such rate of interest (not to exceed that prescribed by law) and payable at such times and places as the board of directors may determine, and such other evidences of indebtedness as the board of directors may determine, and said bonds or other evidences of indebtedness shall be a lien or mortgage on the road bed, iron, equipments, workshops, depots, lands and franchises of said company, both corporate and of use; and to the end the said company may borrow money, and as a surety for the payment thereof, may execute a mortgage or mortgages (under such rules as the directors may prescribe) on the road bed, iron, franchises, and any and all other property, whether real or personal, of said company. Bonds.

SEC. 12. *And be it further enacted*, That the said company shall have power and authority to make necessary arrangements with any railroad, steamboat or other line of transportation, chartered under the laws of this State, and the said company shall have the right to receive at the store houses which they may build or annex to their said road all goods, wares and merchandise and produce intended for transportation, to prescribe rules of priority and charge and receive such just and reasonable rates and charges for storage as they may establish. Arrangements with other companies.

SEC. 13. That the said company shall have corporate existence for ninety-nine years. Term.

SEC. 14. Any railroad corporation in this State shall have the right to connect with, pro-rate or exchange traffic with Pro rate.

said company upon mutually reciprocal terms, and in case of any disagreement as to terms or rates, the same shall be decided by arbitration or in any manner hereafter prescribed by law.

Reserved rights  
of State.

SEC. 15. The State of North Carolina reserves the right to regulate the rates of fares and freights whenever in the judgment of the General Assembly the public interest may demand.

SEC. 16. *And be it further enacted*, That this act shall take effect from its approval.

Ratified the 25th day of February, A. D. 1875.

## CHAPTER CXXXI.

### AN ACT TO INCORPORATE THE ALBEMARLE AND ROANOKE RAILROAD COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a railroad of one or more tracks from some point in Northampton county, at or near Garysburg, through the counties of Bertie and Northampton to the head waters of Albemarle Sound, at or near the mouth of Salmon creek, in Bertie county, the formation of a corporate company, with a capital stock of not more than twelve hundred thousand dollars, is hereby authorized, to be called the "Albemarle and Roanoke Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, it is to have a corporate existence as a body politic for ninety-nine years, and by said name may sue and be sued, plead and be impleaded in all the courts of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise; and said company

may enjoy all the rights and immunities which other corporate bodies may exercise, and make all necessary by-laws and regulations not inconsistent with the Constitution and laws of the State of North Carolina and the United States.

SEC. 2. That the said company be and the same is hereby authorized to construct a railroad by one or more tracks from and to the points aforesaid, on a line through said counties between said points to be determined upon by the company, and a branch road<sup>1</sup> from the main road to the Roanoke river, at or near Edwards' Ferry.

Authority to construct.

SEC. 3. That the capital stock of said company may be created by subscription on the part of governments, individuals, counties, municipal and other corporations, in shares of the value of one hundred dollars each, which may be made in money, land, timber or work, as may be stipulated and agreed upon.

Capital stock.

SEC. 4. That books of subscription to the capital stock of said company may be opened by the following persons, who are hereby appointed commissioners for that purpose, to-wit : Dr. William R. Capehart, Cadmus Capehart, Augustus Holley, L. S. Webb, P. H. Winston, Sr., F. W. Bell, Fred. C. Miller, William P. Gurley, M. V. Perry, Joseph B. Cherry, David E. Taylor, Thomas W. Thompson, Watson Lewis, James P. Johnson, Rix Pierce, Joe Nichols, Joseph H. Hardin, Stephen A. Norfleet, J. P. Roscoe, Moses Gilliam, Dr. Francis Gilliam, James M. Powell, John R. Powell, Burgus Urquhart and William J. Capehart, of the county of Bertie, and Edmund Jacobs, Dr. John C. Jacobs, W. S. Norwood, Edward Ward, Robert Baugham, James Winslow Copeland, J. W. Copeland, Henry Copeland, William E. Peele, Henry Peele, William H. Burgess, Alexander Capehart, L. H. Boyce, Henry Boyce, George D. Hollamon, Rev. William Grant, John T. Peebles, William W. Peebles, Dr. William Barrow, Dr. W. S. Copeland, Samuel Calvert, Robert A. Weaver, David A. Barnes, James W. Newsom, Thomas W. Jordan, Noah R. Odom, William T. Buxton, James A. Buxton, Samuel N. Buxton, George P. Burgwyn, Robert B.

Books of subscription.

Peebles, M. W. Ransom, Thomas W. Mason, Thomas J. Per-son and William H. Summerell, of Northampton county, and Reuben Ragland, D. G. Potts, Dr. Daniel W. Lassiter, R. G. Pegram, J. A. White, Richard T. Arrington, Sannel P. Arrington, Robert B. Bolling, of Petersburg, in the State of Virginia, whose duty it shall be to open or cause to be opened the said books of subscription at such times and places as a majority of them shall deem proper. Said com-missioners, or a majority of them, at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said company and five per centum paid thereon, have power to call together the subscribers to said stock, after ten days' notice in one or more newspapers of this State, for the purpose of completing the organization of said company; and the subscribers shall be and are hereby declared incorporated into a company, by the name and style of the "Albemarle and Roanoke Railroad Company," for ninety-nine years, with all the rights, powers, franchises and privileges herein granted.

Meeting of Di-  
rectors

SEC. 5. That said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and its annual meetings subsequent thereto, seven directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected: *Provided*, That no person shall be elected a director unless he or she shall at the time of such election be in good faith and reality the owner of at least three shares of stock in said company to and for his or her only use and benefit. In all such meetings of stock-holders a majority of all the stock subscribed shall be represented either in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to one vote. The election of directors shall be by ballot, each stockholder having as many votes as he or she has shares of stock in said company, and a person having a majority of all the votes polled shall be considered as duly elected. The board of directors may fill all vacancies that

may occur in it during the period for which they have been elected: *Provided, nevertheless,* That at the organization of the company no stock shall be represented either in person or by proxy till the subscriber shall have paid into the treasury of the company five per centum of the amount subscribed by said subscriber.

SEC. 6. That the president of the company shall be elected by the directors from among their number in such a manner and for such a term as the regulations of the company may prescribe. President.

SEC. 7. That at all elections and upon all votes taken in any general meeting of the stockholders upon any by-law or regulations or any of the affairs of the company each share of stock shall be entitled to one vote, and that any stockholder may vote in person or by proxy, the proxies to be verified in such manner as the by-laws may prescribe. Stock vote.

SEC. 8. That after this company shall be organized as aforesaid, the board of directors shall locate and have constructed as speedily as possible a railroad from and to the points aforesaid, on the route they may find most practicable and to be fixed by them. The said company shall have the exclusive right of conveyance and transportation of persons and things on the said railroad at such charges as may be fixed by a majority of its directors. Authority to locate and construct.

SEC. 9. That the president shall, under the direction of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in manner as may be prescribed by the by-laws of the company. Certificates of stock.

SEC. 10. That all contracts made and entered into by the president for and on behalf of the company with or without seal shall be binding on the company, provided that nothing in this section shall be so construed as to authorize the president to sell, lease, farm, mortgage or convey by deed in trust the road or any of the franchises of the company, unless authorized to do so by a majority in value of the stockholders. Contracts.

SEC. 11. That the board of directors may call for the sum Instalments.

subscribed as stock in said company in such instalments as the interest of said company may in their opinion require. The call for each payment shall be published in one or more newspapers of this State for ten days before the day of payment, and on failure of any stockholder to pay the instalment as then required, the directors may sell at public auction on a previous notice of ten days, at such place as they may fix upon, for cash, all the stock subscribed in the company by such stockholder or stockholders, and convey the same to the purchaser at the said sale; and if the said sale of stock does not produce a sum sufficient to pay the incidental expense of the sale, and the entire amount owing by such stockholder to the company for such subscription stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered by such stockholders, or their executors or administrators or assigns, at the suit of said company in any court of competent jurisdiction, or by warrant before a justice of the peace, where the demand does not exceed two hundred dollars, and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such, both the original subscribers and the first and all subsequent assigns shall be liable to the company, and the same way to be recovered as above described.

May use any section.

SEC. 12. That the said company may use any section of the said road before the whole shall be completed, and may charge for transportation thereon.

Bonds.

SEC. 13. That it may and shall be lawful for said company to make and issue bonds to any amount not to exceed five hundred thousand dollars, to be signed by the president of said company, under the common seal of the same, in sums not less than fifty nor more than one thousand dollars each, bearing interest at the rate of not more than eight (8) per centum per annum, to be paid annually in the city of New York or elsewhere, at their option, and redeemable at any time fixed and agreed upon by the company.

SEC. 4. That to secure the faithful payment of the said bonds, it shall and may be lawful for the president and directors of said company to make, execute and deliver to some person or trustee a deed of trust or mortgage under the common seal of said company, wherein shall be conveyed to the person thus appointed as trustee the road property, income and franchise of said company acquired or to be acquired, conditioned for the payment of the interest and the final redemption of said bonds.

Deed of trust

SEC. 15. That all the work hereby required shall be executed with due diligence, and if it be not commenced within five years after the ratification of this act, then this charter shall be void.

SEC. 16. That it shall and may be lawful for any incorporated city or town or any county to subscribe for so much stock in said company as they or either of them shall be authorized to do by the inhabitants of said city or town, or citizens of such county in manner and form as hereinafter provided: *Provided, nevertheless,* That no county shall subscribe for more than one hundred and fifty thousand dollars of stock in the aggregate, and the county of Bertie shall not subscribe for any stock till the road is constructed and the cars are running thereon to a point within five miles of the line between Bertie and Northampton counties. All the bonds or money subscribed by Bertie county for stock in said company shall be used solely for the construction of said road within the limits of said county and for equipping the same, and for no other purpose. No Bertie county bonds shall be issued for stock in said company or for the construction of said railroad till said road is completed to a point within five miles of the county line aforesaid. As soon thereafter as the people of said county shall vote a subscription, one fourth in value of the bonds voted or authorized to be issued shall be issued. The second fourth in value of said bonds shall be issued when said road is completed to a point five miles east of said line, and the third fourth shall be issued when the road is completed to a point within ten

Cities and towns  
may subscribe.

miles of the town of Windsor, and the remainder shall be issued when the [road] is completed to the Cashie river.

SEC. 17. That the corporate authorities of such city or town are authorized to make an order requiring the constable of such city or town, or any officers of their own body, at their option, at such times and on such notices as they shall direct, to open a poll and take the sense of the voters of such city or town qualified to vote for city or town officers, whether the corporate authorities of such city or town shall subscribe to the stock of said company for such sum or sums as the order shall propose; and the officers superintending such election shall make return of the number voting for and against it to the corporate authorities of said city or town or the presiding officer thereof; that if upon the return of said superintendent of election it shall appear that a majority of votes are in favor of the subscription, then the corporate authorities of such city or town shall make the subscription for such city or town, the subscription to be paid for in bonds of said city or town, or in cash, as the authorities may elect, and upon such terms as may be agreed upon by the said authorities and railroad company, and the said corporate authorities shall order their presiding officers to issue city or town bonds of not less than fifty nor more than one thousand dollars each, payable at such times and places as said corporate authorities shall direct. Said bonds may be made payable to said railroad company, or to bearer, or to any person, as said corporate authorities shall direct. Said bonds shall have coupons attached, and shall bear not less than six nor more than eight per centum interest, which interest shall be payable on the first day of January in each and every year. Said city and town corporate authorities are hereby vested with full power and authority to raise money by taxation on all taxable persons, land, and other property within their city or town, for the payment of any part of their subscription that may be due and for the payment of the principal and interest of the bonds so issued as aforesaid, as the same may be due.

SEC. 18. That the county commissioners of any county, a majority of said commissioners concurring, shall have full power and authority to order the sheriff of such county at such time, and on such notice as they shall direct, to open a poll and take the sense of the voters of such county qualified to vote for members of the House of Representatives of the General Assembly, whether the said county commissioners shall subscribe to the stock of said company for such sums as the order shall propose, and the sheriff shall make return of the number voting for and against it to the said county commissioners.

County subscrip-  
tions.

SEC. 19. That if upon the return of such sheriff it shall appear that a majority of the votes cast are in favor of the subscription, then the said county commissioners shall appoint their chairman to make the subscription in behalf of said county, which subscription may be paid for in the bonds of said county, or in cash, as the county commissioners may elect, upon such terms as may be agreed upon by and between them and the parties with whom they may negotiate; the said county commissioners shall order their chairman to issue county bonds, payable at such times and places as a majority of said county commissioners shall direct, in sums of not less than fifty nor more than one thousand dollars each. Said bonds may be made payable to said railroad company or to bearer, or to any person, as a majority of said county commissioners may direct; said bonds shall have coupons attached, and shall bear not less than six nor more than eight per centum interest, to be fixed and agreed upon by the commissioners, which interest shall be payable on the first day of January in each and every year. The said county commissioners are hereby vested with full power and authority to raise money by taxation on all taxable persons, land and other property within their county, for the payment of any part of the subscription of such county that may be due, and for the payment of the principal and interest of the county bonds so issued as aforesaid as the same may be due.

Profits.

SEC. 20. That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock that each may own.

May farm out.

SEC. 21. That the said company may, when they see fit, farm out their right of transportation over the said railroad, subject to the rules above named, and said company and every person who may have received from them the right of transportation of persons, goods, wares and produce on the said railroad, shall be deemed and taken to be a common carrier.

Real estate.

SEC. 22. That the said company may purchase, have and hold in fee simple or for a term of years, any lands, tenements or hereditaments.

SEC. 23. That the said company shall have the right, when necessary, to conduct the said road across or along any public or private road or water course, provided that the said company shall not obstruct any public road without constructing another equally as good and as convenient.

Right of way.] ]

SEC. 24. That when any lands or right of way may be required by said company for the purpose of constructing their road, and for the want of agreement for any cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the clerk of the Superior Court of the county wherein the land is situated, upon petition in writing of the company, and after five days' service of a summons for relief on the party or parties owning the said land. In making the said valuation the said commissioners shall take into consideration the loss or damage that may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage he, she or they may receive from the erection or establishment of the railroad or work, and shall state particularly the value and amount of each, and the excess of loss and damage over and above the advantage and benefit shall form the measure of valua-

tion of the said land or right of way: *Provided nevertheless*, That the company or the land owners may appeal, if dissatisfied, to the Superior Court of the county wherein the land or any part thereof lies, in the same manner as appeals are taken from the judgment of a justice of the peace to the Superior Court. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record. The land or right of way so valued by the said commissioners shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation shall be paid, or when refused, may have been tendered. The valuation provided for in this section shall be made on oath by the commissioners aforesaid, to be administered by any person having the authority to administer oaths: *Provided further*, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling house, yard, garden or burial ground without consent of the owner of the soil.

SEC. 25. That the right of the said railroad company to condemn in the manner described in the twenty-fourth section of this bill shall extend to the condemning of fifty feet on each side of the main track of the road, measuring from the centre of the same. The company shall also have power to condemn and appropriate to the company, in like manner, land for the construction and building of depots, shops and warehouses, buildings for servants and agents employed on the road.

SEC. 26. That no county bonds shall be sold or hypothecated for less than eighty per centum net in money of the par value thereof. County bonds..

SEC. 27. That this act shall take effect from and after the first day of March, one thousand eight hundred and seventy-five.

Ratified the 27th day of February, A. D. 1875.

## CHAPTER CXXXII.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY TO SUBSCRIBE TO THE CAPITAL STOCK OF THE YADKIN RAILROAD COMPANY.

Authorized to  
subscribe.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of county commissioners for Stanly county be and they are hereby authorized to subscribe for the said county of Stanly the sum of fifty thousand dollars to the capital stock of the Yadkin Railroad Company to aid in the completion of a railroad from Salisbury, in the county of Rowan, to Wadesboro, in the county of Anson.

May issue bonds.

SEC. 2. That to provide for the payment of said subscription of fifty thousand dollars mentioned in the first section of this act, the county commissioners of said county of Stanly shall make and issue coupon bonds to the amount of fifty thousand dollars in denominations of not less than two hundred and fifty dollars nor more than one thousand dollars.

Interest.

SEC. 3. That said bonds shall be signed by the chairman of the board of county commissioners for Stanly county, and countersigned by the clerk of the board of county commissioners of said county, and shall bear interest at the rate of six per centum per annum, said interest to be paid annually.

When due.

SEC. 4. That the principal of said bonds so issued shall be due and payable as follows: Two thousand dollars on the first day of April, one thousand eight hundred and eighty, and two thousand dollars on the first day of April in each succeeding year thereafter until all are paid.

Taxes.

SEC. 5. That the board of county commissioners of said county of Stanly shall levy and collect the necessary taxes to pay the principal and interest of said bonds as the same shall fall due, and in the manner as other county taxes are levied and collected.

SEC. 6. That when said bonds are issued ten thousand

dollars of them shall be delivered to the president and board of directors of the Yadkin Railroad Company at or before the expiration of ninety days from the ratification of this act by the qualified voters of said county of Stanly, ten thousand more when ten miles of the said Yadkin Railroad is graded, commencing at the town of Albemarle, in Stanly county, and ten thousand more for each additional ten miles, when graded, until all of said bonds are delivered.

SEC. 7. That the president and board of directors of said Yadkin Railroad Company shall issue and deliver to the board of county commissioners of Stanly county a certificate of stock in said Yadkin Railroad equivalent to the amount of county bonds delivered at par value of said bonds, and said certificate of stock in the said Yadkin Railroad Company shall be delivered to the county commissioners of said county of Stanly at the same time and for the same amount that said county bonds are delivered to the president and board of directors of the said Yadkin Railroad Company.

Certificate of stock.

SEC. 8. That the board of county commissioners of Stanly county shall hold an election on the fifth day of August, one thousand eight hundred and seventy-five, for the purpose of ascertaining the sense of the qualified voters of said county of Stanly as to whether they will subscribe the aforesaid sum of fifty thousand dollars, having first given three months' notice of said election by public advertisement posted at the court-house door in the town of Albemarle, and at one or more public places in each township in said county of Stanly.

Election to ascertain sense of voters.

SEC. 9. That said election shall take place and be conducted under the laws as prescribed for the election of members to the General Assembly, and those voting for subscription and issue of said bonds shall vote on a written or printed ticket "Subscription," and those voting against said subscription and issue of said bonds shall vote on a written or printed ticket "No subscription."

How conducted.

SEC. 10. That if said board of county commissioners of Stanly county shall fail to order said election mentioned in section eight of this act, or shall refuse to issue said bonds

Penalty.

as is provided for in section two of this act, after the qualified voters of said county shall vote for said subscription, then and in that case they and each of them so refusing shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars or imprisoned not less than six months, in the discretion of the court.

Proxy.

SEC. 11. That it shall be the duty of the county commissioners of said county of Stanly to appoint one or more of their number, or some other suitable person or persons, or both, in their discretion, to act as proxy to represent the stock of said county of Stanly in all meetings of the stockholders in said Yadkin Railroad Company, which said proxy shall hold his or their appointments for twelve months unless sooner removed by the board of commissioners of said county of Stanly; and a failure to appoint said proxy shall subject said county commissioners to a like offence and to like punishment as is mentioned in section ten of this act.

SEC. 12. That said coupons attached to said county bonds named in the first section of this act shall at all times after they become due be receivable in payment of any taxes due the said county of Stanly.

Penalty on railroad officers.

SEC. 13. That should the president and board of directors of said Yadkin Railroad Company fail or refuse to issue and deliver to the board of county commissioners of Stanly county the certificate of stock in the said Yadkin Railroad Company, as mentioned and provided in section seven of this act, then and in that case they and each of them so failing or refusing shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one thousand dollars or imprisoned not less than twelve months, at the discretion of the court.

Proviso.

SEC. 14. That this act shall take effect from and after its ratification: *Provided*, That the provisions herein contained requiring the board of county commissioners of Stanly county to subscribe fifty thousand dollars and to issue bonds for said amount and for levying taxes for the payment of the principal and interest of said bonds shall have no force or

effect until ratified by a majority of the qualified voters of said county of Stanly, who shall vote at the election mentioned and provided for in section eight of this act: *And provided further*, That the provisions herein contained requiring the board of county commissioners of said county of Stanly to subscribe fifty thousand dollars and to issue bonds for said amount, and for levying taxes for the payment of the principal and interest of said bonds, shall have no force or effect until an act authorizing the county commissioners of Rowan county to subscribe one hundred thousand dollars to the capital stock of the said Yadkin Railroad Company shall have been ratified and be in full force and effect: *And provided further*, That the provisions herein contained requiring the board of county commissioners of said county of Stanly to subscribe fifty thousand dollars to the capital stock of the said Yadkin Railroad Company and to issue bonds for said amount, and levying taxes for the payment of the principal and interest of said bonds, shall have no force or effect until one hundred thousand dollars in addition to the amount already subscribed shall have been subscribed to the capital stock of the said Yadkin Railroad Company by private individuals, counties other than Rowan, or corporations, and five per cent. of the stock subscribed by private individuals shall have been paid in, and in that case this act shall be in full force and effect.

Ratified the 6th day of March, A. D. 1875.

### CHAPTER CXXXIII.

AN ACT TO PUNISH THE BURNING OF GRAIN AND OTHER PRODUCTS SECURED IN STACKS OR OTHERWISE OUT OF DOORS.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person who shall wilfully burn or destroy any other person's corn, cotton, wheat, barley, rye, oats, Penalty for burning.

buckwheat, rice, tobacco, hay, straw, fodder, shucks or other provender in a stack, hill, rick or pen, or secured in any other way out of doors shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail or State's prison for not less than four months or more than five years.

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

Ratified the 8th day of March, A. D. 1875.

## CHAPTER CXXXIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO CHARTER THE CAROLINA NARROW GAUGE RAILROAD, RATIFIED FEBRUARY EIGHTH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, of chapter one hundred and thirty, public laws of North Carolina, one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended by striking out all the words from and after the word "Lincoln," in line eleven of said chapter in the printed copy thereof, page one hundred and seventy-three of said laws, up to and preceding the words "thence to the town of Lenoir," in line thirteen of said chapter, page one hundred and seventy-four of said laws. Whenever the people of Catawba county shall subscribe thirty thousand dollars in solvent subscription to the capital stock of this road this act shall be of no effect, provided such subscription is made before the road is graded to the bounds of Catawba county from the Lincoln side, or on the side from Caldwell: *Provided*, The company shall release the people of Catawba county from any and all obligations or liabilities

Sec. 1, chap. 130,  
laws of 1871-'72,  
amended.

incurred, and refund to them all moneys, with interest thereon, that have been advanced for the furtherance of this work: *Provided further*, That the subscription on the part of Catawba county and the citizens thereof shall not be expended outside of said county, except by their consent.

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

Ratified the 8th day of March, A. D. 1875.

## CHAPTER CXXXV.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO CHANGE THE TIMES OF HOLDING CERTAIN COURTS IN THE ELEVENTH JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do* Process.  
*enact*, That an act entitled an act to change the times of holding certain courts in the eleventh judicial district be supplemented by adding thereto the following: That all summonses or other process, civil or criminal, heretofore issued, returnable to the regular terms of the Superior Courts for the counties of Burke, Watanga and Mitchell, at the times when they were to be holden heretofore, are hereby required to be returned by the officers now having them in hand, or who may hereafter receive them, so as to conform to the changes made in the times of holding said courts by the provisions of said act, and such as have already been executed and returned, and such as may be issued hereafter, and to conform to the provisions of said act, and all recognizances, obligations of bail or other securities heretofore taken, returnable to the regular terms as they were holden previous to the said act, shall be deemed and held returnable to the terms of said courts as established by said act, with like

effect and saving as if they had originally been made returnable to the terms as established by said act.

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

Ratified the 8th day of March, A. D. 1875.

## CHAPTER CXXXVI.

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT GENERAL ASSEMBLY ENTITLED AN ACT TO LAY OFF AND ESTABLISH A COUNTY BY THE NAME OF PENDER.

Rights and Privileges.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county of Pender shall be and is hereby invested with all the rights, privileges and immunities of the counties of this State, except as hereinafter provided.

SEC. 2. An election shall be held in the county of Pender on the third Thursday in April, Anno Domini one thousand eight hundred and seventy-five, for the purpose of electing a clerk of the Superior Court, a sheriff, a treasurer, a register of deeds, a surveyor, five commissioners and a coroner, who, after having qualified and filed bonds as required by law, shall fill their respective offices until their successors shall have been appointed, or are elected at their next regular election, and shall have legally qualified.

Township Board of Trustees.

SEC. 3. At the same time as specified in the foregoing section, a township board of trustees shall be elected in each of the townships in the county of Pender as they now exist, who shall hold their offices until the first Thursday in August, Anno Domini one thousand eight hundred and seventy-five, and until their successors shall have been qualified according to law.

Members of House.

SEC. 4. At the election to be held on the first Thursday in August, Anno Domini one thousand eight hundred and

seventy-six, for members of the House of Representatives, the county of New Hanover shall elect two members and the county of Pender shall elect one member, which arrangement shall continue until the next apportionment.

SEC. 5. That until after the next apportionment the county of Pender shall vote for State Senator with the county of New Hanover, as now provided by law. Election of officers.

SEC. 6. It shall be the duty of the sheriff of New Hanover county, immediately after receiving a certified copy of this act, to advertise by posting a notice at some public place in each of the townships in the county of Pender, and shall also cause said notice to be inserted twice in at least two newspapers published in the city of Wilmington, that an election will be held in said county and in each of said townships, on the third Thursday in April next, (one thousand eight hundred and seventy-five,) for the election of officers mentioned in this act.

SEC. 7. It shall be the duty of the county commissioners of the county of New Hanover and of the sheriff of said county to make all necessary preliminary arrangements for holding the election aforesaid, and at the time aforesaid, in the same way and manner as if said election was to be held in the county of New Hanover at a regular election, and it shall be the duty of the said sheriff to superintend the holding of said election in the same way and manner as if it was held in the county of New Hanover only, and see that the returns thereof are duly authenticated and returned to the commissioners of New Hanover county, at the courthouse in Wilmington, on the fourth Thursday in April, one thousand eight hundred and seventy-five, who shall meet at that time and place for receiving, comparing and announcing the result of said election and issuing certificates of election to such persons as shall have received the greatest number of votes for the several offices as above enumerated, which several certificates shall be delivered to the sheriff elect of Pender county, to be delivered by him forthwith to the parties entitled thereto.

Meeting of commissioners.

SEC. 8. The first meeting of the commissioners of Pender county shall be held at Rocky Point, on the fifth Thursday in April next, (one thousand eight hundred and seventy-five,) for the purpose of taking the oath of office, to be administered by any acting justice of the peace residing in the county of New Hanover, and said commissioners, after having qualified, shall be deemed and taken to be, and shall be duly organized a board of commissioners for the county of Pender, with all the ordinary rights, privileges and powers of such boards in the several counties of the State.

SEC. 9. The sheriff and other officers to be elected under the provisions of this act, whose duty it shall be to file bonds, shall file the same during the first meeting of the board aforesaid, or within a time to be prescribed by them, after which they shall have the authority and exercise the rights given respectively to the same officers in the other counties of the State.

Official bonds.

SEC. 10. Any officer who shall be elected at the election provided for in this act, and who being required to file a bond or bonds, shall fail so to do at the first meeting of the board of commissioners of Pender county, or within the time prescribed by the board, shall be taken as declining to fill such office, and a vacancy shall exist to be filled according to law.

Superior Court.

SEC. 11. The commissioners of Pender county shall, at their first meeting, and which may be continued three days, select and fix upon a place for holding the Superior Court and commissioners' courts until a permanent seat of justice shall be determined upon, and a temporary or permanent court-house erected thereat.

Officers to continue, &c.

SEC. 12. That the county officers in New Hanover county shall continue in the exercise of all their official duties within the limits of the county of Pender until the commissioners of Pender county are elected and qualified, in the same manner and to the same extent as if the county of Pender had not been established.

SEC. 13. That all the civil causes that shall remain on the Superior Court docket of New Hanover county, including those that are on the docket of the Judge of Probate of New Hanover after the first day of May, one thousand eight hundred and seventy-five, in which both plaintiff and defendant are citizens of Pender county, shall be transmitted by the clerk of the county of New Hanover to the county of Pender for trial, under the same rules and regulations that govern the removal of causes from one county to another, except that no affidavit or order of the court shall be necessary thereto, and it shall be the duty of said clerk to deliver the transcripts of record of such suits to the clerk of the Superior Court of Pender county at least twenty days before the first term of said court is held, and all of said causes shall then stand for trial at that term, and it shall be the duty of the clerk of said county to prepare a docket for the trial of causes, and to place the causes transmitted in the same order that they stood on the docket of New Hanover.

Civil causes transferred.

SEC. 14. Where criminal actions are now pending in any Superior Court against any citizen of Pender county, or where the same shall be instituted before the organization of the county of Pender, the same shall be continued and prosecuted therein as now provided by law.

SEC. 15. That Robert I. Nixon, Fletcher H. Bell, Robert R. Bryant, John D. Powers and James Gason are appointed commissioners to confer with a commission to be appointed by the commissioners of New Hanover county, to adjust and ascertain the part of the public debt of New Hanover to be assumed by the county of Pender: *Provided*, That in said adjustment the public buildings of New Hanover shall be valued and that amount deducted from the debt, and the residue divided between the counties according to the amount of taxable property in each as evidenced by the tax books of New Hanover, and in case the respective commissioners cannot agree they are authorized to call in the chairman of the board of county commissioners of Duplin or Brunswick county as umpire.

Adjustment of debt.

Prisoners.

SEC. 16. That all persons who may be liable to imprisonment under any process, either civil or criminal, in Pender county before the completion of the jail therein may be committed to the jail of New Hanover county or any adjoining county, as the commissioners of Pender may direct.

Superior Court.

SEC. 17. There shall be a Superior Court opened and held for the county of Pender on the second Monday in July and the third Monday in December, in the year one thousand eight hundred and seventy-five, and each year thereafter, at such places as may be determined upon according to the provisions of section eleven of this act, and the judge of the fourth judicial district shall preside thereat.

Survey and plat.

SEC. 18. That the county commissioners shall as soon as practicable appoint one or more suitable persons to make a survey and plat of said county of Pender, he or they first taking an oath before some acting justice of the peace for the faithful discharge of his duty.

County site.

SEC. 19. When a permanent seat of justice shall be determined upon according to the provisions of section twenty of this act, the county commissioners shall proceed at once to procure by donation or purchase not less than ten nor more than two hundred acres of land within one mile of the selected point, which land shall be conveyed to the chairman of the board of commissioners and his successors in office forever, for the use of said county; and further they shall take such action as may be necessary to have said land laid off in lots and streets of such size and width as they may decree right and proper in said town, which shall be called Cowan, and shall be the seat of justice of said county, and after designating such of said lots as shall be kept for public purposes, the said county commissioners, after thirty days' public notice, made in such manner as they may deem best, shall expose said lots or such of them as they may think should be sold, to public sale at auction on such credit as they may deem proper, with interest from date payable to the chairman of the county commissioners of said county,

who shall hold the same subject to the order of his board:  
*Provided*, That he shall require security on said bonds.

SEC. 20. That it shall be the duty of the county commissioners and sheriff of New Hanover to provide for and Election of site.superintend an election in the county of Pender for a location for the permanent seat of justice of said county at the same time the election is held for various county officers in said county, and the location receiving the highest number of votes shall be selected.

SEC. 21. After a location for a permanent seat of justice shall have been selected and a site procured for a location of the court-house, it shall be unlawful for any person to sell any spirituous liquors within three miles of said location, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, That it shall be the duty of the county commissioners to advertise when said location has been procured.

SEC. 22. That this act shall be in force from and after its ratification, and all laws and clauses of laws inconsistent with its provisions are hereby repealed.

Ratified the 8th day of March, A. D. 1875.

## CHAPTER CXXXV'I.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY, SECTION ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and twenty, section one, laws of one thousand eight hundred and seventy-one and Chap. 7, sec. 9,  
Eattle's Revision,  
amended.

one thousand eight hundred and seventy-two, as brought forward in Battle's Revisal, chapter seven, section nine, be amended as follows, to-wit: Strike out the word "counties," in fifth line of said section, and insert the word "county" in lieu thereof, and strike out the words, "and Stanly," in the last line of said section, so that it will read as follows, to-wit: That it shall not be lawful for any deputy or assistant of the Superior Court clerk of any county to practice law as an attorney in any of the judicial courts held for the county in which he performs the duties of the deputy or assistant clerk as aforesaid: *Provided*, This act shall not apply to the county of Rowan.

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

Ratified the 9th day of March, A. D. 1875.

## CHAPTER CXXXVIII.

### AN ACT FOR THE BETTER PROTECTION OF THE CALDWELL AND WATAUGA TURNPIKE COMPANY.

Management.;

SECTION 1. *The General Assembly of North Carolina do enact*, That all that portion of the Caldwell and Watauga Turnpike from Shull's Mills, in Watauga county, to B. F. Baird's, shall hereafter be under the control and management of the Caldwell and Watauga Turnpike Company, and it shall be the duty of said company to keep the same in lawful repair, and all the hands who have heretofore been required to keep in repair that portion of said road from Shull's Mills to B. F. Baird's are hereby exempted from working the same.

Tolls paid in labor.

SEC. 2. That any person living in Watauga county who may prefer paying his toll in labor for passing over the Caldwell and Watauga Turnpike, shall be allowed one dollar for

every ten hours' work done on said road under the directions of such overseers as said company shall hereafter appoint, provided that said amount shall be paid by said company in toll at the rates now established for toll.

SEC. 3. That it shall be the duty of said overseers to keep an account of the names of such persons as may work, as is provided in the preceding section, and of the amount due them for said work, which account shall be forwarded to the person in charge of the toll gate on said road, who, upon reception of said account, shall allow said party so entitled to pass over said road to the amount of his claim.

Duty of overseers.

SEC. 4. That it shall be the duty of said company to hold a meeting on or before the first day of October, one thousand eight hundred and seventy-five, to appoint such overseers as are required by this act, and to attend to any other matters that may be necessary to promote the condition of said road.

Duty of company.

SEC. 5. That all laws in conflict with the provisions of this act are repealed whenever this act shall go into effect.

SEC. 6. That this act shall go into effect on the first day of October, one thousand eight hundred and seventy-five.

Ratified the 9th day of March, A. D. 1875.

## CHAPTER CXXXIX.

### AN ACT TO RE-ASSESS THE REAL PROPERTY OF PITT COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the township board of trustees or the assessors of the several townships for the county of Pitt at the time of taking the list of taxables for the year one thousand eight hundred and seventy-five, shall assess all the lands and real property in their respective townships for taxation at the cash value of the same on the first day of April, one thou-

Re-assessment of real property.

sand eight hundred and seventy-five, and the taxes hereafter collected in said county shall be collected on said assessment until another shall be authorized by law.

Appeals.

SEC. 2. That appeals may be taken from said assessment in all cases, or the same may be revised in the same manner as is provided for in the general machinery act in force at the time.

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

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

Ratified the 9th day of March, A. D. 1875.

## CHAPTER CXL.

### AN ACT TO INCORPORATE THE NORTH CAROLINA BORDER RAILROAD COMPANY.

Body politic

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a railroad from Henderson or some suitable point on the Raleigh and Gaston Railroad, by way of Reidsville, in Rockingham county, to some point on the Virginia or Tennessee line, as they may elect, Thomas M. Lynch, Col. Lee Edwards, and T. B. Venable, of Granville county; John W. Cunningham, Montfort McGehee and James Holeman, of Person county; Dr. N. M. Roan, Thomas A. Donahoe, George N. Thompson, of Caswell county; J. T. Morehead, Col. A. J. Boyd, John F. Wooten, M. Oaks and William Lindsay, of Rockingham county; J. F. Graves, Job Worth and W. A. Moore, of Surry county; J. L. Peatross, John L. Smith and Thomas Martin, of Stokes county, and their associates, successors and assigns, are constituted a company and are hereby incorporated under the name and style of "The North Carolina

Border Railroad Company," with a capital stock of five (5) hundred thousand dollars with the privilege of increasing the same to five millions of dollars, which shall have a corporate existence as a body politic for the space of ninety-nine years, and by that name may sue and be sued, plead and be impleaded in any court in North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real and personal and mixed, and acquiring the same by gift or devise so far as may be necessary for the purpose herein contemplated; and the said company may enjoy all the rights and immunities which other railroad corporations may lawfully exercise under the general corporation laws of North Carolina and may make all necessary by-laws and regulations for its government not inconsistent with the constitution of this State and of the United States.

SEC. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations, in shares of one hundred dollars each, which may be made in lands, timbers, work or moneys, as may be stipulated. Capital stock.

SEC. 3. It shall be the duty of the corporators named in the first section of this bill to appoint commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe, and that said commissioners, or any three of them, after the books have been kept open for thirty days and the sum of fifty thousand dollars subscribed to the capital stock of said company and five per cent. paid thereon, have power to call together the subscribers to said stock for the purpose of completing the organization of said company, and the said subscribers shall be and are hereby declared incorporated into a company by the name and style of the "North Carolina Border Railroad Company." Open books.

SEC. 4. That the said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and annual meetings subsequent thereto, seven Meetings.

Directors.

directors shall be elected by the stockholders, to hold office for one year, or until their successors shall be elected, and any of such meetings shall have power to make or alter the by-laws of the company: *Provided*, That in all such meetings a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the laws of the company, and each share there represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number as president of said company, and to fill all vacancies in the board.

Location and construction.

SEC. 5. That after the company shall be organized as aforesaid, the board of directors shall proceed to locate and have constructed as speedily as possible on the route they may find most practicable, a railroad as located in the first section of this act. That said company shall have exclusive right of conveyance on transportation of persons, goods, merchandise and produce on the said road to be by them constructed, at such charges as may be fixed by a majority of its directors; that said company may assign or lease their franchise or their rights of transportation on said road to any person, persons or corporations.

SEC. 6. That the said company shall have the power to use and enforce the payment of stocks subscribed, as was heretofore granted to the North Carolina Railroad Company by charter of incorporation, and shall have power to condemn lands for the use of the company, where a contract of purchase cannot be made with the owners thereof, to the same extent and in the same manner and under the same rules, regulations and restrictions as the said North Carolina Railroad Company was authorized to do by act of incorporation.

Contracts.

SEC. 7. That all contracts made and entered into by the president or superintendent of the company, by and with the consent of the directors, whether with or without seal, shall be binding upon said company, and the president shall, under the instruction of the board of directors, issue

certificates of stock to the stockholders, which shall be transferable by the laws of the company; that the gauge of said road shall be such as the board of directors may prescribe.

SEC. 8. That the commissioners herein named shall have three years to comply with the provisions of section three of this act. Time to comply.

SEC. 9. This corporation shall have power from time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of bonds for any amount so borrowed, and to mortgage their corporate property and franchises, to secure the payment of any debt contracted by the company for the purposes aforesaid. May borrow money, issue bonds and give mortgage.

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

Ratified the 9th day of March, A. D. 1875.

## CHAPTER CXLI.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF CRAVEN COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Craven county, at any regular meeting, are hereby authorized, empowered and required to levy a special tax for the year one thousand eight hundred and seventy-five, not to exceed one thousand dollars, for the purpose of building a public bridge across Brice's creek, in said county, at the same point where the United States army erected a military bridge across said creek in the year one thousand eight hundred and sixty-two: *Provided*, That the constitutional equation between the property and poll shall be observed in raising said tax. Special tax.

Public road.

SEC. 2. That the county commissioners of Craven county are hereby authorized and required to appoint commissioners (citizens of said county) to lay off a public road from the point on Brice's creek where the said public bridge, mentioned in the foregoing section, shall be erected, to Clairmont bridge, over Trent river, a distance of about one mile.

Damages.

SEC. 3. That the said road commissioners, or a majority of them, after having been first sworn before some justice of the peace of said county, shall assess the damage that ought to be paid any person or persons over whose land said road may pass, and shall make due return of their proceedings to the county commissioners at their first meeting after the ratification of this act; and upon return of said road commissioners it shall be the duty of said county commissioners to cause to be paid to the owners of the land so condemned such sum or sums as may be assessed by the commissioners aforesaid: *Provided*, That the county commissioners shall not deem the amount thus allowed by the road commissioners excessive.

Overseers.

SEC. 4. That after said road shall have been laid off and established as heretofore provided, it shall be the duty of the county commissioners to appoint overseers and hands for the working and keeping up of said road as other public roads are required to be kept up.

Time of levying tax.

SEC. 5. That the commissioners of Craven county shall at their meeting on the first Monday in April proceed to levy the tax mentioned in the act.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER CXLII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN,  
LAW OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE  
AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter one hundred and thirty-seven, public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled "An act to prohibit the sale of intoxicating liquors in certain localities," be amended by striking out the words "Rnsh Academy," in the county of Hyde: *Provided*, That the sheriff of Hyde county shall hold an election in the town of Nebraska, on the first Thursday in May, one thousand eight hundred and seventy-five, at eleven o'clock A. M., at which election all the legal voters within two miles of said town may vote, and if a majority of votes shall be cast in favor of repealing the law forbidding the sale of spirituous liquors in said town, then said law shall be repealed, otherwise to remain in force.

Chap. 137, laws  
of 1873-'74,  
amended.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER CXLIII.

AN ACT TO CONSTRUE AN ACT PASSED BY THE GENERAL ASSEMBLY AT ITS SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, ENTITLED "AN ACT IN RELATION TO FENCES, AND FOR THE BETTER PROTECTION OF CROPS."

WHEREAS, Some doubt has arisen upon the construction of an act entitled "an act in relation to fences, and for the better protection of crops," passed by the General Assem-

Preamble

bly at its session of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three; and whereas, an election was held under said act in Mallard Creek township, Mecklenburg county, October the fourteenth, one thousand eight hundred and seventy-four, which resulted in a tie vote, and the board of county commissioners for said county of Mecklenburg, at their next meeting, gave the casting vote for said law, and ordered the trustees of said Mallard Creek township to build a fence in accordance therewith; now, therefore,

Intent declared.

SECTION 1. *The General Assembly of North Carolina do enact*, That the true intent and meaning of said act was, and it is now so declared to be, that the board of county commissioners of the counties named in said act shall in all cases when the number of votes cast for and against said law are equal, give the casting vote.

Action of Board ratified.

SEC. 2. That the action of the board of county commissioners for the county of Mecklenburg in giving the casting vote in the election for Mallard Creek township, in said county of Mecklenburg, above referred to, and all acts done in accordance therewith and subsequent thereto by the said board of county commissioners and the said trustees of Mallard Creek township, are hereby ratified and confirmed.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER CXLIV.

### AN ACT TO AMEND THE CHARTER OF THE WESTERN RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the president and directors of the Western Railroad Company, and such commissioners as they may

May be open books of subscription.

appoint, are authorized and empowered to re-open books for subscription to the capital stock of said company at such points as they may deem proper, and subscriptions to the capital stock of said company may be taken in money, goods, lands or labor, and all subscriptions taken under this act shall be expended first in the completion of said road from its present terminus to Greensboro.

SEC. 2. Section one of chapter one hundred and eighty-seven, of the public laws of North Carolina for the years one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, ratified the third day of March, one thousand eight hundred and seventy-three, is hereby amended by striking out all after and including the word "provided."

Law of 1872-'73,  
amended.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER CXLV.

AN ACT TO SUPPORT THE INSANE ASYLUM OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of seventy thousand dollars (\$70,000) per annum be and the same is hereby appropriated for the support, improvement and repairs of the Insane Asylum for the next two years, to be paid by the Public Treasurer to the treasurer of the Asylum from time to time, as the board of directors or the executive committee thereof shall direct: *Provide*, That five thousand dollars and no more out of this appropriation may be used for improvements and repairs.

Appropriation.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER CXLVI.

## AN ACT IN RELATION TO CHARTERS OF CITIES AND TOWNS.

Forbidden to use  
moneys.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners or other authorities of any city or town in this State be and they are hereby forbidden to appropriate or use the moneys or funds of such city or town for the purpose of preventing the ratification or acceptance or carrying into operation of any charter or amendment to any charter enacted by this General Assembly.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER CXLVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MOORE COUNTY  
TO LEVY A SPECIAL TAX FOR COUNTY PURPOSES.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of Moore county be authorized, in addition to the tax which they may have power to assess under the general revenue law of the State, to levy a special tax not exceeding one dollar on the three hundred dollars' worth of property and one dollar on the poll, for county purposes.

How used.

SEC. 2. That the funds raised by this act shall be used for the necessary repairs to the court-house and for purchasing site and erecting a poor-house, but the commissioners shall submit the question of "Tax" or "No Tax" to the qualified voters of Moore county on the regular day of election

on the first Thursday in August, one thousand eight hundred and seventy-five, and if a majority of the qualified voters vote for the tax, then the commissioners may proceed to collect the tax.

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

Ratified the 12th day of March, A. D. 1875.

## CHAPTER CXLVIII.

### AN ACT FOR ADJUSTING THE DEBT OF YANCY COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Yancy county are hereby authorized to exercise such discretion in compromising or adjusting the debt of said county as they may think consistent with the best interest of the people of the county, and the said commissioners are hereby authorized, if in their judgment it shall be deemed advisable, to employ a financial agent or appoint such agent, who shall serve without salary and who shall, under the control and direction of said board of commissioners, compromise and adjust the indebtedness of the county on such terms as may be consistent with the interest of the people of said county.

Adjustment of  
debt.

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

Ratified the 12th day of March, A. D. 1875.

## CHAPTER CXLIX.

AN ACT TO EMPOWER THE COMMISSIONERS OF CABARRUS COUNTY  
TO SELL THEIR PRESENT COURT-HOUSE AND JAIL LOTS, AND  
TO LEVY A SPECIAL TAX.

May sell court-  
house and jail  
lots.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Cabarrus county are hereby empowered and authorized to sell and convey the present court-house and jail lots of said county in such manner as they may deem best, and to purchase in the town of Concord other suitable real estate in separate or contiguous lots, and to erect thereupon a new court-house and jail, with such other buildings as they may think necessary.

Special tax.

SEC. 2. That for the purposes of the next preceding section the commissioners of Cabarrus county are hereby authorized and empowered to levy a special tax in such installments as they may think proper, not to exceed twenty thousand dollars, on all real and personal property and polls, now taxed for general county purposes, and that said tax be levied and collected as other county taxes, with due observance of the constitutional equation between property and poll.

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

Ratified the 12th day of March, A. D. 1875.

## CHAPTER CL.

AN ACT IN RELATION TO THE WESTERN NORTH CAROLINA RAIL-  
ROAD.

Commissioners.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor of the State of North Carolina and Robert F. Arinfield and James L. Robinson are hereby ap-

pointed commissioners, who shall purchase the Western North Carolina Railroad and all the property appertaining thereto, at a sale thereof, to be made under a decree of the Circuit Court of the United States, at Greensboro, in the Western District of North Carolina, and any claims against said Western North Carolina Railroad Company which may be necessary to secure to the State of North Carolina a perfect and indefeasible title to the said Western North Carolina Railroad and all its property and franchises, if they can purchase the same for a sum not exceeding eight hundred and fifty thousand dollars, and to pay for it the said Governor, Armfield and Robinson, commissioners, are hereby fully authorized and instructed to issue bonds in the name of the Western North Carolina Railroad Company of the denomination of one thousand dollars, bearing interest at the rate of seven per centum per annum, payable semi-annually and due at fifteen years from date, signed by the chairman and countersigned by the secretary of said commission, and sealed with the seal of the company, and such bonds shall be numbered consecutively, and in the usual form of mortgage bonds, and the coupons, after maturity, shall be receivable in payment of any taxes or other dues to the State: *Provided*, Said bonds shall be receivable at par Proviso. in payment for the said railroad property and franchises: *And provided further*, That if said commissioners shall, upon examination into the affairs of the said Western North Carolina Railroad Company, be of opinion that the sum which they may be required to pay for the same is too great or that claims which they are required to pay are fraudulent and ought not to be paid, then in their discretion they may decline said purchase and report the matter to the next session of the General Assembly.

SEC. 2. That to secure the payment of the bonds and interest as the same may come due, the commissioners aforesaid shall have the right and power to execute and deliver mortgage deeds, with power of sale, to such trustee as may be selected or agreed on, the same to be signed by the Mortgage Deeds.

chairman and one or both of the other commissioners, conveying such railroad, property and franchises, including road-bed, superstructure, equipment and all its real and personal estate, and said deed or deeds, when duly executed, may be recorded in the register's office in Rowan county, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes, and shall give it priority over all claims against said railway property, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding: *Provided*, That no sale under the mortgage or mortgages herein provided for shall be made by virtue of any decree of foreclosure without first having given six months' notice thereof by public advertisement in six newspapers of the largest circulation in the State.

Commissioners  
to manage.

SEC. 3. That if the Governor and said Armfield and Robinson shall purchase said road, it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint three commissioners who shall manage said road and its affairs during the pleasure of the General Assembly, and to build and complete the same to its termini at Paint Rock and the Georgia or Tennessee line, near Ducktown, according to the charter of said Western North Carolina Railroad Company and the acts amendatory thereof. They shall have power to appoint the necessary officers to operate and manage said road and keep the same in repair. They shall require true and accurate accounts to be kept of all the earnings, incomes and expenses of said road, and make semi-annual reports to the Governor of such accounts and of their actings and doings; and they shall semi-annually pay into the treasury, except as may be hereafter provided, all the net earnings and income of said road, and the treasurer shall keep an accurate account of all sums of money so paid in, and note the same in his reports to be submitted to the General Assembly. The said commissioners, before entering upon their duties herein provided for, shall execute a bond payable to the State of North Car-

olina (which shall be approved by the Governor) in such sum as may be necessary to secure the State, but in no case shall said bond be less than double the amount of the net earnings for the preceding year : *Provided*, That no person shall be appointed commissioner who has been connected with any fraudulent transaction in connection with any of the railroads or other public works of this State. Proviso.

SEC. 4. That the Public Treasurer shall on demand after maturity pay out of the moneys received from said railroad the interest upon the bonds authorized by this act, and if at any time there shall not be sufficient funds on hand to fully discharge such interest, then he shall pay such deficit out of the general fund, keeping an accurate account of the advances so made, which shall be a lien upon the railroad and all its property, second only to the mortgage hereinbefore provided for. Interest.

SEC. 5. That upon a reorganization of the company under this act the State of North Carolina shall be assigned three-fourths of the stock and the private stockholders one fourth of the stock, under such regulations for apportionment of the private stock as the commissioners may prescribe. That after such organization the number of commissioners shall be increased to four, one of whom shall be elected by the private stockholders in such manner as the commissioners hereinbefore provided for shall prescribe : *Provided*, That the State of North Carolina shall in all meetings of the stockholders have a voice equal to the amount of the stock assigned to the State by the provisions of this act. Stock.

SEC. 6. That the commissioners provided for in this act shall have such convicts as are not necessary for completing the penitentiary for laborers upon the unfinished portion of the Western North Carolina Railroad as they may require, and may use such portion of the net earnings of the road in its construction as they may deem proper : *And provided further*, That one half of the net earnings of said road shall first be applied to the payment of the coupons upon the bonds, and that said net earnings shall be deposited in the Commissioners may employ convicts.

State treasury for that purpose: *Provided*, That they shall have no power to create any lien or other debt upon said railroad or against the State without express authority from the General Assembly.

Existing rights.

SEC. 7. That no change of location or operation of said railroad within Catawba county shall be made to impair existing rights of the town of Newton, and it shall be lawful for any criminal, not guilty of a capital offence, to be sentenced to labor on said railroad.

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

Ratified the 13th day of March, A. D. 1875.

## CHAPTER CLI.

AN ACT TO REQUIRE OFFICERS OF THE VARIOUS COUNTIES TO MAKE REPORTS OF ALL PUBLIC FUNDS WHICH COME INTO THEIR HANDS.

Annual reports.

SECTION 1. *The General Assembly of North Carolina do enact*, That sheriffs, treasurers, clerks of the Superior Courts, registers of deeds and all other officers of the several counties of the State into whose hands any public funds may come by virtue or under color of their office, shall make an annual report of the amount and management of the same, on the first Monday in September of each and every year to the board of commissioners of the several counties. Such report shall give an itemized and detailed account of the public funds received and disbursed—the amount, date and source from which it was received, and the amount, date and person to whom disbursed, shall be addressed to the chairman of the board of commissioners for the county for which such report was made, and shall be subscribed and verified by the oath of the party making the same before any person allowed to administer oaths.

SEC. 2. That the board of commissioners, if they shall approve of any or all of the reports mentioned in the first section of this act, shall cause the same to be registered in the office of the register of deeds in a book to be furnished to the register of deeds for the several counties by the Secretary of State, which book shall be marked and styled "record of official reports," with a proper index of all reports recorded therein, and each original report shall, if approved, be endorsed by the chairman of the board with the word "approved," the date of approval, and the endorsement signed by the chairman, and when recorded by the register he shall endorse thereon the date of registration, the page of the "record of official reports" upon which the same is registered, sign the same and file it in his office.

To be approved  
and registered.

SEC. 3. That if any party required by this act to make the report herebefore provided for shall fail to do so, or if after a report has been made, the board of commissioners disapprove the same, such board may take such legal steps to compel a proper report to be made, either by suit on the bond of such officer failing to comply with the provisions of this act, or otherwise, as said board may deem best.

Failure to report.

SEC. 4. That any person wilfully and falsely swearing to any report made under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction fined or imprisoned, or both, in the discretion of the Court.

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

Ratified the 13th day of March, A. D. 1875.

## CHAPTER CLII.

AN ACT TO LAY OFF AND ESTABLISH A PUBLIC ROAD IN THE COUNTIES OF WILKES AND ALEXANDER.

SECTION 1. *The General Assembly of North Carolina do enact*, That N. J. Deal, Howell Baker, and David Williams,

Commissioners.

of the county of Alexander, and Anderson Winkler, Dr. R. F. Hackett and Harrold Hayes, of the county of Wilkes, are hereby appointed commissioners to lay off a public road from Wilkesboro' the most practicable and direct way to some point on the Statesville road leading to Taylorsville, near Salem church, in Alexander county.

Location.

SEC. 2. That said commissioners, or a majority of them, after having been first sworn before some justice of the peace of one of said counties, may proceed to locate said road and assess the damage that ought to be paid any person or persons over whose land said road may pass, and shall make due return of their proceedings to the commissioners of Alexander and Wilkes counties at their first meeting after they shall have so laid off said road; and upon return of said road the commissioners of each county shall cause to be paid to the owners of the land so condemned in their respective counties such sum or sums as may be assessed by the commissioners aforesaid: *Provided*, That any person whose land is condemned by said road commissioners for the road may appeal from the action of said commissioners under the same rules and regulations as though the road had been laid off by the township authorities.

Duty of township board.

SEC. 3. That when said road shall have been laid off as hereinbefore directed, it shall be the duty of the township board of trustees of the various townships through which said road may be located respectively to appoint overseers and hands for the working and keeping up of said road as other public roads are required by law to be kept: *Provided*, That said trustees shall respectively prescribe the number of days the hands are required to work upon said road until its construction is completed.

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

Ratified the 13th day of March, A. D. 1875.

## CHAPTER CLIII.

AN ACT TO ALLOW THE COMMISSIONERS OF ASHE COUNTY TO LEVY  
A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* May levy tax.  
*enact*, That the commissioners of Ashe county be and they  
are hereby authorized and empowered to levy a special tax  
at the same time with the other levies, on all the taxable  
property, moneys, credits and polls of the county for the  
years one thousand eight hundred and seventy-five and one  
thousand eight hundred and seventy-six, the said special tax  
to be applied to the building of a jail for said county, and  
shall not exceed in either year the sum of twenty-five hun-  
dred dollars, and shall be collected and accounted for by the  
sheriff of said county in the same manner, under the same  
penalties and within the same time as the other taxes levied  
in said county for the same years ; and in said levy the con-  
stitutional equation between polls and property shall be  
observed.

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

Ratified the 13th day of March, A. D. 1875.

## CHAPTER CLIV.

AN ACT TO PROVIDE FOR THE PAYMENT OF COSTS AND THE IN-  
DEMNITY OF PUBLIC OFFICERS IN CERTAIN CASES.

SECTION 1. *The General Assembly of North Carolina do* Costs paid by  
State.  
*enact*, That in all civil actions depending, or which may  
hereafter be instituted, by any of the officers of the State, or  
having been, or which shall hereafter be instituted against

them, when the same is brought or defended pursuant to the advice of the Attorney General, when the same shall be decided against such officers, the costs thereof shall be paid by the State upon the warrant of the Auditor for the amount thereof as taxed.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLV.

AN ACT TO ATTACH THE COUNTY OF WATAUGA TO THE TENTH JUDICIAL DISTRICT, AND TO CHANGE THE TIMES OF HOLDING CERTAIN COURTS IN SAID DISTRICT.

Attached to 10th  
District.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county of Watanga is hereby attached to and made a part of the tenth judicial district.

Courts when  
held.

SEC. 2. That the several courts of the tenth judicial district shall be held as follows: Alexander county on the third Monday in February and August in each year, Catawba county on the second Monday after the third Monday in February and August, Caldwell county on the fourth Monday after the third Monday in February and August, Watauga county on the sixth Monday after the third Monday in February and August, Ashe county on the eighth Monday after the third Monday in February and August, Alleghany county on the tenth Monday after the third Monday in February and August, Wilkes county on the twelfth Monday after the third Monday in February and August, Iredell county on the fourteenth Monday after the third Monday in February and August: *Provided*, That this act shall not apply to the Spring terms of said courts for the

several counties for the year one thousand eight hundred and seventy-five.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLVI.

### AN ACT TO PROVIDE FOR THE REMOVAL OF THE COUNTY SEAT IN JOHNSTON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Johnston are authorized and empowered to submit to the qualified voters of said county the question whether the county seat shall be removed from the town of Smithfield to some point on the North Carolina Railroad, between the twentieth and the twenty-seventh mile posts on said road.

Removal submitted to voters.

SEC. 2. That for this purpose the said commissioners shall, upon the application of one thousand of the qualified voters of said county, order an election to be held in the various townships in said county within six months after the filing of such application, under the same rules and regulations as are by law established for the election of members of the General Assembly.

Election, how ordered.

SEC. 3. That said commissioners shall, at their first monthly meeting after such application has been made, appoint such inspectors and poll-keepers as may be necessary to hold such election.

Poll holders.

SEC. 4. That the said commissioners shall give thirty days' notice of said election by posting at least four notices thereof in each township.

Thirty days' notice.

SEC. 5. That at such election those in favor of such removal shall vote a ballot whereon shall be written or printed

Ballots.

“removal,” and those opposed shall vote a ballot whereon is written or printed “no removal.”

SEC. 6. That at such election it shall be the duty of said commissioners to provide a separate box, in which each qualified voter may deposit one ballot, whereon is written or printed the name of the place or locality where such voter may wish the county-seat located.

Returns.

SEC. 7. That the returns of such election shall be made to the chairman of the board of county commissioners on or before the seventh day after such election shall be held, under the same rules and regulations and penalties as are prescribed for the election of members of the General Assembly.

Majority.

SEC. 8. That if at such election there shall be cast a majority of votes for removal, the commissioners shall then proceed to count and compare the votes cast for location, and the place designated by the greatest number of votes shall be the place selected.

Public lots.

SEC. 9. That it shall be the duty of the said county commissioners, at the earliest practicable opportunity, to secure by purchase or otherwise a sufficient and appropriate lot or square of land of not less than four acres in extent, eligibly located at the place designated, as provided for in section eight of this act.

Public buildings.

SEC. 10. That the commissioners of said county are not required to make any appropriation of the public funds for the erection of public buildings at the new county-seat until they deem it necessary on account of the insufficiency of the present court-house and jail for said county.

SEC. 11. That whenever it becomes necessary, on account of the insufficiency or decay of the present court-house and jail for said county, or when application by petition shall be made by a majority of the registered voters of the county, the commissioners of said county shall provide for the erection of a suitable court-house and jail, to be located on the land provided for in section eight of this act.

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

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROCKINGHAM COUNTY TO ISSUE BONDS FOR THE PURPOSE OF RECONSTRUCTING AND REPAIRING A BRIDGE IN SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Rockingham county be and the same are hereby authorized to issue bonds to an amount not exceeding five thousand dollars, of denominations not less than one hundred nor more than five hundred dollars, running for terms not less than five nor more than fifteen years, bearing interest at a rate not exceeding eight per cent. per annum, with interest coupons attached, which bonds shall be signed and authenticated by the chairman of said board of commissioners. May issue bonds.

SEC. 2. The said board of commissioners are hereby authorized to make sale of said bonds and apply the proceeds thereof to the repairing and reconstruction of the bridge across Dan river, in said county, at a point known as the "Dead Timber," one span of which has been destroyed or made useless by the late freshet: *Provided,* That no bond shall be sold by said board of commissioners for less than its par value. Sale of bonds.

SEC. 3. That said board of commissioners are hereby empowered to make and declare the said bridge when reconstructed and completed a toll bridge, and shall have power to fix and regulate the tolls: *Provided,* That the receipts Toll Bridge.

for tolls shall be applied to the payment of the interest on said bonds.

Tax.

SEC. 4. That the said board of commissioners or their successors in office are hereby empowered to levy such tax as may be necessary to promptly pay the interest on said bonds, and also to levy such tax as may be necessary to pay the principal of said bonds as the same shall become due.

Coupons.

SEC. 5. That in the event said board of commissioners shall issue bonds hereinbefore authorized, the interest coupons attached to said bonds shall be receivable in payment of the county taxes of said county of Rockingham.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLVIII.

AN ACT CONCERNING APPLICATIONS FOR PROHIBITION OF THE SALE OF SPIRITUOUS LIQUORS OR REPEAL OF PROHIBITORY LAWS IN THE STATE.

Notice shall be posted.

SECTION 1. *The General Assembly of North Carolina do enact*, That notice of all applications to the Legislature of this State to prohibit the sale of spirituous liquors or to repeal any law prohibiting the sale of spirituous liquors within limits therein specified, shall be posted at at least two prominent places within the specified limits for at least thirty days before said application or petition shall be forwarded to the Legislature, and evidence that notice has been posted as required shall accompany the petition.

How decided.

SEC. 2. That in all cases when prohibition is asked for a greater distance than two miles the question shall be decided by the qualified voters of the interested district at an election held under the then existing laws of this State.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLIX.

### AN ACT IN RELATION TO CHANGING GAUGE OF RAILROADS.

WHEREAS, By acts of the General Assembly of North Carolina, both the Atlantic and North Carolina Railroad and Western North Carolina Railroad were compelled to adopt the gauge of the North Carolina Railroad, four feet eight and one-half inches; *and whereas*, any change of the gauge of said North Carolina Railroad would seriously injure the two railroads before mentioned, as well as all other railroads of the same gauge connecting with them; *and whereas*, four feet eight and one-half inches has been adopted generally as the North Carolina gauge; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That no railroad now in this State with the gauge of four feet eight and one-half inches shall change the same, and all railroads hereafter constructed in this State shall have the same gauge, four feet eight and one-half inches.

SEC. 2. The penalty for constructing or changing the gauge of any railroad, contrary to the provisions of the preceding section, shall be fifty dollars per day per mile for every day such railroad is in use, and in addition thereto the president and directors, secretary and treasurer, or any officer, servant or employee, shall be guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than one thousand dollars, and imprisoned not less than three nor more than six months; and it shall be the duty of the Governor of this State to cause to be instituted immediate proceedings for the recovery of such penalty and the

Preamble.

Change of gauge  
forb idden.

Penalty.

infliction of such punishment in case of any violation of this act: *Provided*, This act shall not apply to any narrow gauge railroad heretofore chartered, or which may be hereafter chartered, or to the Spartanburg and Asheville Railroad, the Rabun Gap Short Line Railroad, the Tennessee River Railroad or the Georgia and North Carolina Railroad.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLX.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF ALLEGHANY AND SURRY.

Line changed.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that portion of Surry county comprised within the following boundary, viz: Beginning in the county line at Aaron Woodruff's, running eastwardly to the main top of the Tyre ridge, then a straight line to the county line on the west end of Saddle Mountain, be and the same is hereby annexed to and shall form a part of Alleghany county.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXI.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WATAUGA COUNTY TO RE-ESTABLISH BURNT AND LOST RECORDS OF THE COURT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of Watauga county shall have power to re-establish any record of their court containing the official acts of the board of commissioners of said county, or any claim heretofore audited by them, the records of which have been burnt or lost, upon satisfactory proof made to the said board of the genuine existence on the former record of such records or claim: *Provided*, That no such re-establishment of any claim shall be made unless the party against whom the claim was recorded shall have ten days' notice of an application for that purpose.

May re-establish records.

SEC. 2. That when any record or claim has been re-established according to the provisions of this act, the same shall be as valid to all intents and purposes as the original was before its destruction.

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

Ratified the 16th day of March, A. D. 1875.†

## CHAPTER CLXII.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HAYWOOD COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to liquidate and settle the outstanding debt of the county of Haywood, the board of commissioners

of said county are hereby authorized and empowered to levy a special tax at such time or times as said board may deem proper, not exceeding the sum of five thousand dollars (\$5,000), in the same manner as other taxes are levied and collected.

SEC. 2. That the said board of commissioners in addition to the special tax herein named, are hereby authorized and empowered to issue coupon bonds of said county for the sum of five thousand dollars (\$5,000), to run for the term of one, two and three years, payable annually, bearing interest at six per cent. per annum, for the purpose of raising funds to build a court-house for said county.

SEC. 3. That said bonds and coupons thereon shall be signed by the chairman of the board of commissioners and countersigned by the clerk of the board, and the seal of the county affixed thereto. It shall be the duty of the said clerk to keep a book in which he shall keep an account of the numbers of the bonds issued, the amount and to whom issued, the amount of bonds and coupons received and cancelled, and such other data as may be necessary, so that upon inspection of said book at any time the true state of the county debt under this act may be seen; for which services the clerk may receive such reasonable compensation as may be fixed by the board of commissioners.

SEC. 4. The said bonds and coupons thereon shall be receivable in payment of county taxes for any fiscal year in which they may fall due. The bonds and coupons when returned to the board or treasurer of the county, whether received for taxes or in any other way paid off, shall be cancelled by the chairman of the board of commissioners.

SEC. 5. The board of commissioners shall have the privilege of redeeming said bonds at any time after the expiration of one year, and it shall be their duty to set apart annually a sinking fund sufficient to redeem one third of said bonds, and it shall be the duty of the county treasurer to apply the funds so raised under the directions of the board of commissioners annually to the redemption of the said bonds.

SEC. 6. That no tax shall be levied or conpon bonds issued under this act until the question shall be submitted to the qualified voters of the said county at an election to be held under the direction of the commissioners and approved by a majority of those voting thereon : *Provided*, That in levying said tax the constitutional equation between the poll and property be observed.

SEC. 7. This act shall take effect from and after its ratification.

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXIII.

AN ACT SUPPLEMENTAL TO AND TO AMEND AN ACT ENTITLED AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE WITHIN CABARRUS AND CERTAIN OTHER COUNTIES, RATIFIED THE TWELFTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section six of an act to prevent live stock from running at large in Cabarrns and certain other counties, ratified the twelfth day of February, one thousand eight hundred and seventy-five, is hereby repealed, and the following substituted therefor : That any persons owning land in any township which is entitled to but does not adopt this act, may, by the consent of the county commissioners, have such land enclosed under the fence built in pursuance of the adoption of this act by another township ; and for this purpose the county coumissioners may proceed in the erection of fences and gates, and in all other respects as if said land were a part of the township adopting this act, and the fence followed the boundary line thereof. That the land enclosed by virtue of this section shall be subject to all the provisions

Section 6, act of Feb. 12, 1875, repealed.

of this act, and that any person in any manner violating this act upon the land thus enclosed, or breaking, injuring in any way, or leaving open any fence or gate erected under this section, shall be as fully subject to the provisions of this as if said fence followed the boundaries of said township adopting this act.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXIV.

AN ACT FOR THE MORE EFFECTUAL PROSECUTION OF OFFENDERS  
AGAINST THE CRIMINAL LAWS OF THE STATE.

Duty of Soli-  
citors.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the Solicitors of this State in whose jurisdiction the Circuit and District Courts of the United States are held, having first obtained the permission of the judges of said courts, to prosecute or assist in the prosecution of all criminal cases in said courts where the defendants are charged with violations of the laws of this State and have moved their cases from the State to the Federal Courts under the provisions of the various acts of Congress on such subjects.

Compensation of  
Solicitors.

SEC. 2. That for each case in which the Solicitor shall appear and prosecute, or assist in prosecuting, he shall be allowed twenty dollars, and that if he cannot appear himself, by reason of a conflict of the time of holding his courts, or other good cause, he may appoint some one to act in his stead, who shall receive like compensation, and that the prosecuting attorney shall be paid said fee by the treasurer of the State upon the warrant of the Auditor.

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

Ratified the 16th day of March, A. D. 1875.

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## CHAPTER CLXV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CHEROKEE COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Special tax.  
*enact*, That the county commissioners of Cherokee county are hereby authorized to levy a special tax on the property and poll of said county, for the purpose of paying the cost of repairing the bridge across Hiwassee river, said taxes to be collected as other taxes: *Provided*, The amount so levied shall not exceed five hundred dollars.

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

Ratified the 16th day of March, A. D. 1875.

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## CHAPTER CLXVI.

AN ACT TO PUNISH BREAKING INTO AN UNINHABITED HOUSE WITH INTENT TO COMMIT A FELONY.

SECTION 1. *The General Assembly of North Carolina do* Penalty for breaking into uninhabited house.  
*enact*, That any person who shall wilfully break into a storehouse where any merchandise or other personal property is kept, or any uninhabited house, with intent to commit a felony, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county

jail or State's prison for not less than four months nor more than ten years.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXVII.

AN ACT TO PREVENT THE FELLING OF TREES OR PUTTING OBSTRUCTIONS IN BIG BEAR CREEK, IN STANLY COUNTY.

Not lawful to  
fell trees.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to fell any tree or trees, or throw any lumber or obstruction in the waters of Big Bear Creek, in Stanly county, below Green D. Whitley's mill dam, on said creek, to its mouth, or on the banks of the same below high water mark and suffer the same to remain for the space of ten days.

Penalty.

SEC. 2. If any person or persons shall violate the first section of this act or shall procure any person or persons so to do, he, she or they so offending or procuring others to offend shall be guilty of a misdemeanor, and on conviction thereof in the Superior Court of said county shall be fined not more than twenty dollars or imprisoned not more than thirty days.

SEC. 3. This act shall be in force in thirty days after its ratification.

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXVIII.

AN ACT AMENDATORY OF THE LAW CONCERNING SUITS AGAINST  
RAILWAY CORPORATIONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That paragraph one (1), of section eighty-two (82), of chapter seventeen (17), of Battle's Revisal, be and the same is hereby amended so as to read: "If a suit be against a corporation to the president or other head of the corporation, secretary, cashier, treasurer, a director or managing or local agent thereof: *Provided*, That any person receiving or collecting moneys within this State for or on behalf of any corporation of this or any other State or government shall be deemed a local agent for the purpose of this section; but such service can be made in respect to a foreign corporation only when it has property within this State or the cause of action arose therein, or when the plaintiff resides in the State, or when such service can be made within the State personally upon the president, treasurer or secretary thereof.

Chap. 17, sec. 82,  
Battle's Revisal  
amended

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HYDE  
COUNTY TO LEVY SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of county commissioners of Hyde county are hereby authorized and empowered to levy a spe-

May levy special  
tax.

cial tax on all subjects of taxation of three quarters of one per cent. on the one hundred dollars valuation for each of the years one thousand eight hundred and seventy-five and one thousand eight hundred and seventy-six, for the purpose of paying the indebtedness of the aforesaid county, and paying her share of the cost of building Leachville bridge.

SEC. 2. The said taxes shall be levied, collected and accounted for as the law directs.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXX.

### AN ACT TO AMEND SECTION FIFTY-THREE, CHAPTER SEVENTEEN, SUB-CHAPTER FOUR, OF BATTLE'S REVISAL.

Battle's Revisal  
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section fifty-three (53), chapter seventeen (17), title four (4), sub-chapter four (4), of Battle's Revisal, (said section being found on page one hundred and fifty-three (153) of said Revisal,) be and the same is hereby amended so as to read as follows, to-wit: This title shall not affect actions to enforce the payment of bills, notes or other evidences of debt, issued or put in circulation as money by monied corporations which shall be hereafter incorporated by or under the laws of the State.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXI.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GUILFORD AND ROCKINGHAM TO EMPLOY CONVICT LABOR TO DRAIN CERTAIN LANDS IN SAID COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact,* That the board of commissioners of the counties of Guilford and Rockingham, or either of them, are hereby authorized and empowered, in their discretion, to employ an engineer or engineers and such assistants as may be necessary to survey and take the level of the lands lying on the waters of Reedy Fork and Haw river, situate in said counties, and ascertain the better and most practicable route for the establishment of sufficient drain. May employ engineers.

SEC. 2. That the said boards of commissioners, or either of them, may in their discretion apply to and receive from the directors of the Penitentiary convicts, not exceeding fifty, to be employed in the drainings of the lands above mentioned, under the rules, regulations and provisions of the twenty-seventh section, chapter eighty-five, Battle's Revisal. May use convicts.

SEC. 3. That such persons as are employed, whether engineers, assistants or laborers, under the authority and for the purposes of this act, shall have the right of entering into any of said lands for the effecting the provisions and objects of this act. Right of entering.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXII.

## AN ACT TO INCORPORATE THE NORFOLK, ROXBORO' AND GREENSBORO' RAILROAD COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That a company is authorized to be formed, and when formed and organized as hereinafter directed, shall become a corporation, bearing the name of "The Norfolk, Roxboro' and Greensboro' Railroad Company," for the purpose of constructing and operating by steam or other motive power a railroad with one or more tracks, from some point on the Roanoke Valley Railroad, near Townesville, or some point on the Raleigh and Gaston Railroad, in Granville county, through the counties of Granville, Person, Caswell, and Guilford, to the city of Greensboro', and as such shall have power to purchase, receive, hold and transfer real and personal estate necessary for the purposes of its incorporation; to have a common seal and succession for ninety-nine years, to make all necessary rules, regulations and by-laws conducive to the successful operation of the objects of the organization, and shall possess, and may exercise and use all the rights, privileges and powers incident to a body corporate under the laws of this State.

Capital stock.

SEC. 2. That the capital stock of the company shall be one million dollars divided into shares of the value of one hundred each.

Exclusive right.;

SEC. 3. That said company shall have the exclusive right to use the road when constructed for the transportation of freight and the carriage of persons at such rates and for such prices as the company may deem proper, and subject to such modifications as it may from time to time make.

Commissioners to open books.

SEC. 4. That to raise the capital stock of the company, James A. Loug, A. R. Foushee, C. S. Winstead, James Holeman, Henry T. Jordan, Samuel C. Barnett, James T. Yancey, Jesse D. Walker, N. N. Tuck, W. H. Winstead,

W. C. Satterfield, W. T. Noell, A. M. Long, Montfort McGehee, James R. Mesden, William H. Long and John W. Cunningham, of Person county, and John G. Jones, R. G. Sneed, John Betts, H. H. Burwell, R. A. C. Herndon, Roger O. Gregory, John Blackwell, E. A. Lewis and James A. Bullock, of Granville county, and George N. Thompson, William Paylor, Jr., Z. T. Bradsher, Frank Warren, Dr. William Terrell, E. G. Mitchell, Dr. John Anderson, John Bird and Levi Walker, of Caswell county, and Cyrus P. Mendenhall, Julius A. Gray, Seymore Steel, N. H. D. Wilson, John N. Staples, and D. W. C. Benbow, of Guilford county, are appointed commissioners, who, or a majority of them, shall have power to open books of subscription towards the capital stock at such times and places as they may designate, under rules, regulations and limitations to be prescribed by them.

SEC. 5. Whenever the sum of one hundred thousand dollars shall have been donated or subscribed by solvent persons, counties or corporations, the commissioners named in the preceding section shall call a meeting of such subscribers or donors, and a majority of them, either in person or by proxy, when so met, shall proceed to organize by electing from their number a president and seven directors, who shall constitute a board and possess the power and be charged with the duty of making all necessary contracts, and doing whatever else may in their judgment be necessary and proper in the construction of said road, and furnishing it with cars, rolling stock and other things required in operating the same, and as soon as formed and organized, the said subscribers and donors, and such others as may thereafter subscribe for stock or donate property and become thus associated with them, shall become and be a body corporate as prescribed in the first section of this act. Organization.

SEC. 6. At all meetings of stockholders every share of stock shall be represented by one vote, to be cast by the person owning the same or such proxy as he shall appoint to act for him, and a majority of the stock when so repre- Stock vote.

sented shall have all the powers and rights, and be subject to the responsibilities conferred and imposed upon the corporation, and if at any such meeting such majority shall not be present, those stockholders who are present may adjourn from time to time until the attendance of such majority can be secured.

Subscriptions.

SEC. 7. Subscriptions to the capital stock may be made in money, or real estate, or personal estate of such kinds and value as may be agreed upon between the persons subscribing and the commissioners mentioned in section four before and up to the organization and appointment of directors, and thereafter the directors so to be appointed, and their successors, in order to secure aid in the completion of the said railroad, shall have power to receive donations from private persons or from any incorporated company in lands, money, bonds or stock.

Tax.

SEC. 8. That the county commissioners of the counties of Granville, Person, Caswell and Guilford are hereby fully authorized to levy a tax of fifty thousand dollars in their respective counties for the purpose of building the said Norfolk, Roxboro' and Greensboro' Railroad: *Provided*, That the question "railroad tax," or "no railroad tax" shall have been submitted to the qualified voters of each of the said counties, and a majority of the votes cast be in favor of the tax: *Provided further*, That the tax not to be collected in any county unless, and until commissioners of said county have assurance satisfactory to them, that the said road will be built through their respective counties, and that the tax thus levied may be collected within two years from the levying of the same.

Proviso.

Increase of stock.

SEC. 9. The stock may be increased by a vote to that effect taken at any stockholders' meeting called to consider the proposed increase, as may be prescribed in the by-laws.

May condemn  
land.

SEC. 10. If unable to obtain necessary land by contract on reasonable terms, the company may, by proper legal proceedings, cause to be condemned for its use so much of the land lying on either side of the line, or the same may be

laid out for the proposed track on each side not exceeding one hundred feet, and making a breadth not exceeding two hundred feet along the route thereof, as may be necessary in the judgment of the company or the directors for the successful working of the road, and so much additional land as the company may require for the erection of depots, shops, warehouses and other buildings needed for the road and for the use of its officers, agents and employees.

SEC. 11. Proceedings instituted for the condemnation of lands required by the company shall be conducted and prosecuted according to the provisions of chapter ninety-nine of Battle's Revisal, entitled Railroad Companies, or as may be prescribed by law.

Condemning  
land how con-  
ducted.

SEC. 12. The company through its directors may contract with the Raleigh and Gaston Railroad Company, or with the North Carolina Railroad Company, for the transportation of freight and the carriage of persons over their roads on such terms as may be mutually agreed upon between them, or to sell, donate, lease or mortgage its said road and franchises and all other property, real or personal, to any person or persons, or to any incorporated company, or may consolidate and merge the same with the Raleigh and Gaston Railroad Company, or with the North Carolina Railroad Company, on such conditions and limitations as may be agreed on, and in case of such sale, lease or mortgage or consolidation, the person or persons, or company or companies acquiring the same shall succeed to all the rights, powers and privileges, as well as be subject to the liabilities conferred and imposed in this act upon the Norfolk, Roxboro' and Greensboro' Railroad Company.

May contract  
with other roads.

SEC. 13. The company may issue common stock, guaranteed stock, preferred stock, or borrow on bond and mortgage, and in such amounts of either as it may deem expedient to secure the construction of the road, its proper equipments, and the operating the same.

Mortgage, &c.

SEC. 14. The company shall possess, have and enjoy, and may exercise all the rights, privileges and immunities con-

Rights.

ferred on railroads or corporations organized under the provisions of chapter ninety-nine of Battle's Revisal.

Pro-rate.

SEC. 15. Any railroad or railroad corporation in this State shall have the right to connect with, pro-rate or exchange traffic with said company upon mutually reciprocal terms, and in case of any disagreement as to terms or rates the same shall be decided by arbitration or in any manner hereafter prescribed by law.

Reserved right of State.

SEC. 16. The State of North Carolina reserves the right to regulate the rates of fares and freight whenever in the judgment of the General Assembly the public interest may demand.

SEC. 17. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXIII.

### AN ACT TO FACILITATE THE TRIAL OF ACTIONS IN THE NATURE OF QUO WARRANTO.

Judge to speed trial.

SECTION 1. *The General Assembly of North Carolina do enact*, That all actions brought, or which may hereafter be brought, to try the title or right of possession to any office, State, county or municipal, shall stand for trial at the return term of the summons; and it shall be the duty of the judges to speed the trial of such actions and to give them precedence over all other actions, civil or criminal: *Provided*, That a copy of the complaint be served with the summons at least ten days before the return day thereof. And it shall be unlawful to appropriate any public funds to the payment of counsel fees in any such *quo warranto*.

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HERTFORD COUNTY TO ISSUE BONDS TO FUND AND PAY THE COUNTY DEBT.

SECTION 1. *The General Assembly of North Carolina do enact,* That in order to liquidate the debts of the county of Hertford, the commissioners of said county are hereby authorized to issue coupon bonds not exceeding in amount the sum of three thousand dollars, in denominations of not less than one hundred nor more than five hundred dollars. May issue bonds.

SEC. 2. That one-third of said bonds shall fall due and be payable one year from the date of issue, the other third two years from the date of issue, and the remaining third three years from the date of issue, and shall bear interest at the rate of six per cent. per annum, to be paid annually, as is hereinafter provided, and the coupons attached to said bonds shall be receivable in payment of county taxes for any fiscal year in which may fall due. When payable.

SEC. 3. That said bonds and coupons thereon shall be issued when deemed necessary by a majority of the board of county commissioners, signed by the chairman of said board and countersigned by the clerk of same, which latter officer shall keep a book suitable for the purpose in which he shall keep an account of the number of bonds issued, their amount and to whom issued, and the amount of bonds and coupons received and cancelled, that upon an inspection of books a true state of the county debt may be seen, for which service he shall receive a reasonable compensation to be fixed by the board. When issued.

SEC. 4. That in case it should not be deemed necessary by a majority of the said board of commissioners to issue the full amount of bonds as aforesaid, then they are hereby authorized to issue any less amount as may be necessary, but in no case shall more than one thousand dollars be paid for any one year. May issue necessary amount.

Tax.

SEC. 5. That said commissioners, for the purpose of paying said bonds and interest as the same respectively falls due, are hereby authorized to levy a uniform tax on the taxable property and polls in said county, under the same rules and regulations as are now prescribed by law for collecting either taxes, not to exceed one-third of the amount of the principal of said bonds and a sum sufficient to pay the interest as above provided.

Value.

SEC. 6. That said bonds shall not be exchanged for less than their par value, and shall only be exchanged for funding the debt of the county as aforesaid, and if any commissioner of said county shall issue or cause them to be issued, used for any other purpose, the person so offending and upon conviction thereof shall be imprisoned in the State prison not less than ten years and fined not less than five thousand dollars, or both, in the discretion of the court.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXV.

### AN ACT TO COMPROMISE, COMMUTE AND SETTLE THE STATE DEBT.

Preamble.

WHEREAS, The people of North Carolina have been overwhelmed with disaster by the unforeseen results of the late war between the States, sacrificing the greater portion of the taxable property upon which their debt was based; *and whereas*, the State's interests in works of internal improvement for which the debt was contracted, have, in the main, been destroyed by reckless legislation and unwise or faithless management at a time when a great body of the tax payers had no control in public affairs; *and whereas*, the good people of this State are desirous of assuming and pay-

ing to the public creditors so much of the just debt of the State as their unfortunate condition will allow :

SECTION 1. *The General Assembly of North Carolina do enact*, That when any person holding and owning any bond or bonds of the State of North Carolina, issued in pursuance of any act of Assembly passed at any time before the twentieth day of May, Anno Domini one thousand eight hundred and sixty-one, or in pursuance of an act entitled "An act to provide for the payment of the State debt contracted before the war," ratified the tenth day of March, Anno Domini one thousand eight hundred and sixty-six, or in pursuance of an act entitled "An act to provide for funding the matured interest on the public debt," ratified the twentieth day of August, Anno Domini one thousand eight hundred and sixty-eight, or in pursuance of an ordinance of the Convention of one thousand eight hundred and sixty-eight, in aid of the Chatham Railroad Company (except such bonds as were issued for aid in construction of the North Carolina Railroad) shall surrender and deliver such bonds, together with all the unpaid coupons belonging to the same, to the Treasurer of the State, then and in that case it shall be the duty of the Treasurer, and he is hereby required, to issue and deliver to the person so surrendering such bonds a new bond of the State, due and payable thirty years from the first day of January, Anno Domini one thousand eight hundred and sixty-six, bearing interest at the rate of two per centum per annum for the first two years, three per cent. for the next three years, four per cent. for the next five years, and five per cent. for the remaining twenty years, payable semi-annually on the first day of January and July in each successive year, at the treasury of the State and secured by the appropriate coupons signed by the Treasurer, and such bonds shall be signed by the Governor and countersigned by the Treasurer, and sealed with the great seal of the State, for a sum of money equal to the following rates, that is to say :

New bonds authorized.

I. For the bonds issued before the twentieth May, Anno

Domini one thousand eight hundred and sixty-one, forty per cent. of the principal of the bonds so surrendered.

II. For the bonds issued under the funding acts of eighth day of March, Anno Domini one thousand eight hundred and sixty-six, and twentieth day of August, Anno Domini one thousand eight hundred and sixty-eight, twenty-five per cent. of the principal of the bonds so surrendered.

III. For the bonds issued since the twentieth day of May, Anno Domini one thousand eight hundred and sixty-one, in pursuance of acts passed before said last named date, and the bonds described in this act issued to the Chatham Railroad Company, twenty-five per cent. of the principal of the bonds so surrendered.

IV. For the registered certificates of indebtedness due to the Literary Fund, forty per cent. of the principal of such certificates so surrendered, and it shall be the duty of the Literary Board to so convert said certificates.

V. The bonds so to be issued shall be in the usual form of bonds of this State, except as modified and provided by this act, and shall have printed on the face of the same the words, "Issued in pursuance of an act entitled "An act to compromise, commute and settle the State debt," ratified the seventeenth day of March, Anno Domini one thousand eight hundred and seventy-five, and in large red letters the words "Consolidated Debt."

SEC. 2. That the debt of the State as provided by this act shall be known and styled as "*The consolidated debt of the State,*" and such debt, and the bonds so to be issued, shall not be construed to change the nature of the debt of the State, but to reduce the same to such a sum as can be paid.

SEC. 3. That for the purpose of paying the interest promptly upon the bonds so to be issued, there shall be and is hereby levied upon all the taxable property of the State a special tax, to be computed by the Auditor annually after the first day of January, Anno Domini one thousand eight hundred and seventy-six, sufficient to discharge such interest as it becomes due, and such tax shall be annually collected

Consolidated  
debt.

Interest.

as and when other general State taxes are collected and paid into the treasury, and sacredly kept and applied for the purpose of paying such interest, and no other, and the provisions of this section shall be deemed and taken to be a material part of the consideration for which bonds of the State shall or may be surrendered: *Provided*, That no tax shall be computed to pay interest upon any bond till it shall have been issued. Proviso.

SEC. 4. That if the whole of the fund created by such special tax to be collected and paid into the treasury shall not in any one year be required to pay such accruing interest, then and in that case it shall be the duty of the Treasurer, with the sanction of the Governor and Auditor, to buy with the surplus such of the consolidated bonds as he can buy at the lowest price, after thirty days' advertisement in at least two papers published in Raleigh, and cancel said bonds. Special tax.

SEC. 5. That the Treasurer shall provide a substantial bound book for the purpose, in which he shall make a correct descriptive list of the bonds so surrendered, which list shall embrace the number, date and amount of each, and the purpose for which the same was issued, when this can be ascertained, and the name of the person surrendering the same, and after such list shall be made, such surrendered bonds being ascertained to be present, shall be consumed by fire in the presence of the Governor, the Treasurer, the Auditor, the Attorney General, the Secretary of State and the Superintendent of Education, who shall each certify under his hand respectively in such book that he saw such described bonds so consumed and destroyed. Descriptive list of bonds.

SEC. 6. That the Treasurer shall provide a well bound book, in which shall be kept an accurate account and descriptive list of the new bonds so to be issued, and such descriptive list shall embrace the date, number and amount of such bond or bonds for which the same issued, and the name of the person to whom issued. List of new bonds

Denomination of  
bonds.

SEC. 7. That the new bonds provided for in this act shall be of the denominations of one hundred dollars and one thousand dollars, and shall bear date the first day of January, one thousand eight hundred and seventy-six, and when issued and exchanged as hereinbefore provided shall have attached coupons for interest from the first day of January or July next preceding the day of such exchange and issue, and no more. And such coupons, after maturity, shall be receivable in payment of all State taxes.

Guardians, &c.,  
may exchange.

SEC. 8. That it shall be lawful for any executor or administrator, guardian, trustee, director of corporation, and other persons acting in a fiduciary capacity holding bonds of the State, to make the exchange contemplated in this act, and they shall be absolved from all liability on account of the said exchange.

SEC. 9. That the provisions of this act for the exchange and issue of bonds shall continue in force until the first day of January, Anno Domini one thousand eight hundred and seventy-seven.

SEC. 10. That this act shall be published in the "New York Journal of Commerce" and in the "London Times," for three months.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXVI.

AN ACT PROVIDING FOR ADDITIONAL TERMS OF THE SUPERIOR COURTS OF NORTHAMPTON AND HALIFAX COUNTIES.

Additional terms.

SECTION 1. *The General Assembly of North Carolina do enact*, That in addition to the regular terms of the Superior Courts of Northampton and Halifax as now provided by

law, there shall be one other regular term of said court in each year for each of said counties, each term to be held two weeks, unless the business be sooner disposed of. Said additional term for Northampton shall begin on the third Monday in January, and for Halifax on the second Monday in June in each and every year.

SEC. 2. That no original or final process in civil actions shall be returnable thereto, nor shall any execution or final process in civil actions issue upon any judgment rendered at said terms till after the next succeeding term. Process.

SEC. 3. That the judge shall be paid one hundred and fifty dollars for each of said terms, which shall be paid by the county treasurer of the county for which the court is held, upon the warrant of the clerk of the Superior Court of said county. Judge's compensation.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXVII:

### AN ACT CONCERNING BANKING INSTITUTIONS IN THIS STATE.

SECTION 1. *The General Assembly of North Carolina do enact,* That all banking institutions incorporated under the laws of this State may receive and pay out the lawful currency of this State, or of any of the States of the United States, deal in exchange, gold and silver coin, bullion, uncurrent paper, bonds and stocks, and public or other securities, manufactured goods, cotton or other products of the country; may purchase and hold real estate for the transaction of business, or such as may be conveyed to secure debts to said banks, or for other purposes, and may sell and convey the same, and may also hold such personal property as may Rights of banks.

be conveyed to secure debts, or acquired for other purposes, and at pleasure sell or exchange the same; may discount notes and other evidences of debts, and lend money at the legal rate of interest of this State, which interest may be taken in advance at the time of loan in discount. It may receive on deposit moneys on terms to be agreed on between the officers and depositors, not exceeding the rate allowed by law. The bank may also receive on deposit moneys held in trust by administrators, executors, guardians or others, may issue certificates of deposit bearing interest not exceeding the legal rates: *Provided*, That no administrator, executor, guardian or other person acting in a fiduciary capacity shall be exempt from any liability on their official bonds as such by the provisions mentioned in this act. Bills, notes, certified checks or other obligations, which, when signed by the proper officers of the bank, shall be as binding as if under the seal of the bank, those which are payable to order shall be assignable by endorsement, and those which are payable to bearer shall be negotiable and payable by delivery only.

Proviso.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXVIII.

### AN ACT IN REGARD TO COMPROMISES.

Full discharge.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all claims or money demands, of whatever kind and howsoever due, where an agreement has been or shall hereafter be made and accepted for a less amount than that demanded or claimed to be due in satisfaction thereof, the payment of such less amount according to said agree-

ment in compromise of the whole shall be a full and complete discharge of the same.

SEC. 2. That all laws in conflict with this act are hereby repealed.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXIX.

AN ACT TO ALLOW CATAWBA SPRINGS TOWNSHIP, LINCOLN COUNTY, AN ADDITIONAL JUSTICE OF THE PEACE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the voters of Catawba Springs township, in Lincoln county, North Carolina, are hereby authorized to elect three justices of the peace for their township, at Denver, a village situated within its limits, and that one of said justices shall reside within the corporate limits of Rock Spring Seminary. Additional justice.

SEC. 2. The clerk of the Superior Court for Lincoln county shall, on ratification of this act, appoint a suitable person as justice of the peace residing within above limits, who shall discharge the duties of the office until first Thursday in August next, when a person shall be chosen by the legal voters at the regular election for township officers. Clerk to appoint.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXX.

AN ACT TO PROTECT THE FISHING INTEREST IN THE WATERS OF  
NEUSE RIVER, BETWEEN NEWBERN, CRAVEN COUNTY, AND  
KINSTON, LENOIR COUNTY, AND THE WATERS OF CONTENTNEA  
CREEK FROM MOUTH OF SAID CREEK TO THE GREENE COUNTY  
LINE.

Not lawful to use  
nets.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person or persons to use any drift nets of any kind, except bow nets, known as skim nets, in the waters of Neuse river, between Newbern, Craven county, and Kinston, Lenoir county, and in the waters of Contentnea creek, between its mouth and the Greene county line.

More than one  
seine prohibited.

SEC. 2. It shall not be lawful for any person or persons to use more than one seine in the same seine-hole.

SEC. 3. It shall not be lawful for any person or persons to use any seine, or drag-out, or nets of any kind whatsoever, except bow nets, known as skim nets, in the waters of Neuse river and Contentnea creek, as described in section one of this act, from Friday evening sunset until Monday morning at sunrise from February first to June first.

Penalty.

SEC. 4. Any person or persons violating said acts shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars and imprisoned not more than one month, and in addition thereto shall forfeit all the fishing tackle used in violating this act.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXXI.

AN ACT TO AMEND CHAPTER NINETY, SECTION TWENTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, BROUGHT FORWARD IN BATTLE'S REVISAL, CHAPTER SIXTY-EIGHT, SECTION FORTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter ninety, section twenty-one, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, as brought forward in Battle's Revisal, chapter sixty-eight, section forty-seven, be and the same is hereby amended by striking out the word "township" before "treasurer," in last line, and inserting the word "county."

Chapter 68, Sec. 47, Battle's Revisal, amended

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXXII.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN CRAVEN AND PAMLICO COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county line between Craven and Pamlico be so changed to make Broad Creek the dividing line from its mouth to the Beaufort county line.

Line changed.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXXIII.

## AN ACT FOR THE PROTECTION OF FISHERMEN.

Right to establish fisheries.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever any person shall acquire title to lands covered by navigable water under the provisions of chapter forty-one (41), section one, of Battle's Revisal, the owner or person so acquiring title shall have the right to establish fisheries upon said lands.

Prior right.

SEC. 2. That whenever the owners of such lands shall improve the same by clearing off and cutting therefrom logs, roots, stumps or other obstructions, so that the said land may be used for the purpose of drawing or hauling nets or seines thereon for the purpose of taking or catching fish, then and in that case the person who makes or causes to be made the said improvements, his heirs and assigns, shall have prior right to the use of the land so improved, in drawing, hauling, drifting or setting nets or seines thereon, and it shall be unlawful for any person, without the consent of such owner, to draw or haul nets or seines upon the land so improved by the owner thereof for the purpose of drawing or hauling nets or seines thereon.

Platforms.

SEC. 3. That the provisions of section two of this act shall apply where the owner of such lands shall erect platforms or structures of any kind thereon to be used in fishing with nets and seines.

Penalty for damaging.

SEC. 4. That every person who shall wilfully destroy or injure the said platform or structures, or shall interfere with or molest the owner in the use of such lands as aforesaid, or in any other manner shall violate the provisions of this act, shall be guilty of a misdemeanor.

SEC. 5. The provisions of this act shall apply as far as may be where the said improvements have heretofore been made and the said structures have been erected as hereinbefore provided prior to the passage of this act.

SEC. 5. This act shall not be so construed as to relieve any person from punishment for the obstruction of navigation.

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CLXXXIV.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES BY THE STATE AND THE SEVERAL COUNTIES OF THE STATE ON PROPERTY, POLLS, ETC., KNOWN AS THE MACHINERY ACT.

SECTION 1. *Valuation of Lands, when to be made :*

*The General Assembly of North Carolina do enact, The* Valuation of  
 township board of trustees shall list the lands of the State lands when  
 at the valuation of the same for the year one thousand eight made.  
 hundred and seventy-four, subject to the provisions of sections sixteen and twenty-four, and to the exceptions heretofore made, and shall assess all the personal property in their townships at the cash value on the first day of April, one thousand eight hundred and seventy-five, and on the same day annually thereafter, and for such services each member of the board shall be allowed not more than six dollars annually, except in townships where cities and towns are located, and in that case such compensation as the commissioners of each county may allow, not to exceed ten dollars to each member of the board. Whenever no legal board of trustees shall exist in any township, the county commissioners of such county, at a meeting to be held thirty days after the ratification of this act, shall appoint in every such township three assessors qualified to serve as jurors, two of whom shall be owners of real estate in the county, who shall constitute boards of trustees for the township for the purpose of performing all the duties of a regular board of trustees required to be performed by this act. Said board shall be entitled to the same pay as the regular board of trustees.

SEC. 2. *Meaning of the words "lands and real property" in this act :*

Meaning of lands and real property.

The words land and real property shall be construed in this act to include not only the soil but all buildings and erections thereon, all rights and franchises appurtenant thereto, and all mines or minerals on or under the surface.

SEC. 3. *Board shall be notified :*

Clerk to notify boards.

The county commissioners, by their clerk, shall give to the township boards, previous to the fifteenth day of March, a notice to list the taxable lands and assessments of personal property according to the first section of this act, together with the proper blanks for the same ; at the same time it shall be the duty of the county commissioners to select and notify one trustee from each township board of trustees in their county to meet the county commissioners as a county board of assessors at some day before the township assessments ; when in session it shall be their duty to agree upon some uniform scale of valuation of both real and personal property of their county, which uniform scale shall be adhered to as near as practicable by the township board ; and for such services said trustees shall receive not to exceed three dollars per day as a compensation, to be paid by the county : *Provided*, That ten days' notice after a reception of a copy of this act shall be allowed to the commissioners of the several counties of the State to give said notice for this year.

SEC. 4. *Board to advertise in their townships :*

Advertisement.

The board shall advertise in three or more public places within their township, within ten days after they have been notified by the county commissioners provided for in section three.

SEC. 5. *When the list is to be given in :*

When list given in.

The list shall be given in by the person charged, or his agent, within twenty days after due notice given as herein prescribed. The property of a corporation shall be given

in by the president, cashier, treasurer or other person appointed for that purpose.

SEC. 6. *Real property and farming stock, &c., shall be given in where situated on the first day of April:*

All real property and all stock of farming utensils and other personal property used in connection with the cultivation of a farm, subject to taxation, shall be given in in the township in which said property is situated on the first day of April, and where the line of any township runs through any resident's land, the same shall be listed in the township of such resident.

Farming stock given in, when.

SEC. 7. *All other property and polls to be given in where tax-payers reside on the first day of April:*

All other personal property whatever, including moneys on hand or on deposit, credits, investment in bonds, stocks, stocks in national, State and private banks, joint stock companies or otherwise, and all taxable polls and all other subjects liable to taxation, except such franchise and personal property as are herein specially provided for, shall be given in in the township in which the person so charged resides on the first day of April. The residence of a corporation, partnership or joint stock association for the purpose of this act, shall be deemed to be in the township in which its principal office or place of business is situated; if, however the corporation, partnership or association have separate places of business in more than one township, it shall be given in in each the property or effects therein, but any body of lands belonging to persons or a corporation, partnership or association, and divided by township lines, shall be given in in that township in which the larger part thereof is situated.

When polls and other property given in.

SEC. 8. *Tax-payer to give in list of his property:*

At the time and place appointed by the board the tax payers shall attend, and the board shall read over to each one giving in his list all the articles and subjects of taxation,

Tax-payer to give in list.

and thereupon he or she shall render to the board his or her list of taxables, at the same time taking the following oath: "I, A. B., do solemnly swear (or affirm), that I have rendered a true and full statement of all subjects of taxation which I, in my own right, or as agent of or in trust for any other person or in any other capacity am by law required to list for taxation, including national, State, private bank and all other stocks, according to my best knowledge, information and belief: So help me God."

SEC. 9. *What the list shall contain:*

What list to contain.

The list shall state the taxable property of the person giving in, and shall refer to the first day of April in that year.

1. The quantity of land listed in the township; the land shall be described by name, if it has one, otherwise in such way that it may be identified, and shall be valued at a fair cash value, estimated at the price it would bring at a fair voluntary sale.

2. The number of horses, mules, jacks, jennets, goats, cattle, hogs and sheep, separately, and the value thereof, and they shall be valued at their fair cash value, estimated at the price they would bring at a fair voluntary sale.

3. The estimated value, without specifying the articles, of farming utensils, tools of mechanics, household and kitchen furniture, provisions, arms for muster, wearing apparel for use of owner and family, libraries and scientific instruments.

4. Money on hand or on deposit in any bank in or out of the State, including therein all funds invested within thirty days before in United States bonds, any stocks or non-paying property whatsoever, with the intent to evade the payment of State, county or other taxes.

5. The amount of solvent credits owing to the party, whether in or out of the State, whether owing by bond, note, bill of exchange, open account, or due and payable, or whether owing by any government, except bonds of this State or the United States exempt from taxation by law, and rent accruing for the current year for the hire of taxable

property. Any certificate of deposit in any foreign bank, certificate of stock in any foreign corporation or trust company, any receipt for cotton, tobacco or other property in the hands of commission merchants or agents in or out of the State, shall be deemed solvent credits within the meaning of this act. If any credit be regarded as not entirely solvent, it shall be given in at its estimated value; the party may deduct from the amount of debts owing to him the amount owing by him, the residue only shall be liable to taxation.

6. Stocks in national, State and private banks, and stocks in any incorporated company or joint stock association, and their estimated value. And every cashier or treasurer of any bank, corporation or association shall furnish a list of its stockholders and depositors resident in the several counties of this State, with the amount of cash on the first of April in each year, to the county commissioners of the county in which such depositor or stockholder resides.

7. All other personal property whatever, including therein all cotton, in seed or lint, tobacco, either leaf or manufactured, turpentine, rosin, tar, brandy, whisky, musical instruments, goods, wares and merchandise of all kinds, plated and silver ware, and the watches and jewelry possessed by the party, his wife or any minor child.

8. The income of the party for the twelve months next preceding the first day of April in the current year, with a statement of the source and sources from which it was derived. From the amount of the income shall be deducted the amount derived from property taxed; and from any trade, occupation or profession five hundred dollars shall be deducted.

9. If the party be a non-resident of the county, and owns land therein, it shall state his address, and may name any agent in the county to whom notices may be given respecting his taxes.

SEC. 10. *Guardians, executors, &c., to give in separately:*

Every guardian, executor, administrator or trustee, shall in like manner, but on a separate list, give in the property held by him in that capacity.

Guardians, &c.,  
to give in separately.

## SEC. 11.

Banks.

The cashier of each bank or banking association (whether State or national,) in this State shall give in to the board of assessors for the township in which such bank or banking association is situated, all shares of stock composing their corporation, as agent for and in the name of the owners of said shares of stock, who may be non-residents of this State, and the deposits of all non-residents. The value of the

Railroads, &amp;c.

franchise of every railroad, canal, turnpike, plank road and transportation company, whether lying wholly or partly in this State, unless exempt by law from taxation, shall be given in by the president or other chief officer of the said several corporations on the day fixed by this act for the giving in of the taxable property to the Treasurer of the State, and shall be assessed by the Treasurer, the Auditor and the Governor of the State on the third Monday in April each year, and their valuation shall be returned to the county commissioners of any county in which any portion of said road, canal or navigation work shall be, and the tax upon such franchise so valued shall be the same as upon property of equal value, and the tax collected in each county and township shall be in proportion to the length of such road, canal or works lying in such county or township respectively; and such taxes shall be collected as and when other taxes are required by law to be collected. The president or other chief officer of every railroad shall, in his return, state the whole length of said road, with what kind of iron laid, and weight of same per yard, an estimated valuation of

(1.) Road-bed superstructure, which shall include road-bed, whether on land or artificial foundation, rails, spikes, frogs, switches, bridges, &c.

(2.) Buildings owned by or in possession of such company, including stations, sections and warehouses, giving number of each.

(3.) Shops, including all machinery, materials, supplies or other species of property connected therewith.

(4.) Engines, stating number.

(5.) Passenger, box, dump, flat and other cars, stating number of each kind.

(6.) All other property of such railroad company, except real estate given in in the county where situated. The president or chief officer of every canal or navigation company shall return the length of such canal or work, with a statement of its cost and estimated value of

(1.) Canal or other work.

(2.) All boats and dredges belonging to the company.

(3.) All other property of the company, stating kind and value.

The president or other chief officer of every plank road and turnpike company shall give in the length of work and estimated value of the same, including all houses, bridges and other property of the company not otherwise returned. In fixing the valuation on any property, the assessors shall regard the list returned as *prima facie* evidence of the value thereof, but such assessors may, if they deem needful, avail themselves of other additional evidence, under oath, as to the completeness of the list and the affixed valuations, but in no case shall it be reduced below the sum stated in the list, nor shall any railroad be valued at less than eight thousand dollars per mile, and any county dissatisfied with a valuation of the board of assessors may demand through their commissioners a rehearing, whereupon the matter shall be re-examined, and all parties interested shall be cited and heard by the board with their witnesses, except the franchise of the Albemarle and Chesapeake Canal Company, which shall be assessed by a board of five persons, to be appointed by the county commissioners of Currituck county at their meeting in April, one thousand eight hundred and seventy-five, and annually thereafter. In case any officer fails to return the property as provided in this section, the board of assessors shall ascertain the length of such property in this State, and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

Plankroads, turnpikes, &c.

SEC. 12. *What property exempt from taxation :*

Exemptions.

1. The property belonging to the United States or this State, or to any county or incorporated town.

2. The property belonging to and set apart and exclusively used for the university, colleges, institutes, academies, the Masonic Fraternity, order of Odd Fellows, Knights of Pythias, Patrons of Husbandry, Good Templars and Friends of Temperance, schools for the education of the youth, or support of the poor and afflicted, orphan asylums, such property as may be set apart for and appropriated to the exercise of divine worship or the propagation of the gospel, or used as parsonages, the same being the property of any religious denomination or society : *Provided*, That said exemption shall not extend to more than twenty acres of land, if the excess over twenty acres is of value exceeding one thousand dollars, nor to solvent credits.

3. Such property as may be set apart for graveyards or burial lots, except such as are held with a view to profit, or for the purpose of speculating in the sale thereof.

4. Such property of the State and county agricultural societies as may be set apart and used by them for agricultural fairs.

5. Twenty-five dollars personal property of each individual tax-payer.

SEC. 13. *The lists to refer to the first day of April :*

The lists shall refer to the first day of April of the year in which they are given, and relate to the quantity, condition and value of the property, and to the age of the party in reference to his liability to a poll tax on that day.

SEC. 14. *How the property shall be valued :*

In the year prescribed for the valuation of the lands, the board shall affix to the description of each piece of land its true value in money on the first day of April in that year as hereinbefore prescribed, and this value, unless altered as herein prescribed, shall be annually fixed to that land until

How property  
valued.

a new valuation is made. They shall in every year value the personal property at its true value. The valuation found by them they shall affix to every piece of property particularized in section nine of this act. If any person liable to be charged with taxes shall refuse to answer any question respecting his taxable property he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by fine or imprisonment, and it shall be the duty of the board to whom the refusal is made to report the fact to the Solicitor of the judicial district, in order that the offender may be prosecuted.

SEC. 15. *Auditor to provide forms, and sheriffs to distribute to boards of trustees :* Auditor to provide forms.

The Auditor of the State shall prepare a form to be used in listing property for taxation, and each year shall furnish the sheriff of each county, on or before the fifteenth day of March, with a sufficient number of printed copies bound in book form, with paste board backs, and the sheriff shall deliver to the board of each township a sufficient number of such forms for their use.

SEC. 16. *Board to make an abstract of their tax lists :* Abstract of tax lists.

The board shall make an abstract of the tax lists given in to them according to form to be furnished by the Auditor of the State, and shall, on or before the third Monday in May in each year, return such abstract and the tax lists to the clerk of the commissioners. They shall also return a list of the property in the township not given in for taxation, with a description and valuation thereof made by the board, and the names of the occupant and the supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property, on paying a fee of ten cents.

SEC. 17. *County Commissioners to revise lists, when :*

Commissioners  
to revise lists.

The county commissioners of each county, by notice in newspapers, or by posters put up, shall meet on the third Monday in May and revise the tax lists and valuation reported to them, and complete the lists by computing the tax payable by each person and affixing the same opposite his name. They shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the abstract of the township board as may be right and just and so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation upon such property as they shall deem unreasonably low. The county commissioners, on the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners held on or before the first Monday in July, upon his paying the clerk twenty-five cents for recording the same. The commissioners shall ascertain the value of their property by the examination of witnesses or otherwise, and insert it in the abstract, and without satisfactory excuse they shall add to the tax of the person so allowed to give in, five per cent. on the regular amount of his tax for that year.

SEC. 18. *How complaints of excess proceeded with :*

Complaints.

If any person shall complain before the commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he shall present his claim in writing, and they shall hear any evidence adduced by him and shall summon and examine any witnesses necessary for a just decision of the question. If they decide against the complainant, they shall also give judgment against him for the cost of the investigation, but if the county commissioners shall find that he has cause for

complaint, they shall direct their clerk to render a true account thereof; and the account thus rendered, certified by the clerk, shall be returned to the Auditor, who shall credit the sheriff with the overcharge in his settlement of that year.

SEC. 19.

If the application for relief be made to the commissioners after the sheriff shall have settled the accounts with the Auditor, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint, and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners, and deliver to the applicant, who shall pay to the clerk a fee of fifty cents. Such copy then shall be transmitted to the Auditor of the State, who, on finding the proceedings in conformity with the requirements of this order, shall issue a warrant on the Treasurer of the State for the amount specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded. Refunding tax.

SEC. 20. *Persons not giving in to be charged with double tax and be deemed guilty of a misdemeanor :*

The county commissioners shall insert in the abstract of the tax list for each township the description and valuation of all property not given in, with the name of the person supposed to be liable for the taxes thereon, and the names of all persons in each township liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered; and all persons who are liable for a poll tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed, before Double tax.

the list taker and the county commissioners, shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined not more than fifty dollars, or imprisonment not more than one month.

SEC. 21. *The county commissioners may exempt from poll tax :*

Exemptions from  
poll tax.

The county commissioners shall have power to exempt any person from the payment of a poll tax on account of both poverty and infirmity, and the clerk shall deliver to the sheriff a list of all persons so exempted, with the amount of taxes charged against him, and the sheriff shall be entitled to a deduction of such taxes in any settlement he may be required to make.

SEC. 22. *Copies of revised tax lists, how distributed :*

Copies of tax li ts.

The county commissioners shall cause to be made out two copies of the tax lists of each township, as revised and settled by them, according to a form to be furnished to them by the Auditor of the State. Such form shall show in different columns the amount due by each taxpayer to the State and to the county; one of said copies shall remain in the office of the clerk of the commissioners, the other shall be delivered to the sheriff or tax collector on or before the first Monday in July in each year, and he shall receipt for the same. The clerk shall endorse on the copies given to the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the property of any person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of bond as prescribed. Said order shall be in the following or substantially similar form :

STATE OF NORTH CAROLINA, } Office Board of Commissioners, Form of order.  
 \_\_\_\_\_ County. } \_\_\_\_\_ County.

To the Sheriff of \_\_\_\_\_ County :

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof I hereunto set my hand and seal —  
 day of — 187—.

\_\_\_\_\_  
 Clerk Board of Commissioners.

SEC. 23. *Clerk to transmit abstract of tax list to Auditor :* Clerk to transmit to Auditor.

The clerk of the commissioners, on or before the first Monday in September, after the lists are returned, shall return the Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount as State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return the Auditor an abstract of the lists of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars' value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

SEC. 24. *Penalty on Clerk for default :*

If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the sheriff's return, made, sworn to and subscribed as required in section thirty-five of this act, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake county at the term next after the default, on motion of the State Solicitor, and it shall be the duty of the Auditor to inform the Solicitor of such default. Penalty

SEC. 25. *In case land be divided, how tax may be apportioned:*

Apportionment of taxes.

In case within the interval between two regular periods for the valuation of land or real property, any piece of land or real property shall become divided in ownership, either by partition or a sale of a portion thereof, or otherwise, either of the part owners may, at any time upon five days' notice to the other part owners, apply to the township board of trustees for an apportionment of valuation, which shall be allowed as may be just, and all persons having tax lists are required to amend the same according to the judgment of said board, on the production of a certified copy thereof: *Provided*, That no amendment made after a tax on the land has become due shall operate to affect that tax.

SEC. 26. *If valuation altered, when:*

How valuation altered, and when.

If after listing of any real or personal property, and before the tax thereon shall become due, the property shall become destroyed or depreciated over twenty-five per cent. on its assessed value otherwise than by act of the owner, the party charged may apply to the county commissioners, and upon proper proof may have the valuation reduced, and the board of trustees shall thereupon immediately furnish to the clerk of the county commissioners, as well as the party, a certified copy of their order in the premises, or the party may apply to the county commissioners, who shall make the proper order in relation thereto. If the property was insured, the amount of the insurance shall in such case be considered in altering the valuation. In like manner if property shall have increased twenty-five per cent. over its assessed taxable value, the sheriff of the county, upon ten days' notice to the owner, may apply to the board of trustees to alter the valuation of the property, and upon proper proof they shall do so; but the valuation shall not be altered if the appreciation has occurred in consequence of improvement made on the property by draining, clearing, building or the like.

SEC. 27. *When taxes may be paid, when due :*

All taxes shall be due on the first Monday of July in each year. When paid, the sheriff or tax collector shall note on the tax list against the name of the party the date of payment and the amount paid ; he shall also give a receipt to the parties, stating the amount of the State and county tax separately and the date of payment : *Provided*, The sheriff shall not collect the taxes for any year until he shall have settled in full with the State and county treasurers for the taxes of the previous year (if he was the sheriff or tax collector.) Before receiving the tax lists he shall produce the receipts of the State and county treasurer, (if he was the sheriff for the previous year,) to the clerk of the county commissioners, and in the event the sheriff fail to produce the aforesaid receipt, the county commissioners shall appoint a tax collector, who shall give bond as required of the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies who are not sworn, or other such person, they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive them. Said oath shall be filed and kept on the docket of the county board, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be guilty of a misdemeanor.

SEC. 28. *When and where sheriff to attend to receive taxes :*

The sheriff or his deputy shall attend at the court-house or his office in the county town, during the months of August and September, for the purpose of receiving taxes ; he shall also in like manner attend at least one day during the months of July and October, at some one or more places in each township, of which twelve days' notice shall be given by advertisement at three or more public places : *Provided*, That nothing in this section shall be construed to prevent the

Payment of taxes.

Sheriff to receive taxes.

collecting officer from levying and selling after the first day of October, but he shall not sell before that day.

SEC. 29. *How sheriff' to collect:*

How sheriff' to collect,<sup>1</sup>

Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows:

1. If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same, as he is required to sell other property under execution.

2. And before the sale of land no insolvent taxables shall be credited to the sheriff in the settlement with the Auditor but such as shall be allowed by the county commissioners, a list whereof, containing the names and amounts and subscribed by the sheriffs, he shall return to county commissioners before said settlement, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the tax payers, and could not there or elsewhere in the county find property wherewith to discharge his taxes, or such part thereof as is returned unpaid, and that the persons contained in the lists were insolvent at and during the time when, by law, he ought to have endeavored to collect the taxes; such list shall be recorded in commissioners' docket, and a copy thereof shall be returned to the Auditor of the State on or before the day of settlement of the sheriff with the Treasurer.

3. If the party charged has not personal property to be found in the county of sufficient value, the sheriff shall levy upon the lands of the delinquent or any part thereof; said sheriff shall return a list of said levy to the clerk of the Superior Court, who shall enter the same in a book to be kept for the purpose, charging therefor ten cents for each levy; the sheriff shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating those particulars on him personally. If the delinquent cannot by reasonable diligence be found in the county,

but has a known agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered to such agent, and shall be mailed postpaid to the delinquent. If the delinquent has no known agent in the county, or his address cannot with reasonable diligence be ascertained, the sheriff shall publish a notice substantially as above described at the court-house door and two other public places, and also in some newspaper published in the county where the land is situated, and if there be no newspaper published in the county, then in the nearest newspaper. The notice shall be served or published as aforesaid, at least thirty days before the sale of the land; the sale shall be made at the court-house of the county in which the land lies, and shall be on one of the days prescribed for sale under execution, and shall be conducted in all respects as sales under execution are; if the delinquent resides out of the county, and his address be known, the sheriff, within one month after sale shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid and of the amount of taxes and costs to be paid by him as a condition of its redemption. If any person liable for taxes, not having property in the county where such taxes are due, shall have property in any other county, or shall remove from his county after the day of listing, or carrying his property therefrom, the collecting officer shall return the fact to the board of commissioners of the county, who shall, through their clerk, make an abstract of the same under their corporate seal, which abstract shall have the force of a tax list regularly indorsed for collection in any county of the State. The collecting officer shall forward the same to the proper collecting officer of the county where the person or property may be, who shall collect the amount due thereon, with ten per cent. added, which per centage he may retain to his own use, the residue to be forwarded immediately to the officer from whom he received it, to be accounted for as other public taxes. It shall be the duty of the officer

to whom such abstract shall be forwarded to make return of his action on the same within thirty days, and said abstract, or a duly certified copy, may be sent for collection to the same or any other county until the amount due shall be collected. And it is expressly declared that the lands of a minor, lunatic or a person *non compos mentis*, shall in no case be liable to be sold for taxes; but should any guardian of the state of such person not pay the taxes on the property of such person when due, the tax list in the hands of the sheriff charging him as guardian, shall be an execution, to be satisfied out of his individual property, or out of the personal property of such ward. The following or any substantially similar form shall be sufficient for the levy:

THE STATE OF NORTH CAROLINA, }  
 On the relation of }  
 \_\_\_\_\_ Sheriff of }  
 \_\_\_\_\_ County, }  
 vs.  
 \_\_\_\_\_

Levy on lands of \_\_\_\_\_, adjoining the lands of \_\_\_\_\_, for default in payment of taxes.

SEC. 30. *Who is to be purchaser, and what he shall pay:*

Purchaser.

The whole tract or contiguous body of land belonging to a delinquent person or company shall be set up for sale at the same time, and the bid shall be struck off to him who will pay the amount of taxes, with all the expenses, for the smallest part of the land.

SEC. 31.

When sheriff to bid off.

If no one will on sale offer to pay the amount of taxes and charges for a less number of acres than the whole number of acres in said tract, then the sheriff shall bid off the property for the State, and upon proving the fact and tendering to the Auditor of the State a deed to the State for the property, duly registered in the county in which it lies, shall have credit for the amount of such tax and charges. The deed shall be deposited without delay by the Auditor with

the Secretary of State. The property so purchased by the State shall be under the control of the Board of Education, but may be redeemed as hereinafter prescribed.

SEC. 32. *The delinquent, his agent or attorney may redeem the property within twelve months :*

The delinquent, his agent or attorney, may retain the possession of the property for twelve months after the sale, and within that time redeem it by paying or tendering to the purchaser the amount paid by him, and twenty-five per centum in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor. If he shall refuse, the delinquent may pay the same to the clerk of the Superior Court for the use of the purchaser, and the clerk shall give a receipt therefor. Such payment shall be equivalent to payment to the purchaser. The delinquent, his agent or attorney may cause the receipt of the purchaser or of the clerk to be registered, and the register of deeds shall refer to such registration on the margin of his registration of the receipts from the sheriff to the purchaser. After the payment to the purchaser or to the clerk for his use, as aforesaid, his right under the purchase shall cease. No sale of property by the purchaser or by the delinquent, his agent or attorney within twelve months, shall convey to their respective vendees any other rights or estates than the parties themselves possess.

Redemption of  
lands sold for taxes.

SEC. 33. *If the delinquent, his agent or attorney shall fail to redeem :*

If the delinquent, his agent or attorney shall fail to redeem as prescribed in the preceding section, the sheriff shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the quantity of land for which the said purchaser agreed to pay the amount of the taxes with all the expenses, and for said service the sheriff shall be entitled to two dollars, to be paid by the purchaser. The deed from the sheriff to the pur-

Failure to redeem.

chaser shall be registered within six months, and when so registered shall convey to the grantee all the estate in the quantity of land for which the said purchaser bid, which the delinquent, his agent or attorney had at the time of the sale for taxes.

SEC. 34. *Redemption, re-conveyance :*

Re-conveyance.

In case the State becomes the purchaser under section thirty-one, then within twelve months after the sale the delinquent may pay to the county treasurer the county tax due, with twenty-five per centum added thereto, and to the Public Treasurer the State tax due, and twenty-five per centum added thereto, together with the costs allowed the sheriffs in the settlement under sub-division three, section thirty-seven of this act ; and upon presentation of the several receipts of these officers respectively to the Secretary of State, that officer shall endorse upon the deed conveying the property to the State these words : "Taxes and costs paid, delinquent restored to his rights," and sign the said endorsement, annexing the seal of his office thereto, and charging thirty-five cents therefor, and shall deliver the deed to delinquent or his agent. And upon presentation of said endorsement to the register of the county where the land lies, he shall enter the same on the margin of that page of the county records in which is registered the deed made to the State by the sheriff, charging fifteen cents therefor ; and such endorsement, delivery and registration shall have the effect of re-investing the delinquent with all his rights in the premises. That the time for redemption of any property heretofore bought by the State is hereby extended until the thirtieth day of November, one thousand eight hundred and seventy-five ; that whenever the word delinquent is used in this act, it shall be taken to mean delinquent or his heirs or assigns.

SEC. 35. *Sheriff to keep a record of unlisted taxables :*

Unlisted taxes,

Every sheriff shall keep a record of the taxes collected by

him from the clerk of the court and under Schedule B of the Revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in September in each year shall deliver to the clerk of the county commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from such persons, the subjects on which received, and the aggregate amount, accompanied by an affidavit taken and subscribed before the clerk and attested by him that the statement is correct, and that no receipt has been omitted, and the clerk shall record the same in a book to be kept for that purpose, and the clerk shall, by the first Monday in October, send an abstract of said statement with the affidavit to the Auditor of the State, on a blank to be furnished by the Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court-house until the first of January next ensuing.

SEC. 36. *Settlements of Sheriffs, when :*

The sheriffs or other accounting officers shall, on or before the first Monday in December in each year, settle thir State tax account with the Auditor, and pay the amount for which he is liable to the Treasurer of the State. The Auditor shall forthwith report to the State Treasurer the amount due from each accountant, setting forth therein the net amount due to each fund, and the Treasurer shall open an account against such officer and debit him accordingly. The sheriff, tax collector, and other accounting officer, in making his settlement as aforesaid, shall render the Auditor a duplicate of the list required in section thirty-five of this act. In such settlement the sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of taxables tranmitted to the Auditor, also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected

Settlements by  
Sheriffs.

or for which he is chargeable. The Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists, and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection.

SEC. 37. *The Auditor, in making the settlement with the sheriff or tax collectors as aforesaid, shall deduct from the lists returned:*

Deductions by Auditor.

Proviso.

1. The amount of taxes charged against any person whom the clerk of the commissioners shall certify to have appealed from a decision of the commissioners respecting his liability and to have given the bond required: *Provided*, That the clerk of the court to which the appeal was taken shall certify that it is pending and undecided. The sum so unliquidated shall be carried forward by the Auditor as a charge against a sheriff or tax collector on his next year's account, from year to year, until the decision of the appeal, after which they shall be collected and paid or balanced, if the final decision be in favor of the appellant.

2. Taxes on personal property, certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable.

3. The amount of State tax on land bid off by the State, with the cost attendant on the whole, on producing the certificate of the Secretary of State, as is provided for in section thirty-one of this act. The cost allowed shall be for making a deed fifty cents; for registering twenty-five cents, and such other sums as were actually paid out by the sheriff.

4. All over payments made in former settlements by reason of any error in the clerk's abstracts of taxables.

5. Five per cent. commission on the amount collected.

SEC. 38. *Compensation of sheriff on settlement:*

Sheriff's compensation.

For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may

be necessarily engaged therein at the city of Raleigh, and travelling expenses to and from said city, at the rate of ten cents per mile by the usual route of travel, and said compensation and expenses to be paid on the warrant of the Auditor.

SEC. 39. *Penalty for failure to settle :*

In every case of failure by the sheriff or other accounting officer to settle his accounts within the time prescribed in this act for such settlement, and to take the oath required in his settlement, and pay the amount due the Treasurer and exhibit his receipt in full to the Auditor, the Auditor shall forthwith report to the Treasurer the account of such sheriff or officer, and furnish him with a copy of the official bond of said officer and his sureties, deducting therefrom nothing for commissions or insolvents, but adding thereto one thousand dollars and ten per cent. of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the Treasurer, on motion of the Solicitor of the sixth judicial district, in the Superior Court of Wake county, before the clerk thereof, within twenty days after the default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer. And to the end that their obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in September in each year, transmit to the Auditor a copy, certified under seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the Treasurer shall, and is hereby specially charged to collect in like manner, and at such times as is provided in this section. If the sheriff or other accounting officer shall fraudulently and corruptly to account as aforesaid, or shall fraudulently make any deceitful return to the State under section thirty-one of this act, he shall be deemed guilty of a misdemeanor, and upon con-

Failure to settle.

viction thereof in any court of competent jurisdiction, shall be sentenced to pay a fine in the discretion of the court, and be imprisoned not less than three nor more than twelve months.

SEC. 40. *Sheriffs to pay county taxes, when :*

County taxes when paid.

The sheriff or the tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hands over three hundred dollars for a longer time than ten days, under a penalty of ten per cent. per month to the county upon all sums so unlawfully retained. On or before the eighth day of January in each year, the sheriff shall account with the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing so to do, he shall pay to the county treasurer two per centum per month on all sums unpaid, and this shall be continued until final settlement. He shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom in like manner as is prescribed in sub-divisions one, two, four and five of section thirty-seven of this act, including all insolvent and uncollectable poll taxes, respecting his settlement of State taxes, and also the amount of county tax on land laid off for the State, on producing a certificate from the Secretary of State that a deed for the same has been deposited with him: *Provided*, That this section shall not be construed to repeal chapter sixty-six, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two.

SEC. 41. *County commissioners to appoint a committee to assist in settlements :*

Committee to assist in settlement.

The county commissioners at the last regular or other subsequent meetings in each year, shall appoint one or more of their number not to exceed three, to be present and assist at the accounting and settlements between the sheriff and county treasurer provided for in the text preceding section, and also to audit and settle the accounts of the

county treasurer and of all other county officers authorized to receive or disburse the county funds. The accounts so audited shall be reported to the county commissioners, and when approved by them shall be filed with the clerk and recorded on his book, and shall be *prima facie* evidence of their correctness and impeachable only for fraud or specified error: *Provided*, The compensation allowed said committee for their services shall not exceed two dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.

SEC. 42. *Penalty of sheriff for failing to account:*

In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee as above required, or to pay what may be rightfully found due in such account, he shall forfeit and pay to the State, for the use of the county, a penalty of twenty-five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it, of the chairman of the county commissioners, to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section thirty-eight.

Failure of sheriff to account.

SEC. 43. *Other county officers, when to account, and penalty for failure:*

In each year the county treasurer shall give five days' notice to all county officers (except the sheriff) authorized to receive and disburse the county funds, to appear at the courthouse of the county on a certain day during the first ten days of January before him and the committee appointed by the county commissioners, and present an account of all sums received or disbursed for the county, with their

Penalty on other officers for failure to account.

vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to [the county commissioners at their next meeting, and if approved, shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

#### SEC. 44.

Tax collector.

Wherever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform the said office instead of the sheriff, and such tax collector shall collect all taxes, have all the emoluments and be subject to all the penalties as provided in the case of sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

#### SEC. 45.

Sureties may collect.

The sheriff and (in case of his death) his sureties shall have one year and no longer from the day prescribed for his settlement and payment of the State taxes to finish the collection of all taxes; but the extension of time for collection shall not extend the time of his settlement of the taxes.

#### SEC. 46.

Peddlers to exhibit license.

That it shall be the duty of every person who peddles goods, wares, merchandise, drugs, nostrums or medicines, and of whom a license for that purpose is required by law, upon demand of any constable or any justice of the peace of any township in which he shall vend or offer to vend such commodities, to exhibit his license to such constable or justice of the peace, and upon failure to do so every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and it shall be the duty of all constables and justices of the peace to arrest

all persons peddling without the license required by law and to hold them to answer.

SEC. 47.

That the Secretary of State shall have printed thirty-five hundred copies of the act passed by the present General Assembly, entitled "An act to raise Revenue," also thirty-five hundred copies of this act, and distribute the said acts among all the officers whose duty it is to carry into effect any portion thereof.

Revenue acts to be printed.

SEC. 48.

The Secretary of State shall in like manner have printed five copies of said acts for each member of this General Assembly and forward the same to them by mail.

SEC. 49.

That this act shall be in force from and after its ratification. Ratified the 17th day of March, A. D. 1875.

When in force.

## CHAPTER CLXXXV.

### AN ACT TO RAISE REVENUE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the taxes hereinafter designated are payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law.

Assessment of taxes.

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty years, except such as are both poor and infirm that the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of ninety-five cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law. If

Poll tax.

any poll tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable, or that may become due to him before the expiration of the calendar year; and the person owing such debt or having such property in possession shall be liable for said tax.

Objects of taxation.

SEC. 3. The taxes hereinafter designated shall be applied to defray the expenses of the State government, and to pay appropriations to charitable and penal institutions.

### CLASS I.

Classification of taxes.

SEC. 1. There shall be an *ad valorem* tax of fourteen and two-thirds cents for the general fund on every one hundred dollars value of real and personal property in the State, subject to exemptions made by law, including moneys, credits, bonds, stocks, and all other taxable property.

Insane and Deaf and Dumb and Blind.

SEC. 2. A special tax of nine cents on the one hundred dollars shall be levied and collected on all taxable property of the State for the Insane Asylum and the Institution for the Deaf and Dumb and the Blind.

Penitentiary tax.

SEC. 3. A special tax of six cents on the one hundred dollars shall be levied and collected on all taxable property of the State, to be applied to the support of the convicts and to a general prosecution of work connected with the Penitentiary.

### CLASS II.

The subjects and persons mentioned in the following second class shall be taxed as specially mentioned:

Income tax.

SEC. 1. On the net incomes and profits other than that derived from property taxed from any source whatever during the year preceding the first day of April in each year there shall be a tax of two per cent. The income tax shall

include interest on the securities of the United States, of this State, or other States or governments. In estimating the net income the only deduction by way of expense shall be,

1. Taxes other than the income tax due this State. Deduction.
2. Rent for the use of buildings or other property or interest on encumbrance on property used in the business from which the income is derived.
3. Usual or ordinary repairs for the buildings from which the income is derived.
4. Cost or value of the labor, except that of the tax payer himself, raw material, food and all other necessary expenses incidental to the business from which the income is derived, together with the necessary expenses of supporting the family, which shall in no instance exceed one thousand dollars.
5. The income tax payer shall return to the assessor the net amount of his income, which return the assessor shall file in the office of the county commissioners.

SEC. 2. That whenever in any law or act of incorporation granted either under the general law or by special act, since fourth of July, one thousand eight hundred and sixty-eight, there is any limitation of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to full taxation, like property owned by individuals. Tax on corporations.

#### SCHEDULE B.

The taxes in this schedule imposed are a license tax for the privilege of carrying on the business or doing the act named; and nothing in this schedule contained shall be construed to relieve any person from the payment of the *ad valorem* tax on his property, as required by the preceding schedule, and no city, town or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one and one-half per centum of the value thereof: *Provided*, That this act shall not apply Ad valorem tax. Proviso.

to cities or towns where a rate of taxation is fixed in their charters.

Theatres.

SEC. 1. Travelling theatrical companies shall pay two and one-half per cent. upon the gross receipts of each exhibition. When the theatrical exhibitions are by the season of not less than one month, the tax shall be one hundred dollars per quarter.

Concerts.

SEC. 2. On each concert or musical entertainment for profit shall be paid five dollars, unless such concert, musical entertainment or lecture be given for religious or charitable purposes; on each lecture for reward, five dollars.

Museum.

SEC. 3. On museums, wax works or curiosities of any kind, natural or artificial, (except paintings and statuary,) on each day's and night's exhibition shall be paid five dollars.

Circuses.

SEC. 4. On every exhibition of a circus or menagerie, for each day or part of day, fifty dollars and five per cent. on their gross receipts, and for each side show or concert accompanying a circus or menagerie, for which extra charge is made, ten dollars and five per cent. on their gross receipts. A return of their receipts shall be made to the sheriff upon the oath of the manager of such exhibitions as are herein referred to.

Itinerants.

SEC. 5. On all itinerant companies or persons who exhibit for amusement of the public, otherwise than is mentioned in the four preceding sections, ten dollars for each exhibition or performance. Flying trapeze, with ropes or machinery, shall pay a tax of ten dollars per day, whether they charge for exhibition or not. Exhibitions given for the promotion of religious, educational or charitable objects shall be exempt from taxation.

Exemptions.

Gift enterprises.

SEC. 6. On all gift enterprises, or on any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty-five dollars and one per centum upon the gross receipts, to be paid to the sheriff of the county. And on any lottery, whether known as a beneficial association, gift concert or otherwise, one thousand dollars and ten per

centum on gross receipts, to be paid to the sheriff or tax collector. The taxes in this section shall not be construed as giving license, or to relieve such persons or establishments from any penalties incurred by a violation of the law.

SEC. 7. Every agency of a bank incorporated out of the State, one hundred dollars, to be paid to the State Treasurer. Bank agencies.

SEC. 8. The tax on billiard saloons shall be twenty dollars on each table. Every place where a billiard table is kept for hire shall be considered a billiard saloon within the meaning of this act. Billiard Saloons

SEC. 9. On every bowling alley, or alley of the like kind, or bowling saloon, bagatelle table, or any other table, stand or place for any other game or play, with or without a name, unless such alley, stand, place or game is kept for private amusement or exercise alone, and not prohibited by law, there shall be a license tax of twenty dollars. Bowling Alleys.

SEC. 10. Every dealer in spirituous or vinous liquors, porter, lager beer or other malt liquors, shall pay a tax of five per cent. on the amount of purchases of any and all of the liquors aforesaid on which a tax of like amount has not already been paid by some wholesale dealer in liquors residing in this State and conducting said business in this State: *Provided*, That any such wholesale dealer shall furnish each and every person buying liquors from said dealer with a sworn certificate for each and every sale that he has paid the said tax as the law requires: *Provided further*, That no dealer shall be exempt from said tax who does not produce said certificate: *And provided further*, That no county shall levy for county purposes a greater sum than is hereby levied for State purposes. Any agent who offers any such liquors for sale shall pay a like tax on the value of all liquors of any description sold by him. Liquor Dealers.

SEC. 11. Every person desiring to sell spirituous or malt liquors, wines, or cordials, in quantities less than a quart, shall, before engaging in said sale, obtain an order to the sheriff from the board of commissioners of the county in which he proposes to do business to grant him license, which Retailers.

orders they may grant or refuse, at their option, and if granted, he may take out license for the remainder of the year, and shall pay a tax therefor of three dollars per month, and every retail dealer of malt liquors only shall pay a license tax of one and a half dollars per month, and no license shall be issued for a shorter time than three months, and all licenses granted under the provisions of this section shall expire on the thirtieth day of April of each year: *Provided*, This section shall not be construed to repeal or alter the provisions of any special act prohibiting or regulating the sale of liquors in any particular locality.

Merchants of all classes.

SEC. 12. Every merchant, jeweler, grocer, druggist, and every other trader who, as principal or agent, carries on the business of buying or selling goods, wares or merchandise of whatever name or description, except such as are specially taxed elsewhere in this act, shall, in addition to his *ad valorem* tax, pay one-eighth of one per cent. as a privilege tax on the total amount of purchases in or out of the State for cash or on credit, except the products of manufacturers and agricultural products of this State; and no retail merchants shall be required to pay any tax on purchases made from wholesale merchants residing in this State. Every person required by law to list his purchases shall, on the first day of January and July in each year, list on oath to the register of deeds the total amount of his purchases for the preceding six months: *Provided*, That the persons mentioned in this section may make out in writing a list of their taxable property and swear to the same before any justice of the peace for their county, and return the said list to the register of deeds. The register of deeds shall keep a book in which shall be recorded the lists given in to him as herein required, and shall furnish the sheriff with a copy of said lists within ten days after the same are given in. It shall be the duty of the sheriff to collect from every person on the list furnished him by the register of deeds the taxes embraced therein. The register of deeds shall have power to require the merchant making his statement to submit his

Exceptions.

Duty of Register of Deeds.

Duty of sheriff.

Power of Register.

books for examination to him, and every merchant refusing, on demand, to submit his books to such examination, shall be liable to a penalty to the State of two hundred dollars, to be prosecuted by the register of deeds and recovered in any court having jurisdiction of the same. It shall further be the duty of the register of deeds to bring suit against every merchant refusing as aforesaid in the Superior Court of the county as may be prescribed for special proceedings, to the end of obtaining such examination and compelling payment of the proper tax. And for such service the register of deeds shall be entitled to fifteen cents for each return made by any merchant, same to be paid by the commissioners of the county.

Penalty.

Fees of Register.

SEC. 13. On the gross receipts of hotels, boarding houses, (except those used for educational purposes,) restaurants and eating houses, the tax shall be one-fourth of one per cent.

Hotels.

SEC. 14. The tax on public ferries, toll bridges and gates across highways, one fourth of one per cent. on gross receipts.

Ferries, &amp;c.

SEC. 15. Every National bank, State bank, savings bank, or association conducting a business as contemplated in this section, any private banker, agent of a foreign banker or broker, every money, exchange, bond or note broker, whether operating as corporations or associations, or privately as individuals, and such insurance companies as are incorporated by this State, in addition to the *ad valorem* tax on their capital invested, shall pay annually a tax according to capital employed, as follows: On a capital of one hundred thousand dollars or more, two hundred dollars; on a capital of fifty thousand dollars and less than one hundred thousand dollars, one hundred dollars; on a capital of twenty-five thousand dollars and less than fifty thousand dollars, fifty dollars; on a capital of less amount than twenty-five thousand dollars, twenty-five dollars, and also ten dollars additional for each county in which they have an agency, said taxes to be paid to the State Treasurer. Every person or company running sleeping cars upon any railroad in this State shall pay for every car so run fifty dollars per annum,

Brokers.

and shall make return and pay to the State Treasurer as and when other State taxes are returned and paid. On failure to comply with the provisions of this section, said banks, companies or persons shall pay as taxes two thousand dollars, to be collected by the Treasurer of the State.

Auctioneers.

SEC. 16. Every auctioneer on all goods, wares or merchandise sold by himself or agent, whether by ascending or descending bids, or at public outcry, shall pay one per cent. on the gross amount of his sales, subject to all the regulations and exemptions set forth in the eighth chapter of Battle's Revisal, entitled "auction and auctioneers," but this shall not apply to tobacco warehousemen, who shall pay a license tax of twenty dollars a year, nor to persons who keep a warehouse exclusively for the sale of cotton, where all who wish may exhibit cotton for sale; but the persons keeping such warehouse shall pay a license tax of fifty dollars: *Provided*, That if any tobacco warehouseman shall charge to account of sales of any patron or customer any item or sum under pretence or color of State taxes, he shall be liable to a tax of one per cent. on gross amount of his commission on said sales, subject to exemptions of the said chapter.

Proviso.

Commission merchants.

SEC. 17. Every commission merchant shall pay a tax of one per centum on his commissions: *Provided*, That nothing herein contained shall apply to the sale of articles which are the agricultural productions of this State: *Provided*, That when spirituous liquors, vinous or malt liquors are sold by commission merchants, they shall pay a tax of five per centum on their sales of said liquors.

Horses and vehicles.

SEC. 18. Every person whose occupation or business is to keep horses or vehicles for hire or to let, shall pay a tax of two dollars for every horse kept for that purpose, and shall on the first day of January and July in each year, furnish the register of deeds a sworn statement of the number of horses and mules so kept at any time during the preceding six months, the taxes to be collected by the sheriff as taxes under section twelve of this act: *Provided*, That this section shall not apply to draymen.

SEC. 19. Every itinerant dentist, medical practitioner, portrait or miniature painter, daguerrean artist, and other persons taking likenesses of the human face, five dollars for each county in which he carries on his business. Every itinerant "dealer in prize photographs," or prizes of any kind, one hundred dollars for each county in which said business is carried on.

Itinerant Dentists,  
&c.

SEC. 20. Every person that peddles goods, wares or merchandise, either by land or water, or any drugs, nostrums or medicines, or spirituous, vinous or malt liquors, whether such persons shall travel on foot or with a conveyance or otherwise, shall obtain from the commissioners an order to the sheriff to grant him peddler's license to expire at the end of six months from its date; and the sheriff, on production of a copy of such order, certified by the clerk of said commissioners, shall grant license for his county, on receipt of ten dollars tax, to-wit:

Peddlers.

1. That not more than one person shall peddle under the license.

2. That nothing in this section contained shall prevent any person freely selling live stock, vegetables, fruits, oysters, fish, books, charts, maps or printed music.

3. That nothing herein contained shall release peddlers from paying the tax imposed in this act on persons who deal in the same species of merchandise, which tax shall be collected or received in the same manner as in the case of other merchants and traders: *Provided*, That nothing herein contained shall be so construed as to require a tax to be paid by any person other than merchants and peddlars, for bartering cotton, iron, earthenware, yarns, salt and heavy cotton domestics.

SEC. 21. Every itinerant who deals in or puts up lightning rods, ten dollars annually for each county in which he carries on business.

Lightning rods.

SEC. 22. Every company of gypsies or strolling company of persons who make a support by pretending to tell fortunes, fifty dollars in each county in which they offer to

Gypsies.

practice any of their craft, recoverable out of any property belonging to any one of the company, but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Drummers.

SEC. 23. Every drummer or travelling agent of any person who shall sell any spirituous, vinous or malt liquors, goods, wares or merchandise, with or without samples, except agricultural implements and fruit trees, which are articles of his own growth or manufacture, and seeds of all kinds intended for the improvement of agriculture, shall, before soliciting orders or making any such sale, obtain a license to sell one year from the Public Treasurer, by paying said Treasurer an annual tax of fifty dollars, but shall not be liable to be taxed in any county because of his sales. Any person violating the provisions of this paragraph shall be fined not exceeding fifty dollars or imprisoned not exceeding one month, and shall forfeit and pay besides two hundred dollars to the sheriff, to be collected by distress or otherwise; one-half of which shall be accounted for as other taxes, the other half to the use of the informer and the sheriff equally, and it shall be the duty of all county and township bonded officers to prosecute for penalties under this section.

Insurance Companies,

SEC. 24. Every insurance or assurance company not incorporated in this State, doing business therein, shall pay an annual tax of two per centum to the Treasurer of the State upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the Governor, Auditor and Treasurer a sworn statement of investments in real property situate in this State, or loans secured by mortgage to citizens of this State of an amount equal to one-half of such gross receipts, when the tax shall be one per centum, said tax to be paid semi-annually within thirty days after the first days of July and January of each year. Each general agent shall be required on the above named days to make a statement to the Treasurer, under oath, that the amount by him returned is a full and correct statement of such six months. On failure to comply

with the provisions of this section, every such company shall pay as a tax two thousand dollars, and the principal agent shall be liable therefor. Every such company shall be required to appoint a general agent, who shall obtain a license from the Treasurer before transacting any business therein, and before such license is granted, the applicant shall show to the Treasurer his appointment as general agent, under seal of the company, furnishing satisfactory evidence of the solvency of the company, and thereupon the license shall be granted by the payment of one hundred dollars, and such license shall be renewed annually by the payment of said sum. And it shall be the duty of said general agent to furnish each of his sub-agents with a commission authorizing him to do business. And any one found soliciting insurance without such commission shall be deemed guilty of a misdemeanor, and be fined not less than one thousand dollars and imprisoned not less than ninety days. The agent effecting insurance shall, on the first days of July and January, make return to the register of deeds of the county in which the insurance is effected of all the business done by him during the preceding six months in said county, and shall pay to the sheriff the county tax assessed on such business. The general agent shall also within thirty days after the first days of July and January, make return to the register of deeds of each county of the amount of gross receipts for premiums received from such county for six months. It shall further be required of the general agent or his local agent to pay to the sheriff of each county the county tax assessed upon the gross receipts of premiums collected in such county, at the time and in the manner as required by the State, and no municipal corporation shall be allowed to add any additional tax; and on failure to make returns or to pay as aforesaid, said agents shall pay twenty-five dollars for each policy effected or negotiated by him in such county: *Provided*, That no county or corporation shall be allowed to tax insurance agents for license.

Persons to list.

SEC. 25. Every person required in this act to pay a tax on receipts or sales shall list, on oath, to the register of deeds, on the first days of January and July of each year, the amount of receipts or sales for the preceding six months, and the register of deeds shall keep a record of the same in a book kept for that purpose. The register of deeds shall, within ten days after the lists are given in, furnish the sheriff with a copy of said lists, and the sheriff shall immediately proceed to collect the taxes imposed upon the copy of lists furnished him. Any person failing to list his receipts or sales, as required in this section, shall be subject to a double tax, to be charged against him by the register of deeds and collected by the sheriff; and it shall be the duty of the sheriff to report all persons to the register of deeds who fail to list as is required by law. The register of deeds shall have the same power to compel such persons to submit their books for inspection as is conferred upon him in section twelve of this act, in respect to merchants, etc., and the same penalties prescribed in said section twelve of this act are hereby imposed for refusal on the part of any person referred to in this section to submit his books when demanded.

Traders' license.

SEC. 26. No person shall follow any of the trades or professions taxed by this act, or in any other act imposing taxes on trades and professions and franchises, without first listing the same to the register of deeds, and obtaining a license from the sheriff of the county in which the trade or profession is to be followed, or the franchise enjoyed, or from the Treasurer of the State when the Treasurer is required to grant a license; such license shall give to the person obtaining it the right to practice the trade or profession, or to enjoy the franchises therein specified, in the county of the sheriff by whom it is issued and in none other, unless the law imposing the tax shall otherwise direct, for the term of twelve months from its date.

SEC. 27. The form of the license shall be in substance as follows:

Received this — day of —, 18—, of —, — Form of license.  
 dollars, of which — dollars is the tax to the State of  
 North Carolina, and — dollars is the tax to the county of  
 —, for his license to practice the trade (or profession)  
 of —, until the day — of — next.

(Signed)

A. B.,

*Sheriff of — county.*

(Countersigned)

C. D.,

*Register of Deeds for — county.*

SEC. 28. No license issued by the sheriff shall be valid Validity of license:  
 until the same shall have been exhibited to and counter-  
 signed by the register of deeds of the county, who shall re-  
 ceive for the services imposed on him him by this act in  
 reference to license, a fee of fifty cents from every person  
 licensed. And the sheriff shall be allowed a fee of twenty-  
 five cents for issuing license under this act.

SEC. 29. The register of deeds shall keep a book in which Record of license.  
 he shall record the names of the persons licensed, the trade  
 or profession to be followed or the franchise to be enjoyed,  
 the date at which it begins to run and the amount of tax,  
 and he shall annually, during the month of September, send  
 a certified copy of such record to the Auditor of the State,  
 who shall charge the sheriff with the amount so appearing  
 due. If any register shall fail to perform the duty imposed  
 on him, he shall forfeit to the State a penalty of two hun-  
 dred dollars, to be recovered of him and the sureties to his  
 official bond; on motion in the Superior Court for the county  
 of Wake; and on such motion, a certified copy of his offi-  
 cial bond, and the certificate of the Auditor of the State  
 setting forth his failure to make the required return, shall be  
*prima facie* evidence entitling the State to judgment in the  
 absence of any sufficient defense.

SEC. 30. Every person who shall practice any trade or pro- Penalty for failure  
to take out license.  
 fession, or use any franchise taxed by law of North Carolina  
 without having first paid the tax and obtained a license  
 as herein required, shall be deemed guilty of a misdemean-  
 or, and shall also forfeit and pay to the State a penalty not

to exceed twenty dollars, at the discretion of the court, and in default of the payment of such fine he may be imprisoned for not more than one month, at the discretion of the court, for every day on which he shall practice such trade or profession or use such franchise, except in such cases where the penalty is specially prescribed in this act; which penalty the sheriff of the county in which it has occurred shall cause to be recovered before any justice of the peace of the county.

Duty of sheriff.

SEC. 31. The sheriff shall immediately report to the register of deeds all sums recovered by him as penalties under this act, and the register shall add three fourths of each penalty recovered to the record of licenses required to be kept by him; the other fourth the sheriff may retain.

License issued by sheriff.

SEC. 32. That in order to carry on any trade or practice any profession, or exhibit any circus, side show or any other amusement, or to enjoy any other subject named in Schedule B not otherwise provided for, the person so practicing, exhibiting or enjoying, or his agent, shall apply to the sheriff for a license, which shall be granted by the sheriff upon payment of the required tax, but shall not be valid until countersigned by the register, who shall keep a record of the same and receive for his services fifty cents.

#### SCHEDULE C.

Listed taxes.

The taxes embraced in Schedule C shall be listed and paid as especially therein directed, and shall be for the privilege of carrying on the business or performing the acts named.

Express Companies.

SECTION 1. Every express company shall make return to the Public Treasurer on or before the first Monday in January, April, July and October of each year of the entire gross earnings and receipts of such company within the State of North Carolina during the three months next preceding. The said report shall be verified by the oath of the chief officer of the company, or agent of the company, at its principal office in this State. The said company shall, on or

before the third Monday of each of the said months pay on the gross receipts two per cent. for each three months, and for failure to make such report or pay such tax the company shall pay as taxes two thousand dollars, to be collected by such sheriff as the Public Treasurer may designate, by distress or otherwise.

SEC. 2. Every telegraph company doing business in this State shall, at the time and in the manner prescribed in the preceding section, make report of the entire receipts of said company within this State, and pay to the Public Treasurer two per cent. for each three months, and in case of default of such report and payment the company shall pay as tax one thousand dollars, to be collected by such sheriff as the Public Treasurer shall designate, by distress or otherwise.

Telegraph Companies.

SEC. 3. Whenever the seal of the State, of the treasury department, of a notary public, or other public officer, except clerks of the Superior Courts, required by law to keep a seal, shall be fixed to any paper except as is hereinafter excepted, the tax shall be as follows, to be paid by the party applying for the same: For the seal of the State, one dollar, to be collected and paid in the treasury by the private secretary of the Governor; for the seal of the State department, fifty cents, to be collected by the Secretary of State, and paid by him into the treasury; for the seal of the Public Treasurer, to be collected by him and accounted for as other public moneys, fifty cents; for the seal of the Supreme Court, fifty cents, to be collected by the clerk and paid by him into the treasury; and for the seal of a notary public or other public officer, twenty-five cents, to be collected and paid over by said officers to the sheriff of the county where such seal is kept. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers the said tax shall be on scroll; seals affixed for the use of any county or State or other government, or used on the commissions of officers in the militia, justices of the peace or

Tax on seals, &c.

any public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the seal taxes may retain as compensation five per cent. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required shall be guilty of embezzlement, and, on conviction, shall be fined not more than five hundred dollars or imprisoned in the State prison, in the discretion of the court.

Marriage licenses.

SEC. 4. On each marriage license one dollar, and on each marriage contract, mortgage deed, and deed in trust to secure creditors, where amount secured exceeds three hundred dollars, there shall be a tax of one dollar. The tax on marriage licenses shall be paid to the register of deeds when he issues the license, and the tax on the deeds to the judge of probate of the county in which the instrument is admitted to registration, but if in two or more counties, then in the county in which it is first registered. It shall be the duty of the judge of probate and register of deeds to render annually to the sheriffs during the second week in the month of September, sworn statements in detail of the taxes received by them respectively under this section, and at the same time pay him the money thus received, less five per cent. commissions, and thereupon the sheriff shall file the statement of the judge of probate with the register of deeds, and that of the latter with the clerk of the Superior Court: *Provided*, That mortgage deeds, deeds in trust or other conveyances made to secure agricultural advancements shall not be subject to any tax under this section.

Proviso.

Charters of incorporation.

SEC. 5. On every charter of incorporation of any company granted by the General Assembly other than those for charity, benevolence or literature, or for religious purposes, where the corporation had power to become incorporate under the provisions of any general law, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars paid directly to the Public Treasurer. No company

shall be organized under such special act of incorporation without first obtaining a certified copy of such act from the Secretary of State, which shall be filed in the office of the said Secretary.

SEC. 6. Whenever any officer receives or collects a fine, penalty or forfeiture in behalf of the State, he shall within thirty days after such reception or collection pay over and account for the same to the clerk of the Superior Court, who shall forward such fine, penalty or forfeiture to the treasurer of the board of education, for the benefit of the fund for common schools.

Fines, penalties and forfeitures.

SEC. 7. Any officer convicted of violating the preceding section shall be guilty of embezzlement, and may be punished not exceeding five years in the State prison, at the discretion of the court.

Penalty.

SEC. 8. All laws imposing taxes, the subjects of which are revised in this act, and so much of chapter twenty-nine of Battle's Revisal as requires fines, forfeitures and penalties to be paid to the county treasurer, are hereby repealed: *Provided*, That this repeal shall not extend to the provisions of any law so far as they relate to the taxes listed, or which ought to have been listed, or which may be due previous to the ratification of this act.

Repealing clause.

Proviso.

SEC. 9. All laws requiring taxes to be levied by the county commissioners on the first Monday in February of each year are hereby repealed.

Laws repealed.

SEC. 10. That the Auditor of this State shall not make or cause to be made any headings or blanks to or on the forms which he is required to supply to the several counties of the State other than such as are required, and as are indispensably necessary under the provisions of this act, or as may be hereafter required by law, nor shall any taxes be levied directly or indirectly by the said Auditor, any law heretofore passed to the contrary notwithstanding, and if the Auditor shall be guilty of any violation of this section he shall, on conviction, be punished in the discretion of the court.

Duty of Auditor.

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

Ratified the 22d day of March, A. D. 1875.

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## CHAPTER CLXXXVI.

AN ACT SUPPLEMENTAL TO AN ACT TO RAISE REVENUE, PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty-four of Schedule B, of an act to raise revenue, passed at the present session of the General Assembly, be amended by striking out Treasurer wherever it occurs therein and inserting Secretary of State; also by adding at the end of the section the following: The Secretary of State shall furnish to the Auditor of State on the first of each month a statement in detail of the taxes received by him under this section during the previous month and pay to the Treasurer of the State the amount of such taxes.

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

Ratified the 22d day of March, A. D. 1875.

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## CHAPTER CLXXXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Northampton county are hereby authorized to levy a special tax of not

Secretary of State  
substituted for  
Treasurer.

Special tax.

more than five thousand dollars. The whole may be levied this or next year, or a part thereof may be levied this and a part the next year, at the option of said commissioners: *Provided nevertheless*, That in levying said tax the constitutional equation between the poll and property be observed.

SEC. 2. That the said tax be collected under the same rules and regulations as other taxes are collected.

SEC. 3. That the said tax shall be applied to the present indebtedness of the county, and not to any debt that may be created after the ratification of this act.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXXXVIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Chap. 137, laws of 1873-'74, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter one hundred and thirty-seven, public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out the word "Laurinburg," in the thirtieth line thereof, and by inserting after the word "county," and before the word "provided," in the twenty-third line of section two, the words "Laurinburg, Richmond county."

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXXXIX.

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK, TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of enabling the mayor and commissioners of the town of Elizabeth City, in the county of Pasquotank, to provide for the payment of the present outstanding indebtedness of said town, the said mayor and commissioners are hereby authorized and empowered, in their discretion, to levy a special tax on the property in said town, not to exceed nineteen hundred dollars: *Provided*, That in redeeming the present outstanding orders not more than seventy-five cents on the dollar of their face value be paid: *And provided further*, That parties holding orders may be permitted to use the same in paying this special tax at seventy-five cents on the dollar.

Proviso.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXC.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MACON COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF REBUILDING AND REPAIRING THE BRIDGES OF SAID COUNTY, AND FOR OTHER PURPOSES.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of rebuilding and repairing bridges destroyed or damaged by the recent freshet, and to

finish the payment of the debt due for building a new jail, the county commissioners of Macon county be and they are hereby authorized to levy a special tax on all the taxable property and polls of said county, not to exceed two thousand dollars, said tax to be levied, collected, and accounted for in the same manner as other taxes may be levied, collected and accounted for in the year one thousand eight hundred and seventy-five.

SEC. 2. That if the commissioners may deem it to the interest of the tax payers of said county, they may levy such part of the above tax during the year one thousand eight hundred and seventy-five, and the remainder of said sum during the year one thousand eight hundred and seventy-six, which levy shall be subject to the provisions of section first of this act.

May levy only part  
this year.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PITT COUNTY TO SELL AND MAKE TITLE TO THE COUNTY JAIL AND LAND ON WHICH IT IS SITUATED, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Pitt county are hereby authorized to sell the county jail and land upon which the same is built to the highest and best bidder, at public sale, after thirty (30) days' advertisement in the county newspaper, and also at four public places in said county, and to make title to the same, and to apply the proceeds of said sale to the building of another jail.

May sell jail and  
make title.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCH.

AN ACT TO AMEND AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE WITHIN CABARRUS AND CERTAIN OTHER COUNTIES, RATIFIED FEBRUARY TWELFTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

Act of Feb. 12,  
1875, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the above entitled act be amended by inserting the word "Lincoln" after "Rockingham," in section one, so that the provisions of such act will apply to Lincoln county.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCH.

AN ACT TO REGULATE THE TAKING OF FISH IN THE WATERS OF NEW RIVER, IN ONSLOW COUNTY.

Unlawful to drive:

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to drive fish in any part of the waters of New River, in the county of Onslow, between Jacksonville and the sea, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than one month.

SEC. 2. That this act shall be in force from and after the first day of June, one thousand eight hundred and seventy-five.

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCIV.

AN ACT TO AMEND AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS IN THE THIRD JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act passed at the present session of the General Assembly, entitled an act to change the time of holding the Superior Courts in the third judicial district, be amended as follows: The terms of the Superior Courts for Lenoir county shall be held on the tenth Monday after the second Monday in March and September, and for Wilson county on the eighth Monday after the second Monday in March and September. Act of this session amended.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCIV.

AN ACT TO PROTECT BIRDS IN THE COUNTIES OF DAVIDSON, RANDOLPH, ROWAN, ANSON, WARREN, GUILFORD, ROCKINGHAM, ORANGE, CASWELL, MECKLENBURG AND EDGEcombe.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful to kill or shoot, trap or net, any partridges, quails, doves, robin, lark or mocking bird or wild turkey in the above named counties, between the first day of April and the first day of October in each and every year, and any person so offending shall be guilty of a Unlawful to kill.

misdemeanor, and on conviction thereof shall be fined not exceeding ten dollars for each and every offence.

Unlawful to net or trap.

SEC. 2. That it shall be unlawful for any person to take by net, trap or kill with gun any birds mentioned in section one of this act on the lands of any person living within the boundaries of the above named counties, to-wit: Davidson, Randolph, Rowan, Anson, Warren, Guilford, Rockingham, Orange, Caswell, Mecklenburg and Edgecombe, without permission from the owner or his agent of said lands, and any person so offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars for each and every offence.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCVI.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-NINE,  
LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY AND  
ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE.

Chap., 329, laws of  
1850-'51, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter three hundred and twenty-nine, of the laws of one thousand eight hundred and fifty and one thousand eight hundred and fifty one, section nineteen, be amended by striking out the word "twenty" in the fourth line of said section, and inserting the word "forty" in lieu thereof.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF FRANKLIN TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING THE OUTSTANDING DEBT OF SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Special tax.  
*enact*, That the board of commissioners of Franklin county be and they are hereby authorized in addition to the taxes which they may have power to assess under the general revenue laws of the State to assess and levy a special tax not exceeding one-fourth of one per cent. on both the real and personal property of said county for the year Anno Domini one thousand eight hundred and seventy-five (1875), and a like tax for the year one thousand eight hundred and seventy-six (1876), for the purpose of paying the outstanding debt of said county incurred prior to the first day of January, one thousand eight hundred and seventy-five, said tax to be levied and collected as other taxes.

SEC. 2. That the same amount of tax shall be levied on each taxable poll as is levied on three hundred dollars' worth of property, for the like purpose of paying said debt.

SEC. 3. That the taxes levied and collected under this act Payment of debts.  
shall be applied by the said commissioners to the payment of the debts of the said county of Franklin incurred prior to the first day of January, Anno Domini one thousand eight hundred and seventy-five, in the order of the date of contracting the same after first paying any and all judgments against said county rendered before the ratification of this act: *Provided*, The State and county tax combined, Proviso.  
including said special tax, shall not in any one year exceed the rate of one dollar and twenty-five cents on one hundred dollars' worth of property.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCVIII.

AN ACT FOR THE DISSOLUTION OF THE ROANOKE NAVIGATION  
COMPANY.

Attorney General to  
institute suit.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Attorney General shall in the name of the State institute an action for the dissolution of the Roanoke Navigation Company. In said action the State of North Carolina shall be plaintiff, and the summons shall be served on the officers and corporators of said company and others interested in the affairs of the said company by publishing a copy thereof at least weekly for not less than three successive weeks in some newspaper published in the city of Raleigh, and such publication shall be deemed and held sufficient service on all the officers, corporators and others interested in the affairs of said company, and all such officers, corporators and persons interested in the affairs of said company, may become parties plaintiffs or defendants thereto for themselves, or for others in like interest, under such rules as the court for the purpose of justice may prescribe.

Receiver.

SEC. 2. That before a judgment for the dissolution of said corporation, the court may appoint a receiver of its effects, and make the proper order for the settlement of its affairs as prescribed in chapter twenty-six, section thirty-nine, of Battle's Revisal.

Judgment.

SEC. 3. The judgment for the dissolution shall be published as the summons is required to be.

Cease upon judg-  
ment of dissolution.

SEC. 4. Upon such judgment of dissolution said corporation shall cease to exist; but all its works and property between the towns of Gaston and Weldon, and at Weldon, including its canal or canals, shall be sold by the receiver as aforesaid to be appointed by the court as aforesaid, on such terms as the court may adjudge, who shall convey to the purchaser or purchasers the same by deed of conveyance.

Such sale and conveyance shall pass to the purchaser or purchasers at the sale not only the works and property of the company between the towns of Gaston and Weldon, and at Weldon, as aforesaid, as they were at the time of rendering the judgment of dissolution, but also all such franchises, rights and privileges as said company or corporation now have by law. Upon such conveyance to the purchaser or purchasers, and upon registration of the deed of conveyance in the county of Halifax, said purchaser or purchasers shall forthwith be a corporation in any name mentioned in said deed. The corporation thus created by such sale and conveyance shall succeed to all the rights, franchises and privileges as are now had and enjoyed by the Roanoke Navigation Company between the towns of Gaston and Weldon, and at Weldon.

SEC. 5. Either party may appeal as in other actions.

SEC. 6. The Attorney General may employ associate Associate counsel. counsel to aid him in the institution and prosecution of said action, and said counsel shall be paid by the Treasurer of the State not more than three hundred dollars for his services, upon the warrant of the Governor.

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CXCIX.

AN ACT TO PRESERVE THE PUBLIC RECORDS OF BURKE COUNTY,  
AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact,* That the county commissioners of Burke county shall have the power, and it shall be the duty of said commissioners, to employ some competent person or persons, with a compensation to be agreed upon by said commissioners, and such persons to re-arrange and classify all of the wills, bonds, Duty of Commissioners.

and other papers and records in the office of the clerk of the Superior Court of said county, placing the papers filed during every year in separate packages in alphabetical order.

Old books to be copied.

SEC. 2. That said county commissioners of Burke shall have the power, and it shall be their duty, to inspect the detached pieces of old register's books of Burke county and to contract with the register of deeds, or some other suitable person, to copy the same in a register's book to be purchased for that purpose, and that the register or other person who shall copy any such deeds or other registered papers, shall write at the end of each deed or paper so copied, "*Registered by order of the commissioners of Burke county in accordance with act of Assembly,*" and a certified copy of such deed and note appended from the register of deeds shall be admissible as evidence in all judicial proceedings, and shall have all the force and effect of an original deed or paper that has been registered.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CC.

AN ACT TO DIVEST THE JURISDICTION OF THE SUPERIOR COURTS OVER MISDEMEANORS IN FAILING TO LIST POLLS AND PROPERTY, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That section nineteen (19) of chapter one hundred and fifteen, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, and section nineteen of chapter one hundred and two of Battle's Revisal, and section nineteen, of chapter one hundred and thirty-three, of laws of one thousand eight hundred and sev-

enty-three and one thousand eight hundred and seventy-four, be amended by striking out "thirty days" wherever it occurs in said sections, and inserting in lieu thereof the words "one month."

SEC. 2. That no part of the costs upon any indictment under said sections shall in any case be taxed against the county in which the same may be found, nor shall said county, in any event, be held liable for the same or any part thereof.

County not liable for costs.

SEC. 3. That the Solicitors of the several districts are hereby required to dismiss all indictments now pending under the sections referred to in section one of this act, upon the exhibition by the defendant of his tax receipts for such year or years for which indictments have been found against him and the payment of the costs, which shall be fifty cents each to the clerk and sheriff, and fifty cents to the Solicitors.

Solicitors to dismiss on exhibition of tax receipt.

SEC. 4. That all parties who fail to comply with the provisions of this act, as contained in section three, shall be proceeded against as if this act had not been passed.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CCI.

AN ACT PROVIDING A FENCE LAW FOR THE COUNTIES OF ANSON, UNION AND GUILFORD.

SECTION 1. *The General Assembly of North Carolina do enact*, That in each and every township in the counties of Union, Anson and Guilford, which may adopt the provisions of this act in manner hereinafter specified, the boundry line of each lot or tract of land in such township shall be and is hereby constituted a lawful fence.

Unlawful for live  
stock to go at large.

SEC. 2. That it shall not be lawful for the owner or manager of any horse, mule, swine, sheep, goat or neat cattle of any description in such township, to run at large beyond the limits of his or her own land in any township which may adopt the provisions of this act, and each and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than one month.

May confine.

SEC. 3. That in case any such animal be found upon the premises of another, in violation of the provisions of this act, the owner of such premises, his or her agent or attorney may take up and confine the same upon such premises, and in any action brought for the recovery of such animal or damages for its detention, shall be allowed to plead by way of counterclaim the damages which may have been done by the animal while on the said premises in violation of the provisions of this act, and all expenses incurred in taking, keeping and caring for the same.

Application for  
election.

SEC. 4. That upon the written application of any ten farmers of any one township in either of said counties, the commissioners of the county in which the application is made shall order an election to be held in such township, at which the question to be decided shall be the adoption or rejection of the provisions of this act, first giving thirty days' notice at three or more public places in such township of the time and place of holding such election, and if a majority of the legal voters of such township shall vote for the acceptance of the provisions of this act, then the provisions of this act shall have full force and effect in such township, but not until (except in the contingency hereinafter otherwise provided for) the citizens thereof shall have erected a good and substantial fence around its territory, with gates on all public roads where they enter into or pass out of its borders: *Provided, however,* That any two or more townships may unite and put their territory under one common fence, in which case the erection of gates across the public roads where they enter or pass out of the common terri-

Proviso

tory shall be a sufficient compliance with the provisions of this act.

SEC. 5. That the commissioners of the said county shall meet at the court-house of their respective counties on the first Monday in May, one thousand eight hundred and seventy-five, and continue in session for three days, to hear all applications that may be made pursuant to the provisions of this act from the several townships of their respective counties and to make the orders in this act provided for.

Duty of Commissioners.

SEC. 6. That in case the several townships of either of said counties, by a majority of the legal voters of each, shall adopt the provisions of this act, then the commissioners of such county shall levy a tax to be collected as other taxes are, and sufficient to erect a good and substantial fence around the boundaries of such county, with gates across the public roads where they enter into or pass out of the borders of such county, and when such fence is erected then this act shall have full force and effect, and such fence thereafter shall be kept up at county charge: *Provided, however,* That the two counties may unite and put their territory under one common fence, in which case the gates shall be erected across public roads where they enter or pass out of the common territory in lieu of the gates hereinbefore provided for: *Provided further,* That the Pedee river shall be deemed a lawful fence, at the bank of which no gate hereinbefore provided need be erected: *Provided further,* That whenever any owner of land shall object to the building of said fence over his or her land, then the land, not exceeding twenty feet in width, shall be condemned for said purpose as land is now condemned for railroad purposes: *Provided also,* That no such fence shall divide any farm without the consent of the owner thereof, but shall follow the boundry line thereof.

Fences and gates.

Proviso.

Proviso.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CCII.

AN ACT TO OBTAIN INFORMATION CONCERNING STATE'S INTEREST  
IN WORKS OF INTERNAL IMPROVEMENTS.

Chapter 62, Battle's  
Revisal amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter sixty-two, of Battle's Revisal, be amended by striking out "Council of State" and inserting "Senate," so that said section will read "with the advice of the Senate."

Presidents of Rail-  
road, &c., to make  
report.

SEC. 2. Every president or other chief officer of every railroad, canal or other public work of internal improvement in which the State owns an interest shall, on or before the first day of October in each year, make or cause to be made to the board of internal improvements a written report of his company for that year, showing

What to contain.

1. Number of shares of stock owned by the State.
2. Number of shares of stock owned otherwise.
3. Face value of each of said shares.
4. Market value of each of said shares.
5. Amount of "bonded debt" and for what purpose contracted.
6. Amount of other debt and how incurred.
7. Has interest on bonded debt been punctually paid as agreed; if not, how much is in arrears.
8. Amount of "gross receipts" for past year and from what sources derived.
9. An itemized account of expenditures for past year.
10. Any lease of property of said company, or any part thereof, to whom made, for what consideration, and for what length of time.
11. Suits at law pending against his company concerning its bonded debt, or in which title to whole or any part of said road or canal is concerned.

12. Any sales of stock owned by the State, by whose order made, and disposition of the proceeds.

SEC. 3. The board of internal improvements shall cause their secretary to report to the General Assembly at the commencement of every session the condition of all public works reported to them; also the names of all persons failing or refusing to report as required by section two of this act, which report the Governor shall, in connection with report required by section four, chapter 62, Battle's Revisal, transmit to the General Assembly with his message.

Report to General Assembly.

SEC. 4. Any person failing to report as required by section two shall be guilty of a misdemeanor, and on conviction before any Judge of Superior the Court of this State, be fined not less than one nor more than five thousand dollars, and imprisoned not less than one nor more than five years at hard labor in the State's prison; and it shall be the duty of the Attorney General to bring suit against all persons so failing to report in the Superior Court of Wake county on application of board of internal improvements.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CCIII.

### AN ACT TO FACILITATE THE CONSTRUCTION OF TELEGRAPH LINES.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purposes of this act the Judge of the Superior Court in vacation shall have and exercise the same power and jurisdiction as the Superior Court may exercise, subject to the same right of appeal to the Superior Court as from final judgments of the Superior Courts, and the clerk of the Superior Court of the county in which the lands lie

Power of Judge Superior Court.

or into or through which the easements or right of way extends, in or over which a privilege easement or use is sought, shall be the clerk of such Superior Court required to perform the same duties and entitled to the same fees as in other similar cases in the Superior Court. Such clerk shall not be required to attend the court at any place other than the court house of his county, but must make all proper orders and entries, and issue all proper process, writs, or notices as commanded by the Superior Court whether in term time or vacation.

Telegraph lines.

SEC. 2. That any telegraph company chartered or incorporated by this or any other State shall have the right to construct, maintain and operate lines of telegraph along any railroad or other public highway in the State of North Carolina, but such lines of telegraph shall be so constructed and maintained as not to obstruct or hinder the usual travel on such railroad or other highway.

May contract.

SEC. 3. That such telegraph company shall have power to contract with any person or corporation, the owner of any lands or of any franchise or easement therein, over which such line of telegraph is proposed to be erected for the right of way for planting, repairing and preservation of its telegraph poles or other property, and for the erection and occupation of offices at suitable distances for the public accommodation.

Right of way.

SEC. 4. That such telegraph company shall be entitled to the right of way over the lands, privileges and easements of other persons and corporations, and the right to erect poles and to establish offices, upon making just compensation therefor.

Where right of way is refused.

SEC. 5. That whenever such telegraph company shall fail on application therefor to secure by contract or agreement such right of way for the purposes aforesaid over the lands, privilege or easement of another person or corporation, it shall be lawful for such telegraph company, first giving security for costs, to file its petition before the Superior Court for the county in which said lands are situate, or into or

through which such easement, privilege or franchise extends, setting forth and describing the parcels of land, privilege or easement over which the way, privilege or right of use is claimed, the owners of the land, easement or privilege, and their place of residence, if known, and if not known that fact shall be stated, and such petition shall set forth the use, easement, privilege or other right claimed, and must be sworn to, and in such petition the use or right sought be over or upon an easement or right of way, it shall be sufficient to give jurisdiction if the person or corporation owning the easement or right of way be made a party defendant: *Provided*, That only the interest of such parties as are brought before the court shall be condemned in any such proceedings, and if the right claimed be over or upon an easement or right of way which extends into or through more counties than one, the whole right and controversy may be heard and determined in one county into or through which such easement or right of way extends.

SEC. 6. That a copy of such petition with a notice of the time and place the same will be presented to the Superior Court, must be served on the person or persons whose interest are to be affected by the proceedings at least ten days prior to the presentation of the same to the said Court. If the person on whom the service is to be made be a corporation, it shall be sufficient if notice be served on an officer or agent of the corporation found in the county in which the land or easement is situated, or upon any other officer of the corporation. Notice served.

SEC. 7. That the following sections and parts of sections of chapter one hundred and thirty-eight of the acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, ratified February the eighth, one thousand eight hundred and seventy-two, be and the same are made applicable to proceedings under this act, namely: sub-divisions two, three, four, five, six and seven of section fourteen and section fifteen to twenty-three inclusive. The term land or real estate in said sections and parts of Chap. 133, laws of 1871-'72 applicable to this act.

sections shall be held to include an interest, use, privilege or easement in lands.

Right of appeal.

SEC. 8. That the right of appeal to the Superior Court shall be limited to thirty days after the confirmation of the report of the commissioners; but such appeal shall not suspend the right of the petitioner to take possession of the easement, privilege or use condemned, if the damages and costs adjudged be paid or deposited as directed and adjudged by the Superior Court.

Damages.

SEC. 9. That in considering the question of damages when the interest sought is over an easement, privilege or right of way, the commissioners may inspect the premises or rest their finding on testimony as to them may be satisfactory, and the costs of the proceedings shall be paid by the petitioner, unless in the opinion of the Superior Court the defendant improperly referred the privilege, use or easement demanded, in which case the costs must be adjudged as to the court may appear equitable and just.

SEC. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. This act shall take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCIV.

AN ACT IN RELATION TO TAXATION IN BURKE AND M'DOWELL COUNTIES.

Railroad Company  
subject to special  
tax.

SECTION 1. *The General Assembly of North Carolina do enact,* That all property of the Western North Carolina Railroad Company within the counties of Burke and McDowell shall be subject to taxation as other property in so far as any special tax may be levied by either county for

the purpose of paying any bonds and interest due by reason of county subscriptions of stock to said railroad company, and no further.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCV.

AN ACT TO AMEND SECTIONS FORTY-TWO, FORTY-THREE AND FORTY-FOUR, CHAPTER ONE HUNDRED AND NINETY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, BROUGHT FORWARD IN BATTLE'S REVISAL, CHAPTER TWENTY-SIX, SECTIONS FORTY-TWO, FORTY-THREE AND FORTY-FOUR, IN RELATION TO INSURANCE COMPANIES, ETC.

SECTION 1. *The General Assembly of North Carolina do enact*, That section forty-two, chapter one hundred and ninety-nine, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, Battle's Revisal, chapter twenty-six, section forty-two, be amended so as to read as follows: "Every corporation doing the business of maritime, fire or life insurance, and any and all other corporations, companies and associations whatever engaged in the business of insurance of any kind, or which grants annuities, or holds property in trust, or receives money on deposit, shall make to the Secretary of State in such form as shall be prescribed by him once in each year, a report of its financial and business condition, which shall be sworn to by the chief officer of the company or by some other officer appointed for the purpose, before the said Secretary of State, which report shall set forth the liabilities and assets of said corporation, company or association, how and

Insurance Companies to report to Secretary of State.

in what manner their assets are invested, and shall give the "reserve," if any, of said company, corporation or association, as calculated by an expert actuary, and the number of judgments, if any, not fully paid and satisfied against the said company, corporation or association in this State, in what court and at what time they were obtained, the amounts due on the same and to whom due, and whether or not an appeal has been craved by the said company, corporation or association and granted by the court from the said judgment or judgments.

New report may be required.

SEC. 2. And if at any time during the said year the said Secretary of State shall have cause to believe that any of the said companies, corporations and associations, that have reported to him as aforesaid and have passed and approved examination as is hereinafter provided, could not at that time pass the said examination, the said Secretary of State shall order the said company, association or corporation to make to him a new report.

Secretary of State to examine report.

SEC. 3. Amend section forty-three, chapter one hundred and ninety-nine, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, Battle's Revisal, chapter twenty-six, so as to read as follows: "It shall be the duty of the Secretary of State to receive and thoroughly examine all such reports as may be made in pursuance of the preceding section, and fully investigate the business affairs and finances of such company, corporation or association making the same, and if upon such examination and investigation such company, corporation or association shall appear to be doing business upon sound principles, and within the provisions of its charter and in compliance with the laws of the State of North Carolina, then the Secretary of State shall approve the report made as aforesaid: *Provided*, That the said Secretary of State shall not approve the report as aforesaid of any fire and marine companies doing business in the State unless they show by the said report a reserve of at least fifty per cent. of premiums of any mutual life companies, unless they

Proviso.

show by the said report a re-insurance reserve, calculated on a basis of four and a half per cent. of any stock companies, unless they show by their said report a re-insurance reserve calculated on a basis of at least five per cent., and the said Secretary of State shall not approve the report of any of the said companies, corporations or associations that do not possess at least one hundred thousand dollars in available assets, or that have a judgment against them in any of the courts of this State from which no appeal has been granted, for which examination and investigation he shall be paid by such company, corporation or association the sum of twenty-five dollars : *Provided*, That the amount received as fees as aforesaid in excess of one thousand five hundred dollars shall be paid into the Treasury and accounted for as other public money, and that the said Secretary of State and those appointed by him to assist in carrying out the provisions of this act shall not be connected directly or indirectly with the said associations, corporations or companies. When the report as hereinbefore provided for shall have been approved as aforesaid, the Secretary of State shall cause the same to be published in one of the two newspapers in the city of Raleigh which have the larger circulation, at the expense of the company, corporation or association making the same, and it shall be the duty of the Secretary of State at his own expense to publish in the said newspapers in the city of Raleigh the names of all the companies, corporations or associations that refuse to send in their reports as required by this act, and also the names of such corporations, companies or associations as have failed in business, and the names of all corporations, associations and companies that have passed an approved examination, and the names of all the corporations, associations and companies that failed to pass an approved examination, and the Secretary of State is hereby required to give all such companies, corporations and associations designated in the next preceding section of this act as shall comply with the provisions of this act a certificate that they have complied with the pro-

Paid by Company.

Proviso.

Published in two newspapers.

To give certificate.

visions thereof, and such company, corporation or association is hereby forbidden to do business without such certificate; and any agent or manager of such company, corporation or association who shall attempt to transact the business of the same without having first obtained a certificate as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars and imprisoned at the discretion of the Court. The various prosecuting officers of the State are hereby empowered to enforce the provisions of this section upon information furnished by the Secretary of State. It shall be the duty of any officer having in his possession or control any books, accounts or papers of any company, corporation or association of which he is an officer to exhibit the same to the Secretary of State on demand, and to give him all necessary information to enable him to make a full and correct report; and any such officers failing or refusing so to do, or who shall knowingly or wilfully make any false statement respecting the affairs of the company, corporation or association of which he is an officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

Penalty.

Reports on file for  
public inspection.

SEC. 4. Strike out all of section forty-four and insert instead thereof the following: It shall be the duty of the Secretary of State to keep on file in his office for the inspection of the public a copy of all reports received by him as aforesaid, and the Secretary of State shall be required to forward to the clerks of the Superior Courts of each and every county a statement certified under the seal of his office, of each company, corporation or association that shall have passed an approved examination, and he shall also furnish to the said clerks a certified list of all such companies, corporations or associations as may have failed in business, and the names of all corporations, associations and companies that have failed to pass an approved examination, and the names of all corporations, associations and companies that have failed

to send in their reports as required by this act. It shall be the duty of the clerks aforesaid, upon their receipt of such certified statement, to cause to be copied the same in a book kept for the purpose furnished by the Secretary of State, which book shall be open to the inspection of the public, and for which service each clerk shall be entitled to a fee of two dollars to be paid by the said Secretary of State, and any clerk failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined one hundred dollars: *Provided*, That this act shall not apply to Building and Loan Associations.

SEC. 5. All laws and clauses of laws coming in conflict with this act are hereby repealed.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCVI.

AN ACT ENTITLED AN ACT TO CHANGE THE TIME OF SALES DAY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section eleven, chapter forty-four, Battle's Revisal, referring to the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter two hundred and thirty-seven, section eight, and the laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, chapter two hundred and fifteen, be amended so as to read as follows, to wit: That the sheriff or other officer selling property under executions, or any person selling property under order of any court in this State, shall sell the same on the first Monday in each and every month except the months of the Superior Courts, in said months the sales shall be made during

Sales day 1st Monday in each month.

Exception.

Proviso,

the three first days of the terms of said court: *Provided*, That nothing herein contained shall prevent a sheriff from continuing a sale from day to day until such sale is made.

SEC. 2. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 3. That this act shall take effect sixty days after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCVII.

AN ACT TO PROVIDE ADDITIONAL ARMS FOR MILITARY SCHOOLS.

Adjutant General  
to procure arms.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Adjutant General be and he is hereby authorized and directed, under the direction of the Governor, to draw if practicable such additional breech loading Springfield rifles, muskets and the accoutrements therefor as the State is entitled to, not to exceed four hundred, and to issue the same under the provisions of chapter ninety-six, acts of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled an act to provide for and furnish arms to military schools.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCVIII.

AN ACT TO ENCOURAGE THE MANUFACTURE OF DOMESTIC WINES  
IN THIS STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That all wines made from grapes, blackberries, currants, gooseberries, raspberries and strawberries manufactured in this State from fruit raised in the State may be sold in bottles corked or sealed up, and not to be drunk on the premises when sold in any quantity whether greater or less than one quart: *Provided*, That nothing herein contained shall authorize any person to sell any of the wines mentioned in this section to any person who is a minor under twenty-one years of age.

May be sold in bottles.

Proviso.

SEC. 2. That this act shall not apply to any wines which have or contain any foreign admixture of spirituous liquors, and shall only apply to such wines as derive their ardent spirit from vinous fermentation.

Not to apply to certain wines.

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

Ratified the 19th day of March, A. D. 1875.

*Repealed 1876-77*

## CHAPTER CCIX.

AN ACT TO AMEND CHAPTER SIXTY-FOUR OF BATTLE'S REVISAL,  
"LANDLORD AND TENANT ACT."

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter sixty-four of Battle's Revisal shall be amended as follows: Strike out all of sections thirteen, fourteen and fifteen, and insert in lieu thereof the following: Sec. 13. When lands shall be rented or leased by agreement

Chap. 64, Battle's Revisal, amended.

*Repealed 1875-77*

written or verbal for agricultural purposes, or shall be cultivated by a cropper, unless otherwise agreed between the parties to the lease or agreement, any and all crops raised on said land shall be deemed and held to be vested in possession in the owner of the land or the lessor or the party entitled under the agreement to receive the rent and his assigns at all times, until the rent for said land shall be paid and until all the stipulations contained in the lease or agreement shall be performed or damages in lieu thereof shall be paid to the lessor or party entitled to receive the rent, the same or his assigns, and until the said party or his assigns shall be paid for all advancements made and expense incurred in making and saving said crop, and until the said party or his assigns shall be paid any and all claims and demands against the lessee or cropper, which according to agreement, written or verbal, between the parties should be a lien on said crop, or should be paid out of said crop. That this lien shall be preferred to all other liens; such lessor or party entitled under the agreement to receive rent for said land, and his assigns, shall be entitled against the lessee or cropper or any other person who shall gather or remove any part of said crop without the consent of the said lessor or party entitled to receive the rent, and to the possession of the crop until said liens are satisfied, or his assigns to the remedies given in the Code of Civil Procedure upon a claim for the delivery of personal property.

Controversies.

SEC. 2. Sec. 14. Where any controversy shall arise between the parties it shall be competent for the party claiming possession of the crop by virtue of the preceding section to proceed at once to have the matter determined in the court of a justice of the peace if the amount claimed shall be less than two hundred dollars. And in the Superior Court of the county where the property is situate, if the amount so claimed shall be more than two hundred dollars, and at the time of issuing the summons or at any time thereafter, upon the filing an affidavit of the claimant, setting forth the amount claimed and the property upon which

the lien attaches, it shall be the duty of the justice of the peace or of the clerk of the Superior Court in whichsoever court the suit shall be pending to issue an order to the constable or sheriff as the case may be, directing him to take into immediate possession all of said property, or so much thereof as shall be necessary to satisfy the claimant's demand and costs, and to sell the same under the rules and regulations prescribed by law for the sale of personal property under execution, and to hold the proceeds of such sale subject to the decision of the court upon the issue or issues joined between the parties. That in all cases in the Superior Court arising under this act the return term shall be the trial term.

SEC. 3. Sec. 15. Any tenant, lessee of land or cropper, and any person who shall remove any part of said crop from such land without the consent of the owner of the land or lessor, or party entitled to receive the rent, and without giving him or his agent five days' notice of such intended removal, and before satisfying all liens on said crop, shall be guilty of a misdemeanor. Removal of crops.

SEC. 4. The provisions of this act and of the act to which this is amendatory shall apply to all leases or contracts to lease turpentine trees, and when such lease or contracts to lease are made the parties thereto shall be fully subject to the provisions and penalties of said act. Applies to all leases:

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCX.

## AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO FUND THEIR DEBT.

May issue bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful, and authority is hereby given for the board of commissioners of Cumberland to issue bonds in lieu and in payment of those bonds of said county which were given in payment of subscription to the capital stock of the Western Railroad Company, authorized by act of Assembly passed at the session of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, chapter seven.

Denomination of bonds.

SEC. 2. The bonds issued in pursuance of this act shall be in denominations of one hundred dollars, five hundred dollars and one thousand dollars, bearing interest at the rate of seven per cent. per annum, for which interest warrants or coupons shall be attached, payable on the first day of June and December of each year until said bonds become due, which shall be twenty years after the date of issue, and said bonds shall not begin to bear interest until the first day of June, one thousand eight hundred and seventy-seven.

Registered.

SEC. 3. The said board before said bonds are issued shall cause them to be signed by their chairman and countersigned by their clerk, and have their corporate seal affixed. And it shall be the duty of the clerk of said board to keep a complete and full register of all bonds so issued, giving the date of issue, the number and amount of the bond, and to whom issued.

Interest.

SEC. 4. The said board of county commissioners of Cumberland county shall annually levy and cause to be collected a special tax sufficient to pay the interest falling due upon said bonds, and they may also levy and cause to be collected a special tax sufficient to create a sinking fund of one twentieth of said debt in each and every year to pay off and dis-

charge the principal of said debt when the same shall become due, and they may invest the said sinking funds in United States securities or in the bonds named in this act.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXI.

AN ACT TO AUTHORIZE THE NORTH WESTERN NORTH CAROLINA RAILROAD COMPANY TO ADOPT ITS GAUGE TO ITS ONLY CONNECTING RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the North Western North Carolina Railroad Company be and hereby is authorized so long as it may be necessary in order to make an unbroken gauge between Salem and Greensboro to conform with the gauge of the North Carolina Railroad: *Provided*, That this authority is given subject to the future control of the General Assembly whenever it may be necessary to exercise it in order to secure a uniform gauge throughout the State.

May conform to gauge of connecting road.

Proviso.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXII.

AN ACT TO PUNISH ACCESSORIES BEFORE THE FACT IN EITHER OF THE CRIMES OF MURDER, ARSON, BURGLARY OR RAPE.

SECTION 1. *The General Assembly of North Carolina do enact*, That every person who shall hereafter be convicted as accessory before the fact in either of the crimes of murder,

Accessories before the fact, how punished.

arson, burglary or rape, shall suffer imprisonment in the State Penitentiary for life.

SEC. 2. That all laws or clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXIII.

AN ACT CONCERNING EVIDENCE IN CASES OF FRAUD WHERE THE STATE IS CONCERNED.

Evidence of counsel.

SECTION 1. *The General Assembly of North Carolina do enact*, That in cases where fraud upon the State is charged it shall not be a sufficient cause to excuse any one from imparting any evidence or information legally required of him, because he came into the possession of such evidence or information by his position as counsel or attorney before the consummation of such fraud, and any person refusing for such cause to answer any question when legally required so to do shall be deemed guilty of contempt, and punished at discretion of the court or other body demanding such information: *Provided, however*, It shall not be competent to introduce any admissions thus made on trial of any person making the same in any court of this State.

Proviso.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXIV.

AN ACT TO BE ENTITLED AN ACT TO AMEND SECTION ELEVEN,  
CHAPTER FIFTY-THREE, OF BATTLE'S REVISAL, ENTITLED  
GUARDIAN AND WARD.

SECTION 1. *The General Assembly of North Carolina do enact*, That section eleven, chapter fifty-three, of Battle's Revisal, entitled "guardian and ward," be amended by striking out all after the word "of," in sixth line of said section to the word "of" in same line and section, and insert in lieu thereof the words "all personal property, and the rents and profits issuing from real estate," and by adding the following proviso to said section, to-wit: *Provided*,  
If on application by the guardian by petition the court shall decree a sale for any of the causes set forth in section thirty-nine of said chapter, of such infant's property before such sale be confirmed the guardian shall be required to file a bond as now required in double the amount of the real property so sold.

Chapter 53, sec. 11,  
Battle's Revisal,  
amended

Proviso.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXV.

AN ACT TO AMEND SECTION FIRST, CHAPTER THIRTY-ONE, LAWS  
OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE  
AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of an act entitled "An act declaring it a misdemeanor for any person who has executed a chattel

Penalty for dis-  
posing of property  
theretofore con-  
veyed by deed of  
trust.

mortgage, deed in trust or lien to dispose of the property with intent to defeat the mortgage," ratified the twentieth day of December, Anno Domini one thousand eight hundred and seventy-three, be amended by adding thereto after the word "offending" and before the word "shall" in the eleventh line of said section the following words, viz: And each and every person with a knowledge of the existence of the lien buying the property embraced in said mortgage, deed in trust or lien, and every person assisting, aiding or abetting the trustor or trustors in disposing of such property with like intent to hinder, delay or defeat the rights of the person or persons to whom the said mortgage, deed in trust or lien was made: *Provided*, That the fact of the registration of such mortgage, deed in trust or lien shall not be evidence against the defendant upon any trial of the knowledge of said defendant of the existence of the same.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCXVI.

AN ACT TO AUTHORIZE A SPECIFIC APPROPRIATION FOR THE  
ERECTION OF THE PENITENTIARY.

\$40,000 appro-  
priated.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of prosecuting the work and maintenance of the convicts of the Penitentiary the board of directors are hereby authorized to issue their warrant upon the Treasurer, to be approved by the Governor, for forty thousand dollars in monthly installments of not more than eight thousand dollars per month, and commencing on the first day of July, one thousand eight hundred and seventy-

five. And that the Treasurer be authorized to pay the same out of any moneys in the treasury not otherwise appropriated.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCXVII.

### AN ACT TO INCORPORATE THE SNOW HILL BRANCH RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That a company is authorized to be formed with a capital stock of two hundred thousand dollars to be divided into shares of fifty dollars each, to be called and known as the Snow Hill Branch Railroad Company, for the purpose of building and constructing a railroad with one or more tracks to be used with steam or other motive power from some point on the Atlantic and North Carolina Railroad, in the county of Lenoir, to the town of Snow Hill, in the county of Greene, over the most practicable route through said counties, and such company when formed as hereafter directed, shall have power to receive, possess and transfer real and personal property, to have a common seal, and to pass such by-laws not inconsistent with the laws of this State as may be necessary to carry out the object of the corporation, shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State, to have land condemned for right of way according to existing laws, and for all other purposes necessary to carry into effect the purposes of said company, and shall have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of incorporated bodies in this State, and shall have the exclusive right to transfer

Capital stock.

Body politic.

and carry persons, produce, merchandise and other material on and along such railroad at such price as they may fix. Said company shall have succession for ninety-nine years.

Commissioners to open books of subscription.

SEC. 2. That for the purpose of creating the capital stock of such company, Dr. W. J. Jones, W. H. Dial, John R. Dail, C. H. Harper and John Murphy, of Snow Hill; John Taylor, F. M. Rountree and Robert Creech of Hookerton; Dr. P. W. Wooley, Shade Wooten, R. L. Wooten, of LAGRANGE; William Moore, S. B. West and Thomas Henry, of Kinston, are hereby appointed commissioners, whose duty it shall be to open books of subscription at such places and at such time as to a majority of them shall seem best, and under such rules and regulations as they may prescribe. Such subscription, or any part thereof, may be received payable in money, lands, labor or material necessary in the construction of said road, land, stocks or other valuable credits in such manner and on such terms as shall be agreed on between said company or its commissioners or agent and such subscribers.

Organization of Company.

SEC. 3. That whenever the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers it shall be the duty of the commissioners aforesaid to call a general meeting of the stockholders after giving such notice as to them shall seem sufficient, and at such time and places as they shall determine, and at all general meetings of said stockholders not less than a majority of all the stockholders shall constitute a quorum for the transaction of business, and said stockholders when so met in general meeting shall have power and it shall be their duty to elect a president and five directors for said company, and in electing such president and directors and in enacting such laws as may be necessary each share of stock represented in person or by proxy shall be entitled to one vote: *Provided*, If a majority of such stockholders shall not be present at said first general meeting such as do attend and are present may adjourn from time to time until a majority shall appear.

Proviso.

SEC. 4. That it shall be the duty of said stockholders, at the first general meeting, to prescribe the manner and time in which payments of stock on the subscription books shall be made. Payment of stock.

SEC. 5. That it shall be the duty of the president and directors of said company to appoint a treasurer, who shall remain in office such length of time as the company in their by-laws shall determine, and said president and directors shall remain in office one year or until others are qualified and shall have a general direction and management of the affairs of said company, and shall appoint some suitable person engineer, whose duty it shall be to make the necessary surveys for the location of said railroad and furnish the president and directors with such survey or surveys and estimates of cost; said directors shall have power to fill any vacancy that may occur in their board, and in the absence of the president shall elect one for the time; they shall also appoint a secretary, whose duty it shall be to keep a fair and correct record of the proceedings of said board and of all the proceedings of the stockholders in general meetings in a book to be provided for that purpose. Duty of officers.

SEC. 6. That the president or board of directors shall at least once a year make a full report on the state of the company and its affairs to a general meeting of the stockholders whenever they may deem it expedient, and the company may provide in their by-laws for occasional meetings being called and prescribe the mode thereof. Annual report.

SEC. 7. That all persons, the commissioners of any county, or the authorities of any corporation, shall have full power and authority to subscribe to the capital stock of said company to the amount they shall be authorized to do by the inhabitants of said counties or incorporated town, or the proper authorities of any corporation, and they may issue bonds or other evidence of debt to enable them to borrow money to pay such subscription, the said subscription to be made by any agent or agents of such county, town or corporation properly authorized by them to make the same, when Subscriptions by counties, &c.

so made shall be binding on such county, company or incorporated body in the same manner and to the same extent that it is on the individual subscribers, and such body corporate, or company, or county shall be represented in all general meetings of the stockholders: *Provided*, That this section shall not be construed as authorizing the Atlantic and North Carolina Railroad Company to subscribe to stock or issue any bonds for the construction of this branch.

Sense of voters on subscription.

SEC. 8. That the county commissioners of the counties in which said road may be constructed, a majority of said commissioners concurring, or the corporate authorities of any town or city, are authorized to make an order requiring the sheriffs of said counties, or if city or town, the constable or any officer of their own body at such time and on such a notice as they shall direct, to open a poll and take the sense of the voters of such as are qualified to vote under the laws of this State, whether said counties, cities or towns shall subscribe to the stock of said company for such sum as the order shall propose. And the officer so appointed shall make return of the number voting for and against it to the commissioners or municipal authorities.

SEC. 9. That it may and shall be lawful for said Snow Hill Branch Railroad Company to make and issue bonds to an amount not to exceed fifty thousand (\$50,000) dollars to be signed by the president of said company under the common seal of the same in sums of fifty and one hundred dollars each, bearing interest at the rate not exceeding eight per cent. per annum, with coupons attached, to be paid annually in the town of Snow Hill or elsewhere, at their option, and redeemable within thirty years from date of issue at the option of said Snow Hill Branch Railroad Company.

penalty for injuring property.

SEC. 10. Any person who shall in any way injure or obstruct said road shall be liable to the company in civil action for treble the amount of damages sustained, and shall also be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, at the discretion of the court.

SEC. 11. That said company may begin the construction of said road at any point on the line of location, according to their discretion, and that for any portion of said road actually constructed the said company shall be entitled to all the privileges of this act into and over such part so constructed.

Location and construction.

SEC. 12. That said company shall issue certificates of stock to its members and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates of stock.

SEC. 13. That whenever any person is hereafter convicted of a misdemeanor or any petty offence by any of the courts of this State and as a punishment thereof is to be imprisoned in the county jail of any county east of the Wilmington and Weldon Railroad it shall be lawful for the commissioners of such county to turn over said prisoners to the president of the said road during the whole term of their imprisonment, and all persons now confined in any of said jails for having committed a misdemeanor or petty offence, who have been convicted of the same, shall be turned over to said president as aforesaid and the said prisoners shall be fed and clothed and cared for as other prisoners are at the expense of said railroad company.

Certain convicts may be turned over to Railroad President.

SEC. 14. If any person or convict who may be turned over under the provisions of this act shall escape from his overseers or employers it shall be lawful for the sheriff or constable of any county in this State to capture and return such person or convict to the said railroad company from whom he escaped. All the labor done by an escaped person or convict shall be forfeited to his employer.

Escape of convicts.

SEC. 15. That the said directors of said railroad may and they are hereby authorized to employ such guard as may be necessary in their discretion to guard the said prisoners or convicts while employed by the said railroad company.

Guards.

SEC. 16. That this act shall take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXVIII.

AN ACT TO INCORPORATE THE WILMINGTON, RALEIGH AND DANVILLE RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Fred Petty, A. G. Curtin, A. K. McLure, James M. Sellers, William D. Allen, C. E. Rollins, Robert E. Parker, J. M. Downing, their associates, successors and assigns, are hereby constituted and enacted a body politic and corporate by the name of the Wilmington, Raleigh and Danville Railroad Company, and by that name and style they and their successors and assigns shall have succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this State or elsewhere, shall have a common seal which it may use and break at pleasure, and they and their successors and assigns by the same corporate name and style shall have the power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purposes and objects of this corporation. That they shall have power to make such by-laws and regulations consistent with the laws of this State and of the United States for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Body politic.

Rights of company.

SEC. 2. That the said company shall have the right to maintain and construct a railroad to be used and operated by steam between the city of Wilmington and the town of Leasburg, in the county of Caswell, with the right to extend the same to such point on the Virginia line as the said company may determine, and to establish such gauge for said road as they may think proper: *Provided*, That said company shall begin operations within twelve months from its ratification of this act, or the charter of said company shall be forfeited.

Proviso.

SEC. 3. That the capital stock of said company shall be three million of dollars, with the privilege of increasing the same to five million of dollars. It shall be divided into shares of one hundred dollars each, and be transferable upon the books of said company as the by-laws may direct.

Capital stock.

SEC. 4. That the counties, cities, towns and townships through which said railroad shall pass are severally authorized and allowed to make subscriptions to the capital stock of said corporation in such amounts as their several corporations may determine: *Provided*, That the question is submitted to the people thereof at the next ensuing regular election for county officers and the subscriptions so made are ratified by a majority of the votes cast thereon.

Subscriptions.

Proviso.

SEC. 5. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as they may determine, and to that end any three of said corporators may, by ten days' notice in one newspaper published in the city of Raleigh, cause a meeting of the said corporators to be held in the city of Raleigh.

Books of subscription.

SEC. 6. That as soon as the sum of one hundred thousand dollars shall have been subscribed by solvent subscribers to the capital stock of said company, then it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect a president and vice-president, and not less than four or more than fifteen directors, a majority of whom shall be necessary for the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualified, and the directors chosen at said meeting and annually thereafter shall elect a treasurer and secretary and such other officers as may be necessary, who shall hold their offices during the pleasure of the said board of directors, subject to such rules and by-laws as may be adopted for the government of the said company. That in case of the death or resignation of the president, vice-president or any director, such vacancy

Organization of company.

may be filled for the remainder of the year wherein it may happen by the said board of directors, or a majority of them. That at all elections for president, vice-president and directors each share of stock represented in person or by proxy shall be entitled to one vote; the meetings of stockholders shall take place as provided for in the said by-laws.

Location of road.

SEC. 7. That the board of directors shall, as soon after their organization as possible, proceed to locate and have constructed the said railroad on the route they may find most practicable: *Provided*, The said railroad shall pass through or within one mile of the corporate limits of the town of Clinton, in Sampson county, and the city of Raleigh.

Right of way.

SEC. 8. That it shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of said railroad and of locating the same, and to do and to erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property, and when the route of said road shall have been determined upon and a survey of the same deposited in the office of the Secretary of State, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in their employ, to enter upon, take possession of, hold, have, use and excavate any such lands, and to erect all the work necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided always* That the payment or the tender of the payment of all damages for the occupancy of all land through which the said railroad may be laid out, be made before the said company shall enter upon or break ground upon the premises, except for surveying or laying out said road, unless the consent of the owners thereof be first had and obtained.

Proviso.

Assessing damages.

SEC. 9. That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof,

or for any other cause the same cannot be purchased from the owner, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the clerk of the Superior Court of the county where some part of the land or right of way is located. In making the said valuation the said commissioners 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 the benefit and advantage, general or special, which he, she or they may receive by the increased value of the land, or any special benefit which may arise from the location of a depot or otherwise on said lands, or any benefits which may accrue in any way whatsoever by the establishment of said railroad or works, and shall state particularly the value and amount of each and excess of the loss and damage over and above the advantage: *Provided nevertheless*, That if any person or persons over whose lands the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the Superior Court in the county wherein the valuation has been made or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued, there to remain a matter of record, and the land or right of way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, or so soon as the valuation shall have been paid or tendered in case of refusal: *Provided*, That upon application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner

or owners be infants or *non compos mentis*, then to the guardian of such owner or owners if such guardian can be found within the county, or if they cannot be found, then that notice of such application has been published for at least thirty days in some newspaper printed as convenient as may be to the court-house of the county in which the application is to be made: *Provided further*, That the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oaths may be administered by any clerk of the court or justice of the peace: *Provided further*, That the right of condemnation herein granted shall not authorize said company to remove the dwelling house, yard, garden or burial ground of any individual without his or her consent.

Condemning land.

SEC. 10. That the right of said company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of the main track of the road, measuring from the centre of the same; and the company shall also have the power to condemn and appropriate lands in like manner for the constructing and building of depots, warehouses, shops and all other necessary buildings, not exceeding two acres in any one lot or station.

SEC. 11. That all lands not granted to any person heretofore within one hundred feet of the centre of said road shall vest in the company so soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

SEC. 12. That the directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freights, produce, and merchandize as may be authorized and fixed by the said company, not inconsistent with the laws of this State, and may lease and farm out such rights to any person whatsoever: *Provided*, That the said company shall not lease or operate any other railroad in this State until it shall have completed the road herein authorized to be constructed: *Provided further*, That the said company shall prorate for freight and travel

Proviso.

upon mutually reciprocal terms with the company, owners or operators of any other railroad in this State which may connect with said company's road.

SEC. 13. That the said company is hereby authorized if it May issue bonds.  
 be found necessary for the construction, improvement or keeping in repair of said road, to issue coupon bonds of such denominations and value, and bearing eight per cent. interest and payable at such times and places as the president and board of directors may determine, and such other evidences of indebtedness as the president and board of directors may determine, and to secure the payment of these bonds and other evidences of debt issued as aforesaid and the interest thereon, the said Wilmington, Raleigh and Danville Railroad Company may execute and deliver mortgage deeds, or deeds in trust, signed by the president and countersigned by the secretary of said company, conveying its franchise and property, including its road bed, superstructure, *choses in action* and real and personal estate of whatever kind to the holder of said bonds or to such person as the president and directors may select in trust for them; and the deeds so executed and registered in the county of Wake shall have priority over all other liens upon said road.

SEC. 14. That the said company shall have power and Steamships, &c.  
 authority to own, charter or sail steamships or other sea-going vessels, in connection with said road, which shall be considered an integral part of said railroad, and in connection with said road shall constitute one continuous through line for the transportation of freight and passengers to any part of the United States or foreign parts where the said company may undertake to transport. That the said company shall also have the right to construct and operate lines of telegraph on the lines of its road.

SEC. 15. That if any person shall wilfully impair, injure, distress or obstruct the use of any railroad constructed under the provisions of this act or any of the necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company Obstruction.

the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, and further shall be liable for all damages.

Damaging Railroad property.

SEC. 16. That if any person shall wilfully and maliciously damage or obstruct, or shall counsel or advise any other person or persons to damage, injure or obstruct said railroad, or the bridges, wharves, carriages or machines used for transportation on said road, or any water tanks or other property of said company, he shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not more than six nor less than one month and fined not less than twenty dollars, at the discretion of the court.

Exemptions for officers and employees.

SEC. 17. That all the officers of the company and servants and persons in the actual employ of the company be and they are hereby exempted from military duty, working on public roads and serving as jurors.

Liability of stockholders.

SEC. 18. That no stockholder shall be liable for any greater sum than the unpaid amount of the stock for which he has subscribed.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXIX.

AN ACT TO ALLOW THE TRUSTEES OF BINGHAM TOWNSHIP, IN ORANGE COUNTY, TO COLLECT ARREARS OF TAXES.

May collect arrearages of taxes for 1870-'71-'72-'73 and '74.

SECTION 1. *The General Assembly of North Carolina do enact*, That the trustees of Bingham township, in Orange county, be and they are hereby allowed to collect the arrears of tax in said township for the years one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, one

thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four: *Provided*, That any person who may make oath before any justice of the peace that he has paid said tax and that the receipt has been lost or mislaid shall not be required to pay the same again. This act shall not apply to executors, administrators or guardians.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PITT COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Special tax.  
*enact*, That the commissioners of the county of Pitt be and they are hereby authorized and empowered to levy a special tax upon the real and personal property of said county for the years (1875) one thousand eight hundred and seventy-five and (1870) one thousand eight hundred and seventy-six, not to exceed in either year one-third of one per cent. of the valuation thereof, to be applied to the outstanding indebtedness of said county. And in levying said tax the constitutional equation between the poll and property tax shall be observed.

SEC. 2. They may also for the purpose aforesaid tax the Taxation.  
 subjects ordinarily taxed by the State in schedule B of the revenue acts, not to exceed one-half of the amount levied by the State.

SEC. 3. The said taxes shall be collected by the sheriff at How collected.  
 the same time and in the same manner and accounted for to the county treasurer as the regular taxes are.

Additional bonds.

SEC. 4. The county commissioners shall require the sheriff and treasurer to enter into additional bonds for double the amount of taxes levied under this act.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXXI.

AN ACT TO APPOINT A PUBLIC GUARDIAN IN EVERY COUNTY.

Public Guardian.

SECTION 1. *The General Assembly of North Carolina do enact*, That there may be in every county in the State a public guardian to be appointed by the judge of probate for a term of eight years.

Bond.

SEC. 2. The public guardian shall enter into bond with three or more securities, approved by the judge of probate, in the penal sum of six thousand dollars, payable to the State of North Carolina, conditioned faithfully to perform the duties of his office and obey all lawful orders of the probate or other courts touching said guardianship of all wards, money or estate that may come into his hands.

SEC. 3. That whenever the aggregate value of the real and personal estate belonging to his several wards shall exceed one half the bond herein required, the judge of probate shall require him to enlarge his bond in amount so as to cover at least double the aggregate amount under his control as guardian.

Renewal of bond

SEC. 4. That the public guardian as aforesaid shall renew his official bond every two years.

SEC. 5. That he shall take and subscribe an oath (or affirmation) faithfully and honestly to discharge the duties imposed upon him; the oath so taken and subscribed shall be filed in the office of the judge of probate.

SEC. 6. That the public guardian shall apply for and obtain letters of guardianship in the following cases: (1.) When the period of six months has elapsed from the discovery of any property belonging to any minor without guardian. (2.) When any person entitled to letters of guardianship shall request in writing the probate judge to issue the letters to the public guardian: *Provided*, It shall be lawful and the duty of the probate judge to revoke said letters of guardianship at any time after the issuing the same when upon application in writing by any person entitled to qualify as guardian, setting forth a sufficient cause for such revocation.

Letters of guardianship.

Proviso.

SEC. 7. That the powers and duties of said public guardian shall be the same as other guardians, and shall be subject to the duties and liabilities as other guardians under the existing laws; that said guardian shall receive such compensation as other guardians.

Powers and duties.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXXII.

### AN ACT TO CALL A CONVENTION OF THE PEOPLE OF NORTH CAROLINA.

WHEREAS, The present constitution of North Carolina is, in many important particulars, unsuited to the wants and condition of our people; and whereas, in the judgment of this General Assembly a Convention of the people is the only sure, and is besides the speediest and most economical mode of altering or amending it, and believing the end in view utterly impracticable by legislative enactment on account of the great number of discordant and conflicting provisions of the constitution as it now is; now therefore,

Preamble.

Convention called.

SECTION 1. *The General Assembly of North Carolina do enact*, (two thirds of all the members of each House concurring,) That a Convention of the people of North Carolina be, and the same is hereby called, to meet in the Hall of the House of Representatives at the city of Raleigh, on Monday, the sixth day of September, Anno Domini one thousand eight hundred and seventy-five, for the purpose of considering and adopting such amendments to the constitution as they may deem necessary and expedient, subject only to the restrictions hereinafter provided.

Representation of counties.

SEC. 2. The said Convention shall consist of one hundred and twenty delegates, and each county shall be entitled to the same number of delegates that it has members of the House of Representatives under the present apportionment, and the said delegates shall have the qualifications required of members of the House of Representatives, of which qualifications the Convention shall be the judge.

Election for delegates.

SEC. 3. On the first Thursday of August, one thousand eight hundred and seventy-five, the sheriffs of the State shall open polls for the election of delegates to the said Convention from their respective counties, and the election aforesaid, and the registration for the same, shall be held and conducted; the officers thereof, including registrars and judges of election, appointed; the votes counted and compared; the result proclaimed, and certificates issued in the same manner as is now provided by law for the election of members of the House of Representatives of the General Assembly.

Meeting of Convention.

SEC. 4. The said delegates shall be called to order at twelve o'clock on the day fixed therefor, by the Chief Justice or one of the Associate Justices of the Supreme Court or Secretary of State, who, if there be not a quorum, shall adjourn them to the same place, and from day to day, until a quorum shall appear; and on the appearance of a quorum he shall administer to each of them the following oath:

Oath of delegates.

“You, A. B., do solemnly swear (or affirm, as the delegate elect shall choose,) that you will faithfully maintain

and support the constitution of the United States and the several amendments thereto, including the thirteenth, fourteenth and fifteenth amendments ; and that you will neither directly or indirectly evade or disregard the duties enjoined nor the restrictions imposed upon the Convention by the act of the General Assembly authorizing your election. So help you God."

And no delegate shall be permitted to sit or be entitled to a seat in said Convention, or act as a delegate thereto, until he shall have subscribed the above oath or affirmation ; and as soon as a majority of the delegates elect shall have thus appeared and been sworn in, they shall then proceed to elect their own presiding officer and such other officers and servants as they, from time to time, shall find necessary ; and if a vacancy shall occur, the same shall be filled in the same manner as the like vacancies are filled by law in the case of vacancies in the General Assembly. Said Convention shall have no power to consider, debate, adopt, or propose any amendment to the existing constitution or ordinance upon the following subjects :

*The Homestead and Personal Property Exemptions,* Restrictions.  
the mechanics' and laborers' lien, and rights of married women, as now secured by law, nor to alter or amend section three or five, article five, of said constitution, nor change the ratio between the poll and property tax as therein established ; nor shall the said Convention have power to propose or adopt any amendment or ordinance vacating any office or term of office now existing and filled or held by virtue of any election or appointment under the existing constitution and laws, until the same shall be vacated or expire under existing laws ; but the said Convention may recommend the abolishment of any office when the present term therein shall expire or vacancies occur, and they may provide for filling such vacancies, otherwise than as now, and limiting the terms thereof. Nor shall said Convention adopt or propose any plan or amendment or scheme of compensation to the owners of emancipated slaves, nor for the

payment of any liability or debt incurred wholly or in part in aid of the late war between the States, nor for the restoration of imprisonment for debt; nor shall they require or propose any educational or property qualification for office or voting; nor shall said Convention pass any ordinances legislative in their character, except such as are necessary to submit the amended constitution to the people for their ratification or rejection, or to convene the General Assembly.

Constitution to be submitted to people.

SEC. 5. The constitution, as amended, shall be submitted to the people for ratification or rejection, and shall not be binding until the same shall have been ratified by the qualified voters of the State, and the Convention shall prescribe the mode whereby the sense of the people thereon shall be taken and recorded.

Copies of this act ordered.

SEC. 6. There shall be printed immediately ten copies of this act for each member of the General Assembly, and one hundred copies within thirty days after its ratification for each board of county commissioners, and the use of the registrars and judges of election in their respective counties; and this act shall be in force and take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CCXXIII.

AN ACT TO AUTHORIZE THE OFFICERS IN CHARGE OF THE WESTERN NORTH CAROLINA RAILROAD TO PAY THE MONEY IN THE TREASURY OF THE SAME TO THE OFFICERS ENTITLED TO THE SAME.

Certain moneys to be used for construction of road.

SECTION 1. *The General Assembly of North Carolina do enact*, That when the Eastern Division of the Western North Carolina Railroad shall have been purchased on terms made for the relief of the same by the commissioners

appointed for that purpose, viz : The Governor, the Speaker of the House of Representatives and the President of the Senate, it shall be the duty of the officers now in charge of said road to turn over to the proper authorities all money now in the Treasury of the same, and such amount shall be used exclusively in the construction of the road from Old Fort in direction of Asheville.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXIV.

AN ACT TO ALLOW THE CITIZENS OF SWAIN COUNTY TO PASS THROUGH THE COUNTIES OF MACON AND JACKSON WITHOUT PAYING TOLL.

WHEREAS, Swain county was made from portions of Macon and Jackson counties, and before such division the citizens were not compelled to pay toll in said counties; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the citizens of Swain county shall not be compelled to pay toll at either of the toll gates on the Western Turnpike road in the counties of Macon and Jackson : *Provided*, The citizens of Haywood county shall not be charged toll at the gate on the road east of Webster, in Jackson county.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXV.

## AN ACT TO PUNISH THE FRAUDULENT USE OF BRANDS.

Penalty for fraudulent use of brand.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall knowingly use the mark or brand of any other person on any sack, or shall knowingly impress on any sack the mark or brand of another person, with intent to defraud or for the purpose of enhancing the value of his own property, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished as if convicted of larceny.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXVI.

## AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY, SECTION FIRST, BATTLE'S REVISAL.

Wreck districts.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and twenty, section first, Battle's Revisal, be amended by striking out all of said section down to and including "inlet" in eleventh line, and insert in lieu thereof the following: The counties of Dare, Currituck, Carteret, Onslow, New Hanover and Brunswick are hereby divided into the following wreck districts, namely: the county of Dare into four districts, the first from the Currituck county line to New inlet; the second from New inlet to Zion Scarboro's store, and thence due east to the sea, the third from the last named place due east to the extreme point of beach or land at Hatteras light, the fourth

from the extreme point or beach at Hatteras light, down said beach or land to the Hyde county line. The county of Currituck into three districts, the first from the Virginia line to Judy's Cove, the second from Judy's Cove to Josephus Baum's fish house, the third from Josephus Baum's fish house to the county line of Dare.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXVII.

### AN ACT TO PREVENT THE NETTING OF BIRDS IN THE COUNTY OF FORSYTHE.

SECTION 1. *The General Assembly of North Carolina do enact,* That it shall be unlawful for any person or persons to hunt or catch partridges or other birds in nets in the county of Forsythe, except upon his own land. Unlawful to net birds in Forsythe.

SEC. 2. That any person or persons who shall violate the foregoing section of this act shall, upon complaint made to any justice of the peace, and upon conviction thereof, be fined not exceeding fifty dollars or imprisoned not more than one month, one half of said fine to go to the informer and the other half to go to the school fund of the county. Penalty.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXVIII.

## AN ACT TO PUNISH THE WILFUL BURNING OF HOUSES.

Penalty for wilful  
burning.

SECTION 1. *The General Assembly of North Carolina do enact*, That whosoever shall unlawfully and maliciously set fire to any church, chapel or meeting house, or shall unlawfully or maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person or persons, body politic or corporation, shall be guilty of felony, and being convicted thereof shall be imprisoned in the State's prison for not less than five nor more than forty years.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXIX.

## AN ACT TO CHANGE THE TIME OF HOLDING CERTAIN COURTS.

Davidson.

SECTION 1. *The General Assembly of North Carolina do enact*, That hereafter the Superior Courts for the county of Davidson shall be held on the fourth (4th) Monday after the third (3d) Mondays in March and September, and the Superior Courts of Rowan county shall be held at the times as now prescribed by law for the holding of the Superior Courts of Davidson county.

Rowan.

SEC. 2. That all process and recognizances heretofore issued or taken from said courts shall be deemed returnable into the said courts as if the same had been made to conform to the change of said courts as above provided for.

Process when returnable.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXX.

### AN ACT TO AMEND ELECTION LAWS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section five, chapter one hundred and eighty-five, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, as brought forward in Battle's Revisal, chapter fifty-two, section seven, be amended by adding thereto the following proviso: "That any person who is a candidate for office shall not act as registrar."

Candidates shall not act as Registrars.

SEC. 2. That section nine, chapter one hundred and eighty-five, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, as brought forward in Battle's Revisal, chapter fifty-two, section eleven, be amended by adding thereto the following proviso: "That any person who is a candidate for office shall not act as judge or inspector of election."

Candidates shall not act as judge or inspector.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT IN FAVOR OF CERTAIN OFFICERS AND TAX PAYERS OF NORTH CAROLINA, IT BEING CHAPTER SEVENTY OF PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Chapter 70, laws of  
1873-'74, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter seventy, of the public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, shall be amended as follows: Strike out all of the second section of said act and insert in lieu thereof the following: The treasurer of the county is authorized and directed out of the school fund apportioned to the townships in which such taxes were paid to pay to any party who paid said tax, and who shall present a receipt given by the constable or officer therefor, the amount of said receipt, and every such receipt so paid shall be a good and sufficient voucher for said treasurer: *Provided only*, The taxes for the years one thousand eight hundred and seventy-five and one thousand eight hundred and seventy-six shall be so applied.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXII.

AN ACT CONCERNING PUBLIC PRINTING.

Time extended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty, chapter ninety-seven, Battle's

Revisal, be amended by striking out "forty" and inserting "ninety."

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXIII.

AN ACT CONCERNING COUNTY TAXES OF COLUMBUS COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Columbus be and are hereby authorized to extend the time of H. McPhane, tax collector, for settling county taxes to the fifteenth of July, one thousand eight hundred and seventy-five. Commissioners may extend time.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXIV.

AN ACT TO AMEND SECTION TWELVE, CHAPTER SIXTY-THREE, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twelve, chapter sixty-three, of Battle Revisal, be amended by striking out the word "twenty," in line sixth of said section, and inserting the word "thirty." Chapter 63, sec. 12, Battle's Revisal, amended.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXV.

AN ACT TO AMEND BATTLE'S REVISAL, SECTION SIX, CHAPTER ONE HUNDRED AND EIGHTEEN.

Chapter 118, sec. 6,  
Battle's Revisal,  
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section six, of chapter one hundred and eighteen, of Battle's Revisal, be amended by adding after the word "Onslow" the word "Moore."

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXVI.

AN ACT TO CARRY INTO EFFECT SECTION SIX, ARTICLE NINE, OF THE CONSTITUTION IN RELATION TO UNCLAIMED DIVIDENDS.

Unclaimed divi-  
dends to go to  
University.

SECTION 1. *The General Assembly of North Carolina do enact*, That all dividends heretofore declared, or which shall hereafter be declared by any corporation, company or association, whether chartered or not, which shall not be recovered or claimed by suit by the parties entitled thereto for five years after the same were or shall be declared, shall be paid by the corporation, company or association to the trustees of the University of North Carolina, and the said trustees are authorized to demand, sue for, recover and collect such dividends, and hold the same without liability for profit or interest until a just claim therefor shall be preferred by the parties entitled thereto, and if no such claim shall be preferred within ten years after such dividend shall be received by the said trustees then the same shall be held by them absolutely.

SEC. 2. All receipts heretofore had or hereafter to be had from dividends, escheated property, money or other property, in the hands of executors, administrators or collectors, and from any source whatever under authority of the State, and all interest thereon, shall be exclusively devoted by said trustees to the re-establishment and revival of the said University and the maintenance of the same; and the said trustees shall have power to receive donations from any source whatever, to be exclusively devoted to the aforesaid purposes or according to the terms of donation.

Certain moneys to go to the University.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXVII.

AN ACT TO CHANGE THE TIME OF HOLDING ELECTIONS IN THIS STATE IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be an election held on Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-six, for the following officers, to-wit: Members of the General Assembly for their respective counties and districts, a county treasurer, register of deeds, county surveyor, five county commissioners, a coroner and sheriff for their respective counties, and also for members of the House of Representatives of the United States Congress for their respective districts.

Time of election changed to November.

SEC. 2. That there shall be an election held on the said Tuesday after the first Monday in November, in the year

Officers to be elected.

of our Lord one thousand eight hundred and seventy-six, for the following officers, to-wit: Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General.

Chapter 52, Battle's  
Revisal, amended.

SEC. 3. That chapter fifty-two, Battle's Revisal, entitled "General Assembly," be amended as follows, to-wit: In section five, line two, strike out "June," and insert "September;" in line three, strike out "seventy-two" and insert "seventy-six;" in section seven, line two, strike out "July" and insert "October;" in line three, strike out "seventy-two" and insert "seventy-six;" in section eight, strike out in lines eight, nine, ten and eleven, the words "first Thursday in July, one thousand eight hundred and seventy-two, up to and including the day preceding the first Thursday in August, one thousand eight hundred and seventy-two," and insert the words "first Tuesday in October, one thousand eight hundred and seventy-six, up to and including the day preceding the Tuesday after the first Monday in November, one thousand eight hundred and seventy-six;" in section eleven, line two, strike out the words "July next," and insert the words "October, one thousand eight hundred and seventy-six;" in section twenty-two, line four, strike out the words "the second Thursday in August," and insert the word "Tuesday," and in same section, line one, page four hundred and forty-two, Battle's Revisal, strike out the words "second Thursday in August," and insert the words "Tuesday after the election;" in section twenty-three, lines one and two, strike out the words "first Monday in September," and insert the words "Wednesday before the third Monday in November," and in lines six and eight strike out the word "September," and insert the word "December;" in section twenty-four, line three, strike out the words "seventy-five," and insert "seventy-six;" in section thirty-two, line two, strike out the words "June next," and insert the words "October, one thousand eight hundred and seventy-six."

SEC. 4. That chapter one hundred and thirty-two, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled an act concerning elections in this State, be amended as follows: In section one, lines three, four and five, strike out the words "first Thursday of August, in the year of our Lord one thousand eight hundred and seventy-four, and every two years thereafter," and insert the words "Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-six." In section four of said chapter, lines one, two, three and four, strike out the words "first Thursday in August, in the year of our Lord one thousand eight hundred and seventy-six, and every four years thereafter," and insert "Tuesday after the first Monday in November, one thousand eight hundred and seventy-six."

Election law of 1873-'74, amended.

SEC. 5. That all elections herein ordered shall be conducted in all particulars in such manner and form, and under such rules and regulations, except as to the time of holding the same, as are prescribed in chapter fifty-two, Battle's Revisal, entitled "General Assembly," and in chapter one hundred and thirty-two, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled "An act concerning elections in this State," ratified fourteenth February, one thousand eight hundred and seventy-four, both of which, so far as they are not inconsistent with the provisions of this act, are hereby re-enacted.

Rules and regulations for elections.

SEC. 6. That all officers whose terms of office would expire did the election occur on the first Thursday in August, one thousand eight hundred and seventy-six, are hereby authorized and directed to hold over in the same until their successors in office are elected and qualified under this act.

Certain officers to hold over.

SEC. 7. That the Secretary of State shall furnish the county commissioners of each of the counties of the State with copies of this bill, whose duty it shall be to advertise the same at the court-house door of their respective

County Commissioners to advertise this act.

counties and at each of the voting precincts of the townships for three months before the said day of election.

SEC. 8. That this act shall be in force from and after the first day of January, Anno Domini one thousand eight hundred and seventy-six.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXVIII.

### AN ACT CONCERNING MAINTAINANCE OF LUNATICS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the auditor shall not audit any claim or account presented at the instance of any county for the maintainance of lunatics who have hitherto been or may hereafter be refused admission into the Insane Asylum unless it shall appear upon the affidavit of one or more respectable practicing physicians that the person or persons on account of whom such claim is presented were for [such time as such claim shall be presented in his or their opinion entitled to be admitted into the Insane Asylum as lunatics, and upon the affidavit of the chairman of the board of commissioners of any such county made before the clerk of the Superior Court of the county to the effect that the expense has actually been incurred by such county for the support of such lunatic or lunatics, and that the charge does not exceed the actual amount expended, and such claim or account shall be accompanied by a certificate from the superintendent of the Insane Asylum, showing that during the year for which such charge is made, said lunatic or lunatics have been refused admission therein : *Provided*, The said amount shall not exceed the rate of one hundred dollars per year.

SEC. 2. That the board of commissioners of any county presenting any claim shall make out and render their accounts annually.

Auditor not to audit claims in certain cases.

Annual accounts.

SEC. 3. That any person wilfully or falsely swearing to any part contained in the affidavits hereinbefore mentioned shall be deemed guilty of perjury, and on conviction shall suffer all the penalties prescribed by law for that crime. Penalty for false swearing.

SEC. 4. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXXXIX.

### AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell, deliver or in any manner give away any intoxicating liquors, or either directly or indirectly to receive any compensation for the same, within four miles of Shiloh church, Mitchell county; Tabernacle church, Onslow county; Poplar Tent church, Cabarrus county; or within three miles of Kitt Swamp church, Craven county; Middle Fork Baptist church, Little Ivy Union church, Madison county; Cumberland Union church, Cumberland county; Davidson College, Mecklenburg county; French Broad church, Henderson county; Belone School-house, in White Oak township, Onslow county; Pelham church, Caswell county; Philadelphia church, Robeson county; Hopkins chapel, Wake county; Crab Creek Baptist church, Henderson county; Mount Pleasant Baptist church, Scott's Creek, Jackson county; School-house, district number 2, near W. R. Crawford, Jackson county; within two miles of Hazel Green School-house, Hazel Green Factory, Reynolds church, Sandy Hill

Sale of liquor prohibited in certain localities.

church, Asbury Camp Ground, Sardis church, Buncombe county; Pleasant Hill Baptist church, Midway Methodist church, South, Richland Institute, Shooks Camp Ground, Haywood county; Mount Pleasant church, Nash county; Prospect church, Topsail chapel, New Hanover county; Sandy Ridge Methodist church, Woolfville Academy, Union county; Big Rock Fish church, Cumberland county; Bethel church, Iredell county; Ball Creek church, Yancey county; Little Creek church, Greene county; Mount Olive church, Lebanon church, White's Store Academy, Anson county; Deep River Meeting-house, Guilford county; Bethel Evangelical Lutheran church, Rehoboth church, Bethel church, Stanly county; Dalton Institute, Stokes county; Reds chapel Baptist church, Bethel Methodist church, Lincoln county; Luther's chapel, Mount Zion church, China Grove or Union Male or Female Institute, Rowan county; Unity Bethlehem church, Salem Methodist church, Lincoln county; Beaver Dam Depot, Union county; Harper's chapel, Caldwell county; Pleasant Hill Presbyterian church, Mecklenburg county; Mount Zion Baptist church in Welche's Creek township, Columbus county; the Lenoir Institute, Lenoir county; Cedar Grove and Eno church, Orange county; Dick's Creek church, Bethel Baptist church, Buncombe county; Smyrna church, near Laurinburg, Richmond county; Mount Carmel church, Alleghany county; Knap of Reeds church and academy, in Granville county; or within two miles of Lewiston, Bertie county; Newton Academy, Sampson county; Dalton Institute, Stokes county; Littleton Warehouse, Halifax and Warren counties; or one and a half miles of Poplar Spring church, Franklin county; or one mile of Falls of Neuse Manufacturing Company, Wake county; Hamer Creek church, in Montgomery county, and Hebron and Pee Dee churches, in Richmond county; within two miles of Baptist Bethlehem church, Lake chapel, Lebanon chapel and Union chapel, in the county of New Hanover; within one and a half miles of Taylorsville, Alexander county; within one

mile of Lilly Branch church, Mitchell county; Calvary church, Shaw's Creek church and Camp Ground, in Henderson county; Pleasant Hill Baptist church, Cleaveland county; Midway church, Haywood county; Rock Creek Camp Ground, Mitchell county; Cain River Church, Price's Creek church, Indian Creek church, Hickory Station church, Yancey county; Mount Olive church, Lebanon church, White's Store academy, in Anson county; within one-half mile of White Oak church, Polk county; Holly Springs Baptist church and Camp Ground, Iredell county; Kings Mountain depot, Cleaveland county; Crabtree church and school-house, Yancey county; Shiloh church, Mitchell county; Lincoln academy, Lincoln county; within six hundred yards of Wadesboro depot, in Anson county: *Provided*, That the provisions of this act shall not apply to the making or giving away of spirituous liquors within three miles of Hopkins chapel, in Wake county: *Provided*, That the provisions of this act shall not be construed to prevent the giving away of spirituous liquors within two miles of Mount Pleasant church, Nash county, and in private families: *Provided*, That this act shall not prevent any person giving any person liquor within three miles of Pelham church, in Caswell county.

SEC. 2. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace having jurisdiction shall be punished by a fine not more than fifty dollars, or by imprisonment not to exceed one month: *Provided*, That if the offender is not brought to trial before some justice of the peace having jurisdiction of the offense within six months of the commission of the offense, the Superior Court in term time for the county in which the offence is committed may take jurisdiction of the same and punish the offender at the discretion of the court; but nothing herein contained shall be construed to interfere with the original jurisdiction of the justice of the peace.

Penalty for violation.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXL.

### AN ACT TO PREVENT DISCRIMINATION IN FREIGHT TARIFFS BY RAILROAD COMPANIES OPERATING IN THIS STATE.

Discriminations in freight unlawful.

SECTION 1. *The General Assembly of North Carolina do enact*, It shall be unlawful for any railroad corporation operating in this State to charge for the transportation of any freight of any description over its road a greater amount as toll or compensation than shall at the same time be charged by it for the transportation of an equal quantity of the same class of freight transported in the same direction over any portion of same railroad of equal distance, and any railroad company violating this section shall forfeit and pay the sum of two hundred dollars for each and every offence to any person suing for the same.

Freight unshipped.

SEC. 2. It shall be unlawful for any railroad company operating in this State to allow any freight they may receive for shipment to remain unshipped for more than five days unless otherwise agreed between the railroad company and the shipper, and any company violating this section shall forfeit any pay the sum of twenty-five dollars for each day said freight remains unshipped, to any person suing for the same.

Rights of Railroad Companies.

SEC. 3. Nothing in this act shall be taken in any manner as abridging or controlling the rates of freight charged by any railroad company to or from any competing point, (such as junctions with other railroads,) or termini of any railroad in this State, but said railroad company shall have the same right to charge such rates for carrying such freight as they

possessed before the passage of this act : *Provided, however,* <sup>Proviso.</sup> That the provisions of this section shall not apply to any freight received at a local point nor at a terminus or competing point to be carried to a local point so far as the road receiving such freight is concerned.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLI.

AN ACT TO ALTER THE TIMES OF HOLDING THE SUPERIOR COURTS IN THE SECOND JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact,* That the terms of the Superior Court in the second judicial district shall be had and held as follows :

In Edgecombe on the fourth Mondays in January, the fourteenth Mondays after the fourth Mondays in January and the fourth Monday in August in each year. <sup>Edgecombe.</sup>

In Pitt on the second Mondays after the fourth Mondays in January, the sixteenth Monday after the fourth Monday in January and the sixth Monday after the fourth Monday in August in each year. <sup>Pitt.</sup>

In Beaufort on the fourth Mondays after the fourth Mondays in January and August in each year. <sup>Beaufort.</sup>

In Martin on the sixth Mondays after the fourth Mondays in January, second Monday after the fourth Monday in August in each year. <sup>Martin.</sup>

In Washington on the eighth Mondays after the fourth Mondays in January, and on the twelfth Mondays after the fourth Mondays in August in each year. <sup>Washington.</sup>

In Bertie on the tenth Mondays after the fourth Mondays in January and August in each year. <sup>Bertie.</sup>

Hertford.

In Hertford on the twelfth Mondays after the fourth Mondays in January and on the eighth Monday after the fourth Monday in August in each year.

Process when re-  
turnable.

SEC. 2. That all process, recognizances and precepts in civil and criminal cases, which have been already issued and had or which may be hereafter issued and had, returnable to the next term of said courts shall be deemed and held returnable to the next terms of said courts as now fixed by this act, and all persons who have been recognized or bound or summoned to appear at the next Superior Courts of said counties are hereby required to appear at the time prescribed by this act.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall take effect on the first day of August, Anno Domini one thousand eight hundred and seventy-five.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLII.

### AN ACT TO AUTHORIZE THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY TO CONSTRUCT A BRANCH ROAD.

Branch road author-  
ized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Atlantic and North Carolina Railroad Company is authorized to construct a branch road from its main line to Trenton, and to some point on New river, in Onslow county, and may operate and maintain the same or any portion of the same until said branch road shall be completed.

Increase of capital  
stock.

SEC. 2. For the purpose of raising means to aid in the construction of said branch, subscriptions may be made to the capital stock of said company, whose stock may be increased to the extent of such subscription ; said subscription

may be made in cash, labor, land, timber or material, as may be stipulated.

SEC. 3. That if the Planters' Railroad Company, or the corporation which has succeeded to its chartered rights, shall agree to unite with the Atlantic and North Carolina Railroad, or make its line a branch of the same, the said Atlantic and North Carolina Railroad Company may render such aid and assistance in the construction of the same as the directors in the respective companies may agree upon.

Planters Railroad  
may unite.

SEC. 4. That the directors of the Penitentiary are authorized and instructed to turn over to either of the said companies not exceeding fifty convicts to be worked in the construction of the said branch road under provisions to be prescribed by law.

Convicts.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXLIII.

AN ACT TO ASCERTAIN THE INDEBTEDNESS OF THE DIFFERENT COUNTIES, CITIES AND TOWNS OF THIS STATE, AND TO PRESCRIBE A STATUTE OF LIMITATIONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all claims against the several counties, cities and towns of this State, whether by bond or otherwise, shall be presented to the chairmen of the board of county commissioners or to the chief officers of said cities and towns, as the case may be, within two years after the maturity of such claim or claims, or the holders of such claim or claims shall be forever barred from a recovery thereof: *Provided*, That claims which have already matured and become due shall be presented on or before the first day of January, Anno

Claims to be pre-  
sented within two  
years after maturity.

Proviso.

Domini one thousand eight hundred and seventy-seven, or the holders thereof shall be forever barred of a recovery thereof.

Record of claims.

SEC. 2. That it shall be the duty of the chairmen of the board of county commissioners of the several counties or the chief officers of the several cities and towns to cause the nature, amount, date and time of maturity of all claims so presented to be recorded in a book to be kept for that purpose, and to be called "The Registry of Claims."

Secretary of State to advertise in certain newspapers.

SEC. 3. It shall be the duty of the Secretary of State to publish this act for six consecutive weeks in the "Daily News," "Era," and "Sentinel" newspapers published in the city of Raleigh; "The Journal of Commerce," published in the city of Newbern; "The Daily Journal," published in the city of Wilmington; "The Charlotte Observer," published in the city of Charlotte; "The Greensboro Patriot," published in the city of Greensboro; "The Asheville Citizen," published in the town of Asheville; "The North Carolina Gazette," published in Fayetteville.

SEC. 4. This act shall not apply to any county whose debts are already audited and ascertained.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXLIV.

AN ACT TO PROVIDE FOR THE ERECTION OF NEW KITCHEN AND STORE HOUSE ROOMS AT THE INSANE ASYLUM.

Preamble:

WHEREAS, It is necessary for the convenience and safety of the Insane Asylum that a new kitchen with sufficient store room connected therewith to accommodate provisions and supplies for the institution be erected, thereby enabling

the superintendent to purchase supplies and provisions in large quantities, and by the wholesale, whereby it is believed by Dr. Grissom, the superintendent, that the expenses of the said Asylum can be considerably reduced; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of the appropriation made for the years one thousand eight hundred and seventy-five and one thousand eight hundred and seventy-six as is necessary shall be applied by the board of directors to the immediate construction of a suitable kitchen connected with and for the benefit of the said Asylum; the said sum for that purpose shall not exceed, however, five thousand dollars, and the said directors shall be allowed such convict labor from the Penitentiary as shall be necessary for the erection of said kitchen, and shall be furnished the same by the superintendent of the Penitentiary upon application. An account of their work shall be kept by the board of directors, and a duplicate thereof furnished by the said directors to the superintendent of the Penitentiary.

New kitchen authorized.

SEC. 2. It shall be the duty of the said board of directors to keep an itemized account and statement of the moneys received and for what expended, and that, together with a statement of such convict labor as may be used, shall be reported by the said board of directors to the Governor and by him to the next session of the General Assembly.

Itemized account.

SEC. 3. The board of directors of the said Insane Asylum are hereby authorized and requested to provide for the purchase of provisions and supplies necessary for the support of the Asylum wherever the same may be purchased at the lowest possible prices, whether within or without the State, and in such quantities as the storage room of the Asylum will accommodate.

Purchase of supplies.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLV.

AN ACT EXPLANATORY OF CERTAIN ACTS AND TO ENABLE PARTIES HOLDING BONDS OF THE STATE ISSUED FOR INTERNAL IMPROVEMENTS UNDER ACTS PASSED PRIOR TO THE WAR TO SELL THE SAME.

Preamble.

WHEREAS, Under an ordinance of Convention ratified March eleventh, one thousand eight hundred and sixty-eight, and an act of Assembly ratified the thirteenth day of December, one thousand eight hundred and seventy-one, the Raleigh and Augusta Air-Line Railroad Company is authorized to pay off \$1,200,000 of its second mortgage bonds held by the State Treasurer with any bonds or other indebtedness of the State; *and whereas*, the Public Treasurer expresses a doubt whether under the construction of said act he is authorized to receive bonds issued during the war for internal improvement purposes, but under acts passed prior to the war; *and whereas further*, said bonds were issued to and are now held almost exclusively by citizens of this State, and the same have been recognized as valid by the authorities of the State; now, therefore,

Intent and meaning declared.

SECTION 1. *The General Assembly of North Carolina do enact*, That it was the true intent and meaning of the ordinance and act above referred to to authorize and empower the Public Treasurer to receive any of the aforesaid internal improvement bonds in execution of the provisions of said act and ordinance.

Public Treasurer's

SEC. 2. The Public Treasurer be and he is hereby authorized, empowered and directed to receive any of the internal improvement bonds of the State of North Carolina hereinbefore described which may hereafter be tendered under the provisions of said act and ordinance and in execution of the same.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLVI.

AN ACT TO AUTHORIZE THE HIRE OF CONVICT LABOR IN OR OUTSIDE THE STATE'S PRISON, AND TO REGULATE THE SAME.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of prosecuting the work and maintenance of the convicts of the Penitentiary; the board of directors are hereby authorized to issue their warrant upon the Treasurer, to be approved by the Governor, for an amount not to exceed nine thousand eight hundred and thirty-three dollars and thirty-three and one third cents ( $\$9,833.33\frac{1}{3}$ ) per month, the same to be paid out of the money appropriated for Penitentiary purposes, but not to exceed in the aggregate that provided in revenue act of one thousand eight hundred and seventy-five. \$9,833.33 $\frac{1}{3}$  per month

SEC. 2. That hard labor by each convict in the State's prison, according to his sentence, shall be provided; the directors of that institution are hereby authorized and required to let and hire the labor of such convicts as are not needed in the building or conduct of said prison, upon such branches of business and for the manufacture of such articles as in their judgment will best accomplish that end and subserve the interest of the State, which letting and hiring shall be as follows: Authority to hire.

1. The letting shall be advertised by the board of directors in two newspapers published in Raleigh and one each in Wilmington, Greensboro, Charlotte, Fayetteville and Asheville, once a week for at least four weeks. Advertisement.

2. The advertisement shall specify the number of men whose labor is to be let, the length of time, which shall not exceed ten nor be less than five years, and the last day on which bids shall be received.

3. The board may, in their discretion, designate what articles or class of articles shall be manufactured.

4. Each bidder may separately state in his bid what he

will give for the labor bid for, with or without the exclusive right to manufacture the articles specified.

5. Each bid shall specify each article proposed to be manufactured, and the number of square feet of shop room and yard room which will be required.

6. Each bid shall be unconditional.

7. The price per day for labor of each convict shall be specified, and if a different price per day is offered for different periods of time, each period and its price must be stated, that one may be accepted and the other rejected.

8. If the person bidding wishes to manufacture different classes of articles, the labor to be employed on each class must be bid for separately.

9. Each bid shall be accompanied by a bond with sureties to the satisfaction of the board that the bidder will comply with the terms of his bid if it is accepted, and sealed up and addressed to the steward.

10. The bids shall be opened by the board at their next monthly meeting after the last day specified for receiving bids, and the labor shall be awarded to the highest bidder or bidders, subject to the following conditions: (a.) As for bids which are for substantially the same price, the board may, in its discretion, give a preference to the one which, in their judgment, will best promote the interests of the State. (b.) As between bids of the same party, one with and the other without the exclusive right to manufacture, the board may accept either. (c.) The board may reject all bids if they are for less than a fair and reasonable price for the labor bid for, and the board shall not be required in any case to apportion the labor advertised among the bidders or any number of them. (d.) Any bid may be rejected if it is against the interests of the State or the welfare of the convicts that the article specified should be manufactured in the prison.

11. When a bid is accepted and labor is awarded to the bidder, the directors, on the part of the State, and the bidder shall enter into a contract in pursuance of the bid, and such

bidder shall also procure a bond to be executed to the satisfaction of the board, conditioned for the faithful performance of the contract on his part, a blank form of which contract and bond shall be deposited and remain with the warden for inspection during the time of the advertisement.

12. The board may give a bidder, after he shall have entered into a contract, a reasonable time to procure machinery and make preparation for manufacturing, not exceeding sixty days from the acceptance of the bid.

13. If a contract is made for the exclusive right of manufacturing the articles therein named, all contracts made subsequently by the same party and within the same period, and for the manufacture of the same articles, or any of them, shall terminate at the same time with the first contract.

14. If any contractor shall not manufacture one or more articles specified in his contract, the board may give him three months' notice to manufacture them, or on failure of the contractor to do so within that period the right to manufacture them shall cease and determine.

15. As the prison is not provided with workshops the board may agree with the contractors for the erection of temporary shops, such as may be agreed upon, and compensation to the contractor for the cost of the same be allowed out of the first payments due for labor: *Provided*, That all the bills shall be submitted to the architect of the prison and receive his approval.

16. The board shall retain the full control of the convicts as it regards discipline, and shall govern them by its own overseers: *Provided*, That the contractors may have as many foremen as are necessary to the proper conduct of their business: *Provided, however*, That all contractors and their employees shall be subject to the prison rules and the laws made and provided to prevent improper intercourse with convicts.

SEC. 3. The convicts shall labor for the contractors an average of ten hours a day during the year, Sundays and national holidays excepted. Ten hours a day.

Duty of warden.

SEC. 4. On or before the first day of each month the warden shall make out, certify and deliver to the steward, the legal disbursing officer of the prison, a statement of the amount due from each contractor for the preceding calendar month, and within ten days thereafter each contractor shall pay the amount to the steward, who shall charge himself with the amount so received, having receipted for the same: *Provided, also,* He shall receipt to the warden for the bills delivered him, and further, that the warden keep an accurate account of such bills rendered, with their amount, and report the same each month to the board.

Credit to contractors.

SEC. 5. A credit of three months may, at the discretion of the board, be allowed to the several contractors: *Provided, however,* That on or before the first day of November in each year payment in full for the previous year shall be made.

Duty of board.

SEC. 6. It shall be the duty of the board to keep on contract as many of the convicts as the interest of the State, the proper conduct of the prison, and the speedy erection of the building and the walls will permit.

Contractors may be ejected.

SEC. 7. Any contractor or employee thereof who may violate the prison rules may at once be ejected from the prison precincts by the warden.

Rules and regulations.

SEC. 8. The board shall be authorized to adopt and enforce such rules and regulations for the protection of the convicts and the interests of the State as may become needful.

SEC. 9. No contractor or employee shall be permitted to remain within the prison enclosure at night, nor shall they be boarded there.

Sentence construed.

SEC. 10. That any sentence to the Penitentiary shall be construed to allow the working of the convicts at any place authorized by law, for the whole or any part of the time covered by the sentence.

May farm out to Railroad companies.

SEC. 11. That the board of directors are authorized and directed to farm out to railroad companies or to any corporation, public or private, or to any individual or individuals,

each and every able bodied convict above two hundred and fifty, for food and clothing, or for a less consideration if so much cannot be obtained; and the party hiring shall give a good and sufficient bond, not to exceed two hundred dollars for each convict, for their safe keeping, proper treatment and return to the Penitentiary upon the completion of the contract: *Provided*, That no convict shall be farmed out whose sentence is upon a charge of murder, manslaughter, rape, attempt to commit rape, or arson.

SEC. 12. That upon application after the re-organization of the Western North Carolina Railroad Company according to the provisions of an act passed at the present session of the General Assembly, the board of directors shall employ on said road, under the general direction of its authorities and under such guard as may be necessary, as many convicts as may be required, said convicts to be supplied and governed by and according to the prison rules and regulations. It shall be lawful to sentence any criminal not guilty of a capital offence to labor on this road. W. N. C. R. R.

SEC. 13. That all convicts that are not admitted into the Penitentiary are hereby placed under the control of the county commissioners of the respective counties, who are authorized and directed to work them upon any public enterprise in their counties, or to hire them out, and they are hereby granted all the authority relative to farming them out that this act allows to the board of directors, and all the authority granted by section forty-five, chapter eighty-five, Battle's Revisal. Convicts not admitted to Penitentiary.

SEC. 14. That the bonds required by this act shall be made payable to the State of North Carolina, and no person shall be liable on his bond for the escape or improper treatment of any convict, unless upon proof of gross negligence or maltreatment, and the convicts may be governed according to the regulations of the Penitentiary. Bonds.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLVII.

## AN ACT IN RELATION TO FEES IN STATE CASES.

Costs to be paid by  
prosecutor in cer-  
tain cases.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all criminal actions, if the defendant be acquitted, *nolle prosequi* entered, or judgment against him arrested, the costs, including the fees of all witnesses summoned for the accused, whether actually examined or not, whom the judge or justice of the peace before whom the trial took place shall certify to have been necessary or proper for his defence, which certificate may be founded on the certificate of the counsel of the accused, or upon the oath of the accused that he has been advised by counsel that such witnesses were necessary to his defence, shall be paid by the prosecutor if any be marked on the bill, whenever the judge or justice of the peace shall certify that there was not reasonable ground for the prosecution, and that it was not required by the public interest. If there be no prosecutor, and the defendant is acquitted or convicted, and unable to pay the costs, or a *nolle prosequi* be entered, or judgment arrested, the county shall pay the clerks, sheriffs, constables and witnesses half their fees, only except in capital felonies and prosecutions for forgery, perjury and conspiracy, when they shall receive full fees.

SEC. 2. That this act shall apply to all cases or actions heretofore tried in which the costs have not been collected.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLVIII.

AN ACT TO ENABLE THE MAYOR AND COMMISSIONERS OF THE TOWN OF FAYETTEVILLE TO ISSUE NEW BONDS IN EXCHANGE FOR BONDS ISSUED BY SAID MAYOR AND COMMISSIONERS IN PAYMENT OF SUBSCRIPTION FOR STOCK IN THE WESTERN RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of enabling the mayor and commissioners of the town of Fayetteville to fund the present bonded indebtedness of said town contracted for stock of the Western Railroad Company, under and by virtue of an act of the General Assembly, entitled "an act to enlarge the powers of the magistrate of police and commissioners of Fayetteville," ratified the twenty-fifth day of December, Anno Domini one thousand eight hundred and fifty-two, the said mayor and commissioners of the town of Fayetteville are hereby authorized and empowered to make, execute and deliver new bonds for like sums in payment of and in exchange for the bonds heretofore issued under said act and still outstanding.

New bonds authorized.

SEC. 2. That the bonds hereby authorized shall be payable not less than ten nor more than thirty years from the time of their respective dates, and shall bear interest not exceeding eight per centum per annum; and the provisions of said act in relation to the old bonds are hereby re-enacted and made applicable to the new bonds hereby authorized to be issued.

When payable.

SEC. 3. That the mayor and commissioners aforesaid may make all such rules and regulations as shall be necessary to carry into effect the exchange of bonds as aforesaid under the provisions of this act.

Rules and regulations.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCXLIX.

AN ACT TO PROVIDE ANOTHER ASYLUM FOR THE INSANE OF  
NORTH CAROLINA.

Preamble.

WHEREAS, The only Asylum for the insane of North Carolina, for the cure, comfort and care of her insane, is insufficient for the accommodation of all this afflicted class, and on account thereof a large number are confined in jails or remain at home deprived of such proper treatment as would tend to their recovery; therefore,

Commissioners to  
superintend erec-  
tion of Asylum at  
Morganton.

SECTION 1. *The General Assembly of North Carolina do enact*, That Nerens Mendenhall, of Guilford, Dr. Eugene Grissoin, of Wake, Hon. W. A. Graham, of Orange, Thomas G. Walton, of Burke, and Dr. M. Whitehead, of Rowan, be and they are hereby appointed commissioners to superintend the construction of an asylum for the insane of the State of North Carolina, to be located within three miles of Morganton, North Carolina, and known as the Western Insane Asylum of North Carolina, and to that end they, the said commissioners, are hereby authorized to purchase for the State a suitable tract of land for the purpose herein contemplated: *Provided*, That if any person or persons shall make a free gift to the State of a suitable tract of land for the situation of said Asylum of not less than one hundred (100) acres, the said commissioners are hereby authorized to receive a deed of the same *in trust* for the use and benefit of the said Asylum.

Proviso.

Duty of commis-  
sioners.

SEC. 2. It shall be the duty of the said commissioners, a majority of whom shall constitute a quorum, as soon as a suitable tract of land shall have been secured, to commence and carry on the work contemplated as economically as possible; and to that end they may employ such convicts in the Penitentiary as can be spared by the authorities of the same and can be made available: *Provided*, That said Asylum shall be constructed in an approved and workman

Proviso.

like manner: *And provided further*, That an account of the labor furnished by the Penitentiary shall be kept and regularly forwarded to the Superintendent of the Penitentiary, and also reported to the General Assembly.

SEC. 3. The commissioners appointed by this act, before entering upon the discharge of their duties, shall give bonds with such surety as may be required by the executive, for the proper application of such funds as may be placed in their hands, and for the faithful performance of their duties: *Provided*, That said commissioners shall receive no compensation for their services over and above the necessary expenses incurred in the discharge of their duties.

Bond of commissioners.

Proviso.

SEC. 4. It shall be the duty of the General Assembly, when it becomes necessary, to provide for the superintendence and government of the Asylums herein provided for in like manner as is now or may hereafter be prescribed by law for the government of the Insane Asylum at the city of Raleigh.

SEC. 5. For carrying into effect the foregoing provisions of this act, the sum of fifty thousand (\$50,000) dollars for this year, and twenty-five thousand (\$25,000) dollars for one thousand eight hundred and seventy-six, is hereby appropriated, which may be drawn from the treasury of the State upon the warrant of a quorum of said commissioners from time to time (within the limits aforesaid) when in their judgment needed for the prosecution of the work.

Appropriations.

SEC. 6. Said commissioners shall on or before the first day of December next, and annually thereafter until the buildings are completed, render to the proper accounting officers of the State of North Carolina an itemized account of all the contracts, expenses and liabilities, which they shall have incurred or authorized in the execution of their commissions, with vouchers for the same; and in case of their failure so to do, their authority to draw on the State Treasurer for such sums of money as are specified in the preceding section shall cease and determine.

Itemized account of expenses.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCL.

### AN ACT TO PROVIDE FOR THE COLORED INSANE OF NORTH CAROLINA.

\$10,000 appropriated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of ten thousand dollars per annum be and the same is hereby appropriated to the establishment at the Marine Hospital building at Wilmington, North Carolina, of a branch asylum for the colored insane, and their support and treatment, subject, nevertheless, to the same control and general superintendence and regulations as the asylum for the insane at Raleigh. And the board of directors and superintendent of the insane of the State shall remove and keep, in their discretion, support and treat at said branch asylum all colored patients, citizens of the State, and entitled to admission under the same rules, regulations and treatment as are required by law for the insane at the principal or Raleigh asylum: *Provided*, That no more colored insane shall be received in the asylum at Raleigh, and that all the colored inmates now in the asylum at Raleigh, North Carolina, be removed to Wilmington, North Carolina, and that there shall be no expenditure exceeding two hundred dollars per annum for each patient, and no expenditure in excess of the above appropriation shall be made or allowed without the previous assent of both branches of the General Assembly: *Provided further*, That upon the removal of any such colored patient from the State Raleigh asylum, the general appropriation fund shall be credited to the proper extent and amount, until the

Proviso.

place of such patient is filled with another patient at such asylum.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCLI.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTEEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AS BROUGHT FORWARD IN BATTLE'S REVISAL, CHAPTER FORTY-FIVE, SECTION ONE HUNDRED AND FIFTEEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and thirteen, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, section sixty-five, as brought forward in Battle's Revisal, chapter forty-five, section one hundred and fifteen, be amended by inserting the words "or other written contracts," immediately after the word "bond" wherever it may occur in said section.

Chapter 45, sec. 115  
Battle's Revisal,  
amended.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCLII.

AN ACT IN RELATION TO THE LAND SCRIP FUND FOR ESTABLISHMENT OF COLLEGES FOR THE BENEFIT OF AGRICULTURAL AND MECHANICAL ARTS.

WHEREAS, The investment made by the late board of trustees of the University of North Carolina of one hundred

Preamble.

and twenty-five thousand dollars of the fund derived from the land scrip donated by Congress to this State for the establishment of one or more agricultural colleges was made in great part in worthless securities; *and whereas*, The State is bound by the conditions of the act of Congress making said donation to restore the losses in said fund and to establish said college or pay back said fund to the United States; therefore,

Certificates to issue.

SECTION 1. *The General Assembly of North Carolina do enact*, The Public Treasurer is directed to issue to the trustees of said University a certificate of indebtedness for one hundred and twenty-five thousand dollars, bearing interest from the first day of January, one thousand eight hundred and seventy-five, with interest at six per cent., payable semi-annually on the first days of July and January in each year, which shall be paid out of any moneys in the treasury not otherwise appropriated, said interest to be used by said trustees for the purpose of establishment of at least one college in accordance with the provisions of the afore-said act of Congress.

Special tax bonds  
to be bound.

SEC. 2. The bonds reported as in the hands of said trustees, commonly called "special tax bonds," being void and worthless, shall be burned by the said trustees, and the bonds not special tax bonds reported by them shall be held subject to the disposition of the General Assembly.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCLIII.

AN ACT TO AMEND SECTION TWO, CHAPTER TWENTY-THREE, OF  
BATTLE'S REVISAL, ENTITLED "CONSTABLES."

SECTION 1. *The General Assembly of North Carolina do enact*, That section two, of chapter twenty-three, of Battle's Revisal, concerning "constables," be amended by striking out the word "township," in the sixth line of said section, and inserting in lieu thereof the word "county."

Chapter 23, sec. 2,  
Battle's Revisal,  
amended.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCLIV.

AN ACT CONCERNING LOST AND DESTROYED RECORDS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section third, chapter one hundred and sixty, of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as brought forward in Battle's Revisal, chapter fourteen, section sixteen, be amended by inserting between the word "court" and the word "a," in the eighth line of said section, the words "or by other satisfactory evidence."

Chapter 14, Sec. 16  
Battle's Revisal,  
amended.

SEC. 2. That section two, chapter sixty-four, of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, as brought forward in Battle's Revisal, section twenty-one, chapter fourteen, be amended so as to read as follows: The provisions of this chapter shall extend to records of court which have been or may be destroyed by fire or otherwise, and to any

Sec. 21 amended

deed of conveyance, paper writing or other *bona fide* evidence of title executed before the destruction of said records.

Sec. 14 amended.

SEC. 3. That section fourteen, chapter fourteen, of Battle's Revisal, be amended by striking out all after the word "next," in twelfth line, down to the word "provided," in the twelfth line, and insert following: "After the loss or destruction thereof."

SEC. 4. That all laws, either public or private, coming in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CCLV.

### AN ACT TO REGULATE THE SALE OF LIQUORS IN NORTHAMPTON COUNTY.

Unlawful to retail:

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to sell within Northampton county any intoxicating liquor by the measure less than a quart: *Provided, nevertheless*, That nothing herein contained shall affect any retail license already granted by the county commissioners.

Proviso.

Unlawful to sell liquor not made in county.

SEC. 2. That it shall be unlawful for any person to sell within said county any intoxicating liquor other than that made by him or her in said county.

Penalty.

SEC. 3. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon indictment and conviction shall be fined not less than thirty nor more than two hundred dollars.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCLVI.

AN ACT TO ALLOW ACTIONS FOR THE RECOVERY OF REAL ESTATE TO BE PROSECUTED IN THE NAME OF THE PERSON WHO MAY BE THE RIGHTFUL OWNER, AMENDATORY OF BATTLE'S REVISAL, CHAPTER SEVENTEEN, SECTION FIFTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That an action may be maintained by a grantee of real estate in his own name whenever he or any grantor or other person through whom he may derive title might maintain such action notwithstanding the grant of such grantor or other conveyance be void by reason of the actual possession of a person claiming under a title adverse to that of such grantor or other person at the time of the delivery of such grant or other conveyance.

Action by grantee in his own name.

SEC. 2. The provisions of this act shall apply to actions already brought.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCLVII.

AN ACT TO REQUIRE THE SECRETARY OF STATE TO PERFORM CERTAIN DUTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Secretary of State be and he is hereby authorized and required within five days from the date of the ratification of any act of the General Assembly or resolution thereof relating to the duties of any State officer, or resolution directed to be sent to any member of Congress, to

Secretary of State to furnish acts, &c., in certain cases.

furnish said officers or members of Congress with a certified copy of such act or resolution duly authenticated by the seal of the State.

Compensation.

SEC. 2. That the Secretary of State shall be allowed for said copies the same compensation as that now allowed him for copies of acts and resolutions furnished the public printer, to be paid by the State Treasurer upon the warrant of the Auditor.

SEC. 3. This act shall be in force from and after its ratification, and apply to all acts and resolutions which have been or may be passed by the present General Assembly.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCLVIII.

### AN ACT IN RELATION TO ESTRAYS.

Ranger.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of county commissioners in each county shall appoint a ranger, who shall reside at the county town, and shall give bond to the State in the sum of two (2) hundred dollars, and shall hold his office during good behavior.

Estrays.

SEC. 2. That any person who shall take up any stray horse, mare, colt, mule, ass or jenny, neat cattle, hog or sheep shall, under a penalty of twenty dollars, one-half to State and one-half to the informer for failing so to do within ten days after taking up such stray, inform the owner if to him known, if not shall inform the ranger of the county of the supposed age, marks, brands and color of the stray, and that the same was taken up at his plantation or place of abode; whereupon the ranger shall record said information in a book kept by him for that purpose, for which service the taker up of said stray or strays shall pay a fee of twenty-five

cents, except for hogs and sheep, for which the fee shall be ten cents: *Provided*, That the owner of such stray may reclaim the same at any time before appraisement as hereinafter provided, by paying to the taker up the ranger's fee and the reward to the taker up, with a fair compensation for keeping the same: *Provided further*, That in cases where the owner and taker up cannot agree as to the last item, it shall be decided as hereinafter provided in section four in this act.

SEC. 3. That any person having taken up any stray under section two of this act shall at the end of three months from the time of said taking up (if still unclaimed) notify the ranger, who shall issue his summons to any two freeholders of the township, who after taking before the ranger the oath prescribed for the faithful and impartial discharge of their duty shall view and appraise such stray, and make return thereof to the ranger, which appraisement with a description of the marks, brands, age and color as near as can be ascertained of such stray, together with the time of taking up and place of abode of the person taking it up, shall by such ranger be entered in a book kept for that purpose; he shall immediately thereafter put up an advertisement at the court-house describing therein the kind of marks, brand and color of the stray, and if the stray be a horse, mare, colt, mule, ass or jenny, the ranger shall likewise without delay cause an advertisement to be published at least two weeks in a paper in or nearest the county, containing an accurate description of the stray as entered on his books, the name and place of abode of the taker up; and for the purpose of making such advertisement the taker up shall pay the ranger two dollars, which the owner shall pay to the taker up at the time of receiving such stray, or it shall be allowed him in his settlement with the ranger as hereinafter directed.

Appraisement of  
estray.

SEC. 4. The property of every such stray twelve months after such appraisement (not being proved by the owner), shall be vested in the person taking up the same: *Provi-*

Stray vested in per-  
son taking up.

*ded, nevertheless,* That the former owner of any such stray at any time within twelve months after such appraisement and proving his property before the ranger by his own oath or otherwise, may demand and recover such stray, or the valuation thereof, first paying ranger's fees and the reward for taking up the stray: *Provided,* That where the taker up shall have been at any expense for keeping and maintaining such stray he may retain the same until the owner shall pay all such expenses. When the parties cannot agree, to be ascertained in the following manner, namely: The taker up shall obtain of the ranger a warrant empowering three freeholders by the ranger to be named to declare upon oath, upon view of the stray and examination of witnesses, if necessary, how much the taker up ought to have for keeping the stray, and such sum as shall by the said freeholders or any two of them be declared, may demand and receive before surrendering the stray.

Proviso.

Account to Ranger.

SEC. 5. After the expiration of twelve months from the time of appraisement (no property being proved by the owner) the taker up shall account to and pay the ranger two-thirds of the appraised value after deducting the ranger's fees and the reward for the taking up of the same, and any person failing to comply shall forfeit double the value of the stray, said forfeiture to be sued for and collected by the ranger: *Provided, nevertheless,* That at any time the owner shall prove his property before the board of commissioners by the oath of one or more witnesses the court shall direct the county treasurer to pay the owner the net sum of money which the ranger may have paid to the treasurer after deducting the treasurer's commissions.

Proviso.

Bond.

SEC. 6. Any person having property appraised under this act shall give bond in double the value of the stray with approved sureties for his faithful compliance with the duties enjoined by this act: *Provided,* That if the value of such stray shall not exceed ten dollars no bond shall be required.

Proviso.

Death of stray.

SEC. 7. If within twelve months after the taking up any

stray it should die, the taker up shall not be answerable unless it may appear to have died by ill usage and abuse.

SEC. 8. The ranger may administer the oath in all cases where it is required to be taken before him under the provisions of this act. Oath before Ranger.

SEC. 9. Every ranger shall pay to the county treasurer all moneys that he may receive on account of unclaimed strays in January and June of each year. Ranger to pay over.

SEC. 10. For the more speedy recovery of strays any person may search the entry books of the ranger, first paying the ranger a fee of ten cents. Ranger's books.

SEC. 11. The ranger shall collect all sums that may be due for any stray entered and appraised, and on all such collections he shall be entitled to receive ten per centum. Compensation to Ranger.

SEC. 12. The taker up of any stray may demand of the owner his receipt for the same, and the taker up shall furnish the same to the ranger, and in all cases where strays have been appraised and no receipt filed for twelve months the ranger shall sue the taker up in the name of the State for the use of the county for two thirds of said appraisement. Receipts.

SEC. 13. In case an appraised stray die the taker up shall furnish the ranger the proof thereof or be liable for two-thirds its value. Proof of death.

SEC. 14. Any penalty incurred by a violation of any of the provisions of this act shall be recovered by the ranger in the name of the State for the use of the county or informer before a justice of the peace. Penalties.

SEC. 15. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. This act shall take effect from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCLIX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN,  
BATTLE'S REVISAL.

Act in relation to  
wild fowl applied to  
Dare county.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and eighteen, Battle's Revisal, shall be amended as follows: Section one, line two, by striking out "county" and insert "counties," and after the word "Currituck" insert the words "or Dare." Section two, line twelve, be amended by striking out "county" and insert "counties," and after the word "Currituck" insert the words "or Dare." Section three be amended by striking out the words "of Currituck county" in line three. Section four, line three, be amended by inserting after the word "Currituck" "and Dare county." Section five be amended by striking out the words "of Currituck," in second line and last line. Section six be amended by inserting after the word "Hyde," in second line, word "Dare." And that the preamble between sections five and six be amended by inserting after the word "Hyde," in second line, the word "Dare."

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCLX.

AN ACT TO AMEND CHAPTER FORTY-ONE, SECTION NINE, OF REVISED CODE, AS BROUGHT FORWARD IN BATTLE'S REVISAL, CHAPTER FORTY, SECTION FOURTEEN.

Fees of returning  
officers how paid.

SECTION 1. *The General Assembly of North Carolina do enact*, That section nine, chapter forty-one, of Revised Code, as brought forward in Battle's Revisal, chapter forty, sec-

tion fourteen, be amended by adding to said section the following words: "All sheriffs and other officers for holding the election for State officers and conveying duplicate to the Governor shall be allowed the same fees and the same per diem for travelling as allowed to them in elections for members of Congress, to be paid by the State Treasurer upon affidavit of the returning officer."

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CCLXI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE NORTH CAROLINA RAILROAD COMPANY, AND FOR OTHER PURPOSES THEREIN MENTIONED, RATIFIED TWENTIETH DAY OF DECEMBER, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. B. Olmsted, A. A. Campbell and J. W. Paten are hereby appointed commissioners to obtain subscription of stock for the purpose of constructing that part of the Western Extension Railroad, located between the town of Asheville and the Georgia line, in Cherokee county, and to commence work at the Georgia line to connect with Georgia roads now in process of construction.

Commissioners appointed.

SEC. 2. That as soon as fifty thousand dollars accepted subscription be obtained the stockholders shall meet and elect officers as provided in the charter of the North Carolina Railroad Company.

Organization.

SEC. 3. That subscription may be made payable in cash, lands, materials or labor, to be accepted by said commissioners.

Subscriptions.

Shares of stock.

SEC. 4. That on the payment of subscriptions the said commissioners shall issue stock in said line of road, to be called the Asheville and Murphy Branch, in shares of one hundred dollars each, said stock to be transferable and so worded as to entitle the holder or holders thereof to transportation to the full value of said stock, with interest at six per cent. per annum.

May contract for convicts.

SEC. 5. That said commissioners shall have power to contract with the board of directors of the Penitentiary for the employment of two hundred or less convicts at such terms as may be agreed upon with said board of directors, the said commissioners to provide for clothing and subsistence of such convicts as may be employed by them during the term of such employment, under such restrictions as may be imposed by the board of directors of the Penitentiary.

Election.

SEC. 6. That the county commissioners in their discretion shall call an election to be held in the usual way in all their counties along said line of railroad, at which the people shall decide by popular vote whether they will be taxed for the support of said convicts while they shall be employed in constructing the railroad in their respective counties.

Taxation.

SEC. 7. That said commissioners mentioned in section first of this act shall have power to levy a tax on tax list assessment of property in the counties that shall consent to be so taxed, which may be paid by the people in clothing, provisions or cash to said commissioners or their county agents, as may be agreed upon by said commissioners, and any such tax not so paid shall be collected by the county tax collectors and paid over to the said commissioners.

County stock.

SEC. 8. That said commissioners shall issue to the counties respectively an amount of stock equal to the said amount raised by the counties respectively for the clothing and subsistence of the convicts employed on said line of railroad.

Same rights as N. C. Railroad.

SEC. 9. That the right and franchise of said line of railroad shall exist in stockholders, who shall have all the power conferred by the charter of the North Carolina Railroad in that company.

SEC. 10. That the said commissioners shall have power by disposing of bonds to an amount not to exceed one million two hundred thousand dollars to raise funds for the completion of said line of road. Bonds.

SEC. 11. That to secure the payment of these bonds and the interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be elected or agreed upon, one of whom shall be P. C. Hughes, the same to be signed by the president, countersigned by three directors and attested by the secretary of said corporation, conveying its railway, franchise and property, including its road bed, superstructure, equipments, choses in action, evidences of debt and all estate, real, personal and mixed, and said mortgage deeds and all other agreements the said corporation or company may enter into, which by law require registration, when duly executed, may be recorded in the register's office in Cherokee county, and its registration in county that shall be deemed an effectual and sufficient registration for all purposes whatsoever, and shall give it priority and preference over all claims against said corporation, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding. Interest

SEC. 12. That the said commissioners shall have power to make contracts, purchase, and all needful arrangements for the speedy prosecution of the work under the provisions of this act. Powers of Commissioners.

SEC. 13. That all moneys accruing to or in any wise belonging to this line of railroad shall be paid over to the treasurer chosen by the stockholders and by him disbursed on orders drawn by the said commissioners and approved by the president and secretary of the said stockholders. Treasurer.

SEC. 14. The treasurer of said company shall give bond in the sum of one hundred thousand dollars, to be renewed every six months, for faithful performance of his duties. Bond of Treasurer.

SEC. 15. That the bondholders shall have the same privilege of voting as the original stockholders in all meetings of the company. Bondholders voting

State may assume control.

SEC. 16. That the State of North Carolina may assume control and possession of said road immediately after completion by assuming and providing for the payment of all liabilities of said road and by paying the expenses of said commissioners and the officers of said company, and their salaries of twelve hundred dollars per annum each.

Misappropriation of funds.

SEC. 17. That any commissioner, officer, or director of the Asheville and Murphy Branch Railroad intrusted with any of the funds, bonds, certificates of stock, or indebtedness of said company, who shall be guilty of wrongful use or misappropriation of the same with intent to personal benefit or to wrong the company shall be guilty of felony and liable to be punished by a fine of not less than ten thousand dollars, and not less than ten years' imprisonment.

Prorate.

SEC. 18. Any railroad in this State shall have the right to connect, prorate, or exchange traffic with said company upon mutually reciprocal terms, and in case of any disagreement as to terms or rates the same shall be decided by arbitration or in any manner hereafter prescribed by law.

Fares and freights.

SEC. 19. The State of North Carolina reserves the right to regulate the rates of fares and freights on their line whenever in the judgment of the General Assembly the public interest may demand.

Repeal of conflicting laws.

SEC. 20. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed: *Provided*, That nothing contained within the provisions of this act shall prevent the North Carolina Railroad Company from building and completing said road in accordance with the provisions of an act ratified the tenth day of December, Anno Domini one thousand eight hundred and seventy-four, or of the North Carolina Railroad Company from building or completing the same in accordance with its charter and acts amendatory thereof, and an act passed at the present session of the General Assembly.

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

Ratified the 22d day of March, A. D. 1875.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

SESSION 1874-'75.



# RESOLUTIONS

OF THE

# GENERAL ASSEMBLY

OF THE

# STATE OF NORTH CAROLINA,

SESSION 1874-'75.



RESOLUTION FOR THE RELIEF OF THE NORTH CAROLINA INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

WHEREAS, The joint standing committee of the General Assembly appointed to examine into the condition and management of the North Carolina Institution for the Deaf and Dumb and the Blind will not be able to make their report until after the re-assembling of the Legislature in January next; *and whereas*, The said Institution is now without money to pay its current expenses until that time; therefore,

SECTION 1. *The General Assembly of North Carolina do resolve*, That the Public Treasurer be authorized and instructed to pay to the Treasurer of the North Carolina Institution for the Deaf and Dumb and the Blind the sum of

Preamble.

\$5,000 appropriated.

five thousand dollars on account of the annual appropriation to be made for the year one thousand eight hundred and seventy-five, for the current expenses of said Institution until the said regular annual appropriation shall be made by this General Assembly.

SEC. 2. *Resolved*, That the Auditor be and he is hereby authorized and instructed to audit the same.

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

Ratified the 21st day of December, A. D. 1874.

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RESOLUTION IN FAVOR OF HENRY M. MILLER.

Pay for services.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That the Treasurer of the State be and he is hereby directed to pay Henry M. Miller the sum of twenty dollars for his services for four days as clerk in taking testimony before his Excellency, the Governor, in the recent investigation of charges against J. C. L. Harris.

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

Ratified the 21st day of January, A. D. 1875.

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RESOLUTION IN REGARD TO HEATING THE CAPITOL.

WHEREAS, The present manner of heating the Capitol, and especially the Senate Chamber and Hall of Representatives, is wholly defective and insufficient to make the same comfortable and healthy :

*Be it resolved by the General Assembly of North Carolina*, That a committee of three on the part of the House and

Committee to ascertain best method of heating.

two on the part of the Senate be appointed to ascertain the best and most economical method of heating the Capitol, and report at the earliest practicable day such recommendations in the premises as to them may seem proper.

Ratified the 23d day of January, A. D. 1875.

JOINT RESOLUTION CONCERNING THE FURNISHING OF BATTLE'S REVISAL FOR THE USE OF THE SENATE AND HOUSE OF REPRESENTATIVES.

*Resolved by the Senate, the House of Representatives concurring,* That the Senate Library be furnished with forty-two (42) volumes of Battle's Revisal for the use of the Senate, and one hundred and twenty-two (122) volumes be furnished the Library of the House of Representatives for the use of the House.

Forty-two volumes for Senate.

Ratified the 19th day of December, A. D. 1874.

RESOLUTION TO PAY G. D. MILLER.

*Be it resolved by the House of Representatives, the Senate concurring,* That George D. Miller be allowed the per diem given the chief clerk of the House for services as clerk of the committee appointed to investigate charges against J. C. L. Harris, Solicitor, and that said clerk shall prove his claim before the chief clerk of the House, and that said claim be audited and paid as the claims for per diem of members of the General Assembly.

Pay for services in Harris investigation.

Ratified the 19th day of December, A. D. 1874.

## JOINT RESOLUTION IN REGARD TO THE PUBLIC DEBT.

Committee to confer with creditors.

*Resolved by the Senate, the House of Representatives concurring,* That the joint committee on the public debt shall confer with the creditors of the State and ascertain the best terms upon which the debts of the State can be settled satisfactorily to the said creditors; that said committee shall meet in the Senate Chamber on the fourteenth of January, one thousand eight hundred and seventy-five, for the purpose of this conference; that notice of said meeting shall be published by the chairman of said committee for three successive weeks preceding the meeting in the following newspapers, to-wit: "Daily News" and "Daily Sentinel," of Raleigh, N. C.; "Daily Dispatch," of Richmond, Va.; "Gazette," "Commercial" and "American," of Baltimore, Md.; "Herald," "Sun," "Tribune" and "World," of New York; that said committee shall report the result of this conference to the General Assembly on or before the twenty-sixth of January, one thousand eight hundred and seventy-five.

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

Ratified the 19th day of December, A. D. 1874.

RESOLUTION OF INSTRUCTION TO THE GOVERNOR CONCERNING  
LEE DUNLAP, AN ESCAPED PRISONER.

Preamble.

WHEREAS, One Lee Dunlap, under an indictment for murder, having removed his case to the Federal Court, and while awaiting trial before that tribunal, escaped from prison; and whereas, grave doubts exist as to the duty and right of the Governor of the State to offer a reward for his recapture and return to confinement; therefore,

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* That his excellency, the Governor, be and he is hereby authorized and instructed to offer a reward of three hundred (\$300) dollars for his recapture and return to the jail in Wake county, and upon the receipt of the jailor to draw his warrant upon the Treasurer, to be paid out of any money not otherwise appropriated. Governor to offer reward.

SEC. 2. This resolution shall take effect from and after its ratification.

Ratified the 19th day of December, A. D. 1874.

JOINT RESOLUTION FOR THE RELIEF OF THE INSANE ASYLUM.

WHEREAS, The Insane Asylum is now in debt for the necessary provisions for its support and for wages due the various employees of the institution for the months of November and December, occasioned by the inadequacy of the annual appropriations for the years one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four for its support and the necessary repairs on the buildings; *and whereas*, from the report of the superintendent, Dr. Grissom, it appears that there is not in the hands of the treasurer of the Asylum sufficient funds to meet the present indebtedness and pay off the actual and necessary expenses incident to the support and maintenance of said institution for the present year, nor is there remaining in the hands of the said treasurer nor in the hands of the State Treasurer any moneys or funds appropriated for the support of the said Asylum, whereby this indebtedness may be discharged and the immediate wants and necessities of the institution relieved; *and whereas*, the State owes it as a duty not only to the suffering inmates of the said Asylum, but to the creditors Preamble.

thereof to pay off and discharge at once the aforesaid indebtedness; therefore,

\$7,563 appropriated.

SECTION 1. *Be it resolved by the General Assembly of North Carolina,* That the Public Treasurer be and he is hereby authorized and directed to pay to the treasurer of the Insane Asylum out of any moneys in the treasury not otherwise appropriated, the sum of seven thousand eight hundred and seventy-three dollars, to be used only by the said treasurer of the said Insane Asylum in payment of the now outstanding liabilities and the necessary expenses thereof, upon such warrants and under such restrictions as are now prescribed for the payment of moneys appropriated for the support and maintenance of the said Asylum.

SEC. 2. This resolution shall be in force and take effect from and after its ratification.

Ratified the 19th day of December, A. D. 1874.

RESOLUTION IN RELATION TO REPAIRS ON THE CAPITOL.

Repairs on dome  
and roof.

*Resolved by the Senate, the House of Representatives concurring,* That the Keeper of the Capitol, under the direction of his excellency, the Governor of this State, be directed at once to cause all necessary repairs on the dome and roof of the capitol to be made.

Ratified the 19th day of December, A. D. 1874.

RESOLUTIONS CONCERNING STATE RAILROADS.

Committee to take  
into consideration  
State's interest.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That a joint select committee of five members of the House and three of the Senate be appointed

respectively by the Speaker and President of said bodies to take into consideration the present condition of the State property or interest in any and all railroads in this State, with power to send for persons and papers.

SEC. 2. *Resolved further*, That said committee be and are hereby instructed to report to the General Assembly by bill or otherwise at an early day such measure or measures as may be considered requisite or expedient to preserve, protect or recover such interests or any of them.

SEC. 3. These resolutions shall be in force from and after their ratification.

Ratified the 25th day of January, A. D. 1875.

RESOLUTION IN REGARD TO PRINTING ON ALL STATIONERY USED BY THE GENERAL ASSEMBLY THE NAME OF THE HOUSE IN WHICH IT IS TO BE USED.

*Resolved by the House of Representatives, the Senate con-*curring, That the clerks of the House and Senate be authorized and required to have printed on all paper and envelopes to be used by the General Assembly, the words "Senate Chamber" and "House of Representatives," according to the house in which it is proposed to be used.

Clerks to have paper and envelopes printed.

This resolution shall be in force from and after its ratification.

Ratified the 30th day of November, A. D. 1874.

RESOLUTION TO ALLOW THE TAX COLLECTOR OF WAKE COUNTY TO SETTLE WITH THE TREASURER.

WHEREAS, The commissioners for Wake county placed in the hands of T. F. Lee, then sheriff of Wake county, on Preamble.

or about the tenth day of July, one thousand eight hundred and seventy-four, the tax list of unlisted taxables which were due and payable on the first of July, one thousand eight hundred and seventy-four; *and whereas*, the new board of commissioners at its session in September, one thousand eight hundred and seventy-four, lected Joseph A. Haywood tax collector for the county of Wake on account of the default of said Lee in producing the necessary receipts and giving bonds as required by law; *and whereas*, there was placed in the hands of the tax collector the list of listed taxables only; *and whereas*, the said tax collector is ready to settle for all the taxes listed on said list; but the Auditor declines to audit his account because he has no statement of the unlisted taxables as aforesaid; therefore,

Auditor to settle.

SECTION 1. *Resolved by the Senate of the General Assembly of North Carolina, the House of Representatives concurring*, That the Auditor be required to audit the accounts of said tax collector without reference to the list of unlisted taxables placed in the hands of T. F. Lee as aforesaid.

Overpaid taxes.

SEC. 2. That if the tax collector shall overpay the amount of taxes due the State and the same shall hereafter be made to appear to the satisfaction of the Auditor, he shall draw his warrant upon the Treasurer for the amount so overpaid in favor of said tax collector.

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

Ratified the 30th day of November, A. D. 1874.

RESOLUTIONS OF INSTRUCTION TO THE SENATORS AND REPRESENTATIVES IN THE UNITED STATES CONGRESS FROM NORTH CAROLINA, FOR THE COUNTY OF DAVIDSON.

*Resolved by the House of Representatives of the State of North Carolina, the Senate concurring*, That the Senators and Representatives in the United States Congress from the

Asks indemnity from the U. S. Government for Court House destroyed while in possession of Federal troops.

State of North Carolina be and they are hereby earnestly requested to make the best efforts to secure an appropriation or indemnity by Congress for the county of Davidson, for the destruction by fire of the court-house of said county in the year one thousand eight hundred and sixty-six, whilst in the possession and occupancy of United States troops, and for the destruction of any other property in said State under similar circumstances.

*Resolved*, That a copy of these resolutions be forwarded by the Secretary of State to each Senator and Representative in Congress from this State.

Ratified the 30th day of November, A. D. 1874.

A JOINT RESOLUTION CONCERNING THE DIRECT TAX LEVIED AND COLLECTED BY THE FEDERAL GOVERNMENT OF LANDS IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

WHEREAS, In the year one thousand eight hundred and sixty-five, the government of the United States levied and collected from the people of the State of North Carolina a tax known as the direct tax on land; *and whereas*, the said tax was levied and collected immediately after the termination of the late war, and before the people of the State had begun to recover from the great financial embarrassment which came upon them as a result of the war; *and whereas*, the payment of said tax was at that time burdensome and oppressive to the people of North Carolina; *and whereas*, the said tax being collected from lands was directly upon the agricultural interest of the country; *and whereas*, we believe it to be the policy of the national government to promote as far as possible and above all others the interest of agriculture and to relieve as far as possible the burdens of the farming class of the country; therefore, Preamble.

Requesting refund-  
ing of direct tax  
collected in 1865.

*Be it resolved by the House of Representatives, the Senate concurring,* That our Senators and Representatives in the Congress of the United States be respectfully requested to use their influence to secure the passage of a law refunding the direct tax on land collected in the State of North Carolina in the year one thousand eight hundred and sixty-five.

2. *Resolved further,* That the Governor of this State cause copies of these resolutions to be transmitted to each of our Senators and Representatives in the Congress of the United States.

3. *Resolved further,* That these resolutions take effect from and after their ratification.

Ratified the 30th day of November, A. D. 1874.

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RESOLUTION RAISING A JOINT COMMITTEE ON CONSTITUTIONAL REFORM.

Constitutional re-  
form.

*Resolved by the House of Representatives, the Senate concurring,* That a joint standing committee, consisting of eight on the part of the Senate and thirteen on the part of the House, be constituted, to be styled the Committee on Constitutional Reform.

Ratified the 30th day of November, A. D. 1874.

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RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS TOUCHING THE INTERNAL REVENUE LAWS OF THE UNITED STATES.

Preamble.

WHEREAS, Many citizens of this State are sorely oppressed by the practical workings of the internal revenue laws of the United States, which enure to the benefit of cer-

tain manufacturers to the great injury of the producers of our country; *and whereas*, numerous citizens are now being prosecuted in the Federal Court for the most trifling offences committed against said laws, from three to five years past, and are being thrust into prison and their property sacrificed to pay cost of said prosecutions; *and whereas*, the enforcement of said laws is not only engendering strife and confusion among the people, but is emphatically implanting within their bosoms a spirit of hatred and disregard for the government itself; therefore,

1. *Be it resolved by the House of Representatives, the Senate concurring*, That our Senators and Representatives in Congress be instructed to use their influence to have said revenue laws repealed, or so modified as to relieve the masses of the producers of the burthens which are herein specified.

Asking repeal or modification of Internal Revenue laws.

2. That the Secretary of State be directed to furnish each of our Senators and Representatives in Congress with a copy of these resolutions as soon as practicable.

Ratified the 30th day of November, A. D. 1874.

A JOINT RESOLUTION ASKING AN APPROPRIATION BY THE CONGRESS OF THE UNITED STATES FOR THE CONSTRUCTION OF A COURT-HOUSE AND POST OFFICE BUILDING IN THE CITIES OF GREENSBORO AND ASHEVILLE.

*Resolved by the House of Representatives, the Senate concurring*, That our Senators and Representatives in the Congress of the United States are hereby earnestly requested to use their utmost influence to secure the passage of an act appropriating the sum of one hundred thousand dollars for the purpose of constructing in the city of Greensboro, in this State, a suitable building to be used as a government court-house and postoffice, and the further sum of fifty

Asking appropriations for Federal Court Houses and Post Office buildings at Greensboro and Asheville.

thousand dollars, to be appropriated for like purpose in the town of Asheville, in this State.

*Resolved further*, That the Secretary of State is hereby directed to furnish each of our Senators and Representatives in Congress with a copy of these resolutions as soon as practicable.

*Resolved further*, That these resolutions take effect upon their ratification.

Ratified the 30th day of November, A. D. 1874.

RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS CONCERNING THE CAPE FEAR RIVER BAR.

Asking appropriation for improvement of Cape Fear river.

*Be it resolved by the House of Representatives, the Senate concurring*, That our Senators and Representatives in Congress are hereby earnestly requested to urge upon their respective bodies an appropriation adequate to the completion of the work of improvement now in progress on the bar of the Cape Fear River.

*Resolved further*, That the Secretary of State is hereby directed to furnish each of our Senators and representatives in Congress with a copy of these resolutions as soon as practicable.

Ratified the 30th day of November, A. D. 1874.

A RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO USE THEIR INFLUENCE TO HAVE REPEALED THE TAX ON TOBACCO.

Preamble.

WHEREAS, The revenue collected on tobacco by the government of the United States is paid by a very small proportion of the people and falls with peculiar hardship upon

those sections of the south where the cultivation of tobacco is the only means of subsistence; *and whereas*, the collection of said revenue is an unjust discrimination against North Carolina and is burthensome to her people; therefore,

*Be it resolved by the House of Representatives, the Senate concurring*, That our Senators and Representatives in Congress be and are hereby respectfully requested to use their influence to have repealed as soon as possible the tax on tobacco.

Asking repeal of tax on tobacco.

*Resolved*, That the Secretary of State transmit to each of our Senators and Representatives at Washington a copy of this resolution.

Ratified the 30th day of November, A. D. 1874.

#### RESOLUTION IN RELATION TO CIVIL RIGHTS BILL.

1. *Resolved by the House of Representatives, the Senate concurring*, That the people of North Carolina hail with delight the recent great political victories achieved by our sister States, considering them to be a righteous but stern denunciation by the people of the corrupt and vindictive policy that has so long characterized the present national administration.

Recent victories.

2. That it is with special joy that we have witnessed the honest people's emphatic and indignant condemnation of the Civil Rights Bill, a measure calculated only to engender strife and discord between the races now happily comprehending and accepting their mutual relations and duties.

Civil Rights bill condemned.

3. That the Civil Rights Bill, conceived, as we believe, under improper motives, can be productive of no good whatever, but will only spread ignorance over North Carolina and the south by destroying our common school system and bring ruin and disaster to the people of both races by its loathsome results.

4. That we hear in this voice of the people a positive expression of their wish to the National Congress and administration to cease its oppression and attempts at degradation of the southern people, and believe that it means an era of real peace.

Ratified the ---- day of December, A. D. 1874.

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JOINT RESOLUTION IN RELATION TO CENTENNIAL.

Committee on  
Centennial celebra-  
tions appointed.

*Resolved by the House of Representatives, the Senate concurring,* That there be a joint committee, consisting of three from the Senate and five from the House, to be styled Committee on Centennial, whose duty it shall be to consider all propositions on the subject of centennial celebrations, State or national, and report by bill or otherwise such action as may be proper or necessary in that behalf.

Ratified the —— day of December, A. D. 1874.

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RESOLUTION OF INSTRUCTION TO THE SENATORS AND MEMBERS  
OF THE HOUSE OF REPRESENTATIVES IN CONGRESS FROM  
NORTH CAROLINA.

Asks appropria-  
tion for removing  
obstructions in  
Neuse river.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That the Senators from North Carolina and members in the House of Representatives in the Congress of the United States are hereby requested to use their best exertions to obtain an appropriation to remove the obstruction to navigation in the Neuse river below the city of Newbern.

SEC. 2. That a copy of these resolutions be sent to each Senator and Representative from North Carolina.

Ratified the 9th day of December, A. D. 1874.

RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS CONCERNING THE TAX LEVIED AND COLLECTED ON SPIRITS OF TURPENTINE AFTER THE LATE WAR.

WHEREAS, The general government for several years after the war collected from the producers of spirits of turpentine a very large, oppressive and burthensome tax levied on the said article; *and whereas*, the said tax was collected from persons almost entirely dependent upon the production of the said article for the support of themselves and families, and at a time when they had been reduced to poverty by the effects of the war; *and whereas*, our people have not yet recovered from the evil and oppressive effects of the said tax, and the trade in the said article has been for some years past in a languid and crippled condition, requiring aid and succor; *and whereas*, the production of the said turpentine is confined to a small part of the State, thereby causing the said onerous tax to be paid by only small portion of the tax payers who received no greater blessings and benefits from the general government than those who were exempt from the same; therefore,

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That our Senators and Representatives in Congress are hereby earnestly requested to use their influence in the United States Congress to have refunded the said tax collected on the said spirits of turpentine to the said parties, their heirs, executors, administrators or assigns.

SEC. 2. That the Secretary of State be required to furnish and transmit a copy of these resolutions to each of our said Senators and Representatives.

Ratified the 9th day of December, A. D. 1874.

Preamble.

Asks that tax on spirits turpentine be refunded.

## RESOLUTION IN REGARD TO FILING PAPERS.

Clerks to have  
pigeon holes con-  
structed.

*Resolved by the Senate, the House of Representatives concurring,* That the principal clerks of the two houses of the General Assembly shall have authority to have necessary pigeon-holes with locks thereon constructed for the proper safe keeping of the papers of their respective houses, and that the Auditor be directed to audit the account for the same on the certificates of said clerks.

Ratified the 8th day of December, A. D. 1874.

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## RESOLUTION ON ADJOURNMENT.

Adjournment,

*Resolved by the Senate, the House of Representatives concurring,* That this General Assembly will adjourn at one and one-half o'clock, P. M., on twenty-first instant, to meet again on the third Monday of January, one thousand eight hundred and seventy-five, at eleven o'clock, A. M.

Ratified the 8th day of December, A. D. 1874.

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## RESOLUTION CONCERNING THE SURVIVORS OF MEXICAN WAR.

Asking repeal of  
law in regard to  
pensions.

SECTION 1. *Resolved,* That this General Assembly doth earnestly recommend and memorialize the Congress of the United States to repeal the twenty-third section, act of Congress of March third, one thousand eight hundred and seventy-three, which forbids the payment of pensions heretofore allowed for wounds received and disease contracted in the military service of the nation during the war with Mexico, to such of the soldiers of North Carolina, their widows

and children, if deceased, who participated in the late war between the States.

SEC. 2. That Congress be and they are hereby earnestly recommended and respectfully memorialized to grant pensions to the surviving veterans of the Mexican war, and that these resolutions be forwarded by the Secretary of State to our Senators and Representatives with the request that the same be communicated to the National Congress.

Asks pensions for survivors.

Ratified the 8th day of December, A. D. 1874.

RESOLUTION TO APPOINT A JOINT SELECT COMMITTEE TO MAKE A LIST OF BONDS AND COUPONS IN TREASURER'S OFFICE.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That a joint select committee of eight, three on the part of the Senate and five on the part of the House, be appointed to examine and complete a descriptive list of, 1. All State bonds purchased or otherwise redeemed and now in the possession of the Public Treasurer; 2. All State bonds incomplete, not issued; 3. All coupons from State bonds redeemed under funding act or otherwise; 4. All other bonds or coupons which should or have been cancelled and now held as vouchers, and report the same to this General Assembly.

Committee to complete descriptive list of bonds, &c.

Ratified the 5th day of December, A. D. 1874.

RESOLUTION TO IMPROVE THE HARBOR OF EDENTON, NORTH CAROLINA.

WHEREAS, The harbor of Edenton, North Carolina, has by natural causes become impaired, travel made dangerous, and commerce carried on with difficulty:

Preamble.

Appropriation  
asked for Harbor of  
Edenton.

*Resolved by the House of Representatives, the Senate concurring,* That our Senators and Representatives in the Congress of the United States be requested to use their influence in obtaining a sum adequate to deepen said harbor of Edenton, North Carolina, and that our Senators and Representatives in Congress be provided with a copy of these resolutions.

Ratified the 5th day of December, A. D. 1874.

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RESOLUTION DIRECTING THE PUBLIC TREASURER TO PAY PUBLIC  
PRINTER.

Instruction to  
Public Treasurer.

*Resolved by the House of Representatives, the Senate concurring,* That the Public Treasurer be and is hereby directed to pay to the public printer the amount retained by the Treasurer by reason of failure to have the laws and journals published within the time prescribed by law.

Ratified the —— day of December, A. D. 1874.

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RESOLUTION CONCERNING THE STATE DEBT.

Committee to con-  
sider debt.

*Resolved,* That a committee of seven from the Senate and twelve from the House of Representatives be appointed to consider some feasible plan by which the public debt can be adjusted satisfactorily to the creditors and without oppression to the tax-payers of the State, and to report by bill or otherwise.

Ratified the 1st day of December, A. D. 1874.

## RESOLUTION IN REGARD TO COLLECTION OF PUBLIC ARMS.

*Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring,* That the Adjutant General of North Carolina be required to collect the public arms designated in section one, chapter ninety-two, of Battle's Revisal, and deposit the same in the several public arsenals of the State in such proportions as the Governor may prescribe.

Adjutant General  
to collect arms.

Ratified the — day of December, A. D. 1874.

RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES  
IN CONGRESS TO OBTAIN AN APPROPRIATION FROM THE CON-  
GRESS OF THE UNITED STATES TO OPEN THE MOUTH OF SCUP-  
PERNONG RIVER.

SECTION 1. *The General Assembly of North Carolina do resolve,* That our Senators be instructed, and our Representatives in Congress be earnestly requested, to use every effort to obtain from the Congress of the United States an appropriation sufficient to dredge the mouth of the Scuppernong river and the points thereon as far up as Spruill's bridge, so as to admit steamers and other vessels to carry away the produce raised on banks of said river.

Appropriation for  
Scuppernong river  
asked.

*Resolved further,* That the Secretary of State be directed to furnish our Senators and each of our Representatives with a copy of this resolution.

Ratified the 30th day of November, A. D. 1874.

RESOLUTION IN FAVOR OF N. M. WILSON, SHERIFF OF YANCEY COUNTY.

Time extended.

SECTION 1. *The General Assembly of North Carolina do resolve*, That N. M. Wilson, sheriff of Yancey county, be allowed until the first day of July, Anno Domini one thousand eight hundred and seventy-five, to make final settlement with the county treasurer of said county.

SEC. 2. That this resolution shall take effect immediately upon its ratification.

Ratified the 19th day of December, A. D. 1874.

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RESOLUTION IN REGARD TO FLAG STAFF ON THE TOP OF THE CAPITOL.

Flagstaff removed.

*Resolved by the House, the Senate concurring*, That the Keeper of the Capitol be authorized and instructed to remove the flag staff from its present position over the Hall of the House to some suitable point at the base of the dome.

This resolution shall be in force from its ratification.

Ratified the 18th day of December, A. D. 1874.

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RESOLUTION REDUCING THE PRICE OF BATTLE'S REVISAL.

Price reduced to two dollars.

*Resolved*, That the agent of the State for the sale of Battle's Revisal be instructed to at once reduce the price of that publication to two dollars per copy.

Ratified the 18th day of December, A. D. 1874.

RESOLUTION IN FAVOR OF F. J. SATCHWELL, SHERIFF OF BEAUFORT COUNTY.

WHEREAS, Relief was granted to F. J. Satchwell, sheriff of Beaufort county, allowing him to pay to the Treasurer of the State fifty per cent. of the amount due of the taxes of said county, provided he pay in said amount on the first Monday of December, one thousand eight hundred and seventy-four; *and whereas*, said sheriff failed to pay in said fifty per cent. of the taxes of said county, by reason of the Auditor's refusal to audit the same because of the failure of the clerk of board of commissioners of said county to send in the list of unlisted taxables; therefore,

*Resolved by the Senate, the House of Representatives concurring*, That the said sheriff be allowed to make his settlement with the Treasurer under aforesaid act, and that he be relieved from all pains and penalties arising from said failure.

Preamble.  
Relieved from  
Penalty.

This resolution to take effect from and after its ratification.

Ratified the 17th day of December, A. D. 1874.

RESOLUTION CONCERNING THE MEMORIAL OF THE CHAMBER OF COMMERCE OF THE CITY OF WILMINGTON.

*Resolved by the Senate, the House concurring*, That the memorial of the Chamber of Commerce of Wilmington, North Carolina, concerning the New River Canal Company, be transmitted to our Senators and Representatives at Washington City, with the request that the same be laid before Congress; and that our Senators and Representatives be requested to procure from the general government such aid as will enable the New River Canal Company to connect the inland water system of North Carolina and continue the same along the Atlantic and Gulf coast.

New river canal  
Company.

Ratified the 17th day of December, A. D. 1874.

RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS CONCERNING FREEDMAN'S SAVINGS AND TRUST COMPANY.

Preamble.

WHEREAS, Under the provisions of an act of Congress, approved March third, one thousand eight hundred and sixty-five, entitled "an act to incorporate the Freedman's Savings and Trust Company," branches of the Freedman's Savings Bank were established in Wilmington, Newbern and Raleigh, in this State, and large amounts of money were deposited in said Savings Bank by the persons for whose benefit the said institutions were established; and whereas, the affairs of said company were so managed that great loss has come to depositors, and it has been necessary under the provisions of the act of Congress, approved June twentieth, one thousand eight hundred and seventy-four, to close up the business of said company; therefore,

Asks return to depositors.

*Be it resolved*, That our Senators and Representatives be requested to use their utmost endeavors to secure an immediate, faithful and honest administration of the affairs of said company, and the return to the said depositors of all or as large a portion as can now be saved of their said deposits, and further, to require of the persons responsible for the mismanagement of said company and the loss of its funds a strict account according to law.

That a copy of this preamble and resolution be sent to our Senators and Representatives.

Ratified the 16th day of December, A. D. 1874.

RESOLUTIONS OF RESPECT TO THE MEMORY OF THE LATE GOVERNOR TOD R. CALDWELL.

WHEREAS, Since the close of the last session of the General Assembly, Hon. Tod R. Caldwell, at that time the Chief Executive of our State, was stricken by the hand of death whilst in the discharge of the duties of his high office; *and whereas*, it is meet and proper that this General Assembly, as a co-ordinate branch of the State government, should pay the fullest respect to the memory of one who occupied the highest position of honor and trust within the gift of the people of this State; therefore,

Preamble.

*Be it resolved by the General Assembly*, That in the death of the late Governor Tod R. Caldwell the State has lost a son who was fearful and fearless in the discharge of what he conceived to be his duty and obligations to his native State, and ready at all times to further by his efforts her material welfare and prosperity.

Tribute.

*Resolved*, That we recognize in the deceased a man whose personal character was free from stain or reproach, and whose private life was distinguished by his ability, honesty, integrity and uprightness.

*Resolved*, That these resolutions be spread upon the journals of the General Assembly, and that the President of the Senate and the Speaker of the House be and they are hereby requested to transmit to the widow of the deceased a copy of these resolutions with an expression of heartfelt sympathy and condolence in her great bereavement.

Condolence.

Ratified the 15th day of December, A. D. 1874.

RESOLUTION IN FAVOR OF W. F. COOPER, SHERIFF OF GRAHAM  
COUNTY.

Time extended.

*Resolved by the House of Representatives, the Senate concurring,* That the sheriff of Graham county be allowed until the twentieth day of January, one thousand eight hundred and seventy-five, to settle the amount of taxes due the State Treasurer from his county for the year one thousand eight hundred and seventy-four.

Ratified the 15th day of December, A. D. 1874.

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RESOLUTION OF INSTRUCTION TO STATE GEOLOGIST.

To furnish itemized  
statement of ex-  
penses.

*The General Assembly of North Carolina do resolve,* That the State Geologist be required to furnish this General Assembly as soon as practicable an itemized statement of the expenditure of the annual appropriation of five thousand dollars a year for the years of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and that he also communicate to the General Assembly a full report of the operations of his department for the past year.

Ratified the 14th day of December, A. D. 1874.

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RESOLUTION CONCERNING THE CONSTITUTION.

Present Constitu-  
tion.

*Resolved by the Senate, the House of Representatives concurring,* That the present Constitution is unsuited to the wants of the people of the State, is a check upon their energy and impedes their welfare, and that the people demand

that the burdens contained in the same shall be removed from their shoulders.

*Resolved further*, That we the General Assembly will relieve them of these checks to their welfare, prosperity and happiness at the soonest practicable moment by one or the other of the modes provided by the Constitution.

Ratified the 28th day of January, A. D. 1875.

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JOINT RESOLUTION TO AUTHORIZE THE JOINT SELECT COMMITTEE TO EXAMINE THE COUPONS IN TREASURER'S OFFICE, TO CANCEL, BURN OR DESTROY SAID BONDS.

*Resolved by the Senate, the House of Representatives concurring*, That the joint select committee to examine and make a descriptive list of all State bonds or coupons in the Treasurer's office are hereby authorized and empowered to cancel, burn or destroy said bonds or coupons after examining and making a descriptive list of same.

To make list and destroy.

Ratified the 3d day of February, A. D. 1875.

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RESOLUTION URGING THE REPEAL BY CONGRESS OF THE TAX ON ISSUES OF STATE BANKS.

WHEREAS, The people of the State of North Carolina, in pursuance of their constitutional and reserved rights, enjoyed previous to the late war the advantages of a State system of banking, under which the prosperity and welfare of said people and State were greatly enhanced, and which system was found fully adequate to all the financial requirements of the people and State; *and whereas*, it is believed that the re-establishment of such system would, without in-

Preamble.

interference with existing national banks, tend very greatly to relieve the embarrassments of the people; *and whereas*, by section ten, article one, of the Constitution of the United States, it is provided that no State shall make anything but gold and silver coin a tender in payment of debts, and by article ten of amendments to said Constitution it is provided that the powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people; *and whereas*, no power was ever delegated to the United States by either the State or the people to make anything but gold and silver coin a legal tender in payment of debts; *and whereas*, the Congress of the United States has heretofore, by laws which we believe and respectfully submit are not warranted by the Constitution of the United States, provided for and put in circulation large amounts of irredeemable currency, to the support of which an unjust and burdensome tax was levied upon the issues of specie paying State banks, resulting in the utter ruin and destruction of all the State bank system of the country; *and whereas*, the necessity for the longer continuance of such discriminating laws imposing such tax upon State banks no longer exists; therefore,

Ask repeal of tax  
on State Banks.

*Be it resolved by the General Assembly of North Carolina*, That the interest and prosperity of the people of this State imperatively require that the acts of Congress imposing such tax upon the issues of State banks in justice and and right ought to be repealed.

Congressmen to  
ask repeal.

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to urge the passage by Congress of an act repealing such tax, and should Congress not see fit to repeal such acts in regard to other States, that such repeal be urged as affecting the rights and interests of the State of North Carolina.

*Resolved*, That the Secretary of State be and hereby is instructed to send copies of these resolutions to each of our Senators and Representatives in Congress.

These resolutions shall take effect from and after their ratification.

Ratified the 16th day of February, A. D. 1875.

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RESOLUTION ON ADJOURNMENT.

*Resolved by the House of Representatives, the Senate concurring,* That a joint committee, consisting of three on the part of the House and two on the part of the Senate, be appointed, whose duty it shall be to examine the calendars of the two houses of this General Assembly as to number of bills, character of business, with any other matters which may be necessary for this General Assembly to act upon, and the probable time it will require to complete the necessary legislation, and report same with their opinion as to the earliest day this General Assembly can adjourn *sine die*.

Committee to examine and report.

This resolution to be in force from the date of its adoption.  
Ratified the 22d day of February, A. D. 1875.

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RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS.

*Resolved by the House of Representatives, the Senate concurring,* That our Senators and Representatives in Congress be and they are hereby requested to use their influence in securing an adequate appropriation for the erection of two light houses on the Albemarle Sound, to-wit: One on the south side at Laurel Point, and one on the north side at Stephens' Point.

Light houses on Albemarle sound.

Ratified the 22d day of February, A. D. 1875.

RESOLUTION AUTHORIZING THE ENGROSSING CLERKS AND ENROLLING CLERK TO EMPLOY ADDITIONAL ASSISTANCE.

Additional assistance.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* That the enrolling clerk of the General Assembly and the engrossing clerks of the Senate and House be authorized to employ such additional assistance during the remainder of the session as may be necessary.

SEC. 2. This resolution shall take effect from its passage. Ratified the 20th day of February, A. D. 1875.

RESOLUTION ON THE SUBJECT OF AN ASYLUM.

Committee to examine and report.

*Resolved by the Senate, the House of Representatives concurring,* That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to visit the cities of Statesville, Morganton, Asheville, Thomasville, High Point and such other places in the Western part of the State as they may deem fit during the next week, and inquire and report to this General Assembly the practicability and inducements offered for locating a western Insane Asylum of North Carolina in the places visited; the value of any grounds or buildings proposed to be sold or donated to the State, and all other matters pertaining to the subject of a location of an asylum in the western part of the State.

Ratified the 23d day of February, A. D. 1875.

RESOLUTION REQUESTING REPRESENTATIVES IN CONGRESS TO  
AMEND PENSION LAWS.

WHEREAS, An act of Congress approved February four- Preamble.  
teenth, Anno Domini one thousand eight hundred and sev-  
enty-one, giving pensions to the widows of the soldiers of  
the war of one thousand eight hundred and twelve, contains  
a provision limiting its benefit to such widows as were mar-  
ried at the ratification of the treaty of peace, thereby ex-  
cluding all such widows as were married at a subsequent  
time; and whereas, such provision is not founded upon any  
principle of just discrimination; therefore,

*Be it resolved by the House of Representatives, the Sen- Ask amendment.*  
*ate concurring,* That Congress be requested so to amend  
such act as that all such widows of such soldiers as have  
heretofore been excluded from the benefits may be admitted  
thereto without regard to time at which they were married,  
and that they be allowed to draw their pensions under pas-  
sage of the original act.

*And be it further resolved,* That our Representatives in  
Congress be requested to use their best efforts and influence  
in thus amending said act.

*Resolved further,* That our Representatives and Senators Pension for sol-  
are requested to use their influence for the passage of an act diers in Mexican,]  
allowing pensions to the soldiers of the Mexican war; and war.  
also to use their influence to have the widows of Confede-  
rate soldiers and officers who served in the army of the  
United States prior to the war between the States included  
in all pension bills, and also such officers and soldiers who  
have been debarred from receiving pensions by reason of  
service in the Confederate army and the existing laws on  
the subject.

Ratified the 24th day of February, A. D. 1875.

## RESOLUTION IN RELATION TO HEATING THE CAPITOL.

Plans for heating.

*Resolved*, That the Speaker of the House and President of the Senate and Auditor be and they are hereby authorized to advertise for plans and specifications, and to select and decide upon the proper mode and expense of heating the capitol, subject to the approval of the General Assembly, and the Governor be and he is hereby authorized to order the payment of the same upon the satisfactory completion of the work.

Ratified the 27th day of February, A. D. 1875.

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## RESOLUTION TO PAY CLERK OF THE JOINT COMMITTEE ON STATE RAILROADS.

C. E. Johnson \$40  
for clerical services.

*Resolved by the Senate, the House of Representatives concurring*, That the Treasurer be and he is hereby instructed to pay to C. E. Johnson, Jr., the sum of forty dollars for clerical services rendered the joint committee on State railroads, and the Auditor shall audit the account for the same.

This resolution shall be in force from its ratification.

Ratified the 24th day of February, A. D. 1875.

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## RESOLUTION IN RELATION TO THE JOURNAL OF EDUCATION.

\$700 for Journal of  
Education.

*Resolved by the House of Representatives, the Senate concurring*, That the Auditor be and is hereby directed to authorize Stephen D. Pool, Superintendent of Public Instruction, to draw on the Treasurer of the State for seven hundred dollars in payment for fifteen hundred copies of the

Journal of Education, to be furnished by the said S. D. Pool to the school officers in the different counties of the State, said payment to be made when the Auditor is satisfied as in the case of patrons of other papers that said Journal has been or will be furnished as above stated monthly for one year: *Provided*, That the editor of said Journal shall agree to publish free of charge the school laws, and all rules, regulations and such other papers as the Superintendent of Public Instruction shall from time to time deem necessary and useful for the improvement and successful operation of the school system of the State, and for the information of teachers and boards of education; and it shall be the duty of the Superintendent of Public Instruction to make this Journal the regular medium for such advertisements as are required by law: *Provided, further*, That the appropriation hereby made shall come out of the school fund.

Ratified the 27th day of February, A. D. 1875.

RESOLUTION IN RELATION TO THE WESTERN NORTH CAROLINA RAILROAD.

*Resolved by the House of Representatives, the Senate concurring*, That the President of the Senate and the Speaker of the House be authorized and instructed to consult with the holders of the claims in the decree of foreclosure of mortgage on the Western North Carolina Railroad and ascertain upon what terms they can purchase the same for the State, subject to the approval of this General Assembly, and that they report at the earliest day practicable, to the end that this property of the State be secured, if the same can be done at such price as the General Assembly may approve: *Provided*, That nothing done or said by the Speaker of the House and President of the Senate shall in anywise bind

To ascertain price of claims and report.

Proviso.

the State or any of its agents, or in the least acknowledge the validity of any of said claims.

Ratified the 1st day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF W. H. MORRISS & CO.

§25 for chair.

1. *Resolved by the Senate, the House of Representatives concurring*, That the Treasurer, upon the warrant of the Auditor, pay to Wm. H. Morriss & Co. the sum of twenty-five dollars for one revolving chair furnished the Senate for the use of the President.

2. That this resolution be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1875.

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RESOLUTION IN REGARD TO THE LOVEJOY ACADEMY.

Committee to lease

SECTION 1. *Resolved by the Senate, the House of Representatives concurring*, That the joint committee on public buildings and grounds be and they are hereby instructed to lease to Jefferson M. Lovejoy, Esq., the school house on Burke square known as Lovejoy Academy, upon such terms and for a period not exceeding ten years, for the purpose of a school of high grade, as will secure the preservation and yearly repair of this property.

SEC. 2. *Resolved*, That this resolution be in force from its ratification.

Ratified the 2d day of March, A. D. 1875.

RESOLUTION IN RELATION TO THE SALARY OF JUDGE M'KOY,  
FOR THE FOURTH DISTRICT, ONE THOUSAND EIGHT HUNDRED  
AND SEVENTY-FOUR.

WHEREAS, His Excellency, Governor Brogden, made a Preamble.  
deduction of one hundred dollars from the salary of A. A.  
McKoy, Judge of the Fourth Judicial District, on account  
of the failure of Judge McKoy to produce a certificate of  
having held the Fall Term, one thousand eight hundred  
and seventy-four, of Carteret Superior Court; *and whereas*,  
Judge McKoy could not possibly hold said Court, for the  
reason that at the time appointed by law for the holding of  
the Fall Term, one thousand eight hundred and seventy-  
four, of Carteret Superior Court, he had not received his  
commission as Judge as aforesaid; therefore,

*Resolved*, That the Governor be, and he is hereby, author- Paid \$100.  
ized and empowered to issue his warrant upon the Treas-  
urer of State for the amount heretofore deducted from the  
salary of Judge McKoy, as aforesaid, and that the Treasurer  
be, and he is hereby, instructed to pay the same out of the  
money in the Treasury appropriated for the payment of the  
salaries of Judges.

Ratified the 5th day of March, A. D. 1875.

RESOLUTION RELATIVE TO PARDON, &C.

WHEREAS, At the Fall Term, one thousand eight hun- Preamble.  
dred and seventy-three, of the Superior Court of Tyrrell  
county, one Mack Ransom, together with Jacob Heath and  
Benjamin Ransom, were indicted and convicted of larceny,  
and sentenced to the Penitentiary for three years, where  
they now are; *and whereas*, a petition for the pardon of  
said Mack Ransom is now before the Governor of the State,

signed by the Judge and Solicitor and other prominent citizens of said district; *and whereas*, section thirty-seven, chapter seventy-eight, of Battle's Revisal, provides that all applications for pardon shall be accompanied with a certified copy of the indictment and all the other proceedings in the case; *and whereas*, a certified copy of the proceedings in said case accompanies the petition aforesaid, as provided in said section, except the indictment, which, by affidavit of the Clerk of the Superior Court aforesaid, appears to have been lost or misplaced so that it cannot now be found; therefore,

*Resolved by the Senate, the House of Representatives concurring*, That if, in the opinion of the Governor, the reasons contained in said petition make out a sufficient case for the exercise of Executive clemency, then the absence of a copy of the indictment aforesaid shall not be deemed a good cause for withholding the same, but it may be exercised as if a certified copy accompanied the petition.

Ratified the 9th day of March, A. D. 1875.

Governor may pardon without indictment, &c.

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RESOLUTION IN FAVOR OF J. H. ENNISS.

*Resolved by the House of Representatives, the Senate concurring*, That the Public Treasurer be, and is hereby, authorized, upon warrant of the Auditor, to pay unto James H. Enniss the sum of eighty-eight (\$88.00) dollars for stationery.

That this resolution shall take effect from and after its ratification.

Ratified the 10th day of March, A. D. 1875.

\$88 for stationery.

JOINT RESOLUTION TO PAY ACTUAL EXPENSES OF COMMITTEE  
ON WESTERN INSANE ASYLUM.

*Resolved by the Senate, the House of Representatives concurring,* That the Auditor is hereby instructed to audit and the Treasurer to pay the actual expenses of the committee appointed to visit Statesville, Morganton, Asheville and other places, with a view of reporting a suitable location for an Insane Asylum.

Actual expenses paid.

Ratified the 12th day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF J. E. MORRIS.

*Resolved by the Senate, the House of Representatives concurring,* That the Public Treasurer be and he is hereby authorized and required to pay to James E. Morris the sum of ten dollars for services rendered in packing, draying and forwarding State arms (left in Newbern during the Kirk war) to the State arsenal, the same having been authorized by the Adjutant General.

\$10 allowed for forwarding arms.

Ratified the 15th day of March, A. D. 1875.

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JOINT RESOLUTION AS TO VACANT LOT IN THE CITY OF RALEIGH  
BELONGING TO THE STATE.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That the vacant lot in front of the Colored Institute for the Deaf and Dumb and the Blind, in the city of Raleigh, be placed at the disposal of the directors of the Institution for the Deaf and Dumb and the Blind, to

Turned over to colored institution.

be used as a garden until otherwise ordered or provided for by law.

SEC. 2. This resolution shall take effect from and after its ratification.

Ratified the 15th day of March, A. D. 1875.

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JOINT RESOLUTION IN RELATION TO THE BOARD OF PUBLIC CHARITIES.

Dr. Murphy re-appointed.

*Resolved by the Senate, the House of Representatives concurring,* That Dr. C. T. Murphy be re-appointed a member of the Board of Public Charities, said appointment to take effect from the first of July, Anno Domini eighteen hundred and seventy-five.

Dr. Blacknall re-appointed.

*Resolved, further,* That Dr. G. W. Blacknall be re-appointed a member of the Board of Public Charities, said appointment to take effect from the first of July, Anno Domini eighteen hundred and seventy six.

That this resolution be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1875.

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JOINT RESOLUTION OF ENQUIRY IN REFERENCE TO DEPOSITS MADE BY THE STATE TREASURER.

Inquiry as to deposits.

*Resolved by the Senate, the House of Representatives concurring,* That a committee of five be raised, two from the Senate and three on the part of the House of Representatives, to enquire whether the Treasurer of the State is not indebted to the State by reason of interest received and not

accounted for on the deposits of the public moneys. Said committee shall have power to send for persons and papers.

Ratified the 17th day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF JAMES H. ENNISS.

*Resolved*, That the Treasurer pay to James H. Enniss <sup>\$12 for stationery.</sup> twelve dollars for stationery furnished the House of Representatives.

Ratified the 15th day of March, A. D. 1875.

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RESOLUTION OF INSTRUCTION TO STATE TREASURER.

*Resolved by the House of Representatives, the Senate con-* <sup>Not to pay, &c.</sup>  
*curring*, That the State Treasurer be and the same is hereby directed in paying out moneys to the different charitable and penal institutions of the State at no time (except under special circumstances, as for wholesale purchases, etc.,) to pay out more than the estimated amount needed for the succeeding month.

Ratified the 17th day of March, A. D. 1875.

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RESOLUTION IN RELATION TO THE CHESAPEAKE AND ALBEMARLE CANAL COMPANY.

WHEREAS, The Joint Select Committee appointed to in- <sup>Preamble.</sup>  
vestigate the affairs of the Albemarle and Chesapeake Canal Company in their report say they cannot make the necessary

investigation of the affairs of the said Company during the present session of the Legislature ; therefore,

*Be it resolved by the House of Representatives, the Senate concurring,* That said committee be authorized and empowered to investigate the affairs of said Company at such times and places as to them may seem best, and make their report to the Governor of the State who shall transmit the same to the next session of the General Assembly: *Provided,* The expenses of this not to exceed \$250.

Provi. o.

Ratified the 15th day of March, A. D. 1875.

RESOLUTION CONCERNING EDUCATIONAL INTEREST OF CHEROKEE.

Preamble.

WHEREAS, The State owns one acre of land, more or less, situated within the corporate limits of the village of Murphy, in Cherokee county, which was many years ago set apart and devoted exclusively to school purposes in said county ; *and whereas,* the citizens of said village have from their own private property expended a considerable sum in erecting and repairing buildings for school purposes thereon ; *and whereas,* it is the duty of the State to encourage, promote and foster educational interest whenever it is within its power to do so ; therefore, for the purpose of encouraging private citizens from their individual means in the support of institutions of learning,

Donated.

SECTION 1. *Be it resolved by the House of Representatives, the Senate concurring,* That the property in Cherokee county known as Mount Pleasant Academy, (the property mentioned in the preamble), be and the same is hereby donated, transferred and conveyed to the county of Cherokee, to be kept and used solely for educational purposes, subject to the control of a board of trustees to be appointed biennially by the county board of education from the citizens of Cherokee.

SEC. 2. That when the property mentioned in section first To revert, when. of this act shall be used and devoted to other purposes than those of education, then the said property, together with all the improvements that shall have been made thereon, shall revert to the State: *Provided*, That nothing in this act shall be construed to prohibit the sale of said property in order to purchase other property to be used for like purposes when in the opinion of the trustees of said property and the commissioners of the county the educational interests demand it: *Provided further*, That the proceeds that may arise from the sale of said property in all cases be invested in or near the town of Murphy, subject to the reversionary interest of the State as aforesaid.

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

Ratified the 3d day of February, A. D. 1875.

RESOLUTION OF INQUIRY INTO THE AFFAIRS OF THE ALBEMARLE  
AND CHESAPEAKE CANAL COMPANY.

*Resolved by the House of Representatives, the Senate con-* Committee to in-  
*cursing*, That a committee of three upon the part of the vestigate. House and two on the part of the Senate be appointed to investigate the affairs of the Albemarle Canal Company, and have power to send for persons and papers and administer oaths, and if in their opinion it is necessary, have rights to go to Norfolk and make said investigation, and report as soon as practicable by bill or otherwise. That a copy of these resolutions be sent to the Virginia Legislature, with request that said committee be empowered by the Legislature of that State to send for persons and papers and make any necessary examination in the State of Virginia.

Ratified the 5th day of February, A. D. 1875.

RESOLUTION TO PAY PRINCIPAL CLERKS FOR PREPARING  
PRINTED CALENDAR.

Pays Clerks for  
Calendars \$50 each.

*Be it resolved by the House of Representatives, the Senate concurring,* That the principal clerks of the two Houses be allowed the sum of fifty dollars each in consideration of preparing for publication a calendar under resolution eighty-five, a resolution in regard to the title of laws, undisposed of bills, &c., ratified nineteenth day of December, one thousand eight hundred and seventy-four, and the said claim shall be proved before the Speaker of the House and President of the Senate, and be audited and paid in like manner as all other claims for per diem and mileage of the General Assembly.

Ratified the 6th day of February, A. D. 1875.

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RESOLUTION CONCERNING A CUSTOM HOUSE AND OTHER USE-  
FUL IMPROVEMENTS IN THE CITY OF NEWBERN, N. C.

Appropriation  
asked.

*Resolved,* That our Representatives in Congress are hereby requested to urge upon Congress to pass a bill making an appropriation for the building a Post Office and Custom House and United States Court House in the city of Newbern, N. C.

This resolution shall take effect from its passage.

Ratified the fifth day of February, A. D. 1875.

RESOLUTION TO AUTHORIZE THE ENROSSING CLERK OF THE  
HOUSE TO EMPLOY ADDITIONAL CLERICAL AID.

SECTION 1. *Resolved by the House of Representatives,* Additional clerical aid. *the Senate concurring,* That the Engrossing Clerk of the House be authorized to employ such clerical assistance for the remainder of the present session as may be necessary: *Provided,* The compensation of assistance shall not exceed three dollars per day.

SEC. 2. That this resolution shall take effect from the eighteenth day of January.

Ratified the 8th day of February, A. D. 1875.

RESOLUTION TO PAY WITNESS AND CLERK IN THE ONDER-  
DONK INVESTIGATION.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* Pay of clerk and witness. That the Treasurer be authorized and instructed to pay out of any moneys in the Treasury not otherwise appropriated, to P. H. Winston, Jr., clerk of the committee authorized to investigate the charges of H. G. Onderdonk against the Carolina Central Railroad, and duly authorized to employ a clerk by resolution of the Senate, the sum of fifty (\$50.00) dollars for services rendered. That the Treasurer be further instructed to pay Wm. M. Shipp, Esq., out of any moneys in the Treasury not otherwise appropriated, the sum of thirty-nine dollars, mileage and *per diem*, who was duly summoned to appear before said committee, which was authorized and empowered to send for persons and papers.

SEC. 2. That this resolution shall take effect from its ratification.

Ratified the 18th day of February, A. D. 1875.

RESOLUTION TO ALLOW JOINT COMMITTEE ON RAILROADS TO  
EMPLOY CLERICAL ASSISTANCE.

May employ clerk.

*Resolved by the Senate, the House of Representatives concurring,* That the Joint Committee to investigate affairs of railroads in which the State has an interest be authorized to employ such clerical assistance as may be necessary for the proper discharge of its duties.

Ratified the 18th day of February, A. D. 1875.

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RESOLUTION IN FAVOR OF JAMES H. ENNISS.

§21 for stationery.

*Resolved by the Senate, the House of Representatives concurring,* That the Public Treasurer be authorized and directed to pay to James H. Enniss, agent, twenty-one dollars out of any moneys in the treasury not otherwise appropriated, for stationery purchased by the Clerk of the Senate for the use of the Senate.

This resolution shall take effect from its passage.

Ratified the 3d day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF SARAH E. WILDER, EXECUTRIX.

Tax refunded.

*Resolved by the Senate, the House of Representatives concurring,* That the Public Treasurer be and he is hereby directed to pay to Sarah E. Wilder, executrix, the sum of fifty dollars out of any moneys in the treasury not otherwise appropriated, being amount of State tax for one thousand eight hundred and seventy-three, overpaid by mistake.

This resolution shall take effect from its passage.

Ratified the 17th day of March, A. D. 1875.

## RESOLUTION CONCERNING THE OUT-HOUSE OF THE CAPITOL.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* That the Keeper of the Capitol, Henry M. Miller, be authorized and directed to advertise for bids for cleaning out the out-house on the north-west corner of the Capitol grove, and that said bids shall be enclosed in a sealed envelope and each marked "Bids for cleaning Capitol Privy:" *Provided,* That the cost of advertisement shall not exceed five dollars.

Keeper to advertise.

Proviso.

SEC. 2. That the bids shall be opened in the presence of the Governor, the Treasurer and the Keeper of the Capitol, and the lowest bidder shall be awarded the contract and shall file his bond payable to the State of North Carolina in the penal sum of two hundred dollars, to clean out and remove the ordure in the said out-house within thirty days after the approval of the bid and of the bond, which last shall require the approval of the Treasurer to make it valid.

Lowest bidder.

SEC. 3. That the Auditor is hereby authorized and directed to audit the account of the successful bidder upon the approval of the same by the Governor, the Secretary of State and the Keeper of the Capitol.

To Audit.

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

Ratified the 17th day of March, A. D. 1875.

## RESOLUTION IN FAVOR OF JOSEPH MARSHALL, LATE SHERIFF OF STANLY COUNTY.

*Resolved by the House of Representatives, the Senate concurring,* That the Public Treasurer pay to Joseph Marshall, former sheriff of Stanly county, the sum of fifty-four dollars for over payment in the case lately in the Superior

§54 refunded.

Court of said county of the State of North Carolina against the board of county commissioners.

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

Ratified the 16th day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF WITNESSES IN THE MATTER OF J.  
WILLIAMS THORNE.

Treasurer to pay.

*The General Assembly of North Carolina do resolve,* That the Treasurer be, and he is hereby, authorized and instructed to pay out of any moneys in the treasury not otherwise appropriated, the following sums, to-wit:

B. H. Lippencott, Annie Pusey and Lizzie T. Walton, the sum of sixteen dollars and ten cents each, for their attendance before the House Committee on Privileges and Elections in the matter of J. Williams Thorne.

Ratified the 16th day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF S. TRIVETT.

\$11.30 refunded.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That the Treasurer of the State be, and he is hereby, authorized and directed to refund to S. Trivett eleven dollars and thirty cents, paid by him through a mistake on land grant in favor of M. S. Sevedge, No. 3,773, of Ashe county, and that the Secretary of State be required to cancel said grant and the registration thereof.

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

Ratified the 16th day of March, A. D. 1875.

## RESOLUTION IN FAVOR OF GODFREY KEEBLER.

WHEREAS, Godfrey Keebler paid into the public treasury on November-fifth, one thousand eight hundred and seventy-four, fifty dollars for license to carry on business in this State, in ignorance of the law; *and whereas*, no tax is required from the said Godfrey Keebler to carry on said business, he being a manufacturer within the meaning of the revenue law; therefore, Preamble.

*Be it resolved by the Senate, the House of Representatives* Tax refunded.  
*concurring*, That the Public Treasurer be directed to pay to the said Godfrey Keebler fifty dollars out of any money in the treasury not otherwise appropriated.

This resolution shall take effect from its ratification.

Ratified the 18th day of March, A. D. 1875.

## RESOLUTION IN FAVOR OF THE CLERKS OF THIS GENERAL ASSEMBLY.

*Resolved by the House of Representatives, the Senate concurring*, That the Principal Clerks of the Senate and House of Representatives be each allowed one hundred and fifty dollars for extra work, and that the Assistant Clerk of the Senate and the Assistant Clerk of the House of Representatives and the Enrolling Clerk and Engrossing Clerks be allowed each one hundred and fifty dollars for extra work. Allowance of \$150  
for extra work.

This resolution shall take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

RESOLUTION PROVIDING FOR PAYMENT OF WARRANT NUMBER  
SIX HUNDRED AND SEVENTY-EIGHT, SIGNED BY JOHN REILLY.

In favor of Pinkney  
Rollins & Co.

*Resolved*, That the Public Treasurer pay Pinkney Rollins & Co. eight hundred and forty dollars, balance due on State warrant number six hundred and seventy-eight, dated February the nineteenth, one thousand eight hundred and seventy-four, signed by John Reilly, State Auditor, which was not paid in consequence of an omission in the act passed at the present session of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, providing for the same.

Ratified the 20th day of March, A. D. 1875.

RESOLUTION ON ADJOURNMENT.

March 22d, 1875.

*Resolved by the House of Representatives, the Senate concurring*, That this General Assembly adjourn *sine die* on Monday, the twenty-second of March, one thousand eight hundred and seventy-five, at twelve o'clock, M.

Ratified the 20th day of March, A. D. 1875.

RESOLUTION IN FAVOR K. HAYNES, SHERIFF OF COLUMBUS  
COUNTY.

Paid for arrest of  
convict.

SECTION 1. *The General Assembly of North Carolina do resolve*, That the Auditor be required to audit and the Treasurer to pay K. Haynes, sheriff of Columbus county, the sum of twenty dollars and sixty cents (\$20.60), expenses incurred

in the recapture of convict Jackson Webb, and conveying the same to the Penitentiary.

SEC. 2. This resolution shall take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

RESOLUTION IN REGARD TO CLOTH IN THE HANDS OF THE KEEPER  
OF THE CAPITOL.

WHEREAS, There are various articles of cloth, &c., which belong to the State, and which were used at the funeral of the late Governor Tod R. Caldwell, now in the hands of the Keeper of the Capitol; therefore, Preamble.

*Be it resolved by the House of Representatives, the Senate concurring,* That the Keeper of the Capitol be, and is hereby instructed to give all such articles to J. H. Mills, Superintendent of the Oxford Asylum, for the benefit of the orphans. Instructions to  
keeper.

Ratified the 22d day of March, A. D. 1875.

RESOLUTION CONCERNING CERTAIN COMMISSIONERS.

*Resolved by the House of Representatives, the Senate concurring,* That the commissioners appointed to build and construct an Insane Asylum at Morganton shall have power to fill any vacancy occurring in said commission by declension, death or resignation. Board to fill vacan  
cies.

Ratified the 22d day of March, A. D. 1875.

## RESOLUTION IN FAVOR OF W. M. MOORE.

Claims to be paid.

*Resolved by the Senate, the House of Representatives concurring,* That the Auditor of the State be, and he is hereby, directed to audit the claims of W. M. Moore, one of the commissioners on the Marion and Asheville Turnpike, whenever the said W. M. Moore shall file in his office a written statement of the amount due him by the State, sworn to before a Superior Court clerk of the State, duly authenticated by the official seal of said clerk, and to issue his warrant upon the treasury for the same, to be paid out of the moneys appropriated during the present session for the purpose of paying the contractors and employees on said road: *Provided,* The amount of said claim shall be deducted from the amount of a warrant issued to William Smith under a resolution ratified the 21st day of February, one thousand eight hundred and seventy-one.

A. TOVISO.

Ratified the 22d day of March, A. D. 1875.

## JOINT RESOLUTION ON SUPERINTENDENT OF INSANE ASYLUM.

Superintendent to make estimates.

*Resolved by the Senate, the House of Representatives concurring,* That the Superintendent of the Insane Asylum, with the approval of the executive committee, shall make the estimates provided for under a resolution ratified March seventeenth, one thousand eight hundred and seventy-five.

Ratified the 22d day of March, A. D. 1875.

RESOLUTION IN REGARD TO THE CENTENNIAL OF AMERICAN  
INDEPENDENCE.

WHEREAS, On the fourth day of July, one thousand eight hundred and seventy-six, the Centennial of American Independence will be celebrated in Philadelphia, where the great declaration was made; *and whereas*, it is proposed at that time to gather up the industries of the States and to show their resources to a world assembled; *and whereas*, at this most proper time to bury the animosity of past years and in brotherly kindness to commence the march of another century, North Carolina, present at the birth, ought not to be absent from the manhood festival of American freedom; therefore,

*Be it resolved by the General Assembly of North Carolina*, That our State ought to be represented in the Centennial celebration, to be held at Philadelphia, in the persons of her sons and daughters, and in the exhibition of her resources, her products and her manufactures. That we recommend to the people to fill up the North Carolina department in this great exhibition with a bountiful supply of and varied products, and go themselves to this peaceful reunion of a reconciled people, and assist in the opening of a new century of prosperity and peace.

Ratified the 22d day of March, A. D. 1875.

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RESOLUTION IN FAVOR OF GEORGE D. MILLER.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That Geo. D. Miller, for clerical assistance rendered the principal clerk of the House of Representatives, be allowed the sum of one hundred dollars (\$100).

\$100 for clerical  
assistance.

SEC. 2. This resolution shall take effect from and after its ratification.

Ratified the 20th day of March, A. D. 1875.

RESOLUTION CONCERNING THE FUNERAL EXPENSES OF THE LATE  
GOVERNOR TOD R. CALDWELL.

Treasurer to pay.

*Resolved by the Senate, the House of Representatives concurring,* That the Public Treasurer be, and he is hereby, authorized and directed to pay out of any moneys in the treasury not otherwise appropriated, the following amounts to the persons named herein, being the funeral expenses of the late Governor Caldwell, to-wit: To Henry T. Clawson, twenty-five dollars; to W. H. & R. S. Tucker & Co., one hundred and three dollars and sixty-four cents; to Mrs. Harriet Andrews, one hundred and fifty-one dollars and fifty cents; to Henry J. Brown, sixty-six dollars and eighty cents; to Rufus Haywood, thirty-five dollars; to Citizens' Cornet Band, thirty-one dollars; to Mrs. Isaac Cettinger, forty-nine dollars and eighty cents; to A. Creech, forty-six dollars and ninety cents; to D. S. Waitt, twenty-seven dollars and forty cents; to H. S. Keith, twenty-five dollars; to Wynne, Yancey & Co., twenty-eight dollars and fifty cents; to J. D. Newsom, sixteen dollars; to Petty & Jones, thirteen dollars and forty-eight cents; to M. Rosenbaum, eleven dollars and eighty-seven cents; to H. Mahler, three dollars and fifty cents; to Western Union Telegraph Company, thirty-one dollars and fifty cents; to G. W. Blacknall, fifty dollars.

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

Ratified the 20th day of March, A. D. 1875.

RESOLUTION IN REGARD TO THE BATTERY OF ARTILLERY BELONGING TO THIS STATE.

*Resolved by the House of Representatives, the Senate concurring,* That the Adjutant General, the Governor and the Keeper of the Capitol be, and they are hereby, authorized and directed to cause to be erected, on Moore Square, in the city of Raleigh, a building for the safe keeping and protection of the battery of artillery belonging to the State: *Provided,* The cost of the said building does not exceed the sum of five hundred dollars. \$500 to build shed.

That the Auditor is hereby directed to audit, and the Treasurer to pay, such accounts for the erection of said building as shall be approved by the Adjutant General, the Governor and the Keeper of the Capitol, not exceeding said sum. To audit and pay.

Ratified the 20th day of March, A. D. 1875.

RESOLUTION CONCERNING AN APPEAL TO THE SUPREME COURT OF THE UNITED STATES.

*Resolved,* That his Excellency, C. H. Brogden, Governor of North Carolina, R. F. Armfield, of Iredell, and James L. Robinson, of Macon, be and they are hereby empowered and instructed, on behalf of the State of North Carolina, to pray an appeal in the suit now pending in the Circuit Court of the United States for the Western District of North Carolina, at Greensboro, entitled "Henry Clews, Hiram Sibley, and others, against The Western North Carolina Railroad, (Eastern Division), and others;" or to cause the said action to be removed for adjudication to the Supreme Court of the United States by bill of review, and that the said persons or a majority of them shall have power to withdraw said appeal. Instructed to pray an appeal.

whenever in their discretion they deem it best for the public interest to do so.

Request of Judge  
Dick.

*Resolved further*, That his Honor, R. P. Dick, be requested in the name of the State of North Carolina to entrust the management of the Eastern Division of the Western North Carolina Railroad to said C. H. Brogden, R. F. Armfield and James L. Robinson, by appointing them receivers pending said appeal, provided that they shall file the requisite bond.

*Resolved further*, That any citizens of this State who may go upon the appeal bond herein provided for shall be indemnified against loss by the State.

Ratified the 20th day of March, A. D. 1875.

RESOLUTION IN FAVOR OF JAMES FARRISS AND JAMES LUMLEY.

Allows 50 cents  
per day, &c.

*Resolved*, That the Public Treasurer pay to James Farriss and James Lumley the sum of fifty cents each per day for their services in the House of Representatives during the present session as employees of the doorkeeper, and to Thomas Stephenson the sum of ten dollars for a drop light for the use of the enrolling clerk's office, and to James H. Enniss two dollars for stationery. That the said James Farriss and James Lumley shall prove the number of days which they have attended before the chief clerk, and upon the presentation of his certificate to the Auditor he shall audit the account for the amount.

That this resolution be in force from and after its ratification.

Ratified the 20th day of March, A. D. 1875.

RESOLUTION IN REGARD TO THE DOORKEEPERS AND PAGES OF  
THIS GENERAL ASSEMBLY.

*Resolved by the House of Representatives, the Senate concurring,* That the principal and assistant doorkeepers of this General Assembly be allowed each for extra services the sum of twenty-five dollars. And that the three pages of the House and Senate be allowed the sum of ten dollars each for attending to the cleaning up and putting in order of the chambers of this General Assembly after the adjournment of the same.

Allows Doorkeeper  
\$25 for extra ser-  
vices.

Allows pages for  
cleaning up \$10.

This resolution shall take effect from and after its passage.  
Ratified the 20th day of March, A. D. 1875.



PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION 1874-'75,

BEGUN AND HELD IN THE

CITY OF RALEIGH,

On Monday, the sixteenth day of November, A. D. 1874.

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PUBLISHED BY AUTHORITY.

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RALEIGH:

JOSIAH TURNER, STATE PRINTER AND BINDER.

1875.



PRIVATE LAWS  
OF THE  
STATE OF NORTH CAROLINA,  
SESSION 1874-'75.



CHAPTER I.

AN ACT TO INCORPORATE MONROE HIGH SCHOOL, IN THE COUNTY  
OF UNION.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. A. Luney, E. A. Armfield, L. DeRossett, Amos F. Stevens, Benjamin F. Houston, Thomas D. Winchester, William H. Trott, John D. Stewart, Samuel H. Walkup, Wm. H. Fitzgerald, William C. Ogburn, George W. Flow, Abram H. Crowell, Dr. Isaac Blair, Dr. Thomas W. Bicket, J. J. Hasty, S. S. S. McCauley, W. W. Blakeney, John Shute, C. Austin, Marquis Austin, John M. Thomas, Dr. J. W. Doster, Wm. H. Simpson and Hugh M. Houston, and their successors be, and they are hereby, constituted a body politic and corporate, by the name and style of Monroe High School, and by that name shall sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, may acquire by purchase, gift or otherwise to them and their successors, estates, real and personal, for the use of said High School, to a value not exceeding in the aggregate fifty thousand dollars, and enjoy and exercise all

Body politic.

other powers, privileges and immunities conferred by law upon bodies corporate of a like nature.

Quorum.

SEC. 2. That any five of the corporators shall constitute a quorum for the transaction of business, and in case of vacancy by refusal to act, or by death, removal, resignation or otherwise, such vacancy may be filled at any general or called meeting of the corporators by a majority of corporators present, provided the same shall constitute a quorum.

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

Ratified the —— day of December, A. D. 1874.

## CHAPTER II.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-SIX OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

Chap. 246, laws of 1870-'71, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter two hundred and forty-six of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be amended by striking out after the word "toll" in line ten of said chapter all the words to the word "as" in said line ten of said chapter.

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

Ratified the 16th day of December, A. D. 1874.

## CHAPTER III.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE DIAMOND COTTON CHOPPER AND CULTIVATOR COMPANY, RATIFIED JANUARY SEVENTEENTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one be amended by inserting between the words "J. W. Hinsdale" and "Jos. B. Underwood" the word "Thomas W. Broadfoot," and by adding after the words "courts of this State" the following words, viz: "and shall have power to carry on a general commercial and manufacturing business and to borrow and loan money."

Thos. W. Broadfoot made a director.

Powers enlarged.

SEC. 2. That section two be amended by inserting after the word "Cultivator" the words "and other agricultural implements," and by adding after the words "two hundred thousand dollars" the words "but any increase in the capital stock over the first twenty thousand may be inserted at the discretion of the directors of the said company."

Capital stock increased.

SEC. 3. That section three be amended by inserting between the words "John W. Hinsdale" and "Joseph W. Underwood" the word "Thomas W. Broadfoot."

SEC. 4. That section four be amended by substituting the word "three" for the word "four."

SEC. 5. That section five be repealed.

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

Ratified the 18th day of December, A. D. 1874.

## CHAPTER IV.

A ACT TO REPEAL CHAPTER ONE HUNDRED AND SIXTY-SIX, LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN THE TOWN OF SWANSBORO', OR WITHIN SIX MILES THEREOF, IN THE COUNTY OF ONSLOW.

Law prohibiting sale of liquor in Swansboro' repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and sixty-six, (166) laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, an act entitled an act to prohibit the sale of intoxicating liquors in the town of Swansboro', or within six (6) miles thereof, in the county of Onslow, be and the same is hereby repealed.

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

Ratified the 19th day of December, A. D. 1874.

## CHAPTER V.

AN ACT SUPPLEMENTAL TO AN ACT TO AMEND AN ACT ENTITLED AN ACT TO RENEW THE CHARTER OF THE RICHMOND MANUFACTURING COMPANY, PASSED AT SESSION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AND RATIFIED ON THE TENTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Great Falls Manufacturing Company shall have authority to employ any motive power they may con-

General authority to Company.

sider conducive to their interests, and to erect dams, buildings, and do all other work necessary to the improvement of the same, and may make and use machinery, tools and implements for their own use and for sale.

SEC. 2. That all laws and parts of laws in conflict with this act, or inconsistent therewith, be, and the same are hereby, repealed. Repealing clause.

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

Ratified the 19th day of December, A. D. 1874.

## CHAPTER VI.

AN ACT TO REPEAL CHAPTER FORTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, IN REGARD TO INSPECTOR OF WOOD AND COAL FOR THE CITY OF RALEIGH.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter forty-one, private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled "An act authorizing and empowering the Commissioners of the city of Raleigh to appoint an inspector of wood and coal," be, and the same is hereby, repealed. Law authorizing appointment of wood inspector repealed.

Ratified the 19th day of December, A. D. 1874.

## CHAPTER VII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-TWO, SECTION TEN, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, ENTITLED AN ACT TO INCORPORATE THE CENTRAL FIRE INSURANCE COMPANY OF NORTH CAROLINA.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section ten, of chapter one hundred and eighty-two, Private Laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended by striking out the words "one thousand eight hundred and seventy-four" and inserting "one thousand eight hundred and seventy-six."

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

Ratified the 21st day of December, A. D. 1874.

## CHAPTER VIII.

AN ACT TO INCORPORATE THE LIGHT HOUSE CLUB OF CURRITUCK SOUND.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Charles E. Strong, Arthur Amory, Charles G. Franklyn, T. B. Baldwin, George R. Fearing, Gilbert R. Payson, John C. Phillips, F. W. Lawrence, B. W. Crowninshields, Stephen M. Weld and Charles A. Sackett, and their associates and successors, or any five of them, be and they are hereby constituted a body politic and corporate, by the name and style of "The Light House Club of Currituck Sound," for the purpose of hunting wild fowl for pleasure,

and by such name and style may sue and be sued, plead and be impleaded in any court of this State, contract and be contracted with, and have perpetual succession and a common seal.

SEC. 2. Said corporation shall have power to acquire, hold, Powers. use and dispose of marsh and beach lands in the county of Currituck, between Currituck sound and the sea, not exceeding two thousand five hundred acres, and such personal property as may be necessary or desirable for the purpose of said club.

SEC. 3. The stockholders shall have power to make such By-laws. rules, regulations and by-laws for the government of the corporation and the management and disposition of its property as they may deem fit, not inconsistent with the constitution and laws of this State or of the United States.

SEC. 4. The principal office or place of business of said Principal office. corporation shall be at the club house on Currituck beach, in Currituck county.

SEC. 5. *Provided*, That said corporation and the members composing the same shall be subject to all the restrictions in regard to non-residents contained in chapter one hundred and eighteen of Battle's Revisal.

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

Ratified the 23d day of January, A. D. 1875.

## CHAPTER IX.

### AN ACT TO INCORPORATE THE GASTON MINING COMPANY.

WHEREAS, By an act of the General Assembly of the Com- Preamble. monwealth of Pennsylvania, approved the tenth day of April, one thousand eight hundred and sixty-seven, and a supplement thereto, approved the twenty-fourth day of April,

one thousand eight hundred and sixty eight, the "Excelsior Gold and Silver Mining Company of Colorado" was duly incorporated, with power to change its corporate title according to certain provisions of said supplement, and the said company, having first complied with the said provisions, did on the twelfth day of February, one thousand eight hundred and seventy-three, change its corporate title to the Gaston Mining Company; *and whereas*, said corporation is engaged in the development of certain mineral lands in the State of North Carolina and is desirous of becoming incorporated in said State and to acquire such powers as may be requisite for the operations of said company; now therefore,

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the holders and owners of stock in said company, their associates and successors, be and they are hereby created a body politic and corporate by the name, style and title of the Gaston Mining Company, and by such name and title shall have perpetual succession, and shall have power and authority to contract, sue and be sued, and may plead and be impleaded in all courts and places whatsoever, and may have a common seal, with power to change and alter the same at pleasure.

Capital stock.

SEC. 2. The capital stock of said company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and the property of said company in which its capital is now invested shall constitute said capital, and the said shares shall be fully paid and not liable to any further assessments.

Real estate.

SEC. 3. Said company shall have power to acquire, hold and convey in its corporate name any lands, tenements or hereditaments in this State, and may incumber the same by mortgage, trust deed, or otherwise, and may issue bonds secured thereby in such manner as said company may by resolution prescribe, at a rate of interest not exceeding seven per centum per annum: *Provided*, That the said bonds shall not exceed in amount one half the value of the property on which they are secured: *And provided*, That the said com-

Proviso.

pany shall not hold at any one time more than three thousand acres of land.

SEC. 4. Said company may carry on the business of mining Powers. for gold or other mineral substances on any of its property, or any other property which it may lease for the purpose, and may erect houses, mills, shops, stores and such other buildings, fixtures, machinery, works, dams, sluices, and any other improvement necessary for the operations of the company, and may buy and sell produce, supplies, merchandise, or goods and chattels of any description in connection with its other business.

SEC. 5. It shall be lawful for said company to create a Leases. lease or leases for a term or terms of years upon any portion of its property, and subscribe for and hold stock in any corporation or corporations which may be organized for the purpose of working or operating any portion of the company's property either under loan or otherwise, and may distribute such stock amongst its stockholders according to their several interests therein, and said company may likewise take leases upon the property of others for a term or terms of years, and may sub-let the same or any portion thereof.

SEC. 6. It shall be lawful for said company to contract Contracts, &c. debts and enter into obligations of any kind, and issue notes, drafts or other evidences of indebtedness: *Provided*, That such notes or drafts shall not be for general circulation or in the similitude of a bank note, and said company may carry on business in any other State of the United States, and may hold lands or property of any kind in any other State.

SEC. 7. The said company shall have power to build and Powers. operate either a turnpike road, tramway or railway from any point on its property at King's Mountain, by the most direct, eligible and economical route to a point on the Piedmont Air Line Railroad, at or near King's Mountain station, and if said company shall construct a tramway or railway, they may connect the same with said Piedmont Air Line Railroad in such manner and at such point as may be agreed

upon between the said Piedmont Air Line Railroad and the said Gaston Mining Company.

SEC. 8. For the purposes of the foregoing sections it shall be lawful for said company, by its officers or agents, to enter upon land over which it is proposed to construct said turnpike, tramway or railway, for the purpose of surveying, running and laying out the line thereof. After such survey, if it shall be found that the owner or owners of any such land and the said company cannot agree upon the price to be paid by said company for the right of way, it shall be lawful for said company to file a petition to the Judge of the Probate Court of the county in which such lands may lie, praying for the appointment of three or more viewers, whereupon said court shall appoint three or more competent persons to view said premises and assess the damages thereon. The said viewers shall be duly qualified, under oath, to faithfully perform the said duty, and shall thereupon view the premises and assess the amount of damage to be paid for said right of way, and shall file with the clerk of the court a certificate, under oath, setting forth the amount of such assessment. It shall then be lawful for said company to file its bond, with justified security, with said clerk, conditioned for the payment of said damages so assessed as aforesaid to the person or persons entitled thereto whenever the same shall be demanded, and shall then be authorized, without further delay or hindrance, to enter upon such lands and construct said turnpike, tramway or railway, and shall enjoy the exclusive right of way to and over said line so located and constructed as long as said company, its successors or assigns may continue to use the same, and may transport freight and passengers for reasonable compensation.

By-Laws.

SEC. 9. The said company may make any by-laws for the purpose of carrying out the objects of the corporation not inconsistent with existing law, and may therein regulate the form of its organization, the number and style of its officers except as hereinafter provided, the number of its directors the date of the annual meetings of the stock-

holders and the place of meeting, the stated meetings of its board of directors, the mode of calling and holding special meetings, the place where the principal office of the company shall be located, the style of its corporate seal, the mode of altering or amending its by-laws, and any other provision which may be found necessary and convenient for the carrying out the objects of the corporation or for the management of the business of the company.

SEC. 10. The officers of the company shall consist of not less than five directors, a president, vice-president, superintendent, treasurer and secretary, and such other officers as the company may, by its by-laws, provide.

SEC. 11. This act shall become operative and binding whenever the same shall be formally accepted by a resolution of the stockholders of said company, adopted at a meeting to be held for the purpose at such time and place as the president of said company may designate, and upon such adoption or acceptance, the old charter hereinbefore mentioned shall become inoperative and of no effect within this State. Acceptance of charter.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 21st day of January, A. D. 1875.

## CHAPTER X.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NEWPORT,  
IN THE COUNTY OF CARTERET.

SECTION 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the town of Newport shall continue to be as heretofore a body corporate, under the name and style of "The Town of Newport," and under such name are hereby invested with all the privileges, immunities Body corporate.

and franchises, property and all other rights heretofore belonging or appertaining to the town of Newport, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary and expedient.

Officers continued.

SEC. 2. The present mayor and commissioners and other officers of said town shall be and they are hereby declared to be like officers with like powers and duties of the town of Newport until their successors are elected and qualified as hereinafter provided.

Officers when and how elected.

SEC. 3. The officers of the town of Newport shall consist of a mayor and four commissioners, to be elected by ballot on the first Monday in May of each and every year (or such other day as may be designated by the general law of the State for municipal elections); also a constable and secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected and qualified, and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters written or printed and put up at three or more public places within the corporate limits, and if the board of commissioners for the county of Carteret shall fail or neglect to appoint inspectors, two resident citizens (of different political parties) shall be designated by the mayor, who, with himself, shall hold said election.

SEC. 4. If among the number voted for, either for mayor or commissioners, there should be any two having the highest and an equal number of votes, then and in all such cases the judges of election shall decide who shall be mayor or commissioners, as the case may be.

SEC. 5. The election shall be held under the general law of the State regulating municipal elections. At the close of the election the votes shall be counted by the inspectors publicly, and the inspectors shall within two days thereafter notify those elected, and shall make out two statements of

the election and send one to the register of deeds for Carteret county and the other to the secretary of the town.

SEC. 6. The mayor elect shall within three days after being notified appear before the clerk of the Superior Court of the county of Carteret or some justice of the peace within said county, and take and subscribe an oath faithfully and impartially to perform the duties herein imposed upon him as mayor of the town of Newport, and also such duties as may be imposed by law upon mayors as justices of the peace within the corporate limits of their respective towns. As a peace officer he shall have all the powers within the limits of the town of a justice of the peace, and as a judicial officer all the power, jurisdiction and authority necessary to issue process upon and hear and determine all cases arising upon the ordinances of the board of commissioners, to enforce penalties upon any adjudged violation thereof by fine or imprisonment either in the guard-house of the town or in the common jail of the county, and generally to execute the provisions of this act and the laws and ordinances of the commissioners: *Provided*, That in all cases any person dissatisfied with the judgment may appeal to the Superior Court of Carteret county upon bond or recognizance, as required, with security for their appearance at the next term thereof.

SEC. 7. After the mayor has been qualified as provided in this act, he shall within two days call together the commissioners elect, who shall before him take and subscribe the following oath: I, ———, do solemnly swear or affirm, that I will faithfully discharge the duties of commissioner of the town of Newport for the ensuing year: So help me God. After the commissioners, or a majority of them, have been thus qualified, the mayor, as chairman, shall declare them duly organized, when they shall appoint a secretary and treasurer and a town constable, both of whom shall hold their offices for twelve months or until their successors are elected and qualified, subject, however, to be removed by said board of commissioners or a majority of them, at any time for misbehavior or neglect of duty, and others appointed

in their stead ; and no officer shall be eligible to re-election or appointment who converts any money or other property of the town to his own use. Before acting the secretary and treasurer and constable shall be sworn to the faithful discharge of their duties, and shall execute bond with sufficient security to the town of Newport in such sum as the board of commissioners shall designate.

Officers bonds.

Clerk of Mayor's Court.

SEC. 8. The secretary and treasurer shall act as clerk of the mayor's court and of the meetings of the board of commissioners. He shall keep a fair and regular minute of the proceedings of all trials before the mayor, of all fines imposed or other punishments or judgments, preserve the books and papers and all articles committed to his charge, keep a strict account of all moneys coming into his hands from any and all sources, pay the same out by order of the board, endorsed and approved by the mayor, and at the expiration of his term shall deliver to his successor all moneys, papers or other property in his hands belonging to said town. He shall receive for his services such compensation as the board of commissioners may allow.

Constable.

SEC. 9. The town constable shall collect and pay over to the secretary and treasurer all taxes imposed by the commissioners according to the list made out, all fines and costs when execution is issued to him for collection ; he shall see that the orders and resolutions of the board are enforced and report all breaches of the ordinances to the mayor ; he shall apprehend offenders and execute all process issued to him by the mayor or any magistrate of Newport township, within the limits of the town, and in the execution of such process shall call to his aid any of the citizens of said town. He shall have such fees as a township constable, and such additional compensation as the board of commissioners may allow.

Powers of commissioners.

SEC. 10. The board of commissioners, a majority being present, shall have power to make such special ordinances for the better government of the town and the protection of the health and property of its citizens as may be deemed

expedient; *Provided*, the same is not in conflict with the constitution and laws of this State or of the United States. They shall provide for and secure the peace, good order and tranquility of the town against disturbances by quarrels, loud, profane or obscene language, riots, affrays, trespasses, or other breaches of the peace, or indecent exposure of the person, by imposing such fines or imprisonment within the jurisdiction of justices of the peace as they shall deem expedient and sufficient to prevent the same or a recurrence thereof. They shall provide for clearing, cleaning and repairing the streets and sidewalks of said town and lay off new streets when deemed expedient: *Provided*, No private property shall be condemned for the use of the town except by appraisers composed of two disinterested persons, one to be chosen by the mayor on the part of the town, and the other by the property holder. In case of disagreement the persons chosen shall call in an umpire, and his decision shall be final.

SEC. 11. For the purposes aforesaid the board of commissioners shall have power to levy and collect annually such taxes on the property, polls, professions, incomes, and such other subjects as are taxed by the State and county to an amount not exceeding that levied by the State. Taxes.

SEC. 12. The board of commissioners of said town shall have full and complete control of the sale or vending of spirituous liquors within the limits of the corporation, and may permit liquors to be sold or not; may prescribe the rules and regulations under which it may be sold, in what quantities, if in bar rooms or in one or more public stores, the amount of the license tax and the days and times on which it is prohibited; and no person shall be allowed to sell, give or exchange any liquors on any day upon which there is a regular monthly, semi-monthly or weekly appointment for divine service, in any store, warehouse or other public place except the hotels, and then only to their guests and patrons; and it shall be the duty of said commissioners to revoke any license or close any liquor establishment, without refunding any part

of the license tax, if the provisions of this section or any ordinance of the commissioners upon the subject is violated, and no license from the board of commissioners of Carteret county or the sheriff, shall be lawful in said corporation, without the license of the town board of commissioners, as aforesaid.

Vacancies.

SEC. 13. In case of any vacancy in the office of mayor or commissioners, the same shall be filled by the board for the unexpired term, and in case any person elected to the office of mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty dollars to the said town, and it shall be the duty of the secretary and treasurer to sue for the same, if not paid on demand.

Mayor to give casting vote.

SEC. 14. The mayor shall have no vote in the meetings of the board except in case of a tie, as chairman he gives the casting vote. He shall keep his office in some convenient part of the town. He shall direct the clerk to keep a true record of all matters brought before him, all fines and penalties imposed, and perform such other duties as the board may direct. Besides his fees he shall receive such compensation as the board may allow.

Receipts and disbursements.

SEC. 15. The commissioners shall annually cause the secretary and treasurer to make out a transcript of all receipts from any and all sources, and the disbursements for whatever cause, and post the same in the mayor's office, for inspection of the citizens.

SEC. 16. For the enforcement of these laws and the collection of fines, penalties and taxes, the mayor and constable shall have all the powers of a court and sheriff under the laws of the State in similar cases of default.

How ratified.

SEC. 17. This charter or amended charter shall not go into effect until ratified by the legal voters of the town of Newport, at an election to be held for that purpose; and the commissioners shall designate a day within twenty days after the notification of the passage of this act for an election to be held for the ratification or rejection, and ten days' notice of said election shall be given on the bulletin-board

and two or more public places, with a copy of this act annexed to one or more of the notices. The voters shall vote a written or printed ticket, with the word "accepted" or "rejected," and if a majority vote "accepted," then this act shall become, after proclamation of the mayor, the law of the town, and if a majority vote "rejected," then this act shall be of no force or effect whatever.

SEC. 18. All laws and clauses of laws inconsistent with the provisions of this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 27th day of January, A. D. 1875.

## CHAPTER XI.

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and eleven, of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended in section two, in said act, to read as follows, the amendment to come in after the words "a compass line."

SEC. 2. That no person liable to work on public roads shall be compelled to work on said road who lives more than one half mile south of the court-house in Alexander county, a direct line drawn east and west. Who to work road.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER XII.

AN ACT TO AMEND AN ACT INCORPORATING THE TOWN OF  
SANFORD, IN THE COUNTY OF MOORE.

Chapter 76, laws of  
1873-'74, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section second of chapter seventy-six, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be stricken out and the following inserted: That the corporate limits of said town shall be as follows: one half mile east, west, north and south from the centre of warehouse of the Raleigh and Augusta Air Line Railroad Company, and shall run with the four cardinal points of the compass.

SEC. 2. That section seven of the same act be and the same is hereby repealed.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER XIII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO.

Charter amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "An act to charter the city of Greensboro," ratified the twenty-eighth day of March, one thousand eight hundred and seventy, be amended by striking out the word "January" in the third section and insert in lieu thereof the word "May;" by striking out the words "Governor of the State," in section five, and inserting in lieu thereof the words "sheriff of Guilford;" by striking out the sixteenth section; by inserting after the word

“mayor,” in the first line, eighteenth section, the words “shall be a special court and,” and by inserting after the word “commissioners,” in section eighteen, the words “and his indorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same, and he may issue process without complaint when he is satisfied that there has been a breach of the law ;” by striking out sections thirty-five, thirty-six and thirty-seven ; by striking out the word “January,” in the forty-sixth section and inserting in lieu thereof the word “May ;” by striking out the word “April,” in section forty-seven, and inserting in lieu thereof “August ;” by striking out all after the words “according to,” in fifty-fourth section, and inserting in lieu thereof the words “the statute in such cases made and provided ;” by adding to section fifty-five the following : upon each express company, twenty dollars ; auctioneers, five dollars ; each telegraph office, fifteen dollars ; each barber shop, five dollars ; daguerrian artists and persons taking likeness of the human face, ten dollars ; every land agent or broker, five dollars ; each broker’s or banker’s office, fifty dollars ; each butcher, five dollars ; dealers in patent rights, ten dollars ; each sewing machine company, twenty dollars ; itinerant dealers in prize goods, ten dollars ; all persons whose business it is to sell prize candies, photographs, pictures, jewelry, or any other article with which a prize is offered as an inducement for purchasers to buy any such article, — ; ice dealers, five dollars ; each fire or life insurance agent, twenty-five dollars ; commission merchants and commercial brokers, ten dollars ; each printing office, five dollars ; every distillery of fruit or grain, twenty-five dollars ; itinerant merchants or peddlers, ten dollars ; every non-resident huckster or trader, or the agent of such, who buys produce on the streets for sale in other markets, twenty-five dollars ; distillers, rectifiers or compounders of spirituous liquors, fifty-dollars ; all gift enterprises, lotteries and bowling alleys, twenty-five dollars ; each junk shop, or dealer in metals, cordage, &c., fifty dollars. Every person

carrying on any business within the city without having paid the license tax may be fined twenty dollars. Auctioneers, commercial brokers and commission merchants in addition to their license tax shall pay one-tenth of one per cent. on gross sales; every mill, manufactory, machine shop or foundry, employing steam, five dollars; every railroad company having a depot or office in the city, twenty-five dollars; each person or company of stage players, sleight of hand performers, ethiopian serenaders, instrumental or vocal concert company, rope walkers or exhibition of artificial or natural curiosity, for each day, five dollars. Ring tricks and other gambling concerns, or games of chance, prohibited under penalty of a fine not to exceed fifty dollars, or imprisonment not exceeding thirty days, ten dollars. Horse dealers shall pay one per cent. on gross sales. By adding to sub-section six, of section fifty-five, the words, "but such persons as take boarders only during the terms of the State and Federal courts shall not be liable to be taxed as hotel keepers;" by striking out "February" and inserting "June" in same sub-section; by striking out "February" in sub section of same section and inserting "June;" by inserting after the word "representative" in eighth line, section fifty-eighth, words "or by the commissioners if the parties interested decline to make any choice;" by adding to section fifty-eight the following, to-wit: "The owner or owners of property in front of which the commissioners shall construct, pave or repair any sidewalks, shall be chargeable and pay for any special benefit accruing to such property by reason of said improvement, and such property shall be bound for the value of such special benefit, to be ascertained in the same manner as herein prescribed for laying off streets, including the right of appeal;" by striking out the words "in case of pestilence," in section sixty-six; by striking out the words "eight months," in section seventy-four, and inserting in lieu thereof the words "forty weeks;" by adding to section seventy-seven the words "and such

further compensation as the commissioners shall deem reasonable and proper.”

SEC. 2. The commissioners may increase the rate of tax-  
 ation prescribed in sections forty-five and fifty-five on the  
 subjects therein mentioned, or any of them, one hundred  
 per cent.: *Provided*, That the additional taxes collected  
 from property by authority of this section shall be appro-  
 priated for school purposes exclusively. Rate of taxation.

SEC. 3. For the purpose of paying the indebtedness of  
 the city and other expenses incidental to the government  
 of the city, the commissioners may further increase the rate  
 of taxation prescribed in sections forty five and fifty-five,  
 on the subjects therein mentioned, or any of them, one  
 hundred per cent.

SEC. 4. The amendments proposed in sections two and  
 three of this act shall not become a part of said charter  
 until ratified by the qualified voters of the city at an elec-  
 tion to be held for that purpose on the first Monday of May  
 next, and after twenty days' notice published in at least one  
 city paper, which notice shall set forth sections two and  
 three of this act. Said election shall be held under the  
 same rules and regulations as are prescribed for the election  
 of mayor. Ratification.

SEC. 5. The mayor shall provide separate boxes and  
 make such other arrangements as are necessary to take the  
 sense of the citizens upon the two amendments separately.  
 He shall provide printed tickets, and those citizens who  
 vote to ratify the amendment proposed in section two of  
 this act shall vote “For School Fund,” those who vote  
 against such ratification shall vote “Against School Fund,”  
 and those citizens who vote for the ratification of the  
 amendment proposed in the third section of this act shall  
 vote “For City Fund,” and those who vote against the last  
 mentioned amendment shall vote “Against City Fund;”  
 and if a majority of the votes cast shall be in favor of  
 either of said amendments the mayor shall, in five days  
 thereafter, proclaim the result, and said amendments or

either of them, thus ratified, shall be a part of the charter of the city.

SEC. 6. Should the amendments required to be ratified, or either of them, for any cause not be submitted on the first Monday of May next, then the same may be submitted under the same rules and regulations as are herein prescribed, at any general city election hereafter to be held.

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

Ratified the 8th day of March, A. D. 1875.

## CHAPTER XIV.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING DRINKS WITHIN ONE MILE OF THE COURT HOUSE IN THE TOWN OF DALLAS, GASTON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That an election shall be held on the first Monday of May, 1875, at the court house, in the town of Dallas, Gaston county, under the supervision of the sheriff of Gaston county, the register of deeds and the Superior Court clerk, for the purpose of determining whether intoxicating drinks shall be sold within one mile of said court house.

SEC. 2. That it shall be the duty of said supervisors mentioned in section first to give public notice, by written advertisement at the court house door and three other public places within said limits, of said election for at least ten days prior to the same. All persons who are by existing laws entitled to vote at the regular election and who reside within one mile of said court house, shall be entitled to vote in said election. The tickets shall be printed or written. Those who vote against the sale shall vote a ballot with the word "Prohibition" written or printed on it.

Election on prohibition.

How conducted.

Those who favor sale, on ballot with the words "No Prohibition."

SEC. 3. That the result of the election shall be certified Result. by the sheriff to the county commissioners, and if a majority of said votes be cast in favor of prohibition, then, and in that case, it shall be unlawful for the county commissioners of Gaston county to grant license to any one to sell intoxicating drink within one mile of the court house in Gaston county, and no person shall be allowed to sell the same except practicing physicians for medical purposes only.

SEC. 4. Any person violating the provisions of this act Penalty shall be deemed guilty of a misdemeanor, and, upon conviction before any justice of the peace of Gaston county, shall be fined not more than fifty dollars nor be imprisoned more than one month, or both, at the discretion of the court.

SEC. 5. All laws or parts of laws, acts and clauses of acts in conflict with this act are hereby repealed.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER XV.

AN ACT FOR THE RELIEF OF BRICE HARRALSON, OF CASWELL COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Brice Harralson, of Yanceyville, in the county of Caswell, be and is hereby relieved from the payment of the license tax imposed, or which may be imposed, upon him as a merchant in Yanceyville, for the quarter commencing first of April, one thousand eight hundred and seventy-four. Relieved from license tax.

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

Ratified the 15th day of March, A. D. 1875.

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## CHAPTER XVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE GEORGIA AND NORTH CAROLINA RAILROAD COMPANY, RATIFIED THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

Chapter 167, laws of 1870-'71, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first, chapter one hundred and sixty-seven, laws of one thousand eight hundred seventy and one thousand eight hundred and seventy-one, be amended as follows: insert in the fourth line between the words "Cherokee" and "county" the words "or Clay," and in fifth line after the word "Swain" insert "Graham."

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

Ratified the 15th day of March, A. D. 1875.

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## CHAPTER XVII.

AN ACT TO INCORPORATE OLIVE BRANCH LODGE, NUMBER THIRTY-SEVEN, INDEPENDENT ORDER OF ODD FELLOWS, IN THE COUNTY OF JOHNSTON.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That P. M. Stuart, S. H. Hood, J. W. Vick, D. H. Graves and J. B. Oliver, their associates and successors, are

hereby constituted a body politic and corporate, under the name and style of Olive Branch Lodge, number thirty-seven, Independent Order of Odd Fellows, with corporate powers and privileges.

SEC. 2. That said corporation is hereby authorized and empowered to make such by-laws, rules and regulations as they may deem necessary for their government and all such other rules for the government of the said Olive Branch Lodge, number thirty-seven, Independent Order of Odd Fellows, as they may think fit, not inconsistent with the laws of North Carolina.

SEC. 3. That said corporation shall have power to purchase, hold and convey real and personal property and to do all such other things as they may think best to carry out the purposes of their organization. Real estate.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER XVIII.

AN ACT TO AMEND CHAPTER TWENTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, AND CHAPTER THIRTY-SIX, AMENDATORY THEREOF, PASSED AT SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said John E. Patton, his associates and successors and assigns, are hereby authorized to locate the toll gate on said road at any point between the county line of McDowell county and Swannanoa bridge, in Buncombe county. Toll gate authorized.

Penalty for.

SEC. 2. That the usual penalty be allowed against any person tearing down or passing said gate without paying said toll as is allowed by law in such cases.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER XIX.

AN ACT TO INCORPORATE ENO GRANGE, NUMBER ONE HUNDRED AND THIRTY-FOUR, PATRONS OF HUSBANDRY, ORANGE COUNTY, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That John K. Hughes, David T. Clark, Robert G. Tinnin, John D. Forrest, Fred. P. Clark, Nathaniel D. Bain, and their successors in office, and all others who are now or hereafter may be associated with them for the purpose of mutual instruction and protection, are hereby constituted a body corporate and politic by the name, style and title of "Eno Grange, number one hundred and thirty-four, Patrons of Husbandry."

By-Laws.

SEC. 2. That the said corporation shall have power to make a constitution, by-laws, rules and regulations which a majority of its members may deem proper, not inconsistent with the constitution or laws of this State or of the United States, to sue and be sued, to plead and be impleaded in any courts of this State, and shall have a common seal, with power to change and alter the same as often as they may deem it expedient, and shall have power to enjoy all and every right and privilege incidental and belonging to corporate bodies, according to the laws of this State which are now or hereafter may be in force.

SEC. 3. That the said "Eno Grange" may elect and ap- Officers.  
point officers and agents with certain prescribed duties, as  
they may by their constitution and by-laws direct; shall be  
able and competent in law to have, hold and enjoy, and  
shall have power to change and convey such real and per-  
sonal estate as they may deem proper to acquire.

SEC. 4. That this act shall be in force for thirty years, and  
that on the expiration or dissolution of said corporation, the  
estate thereunto belonging shall not escheat, but be vested  
in those of its members as shall be entitled thereto by direc-  
tion of the constitution and by-laws aforesaid.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER XX.

AN ACT TO INCORPORATE THE TOWN OF MOUNT MOURNE, IN THE  
COUNTY OF IREDELL.

SECTION 1. *The General Assembly of North Carolina do* Incorporated.  
*enact*, That the town of Mount Mourne, in the county of  
Iredell, be and the same is hereby incorporated by the name  
and style of the Town of Mount Mourne, and shall be sub-  
ject to and have the benefit of all the provisions contained  
in the one hundred and eleventh chapter of the Revised  
Code of this State, not inconsistent with this act.

SEC. 2. The corporate limits of said town shall extend one  
half mile from Centre depot north and south and east  
and west, so as to make said depot the centre of said limits,  
and forming a square around it.

SEC. 3. Until the regular election on first Monday of May, Town officers.  
the government of the town shall be vested in the following  
officers: Mayor, E. W. Putnam; commissioners, A. M.

Cowan, D. C. Thain, S. O. Beard, W. A. Sossoman, W. D. Bazzell; constable, R. C. Barber, and at said regular election a mayor, five commissioners and a constable shall be elected according to the provisions of said chapter one hundred and eleven of the Revised Code.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER XXI.

AN ACT FOR THE RELIEF OF THE SURETIES OF JOHN A. REID,  
LATE SHERIFF OF HALIFAX COUNTY.

May collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties of John A. Reid, late sheriff of Halifax county, may collect the arrears of taxes due in said county for the years one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four: *Provided, nevertheless*, That no such tax shall be collected from the personal representative, heirs at laws, devisees at law, devisees or legatees of a deceased person, nor from a person who makes oath that he or she has paid the same and that the receipt is lost.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER XXII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN,  
SECTION ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do* Amended.  
*enact*, That chapter one hundred and thirty-seven, section  
one, line seventy-one, of public laws of one thousand eight  
hundred and seventy-three and one thousand eight hundred  
and seventy-four, be amended by striking out the words  
“Boonville, in Yadkin county.”

SEC. 2. That this act shall take effect from its ratification.  
Ratified the 3d day of March, A. D. 1875.

## CHAPTER XXIII.

AN ACT TO CONTINUE IN FORCE AN ACT APPOINTING TRUSTEES  
FOR HAYWOOD ACADEMY, IN CHATHAM COUNTY.

SECTION 1. *The General Assembly of North Carolina do*  
*enact*, That the act appointing a board of trustees for the Former act revived.  
Haywood Academy, in Chatham county, be revived and  
continued in force, and the following persons, Dr. R. H.  
Wyche, J. S. Walder, A. Moore, J. H. Mann, J. W. Scott,  
and their successors in office, constitute a board of trustees  
for the government of the same, with power to fill any  
vacancy occurring by death or otherwise in said board of  
trustees, and have sole control of the square upon which  
said academy is situated.

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

Ratified the 3d day of February, A. D. 1875.

## CHAPTER XXIV.

AN ACT TO AMEND THE SECOND AND THIRD SECTIONS OF AN ACT RATIFIED MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX, ENTITLED AN ACT TO INCORPORATE THE ALBEMARLE STEAM NAVIGATION COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the second section of an act ratified March sixth, one thousand eight hundred and sixty-six, entitled "An act to incorporate the Albemarle Steam Navigation Company," be amended and re-enacted so as to read as follows:

Management.

SEC. 2. That the affairs of the said company shall be managed by a president and board of directors consisting of five persons to be chosen from the stockholders, the president to be a member of said board of directors. The president and board of directors shall be elected annually by the stockholders on the first Monday in May, or at an adjourned meeting of the same, to continue in office until a new election. At all meetings of the stockholders each stockholder shall vote in person or by proxy, and shall be entitled to one vote for each share of stock held by him, and the president and board of directors, or the stockholders holding a majority of the stock shall have power at any time to call a general meeting of the stockholders, either by giving personal notice or by publication twice a week for two weeks. The said stockholders and board of directors are authorized to hold their meetings at such places as may be deemed most convenient. At all meetings of the directors a majority shall have power to act as if all were

present. The said directors shall declare dividends from time to time of the profits realized by the company, if any, or of so much thereof as they shall deem expedient, and they shall have full power and authority to appoint and employ a treasurer and all such agents and officers, removable at their pleasure, as they may deem necessary for the transaction of the business of the company. And the Albemarle Steam Navigation Company shall have all the rights, powers and privileges which it may deem necessary to build, construct and purchase steamboats or other vessels for the transportation of persons, goods, wares and merchandise, or any articles of property whatever, to and from any place situated on the Albemarle sound or its tributaries, or upon Chesapeake bay or its tributaries.

SEC. 2. That the third section of said act be amended and re-enacted so as to read as follows: That the capital stock of said company shall not be less than fifty thousand dollars nor more than one hundred thousand dollars, distributed into shares of one thousand dollars each, or of one hundred dollars each, as may be determined upon by a majority of the stockholders. Capital stock.

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

Ratified the 30th day of January, A. D. 1875.

## CHAPTER XXV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE,  
PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEV-  
ENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEV-  
ENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act to incorporate the town of Shoe Heel, in the county of Robeson, ratified the sixteenth day of Feb- Amendment.

ruary, Anno Domini one thousand eight hundred and seventy-four, be amended by inserting after the word "them," in line twenty-six of section three, the following: The commissioners of the said town are hereby authorized to build a guard house or place suitable for the confinement of criminals or offenders against the ordinances of said town, and if they cannot purchase a site suitable for the same, may condemn so much land as may be necessary for such purpose, first appointing three disinterested persons to assess the value of said land, and on their report being filed and approved an order for the condemnation of the same shall be passed. All violations of the ordinances of the said town of Shoe Heel shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding one month.

SEC. 2. That this act shall be in force from its ratification. Ratified the 5th day of March, A. D. 1875.

## CHAPTER XXVI.

AN ACT TO AMEND CHAPTER SEVENTY-ONE, SECTION SIX, OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section sixth of chapter seventy-one of the Private Laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four be amended by striking out the words "during the time of religious exercises therein" and insert in lieu thereof "at any time."

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

Ratified the 5th day of March, A. D. 1875.

## CHAPTER XXVII.

AN ACT TO INCORPORATE THE TOWN OF SWANN'S STATION, IN THE  
COUNTY OF MOORE.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That the town of Swann's Station, in the county of  
Moore, be and the same is hereby incorporated by the name  
and style of the Town of Swann's Station, and it shall be  
subject to all the provisions of laws now existing in reference  
to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as Limits.  
follows: one half of a mile in every direction from the  
centre of the warehouse of the Western Railroad Company.

SEC. 3. That the officers of said corporation shall consist Officers.  
of a mayor, four commissioners and a marshal, and the fol-  
lowing named persons shall fill said offices until the first  
Monday in May, one thousand eight hundred and seventy-  
five, viz: Mayor, H. W. Graham; commissioners, J. D.  
Morris, D. M. Cameron, N. A. Patterson and J. Burns;  
marshal, R. Wilson.

SEC. 4. There shall be an election held for officers men- Elections.  
tioned in this act on the first Monday in May, one thousand  
eight hundred and seventy-five, and each succeeding year  
thereafter, under the same restrictions that county and State  
elections are held, and all citizens within said corporation  
who have resided twelve months within the State and thirty  
days within the corporate limits previous to the day of elec-  
tion shall be entitled to vote at said election.

SEC. 5. That the said commissioners shall have power to  
pass all by-laws, rules and regulations for the good govern-  
ment of the town not inconsistent with the laws of the State  
and United States, and levy and collect a tax on all subjects  
of State taxation, not to exceed one half of the State tax,  
and to impose fines for the violation of town ordinances and  
to collect the same.

Liquor.

SEC. 6. That the said commissioners shall have power to regulate the sale of spirituous liquors in the corporate limits of said town under such laws as they may enact, not inconsistent with the laws of the State and the United States, and all laws prohibiting the sale of spirituous liquors within the corporate limits of said town be and the same are hereby repealed, but this section shall not be so construed as to repeal the laws prohibiting the sale of spirituous liquors in the locality outside of the corporate limits of Swann's Station.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XXVIII.

AN ACT TO REPEAL A PORTION OF CHAPTER ONE HUNDRED AND THIRTY-SEVEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of chapter one hundred and thirty-seven, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, section first, as refers to Wayman's Chapel (colored), Wake county, be and the same is hereby repealed. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XXIX.

AN ACT TO AMEND CHAPTER FIFTY OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO INCORPORATE THE TOWN OF BOONE, IN THE COUNTY OF WATAUGA.

SECTION 1. *The General Assembly of North Carolina do* <sup>Amended.</sup>  
*enact*, That chapter fifty of the Private Laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two be amended as follows: Strike out section five of said chapter and insert, "That the election for mayor and commissioners shall hereafter be held under such regulations and at the time prescribed for such elections in chapter one hundred and eleven of Battle's Revisal." Strike out all after the word "of" in line four of section six, of said chapter, and insert "Battle's Revisal."

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XXX.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE BANK OF RALEIGH.

SECTION 1. *The General Assembly of North Carolina do*  
*enact*, That an act to continue in force an act entitled an act to incorporate the Bank of Raleigh, ratified the twenty-eighth day of February, one thousand eight hundred and seventy-three, and to add the following section: The stock of said bank may be paid for in specie or national currency, and all bank notes issued by said bank shall be redeemed in national currency. Said bank may organize when <sup>took.</sup>

twenty-five thousand dollars is subscribed and paid in and five directors are elected.

SEC. 2. This act shall be in force from and after its passage.  
Ratified the 2d day of March, A. D. 1875.

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## CHAPTER XXXI.

AN ACT REPEALING A CERTAIN PART OF CHAPTER ONE HUNDRED AND THIRTY-SEVEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of chapter one hundred and thirty-seven, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, as relates to the Episcopal church at Summerville, Brunswick county, be, and the same is hereby, repealed.

SEC. 2. This act shall go into effect from and after its ratification.

Ratified the 2d day of March, A. D. 1875.

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## CHAPTER XXXII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of chapter one hundred and seventy-one, laws of one thousand eight hundred and seventy-two and

one thousand eight hundred and seventy-three, as refers to Ashpole Missionary Baptist church, in Robeson, be amended as follows: In line five strike out "four" and insert "three."

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

Ratified the 2d day of March, A. D. 1875.

### CHAPTER XXXIII.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF BEAUFORT,  
IN CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the charter of incorporation granted to the town of Beaufort, in Carteret county, and all laws amendatory thereto, be, and the same are hereby, repealed. Charter repealed.

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

Ratified the 2d day of March, A. D. 1875.

### CHAPTER XXXIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE  
THE TOWN OF WHITAKERS, IN THE COUNTIES OF EDGECOMBE  
AND NASH.

SECTION 1. *The General Assembly of North Carolina do enact,* That section two of an act entitled an act to incorporate the town of Whitakers, in the counties of Edgecombe and Nash, ratified the twentieth day of January, Anno Domini one thousand eight hundred and seventy-two, be and the same Act of 1873.  
amended.

is hereby, amended by striking out the words "one half mile" and inserting in lieu thereof the words "one quarter mile."

SEC. 2. That all male persons twenty-one years old and upwards, who have resided in the counties of Nash and Edgecombe for twelve months immediately preceding any municipal election and who own taxable real estate in said town of Whitakers for the preceding year shall be allowed to vote at any municipal election in said town.

SEC. 3. All laws inconsistent with the provisions of this act are hereby repealed.

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

Ratified the 3d day of March, A. D. 1875.

## CHAPTER XXXV.

AN ACT TO INCORPORATE COLUMBUS LODGE, NUMBER TWENTY-SEVEN, INDEPENDENT ORDER OF ODD FELLOWS, WHITEVILLE, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. H. Baldwin, J. C. Pridgen, K. Haynes, H. C. Moffitt, J. L. Hinson, N. M. Culbreth, J. M. M. Gore, C. C. Gore, J. W. Council, and others, Noble Grand and other officers and members of Columbus Lodge, number twenty-seven, of the Independent Order of Odd Fellows, located in the town of Whiteville, in the county of Columbus, be and they are hereby incorporated into a body politic and corporate under the name and title of "Columbus Lodge, number twenty-seven, Independent Order of Odd Fellows," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded, before any court of record and before any justice of the peace in

the State, contract and be contracted with, acquire, hold and dispose of real or personal property for the benefit of said lodge or its members, and the widows and orphans of its said members, and may have all such other rights and privileges as are incident to such corporations.

SEC. 2. 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 laws of the State or the United States, or of the supreme jurisdiction of the order of which said lodge is subordinate. By-Laws.

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

Ratified the 3d day of March, A. D. 1875.

## CHAPTER XXXVI.

### AN ACT TO INCORPORATE GRAHAM HIGH SCHOOL, IN ALAMANCE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That Daniel A. Long and such other persons as may be associated with him, their successors and assigns, are hereby constituted a body politic and corporate under the name and style of the Graham High School, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of such real and personal property as may be necessary for establishing and carrying on an institution for educational purposes at Graham, in the county of Alamance, and have all the other rights and powers usually pertaining to corporations created for similar purposes. Body politic.

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

Ratified the 3d day of March, A. D. 1875.

## CHAPTER XXXVII.

AN ACT ENTITLED AN ACT TO INCORPORATE THE PATRONS OF  
MERCY LODGE, NUMBER ONE, GRAND ORDER OF BROTHERS, OF  
WILMINGTON, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Alexander Sampson, John W. Bryant, A. Howe, J. W. Whiting, H. Bradley, J. K. Davis, Henry Night, George Lewis, H. Hawkins, and others, are hereby declared a body corporate by the name and style of the Patrons of Mercy Lodge, number one, Grand Order of Brothers, of Wilmington, North Carolina, and by that name shall have perpetual succession and a common seal, may plead and be impleaded and enjoy all such rights and privileges as are usually incident and belong to corporate bodies of the same nature.

By-laws.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its government which may not be inconsistent with the constitution, the laws of this State or the United States.

Real estate.

SEC. 3. *Be it further enacted*, That the said corporation shall have the right to hold and enjoy real estate.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XXXVIII.

AN ACT TO INCORPORATE CEDAR FORK LODGE, NUMBER THREE  
HUNDRED AND FORTY-TWO, FREE AND ACCEPTED MASONS.

Body politic.

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

of Cedar Fork Lodge, number three hundred and forty-two, free and accepted masons, in the county of Wake, be and the same is hereby constituted a body politic and corporate under the name and style of Cedar Fork Lodge, number three hundred and forty-two, of free and accepted masons, by that name may have perpetual succession, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in the State, may contract and be contracted with, may acquire by purchase or otherwise real and personal estate, and hold and dispose of the same for the benefit of the lodge, may have a common seal, and in general exercise all such rights and privileges as are usually incident to corporations of a like manner.

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

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XXXIX.

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

SECTION 1. *The General Assembly of North Carolina do enact,* That L. Branson, B. F. Cheatham, Daniel G. Fowle, F. T. Fuller, S. J. Freeman, E. B. Thomas, John Gatling, Thomas Badger, A. Creech, W. C. Stronach and J. M. Tate, their associates, successors and assigns, and any and all those who have heretofore associated with them under a plan of incorporation, as provided in chapter one hundred and ninety-nine, public acts of the General Assembly of Body politic.

North Carolina, session of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, said plan of incorporation having been registered in the office of the register of deeds for Wake county, in book number thirty-four, at page one hundred and forty-six, on the twenty-second day of May, one thousand eight hundred and seventy-two, for the purposes of 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 Oak City Building and Loan Association," of Raleigh, North Carolina, and by that name they and their associates and successors shall and may have succession for sixty years, 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 any and every manner of actions, suits, 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.

Directors.

SEC. 2. 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 a greater or a smaller number. The 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 or elected shall continue in office until their successors are regularly elected and installed. All vacancies in said board may be filled by a quorum of the remaining directors.

Proviso.

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 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, rules and regulations and any and all alterations and amendments thereof shall be submitted to the shareholders in regular meeting and adopted by them. By-laws.

SEC. 4. That the 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, to remove them, and to require such bond or bonds from any of such officers and other persons as they may at any time prescribe: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States and of this State. Officers.  
Proviso.

SEC. 5. That the members of said association shall consist of those persons who own one or more shares of stock, 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 value of each share shall be two hundred dollars: *Provided*, That by a unanimous vote of the shareholders, adopting a mode of settlement which shall secure impartial justice to all par- Members.

ties concerned, the business of said association may be adjusted, settled and discontinued whenever it shall be found desirable and expedient to do so: *Provided, further*, That nothing herein contained shall relieve any member from any obligation heretofore or hereafter assumed, otherwise than by and through the settlement herein provided for.

Liability.

SEC. 6. No private stockholder shall be personally responsible for any debt, loss or other liability or obligation of the association, nor shall any officer or director be responsible except for such funds and property of the corporation as may come into his possession officially or otherwise.

Contracts.

SEC. 7. 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 the 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, and may collect all fines, dues and forfeitures now owing and unpaid, and any and all others hereafter accruing, in such manner as may be prescribed in the by-laws.

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

Ratified the 22d day of February, A. D. 1875.

## CHAPTER XL.

AN ACT TO INCORPORATE THE TOWN OF MORRISVILLE, IN THE  
COUNTY OF WAKE.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact,* That the town of Morrisville, in the county of Wake,  
be and the same is hereby incorporated, by the name and  
style of the town of Morrisville, and shall be subject to all  
the provisions contained in the one hundred and eleventh  
chapter of the Revised Code, not inconsistent with the con-  
stitution and laws of this State or of the United States, also  
subject to the general law in relation to corporations not  
inconsistent with the provisions of this act.

SEC. 2. That the corporate limits of said town shall be as Limits.  
follows: Beginning at the north end of the North Carolina  
Railroad bridge, thence north sixteen and one fourth  
degrees, east fifty-five poles to a red oak at the ford of Little  
Lick branch; thence north eighteen and one-half degrees,  
east with the Fish Dam road twenty-six poles to a sweet-gum;  
thence north fifty degrees, west seventy-one poles, to a rock;  
thence south eighty-three and one half degrees, west eighty-  
two poles to a red oak northwest of Morris' gin-house,  
thence south fifteen degrees, east one hundred and sixteen  
poles to a white oak on the Indian branch, thence down  
said branch to Crabtree creek, thence down said creek to  
the beginning.

SEC. 3. That the officers of said incorporation shall con- Officers.  
sist of a mayor, three commissioners and a marshal. It  
shall be the duty of the sheriff of Wake county, or any  
justice of the peace in Cedar Fork township, within thirty  
days after the ratification of this act, after giving ten days'  
notice by advertising at three public places in the said cor-  
poration, to open the polls for the election of mayor, three  
commissioners and a marshal, under the same restrictions  
that other county and State elections are held.

- Liquor.** SEC. 4. That it shall not be lawful for the board of county commissioners of Wake county to grant license to any person to retail spirituous liquors within the corporate limits of Morrisville without his having a recommendation in writing from the mayor and commissioners of said town to that effect, and any license granted without such recommendation shall be void.
- Voters.** SEC. 5. That all resident citizens within said corporation who resided thirty days previous to the election shall be entitled to vote at said election, provided they shall be qualified to vote for members of the General Assembly.
- By-laws.** SEC. 6. That 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.
- Taxes.** SEC. 7. That the commissioners shall have power to levy a tax not to exceed twenty-five cents on the poll and ten cents on the hundred dollars valuation of property.
- SEC. 8. That the commissioners shall have power to tax all subjects of State taxation within the corporate limits to an amount not exceeding one-fourth of the State tax, and shall also have power to abate all nuisances, and may impose such fines as may be necessary to abate them.
- Repairs.** SEC. 9. That it shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and sidewalks, and keep them in good passable order.
- Treasurer.** SEC. 10. That the commissioners when organized shall have power to appoint a treasurer, who shall act as secretary, whose duty it shall be to record the proceedings of the commissioners, and also shall enter into bond, approved by the commissioners, and it shall be also their duty to require the marshal elect to enter into bond payable to the State of North Carolina in the sum to be designated and approved by the commissioners.
- Mayor's oath.** SEC. 11. That the mayor before entering upon the discharge of his duties shall take the oath usually prescribed for said office, and the marshal before entering into office shall go before

some justice of the peace and take the oath usually taken by constables.

SEC. 12. That the officers named in section three of this act shall be regularly elected annually on the first Monday in May, one thousand eight hundred and seventy-six, and every year thereafter, and shall serve until their successors are elected and qualified: *Provided*, That nothing herein contained shall be construed so as to prevent an election being held as provided for in section three of this act.

Election.

Proviso.

SEC. 13. That in the event of a vacancy occurring in the board of commissioners the remaining number shall fill the vacancy.

Vacancies.

SEC. 14. That the commissioners of said town shall be authorized and empowered to allow reasonable compensation to the officers herein provided for.

Compensation.

SEC. 15. That the commissioners shall have power to exempt persons inside of the corporation from working on public roads.

Exemptions.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1875.

## CHAPTER XLI.

AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS NEAR  
HAYESVILLE, CLAY COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall sell or give to any person any spirituous liquors, or shall sell or give to any person under the pretence of selling or giving "bitters" or other medical preparation, any preparation or compound, a leading ingredient of which is spirituous liquors, at any place within two miles of Hayesville Academy, in the county of

Misdemeanor.

Proviso.

Clay, any such person so offending shall be deemed guilty of a misdemeanor, and, upon conviction before any justice of the peace having jurisdiction, shall be punished by a fine not less than ten nor more than fifty dollars, or imprisonment not less than ten days nor more than one month, in the discretion of the Court: *Provided*, That if the offender or offenders are not brought to trial before some justice of the peace having jurisdiction of the offence within six months after the offence, the Superior Court, in term time, may take jurisdiction of the same and punish the offender, but nothing herein contained shall be construed to interfere with the original jurisdiction of justices of the peace.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XLII.

### AN ACT TO INCORPORATE THE PAMLICO INSURANCE AND BANKING COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That George Howard, John Dancy, William S. Battle, William M. Pippen, Owen Williams, Frederick Phillips, their associates, successors and assigns, are hereby created a body politic and corporate by the name and style of "The Pamlico Insurance and Banking Company," and by that name may sue and be sued, plead and be impleaded, and have a common seal and the same change at pleasure, may adopt such by-laws, rules and regulations as they may deem best, and in general do all acts necessary and proper to carry into effect the objects and designs of this act, not inconsistent with the laws of this State or of the United States.

SEC. 2. Said company may make insurance upon dwelling-  
houses, warehouses, factories and all other kinds of buildings ;  
upon merchandise, household furniture, libraries and all  
other kinds of property, goods and chattels ; against loss or  
damage by fire ; and likewise insurances upon vessels,  
freights, goods, wares, merchandise, specie, bullion, and other  
things, and in general to make all and every insurance con-  
nected with fire or marine risks and risks of transportation  
and navigation. Powers.

SEC. 3. The said company 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, may purchase and hold such real and personal estate  
and property as may be conveyed to secure debts to the  
company as may be sold under execution to satisfy any debt  
due to the said company, and may sell and convey the same,  
may purchase and hold real estate for the transaction of its  
business, and in general shall have such powers as are pos-  
sessed by any other insurance or banking institution char-  
tered by the laws of this State: *Provided, however,* That  
this act shall not be construed to confer upon said company  
the right to take or receive, by discount or otherwise, a  
greater rate of interest than is allowed by the laws of the  
State of North Carolina.

SEC. 4. The capital stock of said corporation shall be one  
hundred thousand dollars, which may be increased at the  
pleasure of the directors or stockholders thereof to any sum  
not exceeding one million dollars, such capital stock to be  
divided into shares of one hundred dollars. The subscribers  
to said stock shall pay to the treasurer of the corporation  
within thirty days after the first meeting of such subscribers  
five per cent. on each share of stock subscribed for by them,  
and in addition thereto five per centum on each share within  
six months after such meeting, the time of such payment to  
be as the holders of a majority of the stock shall determine,  
who may likewise prescribe whether any additional per  
centage on said stock shall be required in cash and at what  
Capital stock.

time payable. The remainder of the stock not paid in cash shall be secured by sealed notes, with or without sufficient security as said majority shall determine, such security, if required, to be approved by the directors, who shall, from time to time, call for additional security if in their judgment necessary. The said notes, or such assessments thereon as may be called for by the board of directors, shall be payable sixty days after demand, and any security to the same shall, for his indemnity, have a lien on the shares of stock on account of which the same was given.

Defaulting stock holders.

SEC. 5. Any subscriber to the capital stock of said company who shall fail to pay the several installments required as above mentioned on the shares subscribed for by him whenever duly required, or any one of them, or who shall fail to secure the remaining portion of the stock not required in cash, shall, after twenty days' notice of such default, forfeit all payments and all profits which may have been made thereon: *Provided*, That the board of directors may waive such forfeiture, and the company may sue for and recover the amount in default in any court of competent jurisdiction.

Powers.

SEC. 6. The corporate power of said company shall be exercised by a board of directors consisting of not less than seven nor more than twenty-five persons, as the number within said limits may, from time to time, be fixed by the stockholders at their regular annual meetings, of which directors five shall be a quorum for the transaction of business. No person shall be eligible as director unless he is owner and holder in his own right of at least five shares of stock. The election shall be by ballot, and the directors shall hold office for one year and until their successors shall be elected. Should the stockholders, at any regular meeting, fail to elect the entire number herein authorized, the directors elected may, from time to time, fill any vacancy so arising either in whole or in part, and all other vacancies from any cause whatever may be filled by the remaining members of the board.

SEC. 7. The annual meetings of the stockholders shall be held at such time and place as the board of directors may designate and by due notice make known. At all meetings each share of stock shall entitle the holder to one vote, either in person or by proxy. Annual Meetings.

SEC. 8. The board of directors shall have power to prescribe rules and regulations for the transfer of shares of the capital stock, and to suspend, alter or amend any by-laws of the company when deemed best for the interest of the company, unless the stockholders shall abridge their power to do so. By-laws

SEC. 9. The directors shall, out of their number, elect a president, vice-president and prescribe their duties. Should the president be absent, or from sickness or other cause be unable to act, the vice-president shall discharge his duties, and in the event of the absence or inability of both president and vice president, the directors shall elect a president *pro tempore*. The directors shall also elect a secretary and treasurer and such other officers and agents as they may consider necessary, and prescribe their duties. They shall give such bond for the discharge of their duties as may be required and shall hold office during the pleasure of the directors.

SEC. 10. The directors shall have power to determine the plan and rates of insurance, the manner of paying and securing premiums, and all other matters connected with insurance and likewise the banking departments of said company. In case any policy holder in said company shall fail to pay any premium or violate any other condition of his policy the directors may consider his policy forfeited, and apply all previous payments connected therewith to the use of the company.

SEC. 11. The fiscal year of said company shall be as the directors may prescribe, and there shall be made from time to time a statement of its affairs, which shall exhibit its property and assets, its liabilities, and also its profits after deducting a sum sufficient to cover all outstanding risks and Statement of affairs.

contingent liabilities. The profits of said company shall be divided among the stockholders from time to time at the discretion of the directors or stockholders in lawful meeting.

Books to be opened.

SEC. 12. It shall be the duty of the first three corporators mentioned in the first section of this act, or either of them, to call a meeting of all the persons therein mentioned, as soon as may be after the ratification of this act, giving at least three days' notice of said meeting. The corporators, or a majority of them, shall thereupon open books of subscription to the capital stock of said corporation, and when the sum of one hundred thousand dollars shall be subscribed the said corporation shall call a meeting of such subscribers in the town of Tarboro, giving at least five days' notice of said meeting.

Term of corporation.

SEC. 13. The corporate powers herein granted shall exist for thirty years, and upon the dissolution of said corporation, by expiration of said term or otherwise, it shall be continued a body politic and corporate for five years thereafter for the purpose of settling up its business and disposing of its property and effects.

SEC. 14. This act shall be in force from its ratification.

Ratified the 3d day of February, A. D. 1875.

## CHAPTER XLIII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That the portions of the act entitled an act concerning the city of Wilmington, ratified on the twentieth day of December, one thousand eight hundred and seventy, not inconsistent with the provisions of this act, shall remain

in full force and operation, and all portions of said act inconsistent with this act are hereby repealed.

SEC. 2. That the act ratified on the eighth day of February, one thousand eight hundred and seventy-two, entitled an act to amend an act concerning the city of Wilmington, ratified the the twentieth day of December, one thousand eight hundred and seventy, is hereby repealed.

Act of February,  
1872, repealed.

SEC. 3. That the act entitled an act relating to the city of Wilmington, ratified the third day of December, one thousand eight hundred and seventy-three, is hereby repealed.

Act of December,  
1873, repealed.

SEC. 4. That the city of Wilmington shall be divided into three divisions or wards, denominated first, second and third wards respectively, which shall be severally bounded as follows: The first ward shall include all that part of the city beginning at the corner of Water and Market streets, running thence along Market to Sixth street, thence along Sixth street to Dock street, thence along Dock street to Seventh street, thence along Seventh street to Orange street, thence along Orange street to Fifth street, thence along Fifth street to Church street, thence along Church street to Water street, thence along Water street to the beginning. The second ward shall include all that part of the city beginning at the corner of Market and Water streets and running thence with Market street to Sixth street, thence along Sixth street to Chestnut street, thence along Chestnut street to Fifth street, thence along Fifth street to Mulberry street, thence along Mulberry street to Fourth street, thence along Fourth street to Campbell street, thence along Campbell street to Second street, thence along Second street to Mulberry street, thence along Mulberry street to Front street, thence along Front street to Chestnut street, thence along Chestnut street to Water street, thence along Water street to the beginning. The third ward shall include all that portion of the city not included within the bounds of the first and second wards.

Three wards and  
their boundaries.

Aldermen, qualifications of.

SEC. 5. That the corporate powers and authority granted to said city shall be vested in and exercised by a board of aldermen to consist of nine members, three of whom shall be elected by each ward. No person shall be eligible as alderman unless he shall be a native or naturalized citizen of the United States, shall have attained the age of twenty-one years, shall have resided within the corporate limits of said city one year next preceding the day of election, and shall be on the day of election, and have been ninety days prior to that day, a resident of the ward for which he shall be elected such alderman. Before entering upon the discharge of their duties, the aldermen shall take and subscribe before some judge of the Superior Court, or before some justice of the peace, an oath to well and truly discharge the duties of aldermen of the city of Wilmington, which, together with the certificate of the judge or justice before whom it is made, shall be deposited in the office of the clerk of the city. And the aldermen elected under the provisions of this act shall hold office for one year from the day of their election and until their successors shall be elected and qualified: *Provided*, That the aldermen elected at the first election held under this act shall enter upon the discharge of their duties when the term of office of the present board of aldermen shall expire by operation of law and shall hold their offices until the first Thursday in April, one thousand eight hundred and seventy-seven, and until their successors shall be elected and qualified. Whenever any vacancy shall occur in the office of alderman, from any cause whatever, the same shall be filled by the board of aldermen.

Mayor.

SEC. 6. That at the first meeting of each and every board of aldermen elected under the provisions of this act they shall proceed to select one of their own number to discharge the duties now prescribed by law for the mayor of said city during the term of office of said board of aldermen. And in case of the inability, failure or refusal of the aldermen so elected to discharge the said duties it shall be the duty of the board of aldermen to select some other one of their own

number to discharge said duties, either temporarily or for the remainder of the term, as to them may seem best.

SEC. 7. That before the first election shall be held under the provisions of this act, there shall be a new registration in each ward, of the persons qualified to vote therein. And the first election for aldermen held under the provisions of this act shall take place on the second Thursday in March, one thousand eight hundred and seventy-five, and subsequent elections therefor shall take place on the first Thursday in April, one thousand eight hundred and seventy-seven and annually thereafter.

SEC. 8. That the first and second wards shall each constitute one voting and registration precinct, but the third ward shall be divided into four voting and registration precincts, as follows: First precinct, all that portion of said ward north of the Wilmington and Weldon Railroad. Second precinct, all that portion of said road between the Wilmington and Weldon Railroad and Market street and the boundaries of the second ward. Third precinct, all that portion of said ward between Market street and Castle street and East of the boundaries of the first ward. Fourth precinct, all that portion of said ward south of Castle street. That in order to carry out the provisions of the preceding section of this act, the following named persons are empowered and authorized to act as registrars, that is to say, in the first ward, W. P. Oldham; in the second ward, James W. King; in the first precinct of the third ward, O. A. Wiggins; in the second precinct of said ward, A. J. Yopp; in the third precinct of said ward, Jesse J. Hodges; and in the fourth precinct of said ward, F. H. Darby.

SEC. 9. The said registrars shall, on the fifteenth day of February, one thousand eight hundred and seventy-five, open books for registration at the following named places, which shall also be the polling places for municipal elections in their respective wards and precincts, as follows: In the first ward, at the engine house, on Ann street, between Front and Second streets; in the second ward, at the

court house; in first precinct of third ward, at Thornton's cart house; in the second precinct of said ward, at Wilmington and Seaside Railroad stables, corner of Red Cross and Seventh streets; in the third precinct of said ward, at the corner of Ann and Seventh streets, and in the fourth precinct of said ward, at Anthony Howe's shop, on Duane street, between Third and Fourth streets. And the said registrars shall keep the said registration books open from the hour of eleven o'clock in the morning until the hour of two o'clock in the evening, and from the hour of four o'clock in the evening until the hour of seven o'clock in the evening, on each and every day except Sunday, from the fifteenth day of February, one thousand eight hundred and seventy-five, to the twenty-seventh day of February, one thousand eight hundred and seventy-five, both included. At seven o'clock on the evening of the twenty-seventh day of February, one thousand eight hundred and seventy-five, the registration books shall be closed, and no registration shall afterwards be permitted, nor shall any registration had at any time not within the hours prescribed for registration in this section, be valid. Before entering upon the discharge of their duties, the registrars shall take and subscribe, before some justice of the peace, an oath to well and truly discharge their duties as registrars, and the said oath, so subscribed, together with the certificate of the justice of the peace, shall be filed in the office of the clerk of the city, and the said registrars shall each receive three dollars for each day while engaged in the discharge of the duties imposed by this section, which shall be paid from the funds of the city by the treasurer of said city, upon certificate of said registrars respectively.

Oath of registrar.

Compensation.

Qualifications of electors.

SEC. 10. Every duly registered male person twenty-one years old or upwards who shall have resided twelve months in the State and ninety days next preceding any election for aldermen in the lot and the block and ward in which he resided at the time of registration shall be entitled to vote in said ward in said election. No person shall be entitled to vote without having been duly registered, and no regis-

tration shall be deemed valid under the provisions of this act that does not specify the name of the person applying for registration and the number of the lot, the number of the block, and the number of the ward in which he resides. No person shall be entitled to registration who is not a *bona fide* resident of the ward in which he applies for registration, and no person shall be entitled to vote in any election in any ward who is not a *bona fide* resident in such ward on the day of election.

SEC. 11. Every male person twenty-one years old and upwards shall be entitled to registration who shall have resided twelve months in the State and ninety days next preceding the election in the lot, the block and the ward in which he resides at the time of applying for registration, and no other person shall be so entitled. Any elector may, and it shall be the duty of the registrar to, challenge the right of any person to register, known or suspected not to be lawfully entitled to register, and when such challenge shall be made, it shall be the duty of the registrar to require such person to prove to the satisfaction of the registrar the fact of his being of lawful age to vote, the fact of his residence for twelve months in the State and for ninety days next preceding the election in the lot, in the block, and in the ward in which he claims to reside, by the oaths of other persons of known credibility to the said registrars. Who may register.

SEC. 12. On the day of election for aldermen, any elector may, and it shall be the duty of the judges of election to, challenge the vote of any person known or suspected not to be a duly qualified voter. When a voter is challenged at the polls on the day of election, the judges of election shall require said voter, before being allowed to vote, to prove to their satisfaction by the oaths of other persons of credibility known to them the fact of the said voter being of lawful age to vote, the fact of his residence for twelve months in the State, and of his residence for ninety days next preceding the election in the lot, in the block, and in the ward specified in the registration book. Challenging voters.

Registrars authorized to administer oaths.

SEC. 13. That the registrars and judges of the election shall each have power to administer all the oaths required to be administered under the provisions of this act.

SEC. 14. That any person coming of age to vote after the day fixed for the closing of the registration books, and on or before the day of election, and otherwise qualified to vote under this bill, shall be entitled to register and to vote on said day of election, subject to the same requirements in regard to proof, in regard to age and residence, in case of challenge, as above required.

Inspectors.

SEC. 15. That the following persons are hereby empowered and authorized to act as inspectors of the election at the first election for aldermen to be held under this act, that is to say: In the first ward, W. M. Stevenson, E. M. Eiler, William Cutler and J. H. Chadbourn; in the second ward, James C. Lumsden, Henry C. Brock, George M. Jackson, Daniel O'Conner; in the third ward, in the first precinct, R. C. Orrell, W. H. Strass, John H. Brown, J. M. Wise; in the second precinct, C. H. Schulken, John M. Robinson, Owen Dove, W. M. Monroe; in the third precinct, John McLaurin, S. C. Godshall, G. D. Flack, W. H. Howe; in the fourth precinct, J. C. Millis, W. E. Mayo, Anthony Howe, E. D. Hewlett.

Registration books and ballot boxes.

SEC. 16. The Judges of election named in this act shall provide suitable ballot-boxes for receiving the ballots herein authorized to be deposited. The registrars herein named shall furnish suitable registration books for their respective precincts, which shall be paid for by the city treasurer out of the city funds.

First election.

SEC. 17. After the first election under this act the registrars and inspectors of election shall be appointed by the board of aldermen.

Inspectors of election.

SEC. 18. The inspectors of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar for such precinct, who shall attend with his registration books, shall constitute the judges of election. And the said judges of

election, after being sworn by some justice of the peace or other person authorized to administer oaths to conduct the election fairly and impartially, according to the constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep poll-books in which shall be entered the name of every person who shall vote, which, at the close of the election, they shall certify and deposit in the office of the clerk of the city. Polls open.

SEC. 19. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and each voter duly registered as herein provided, and who shall not be challenged and rejected, shall hand in his ballot to the judges, who shall carefully deposit the ballots in the ballot boxes. Ballots counted.

SEC. 20. When the election shall be finished, the judges of the election, in presence of such electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket, and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, such ticket or tickets shall not be numbered in counting the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared. When the judges of election for the several wards shall have completed the counting of the votes for their respective wards, they shall publicly proclaim the result of the voting in the same for all the persons voted for and the number of votes cast for each, and the said judges shall certify to the same in writing, declaring who have been elected in their respective wards, giving a copy of said certificate to each of the persons elected in their respective wards and filing another copy in the office of the clerk of the city, and said certificate shall also be published in each of the newspapers published in the city of Wilmington at least two times. Tie vote.

SEC. 21. Whenever it shall appear that a ward has not

electd three aldermen for the reason that two or more persons shall have received an equal number of votes for aldermen in said ward, the judges of election in said ward shall decide which of said parties thus receiving an equal number of votes is elected.

Penalty for refusing to surrender.

SEC. 22. If any alderman of the city of Wilmington shall refuse to surrender his office upon the expiration of the same by due course of law, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two thousand dollars and imprisoned not less than two years in the penitentiary.

Fraudulent registration and voting.

SEC. 23. That any person who shall, with intent to commit a fraud, register or vote in more than one precinct or more than one time in the same precinct, or who shall induce another to do so, shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned not less than six nor more than twelve months, or fined not less than one hundred dollars nor more than four hundred dollars, and any registrar or any clerk or copyist who shall make any entry or copy with intent to commit a fraud, shall be liable to the same penalty.

SEC. 24. That if any of the persons named in this act shall fail or refuse to discharge the duties of registrar, the other registrars named in this act shall fill the vacancy; if any person named in this act as a judge of the election shall fail or refuse to discharge the duties thereof, the registrar for the precinct in which the vacancy shall occur shall fill the same.

SEC. 25. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 26. That this act shall take effect from and after its ratification.

Ratified the 3d day of February, A. D. 1875.

## CHAPTER XLIV.

AN ACT ENTITLED AN ACT TO AMEND AN ACT TO INCORPORATE THE CHEOAH TURNPIKE COMPANY, BY AUTHORIZING THE CONSTRUCTION OF A BRANCH ROAD FROM VALLEY RIVER, IN CHEROKEE COUNTY, TO HAYESVILLE, CLAY COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Commissioners.  
*enact*, That Stephen Whitaker, Thomas Tatham, M. G. Phillips, Newton McLelland and W. P. Walker, or a majority of them, are hereby appointed commissioners and authorized and empowered by themselves and under the directions of such agents as they may select, to open books for subscription of stock in shares of twenty dollars each to build and construct a branch to the Chioeh Turnpike road, said branch to extent from a point on Valley river known as the McLelland place, by the way of Fines creek, the nearest and most practicable route to Hayesville, Clay county.

SEC. 2. That as soon as the sum of one thousand dollars Organization.  
 has been subscribed, the said commissioners or a majority of them, shall, by public notice of ten days, notify the stockholders to meet at some convenient point on the line of said road, to organize the company and as soon as convenient to commence work.

SEC. 3. That the company when formed shall have a corporate existence under the name and style of Valley River and Clay Turnpike Company for the term of thirty years, and that in the organization of the company and the transaction of its business each stockholder has as many votes as he has shares of stock in said company. Corporate existence

SEC. 4. That at no place shall the road have a steeper grade than one foot in twelve, nor less in width than twelve feet.

SEC. 5. The company shall be allowed for obtaining subscription of stock and completing the road two years, and said company shall have exclusive control of Valley River and Clay Branch of Chioeh Turnpike established by this act. Two years.

Inspection.

SEC. 6. That when the said road shall have been completed, the commissioners of Cherokee county shall appoint three discreet persons to examine said road, and upon certificate of said commissioners that the road has been completed according to the provisions of this act, the company shall have the right to erect a toll gate at some point on the road, which they may move at will, and shall have the right to establish and collect tolls from all persons travelling over said road, with the following exceptions, first, all persons subject by law to work on said road and their families; secondly, any person going to and from church, or going or returning from a public mill, provided that nothing in this act shall be construed to relieve or release any person subject by law from performing six days' labor annually on said road under such overseer or overseers as may be appointed by the commissioners of Cherokee and Clay counties.

Tolls.

SEC. 7. The company shall have the right to collect the following toll, viz: for two-horse carriage or pedlar's wagon, one dollar; for one-horse carriage or buggy, fifty cents; for six-horse wagon, seventy-five cents; for five-horse wagon, sixty cents; for four-horse wagon, fifty cents; for three-horse wagon, forty cents; for two-horse wagon, thirty cents; for one-horse wagon or cart, twenty cents; for horse or mule with rider, ten cents; for each horse, mule or ass without a rider, five cents; for each head of cattle, hogs or sheep, two cents.

Penalties

SEC. 8. That any person passing over said road who shall fail to pay the toll prescribed by law shall be subject to a penalty of five dollars, which may be sued for in the name of the company and recovered before any acting justice of the peace, provided that the company shall at all times when demanding and collecting toll be required to keep said road in about such condition as when examined by the commissioners authorized by this act.

Certificates of stock

SEC. 9. That said company shall issue certificates of stock to its members, and said stock may be transferred in such

manner and form as may be directed by the by-laws of the company.

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

Ratified the 2d day of March, A. D. 1875.

## CHAPTER XLV.

### AN ACT TO INCORPORATE THE BANK OF DURHAM.

SECTION 1. *The General Assembly of North Carolina do enact,* That Julian S. Carr, S. F. Tomlinson, J. W. Cheek, Dr. W. R. Hughes, Wm. Lipscomb, A. Walker, W. Duke, T. B. Lyon, E. J. Parrish, M. A. Angier, J. W. Carr, Chas. W. Johnson, Dennis Tilley, A. M. Riggsbee, W. H. Parrish, W. N. Patterson, Fendal Southerland, Z. I. Lyon, S. W. Holman, their present and future associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Bank of Durham," and shall so continue for the term of sixty years, with capacity to take, hold and convey real or personal estate, and with all the powers, rights and privileges granted to any bank or banking institution by this or any preceding General Assembly of this State, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "Corporations." Body politic.

SEC. 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars, in shares of twenty-five dollars each, and such capital stock be increased from time to time as said corporation may elect, to a sum not exceeding one million dollars. Capital stock.

Books of subscrip-  
tion.

SEC. 3. The corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank, at such time or times, at such places, and for such periods, as they shall determine, and the stockholders, at any general meeting called after due organization of said bank, may, at their discretion from time to time re-open books of subscription to said capital stock, until the same be wholly taken.

Organization.

SEC. 4. Whenever one hundred thousand dollars shall be subscribed and twenty-five thousand dollars paid into the capitalstock of the bank, the before-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, 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: *Provided*, That no person shall be a director in said corporation without first having subscribed and taken at least ten shares of stock therein, and said directors shall elect a president to serve during their continuance in office.

By-Laws.

SEC. 5. The president and directors of the bank may adopt and use a 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, provide the manner of paying for stock and of the transfer thereof, may do a general banking business and charge the highest legal rate of interest, and in general have the privileges conferred on corporations by general laws of the State relating to corporations. The 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.

Powers.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current notes and 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, or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same, and may discount notes and other evidences of debt, and lend money upon notes of interest allowed by law. It may receive upon deposit moneys on terms to be agreed on between the officers and depositors, not exceeding the legal rate.

SEC. 7. 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 Superior Court of the county where the delinquent may reside, on 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 cash, at the banking house, after advertisement of sale for twenty days in a newspaper published in the county of Orange, and if at such sale the price bid should not be sufficient to discharge the amount unpaid with all costs attending the sale, the subscriber shall be liable for deficiency in a civil action. Delinquents.

SEC. 8. If any subscriber shall assign his stock before its 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 motions aforesaid, or by civil actions, and in any 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 the assets of any deceased subscriber. Assignments.

SEC. 9. Branches or agencies of the bank may be established at such times and places as the president and directors may designate, and such branches or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank. Branches.

Powers of officers.

SEC. 10. The president and directors shall be capable of exercising all such powers 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 rates on which discounts and loans may be made and deposits received by the bank, and 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 the county of Orange. At all meetings stockholders may be represented by proxy, each twenty-five dollar share being entitled to a vote.

Advances.

SEC. 11. That to aid planters, farmers, miners, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons, any sum or sums of money, and to secure the re-payment of the same take in writing a lien or liens on the crop or crops to be raised, even before the same may have been planted, or upon the prospective products of any mining operations or upon any article or articles then existing, or thereafter to be made, manufactured, purchased or otherwise acquired; and any lien so taken in writing shall be good and effectual in law for securing such loans or advances: *Provided*, The same is duly recorded under existing laws of registration anterior to all other liens and mortgages. And the said bank shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment; and also to receive in storage or warehouse any cotton, wheat, corn or other produce, or any manufactured articles whatsoever, as a pledge or pledges for the re-payment of money or moneys loaned upon the faith of the same; the said liens, pledges or mortgages being duly

recorded and registered as in the case of mortgages and deeds in trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1875.

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## CHAPTER XLVI.

AN ACT TO SECURE THE INSURANCE OF PUBLIC BUILDINGS IN  
LINCOLN COUNTY.

SECTION 1. *The General Assembly of North Carolina do* May insure.  
*enact*, That the board of commissioners of Lincoln county may insure any of the public buildings in said county, and have power to order the premiums to be paid out of any funds belonging to the county not otherwise appropriated.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 4th day of March, A. D. 1875.

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## CHAPTER XLVII.

AN ACT TO INCORPORATE THE WIDOWS' AND ORPHANS' BENEFIT SOCIETY OF THE NORTH CAROLINA CONFERENCE, METHODIST EPISCOPAL CHURCH, SOUTH.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That Rev. T. M. Jones, D. D., Dr. S. G. Ward, J. Buxton Williams, Henry B. Hunter, John M. Brame, Col. W. S. Davis, William J. Norwood, T. C. Williams, B. F.

Long, Dr. J. J. Garrett, John W. Hays, George S. Cole, W. D. Rountree, O. W. Carr, E. J. Lilly, J. W. Leek, James Southgate and J. C. Pinnix, their associates and successors, are hereby declared a body politic and corporate, under the name and style of "The Widows' and Orphans' Benefit Society of the North Carolina Conference, Methodist Episcopal Church, South," and by that name and style shall have perpetual succession and a common seal, and be capable in law of suing and being sued, pleading and being impleaded, and may hold property, real and personal, to an amount not exceeding three hundred thousand dollars.

Board of Directors.

SEC. 2. That the corporate powers of said society shall be vested in and exercised by a board of directors and such officers as the board of directors may appoint and empower.

SEC. 3. The board of directors shall consist of not less than twelve nor more than thirty members, who shall be elected by the society at its annual meetings, five of whom shall constitute a quorum.

By-laws.

SEC. 4. The said corporation shall have power to make such by-laws, rules and regulations for its government and the management and disposition of its funds as from time to time may be deemed proper.

Directors.

SEC. 5. Until the society is regularly organized under this charter and elections regularly held, the following persons shall be and are constituted the board of directors: Rev. T. M. Jones, D. D., Dr. S. G. Ward, J. Buxton Williams, John M. Brame, Col. William S. Davis, William J. Norwood, T. C. Williams, B. F. Long, E. J. Lilly, Col. J. W. Leek, Dr. J. J. Garrett and W. D. Rountree; and the officers of the society shall be a president, vice-president, secretary, financial secretary, and treasurer, who shall be the following persons, viz: Rev. T. M. Jones, D. D., president; Dr. S. G. Ward, vice-president; B. F. Long, secretary; T. C. Williams, financial secretary; William J. Norwood, treasurer; and the treasurer shall be required to give bond at each annual meeting in such an amount as may be required

by the board of directors, and shall receive pay as the said board of directors may allow.

SEC. 6. The said corporation shall have power to receive subscriptions in money or donation, by will or otherwise, of real or personal property, and invest or otherwise dispose of and use the same for the promotion of the objects of said corporation. Subscriptions.

SEC. 7. That any note given for subscription to the funds of said society shall be considered as for value received, and the collection thereof may be enforced by law. Notes.

SEC. 8. That said corporation shall be located at Warren-ton, North Carolina, but its annual meetings may be held at any time and place said society may direct. Location.

SEC. 9. The directors and officers of said society shall hold until their successors are appointed and enter upon the duties of their office.

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

Ratified the 4th day of March, A. D. 1875.

## CHAPTER XLVIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-SIX,  
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO  
AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, of chapter one hundred and forty-six, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended so as to give the commissioners of Onslow county discretion in the sale of the Alum Spring property in said county; and if the said property fails, in their judgment, to bring its value, to decline the sale, and either expose it again to public sale or hold it as the property of said county. Amendment

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER XLIX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Part of chapter 137, laws of 1873-74, repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and thirty-seven of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled an act to prohibit the sale of spirituous liquors in certain localities, ratified the sixteenth day of February, Anno Domini one thousand eight hundred and seventy-four, be amended by repealing so much of the same as relates to Elam Baptist church, in Northampton county.

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER L.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN ONE MILE OF MOTT'S GROVE CAMP GROUND AND OF REHOBOTH CHURCH, IN CATAWBA COUNTY.

Unlawful to sell.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons

to sell, or in any manner give away, any intoxicating liquors, or either directly or indirectly to receive any compensation for the same, within one mile of Mott's Grove Camp Ground, or within one mile of Rehoboth Church, in Catawba county.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall be dealt with in all respects as provided in section nine of chapter one hundred and thirty-seven, public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled an act to prohibit the sale of spirituous liquors in certain localities. Violation.

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER LI.

### AN ACT TO DEFINE THE JURISDICTION OF THE MAYOR OF CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor of the city of Charlotte shall be a special court for the trial of misdemeanors, and shall have the same jurisdiction within the corporate limits of said city to try, hear, determine and punish misdemeanors committed therein that a justice of the peace now has by law, and be a special court for this purpose. Mayor a special court for trial of misdemeanors.

SEC. 2. He shall also have the same power that justices of the peace now have to arrest and hold to bail persons charged of crimes or misdemeanors. Same power as justice.

SEC. 3. The mayor shall have the same fees as are now allowed by law to justices of the peace.

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER LII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND THE  
CHARTER OF THE CHEOAH TURNPIKE COMPANY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and twenty-eight, section one, laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be stricken out and the following substituted in its place, viz: That the commissioners of Graham county are hereby authorized and empowered to construct a bridge or establish a ferry at or near Rocky Point, on Tennessee river.

SEC. 2. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified the 1st day of March, A. D. 1875.

## CHAPTER LIII.

AN ACT TO INCORPORATE NEWBERN GOLDEN LINK LODGE,  
NUMBER ONE THOUSAND SIX HUNDRED AND THIRTY-TWO,  
GRAND UNITED ORDER OF ODD FELLOWS.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members of Newbern Golden Link Lodge, number one thousand six hundred and thirty-two, Grand United Order of Odd Fellows, and their successors, be and are hereby constituted a body politic and corporate, and by that name and style shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, 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 take effect from and after its ratification.

Ratified the 27th day of February, A. D. 1875.

## CHAPTER LIV.

AN ACT TO PREVENT THE FELLING OF TIMBER IN THE SOUTH FORK RIVER, AND IN ROCK AND LAUREL CREEKS, IN BURKE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to fell any tree or trees in the South Fork river, between L. F. Warlick's mill and the residence of Nicholas Huffman, in Burke county, nor in Rock creek or Laurel creek, in said county, within three miles of their junction with the South Fork river, and allow the same to remain more than forty-eight hours therein.

Unlawful to fell trees in certain streams.

SEC. 2. If any person or persons shall violate the first section of this act, he, she, or they, so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned at the discretion of the court.

Violation.

SEC. 3. That this act shall be in force from and after the first day of April next.

Ratified the 27th day of February, A. D. 1875.

## CHAPTER LV.

AN ACT TO INCORPORATE THE BOARD OF DIRECTORS OF THE  
HICKORY HIGH SCHOOL, IN THE COUNTY OF CATAWBA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. G. Hall, Abel A. Shuford, M. L. Cline, A. L. Shuford, Dr. J. R. Ellis, Henry Wilfong and R. W. McCombs, their associates and successors, are hereby created a body politic and corporate, under the name and style of the Hickory High School, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property, real and personal, such as may be necessary and suitable for maintaining a school of high grade, not to exceed in the aggregate twenty thousand dollars, in or near the town of Hickory, in the county of Catawba, with power to make all needful rules and regulations for their own government and also that of the said Hickory High School, subject to the by-laws passed upon by the stockholders, and shall have perpetual succession.

Shares.

SEC. 2. That the stock in said company shall be divided into shares of twenty-five (\$25.00) dollars each, for which certificates of stock shall be issued to each shareholder a receipt of said amount in full, signed by the chairman of the board of directors and countersigned by the secretary, and that said shares shall be transferable on the stock-book only, and that such stockholder, or his proxy, shall be entitled to one vote in the stock meetings for each share he may control: *Provided, however*, That a majority of the stockholders in interest shall be necessary to constitute a quorum for the transaction of any business in the stock meetings.

Directors

SEC. 3. That the receipts and disbursements of the corporation shall be managed by and through a majority of the board of directors, who shall be elected annually by the stockholders, to serve until their successors are elected and

qualified: *Provided, however,* That said board of directors shall have power to fill all vacancies that may occur by death or resignation in any one year: *And provided further,* That the directors herein appointed shall hold for one year from the ratification of this act and until the stockholders fix a time for their annual meetings for electing officers, and until they are elected and qualified: *Provided, also,* That the liabilities of the corporation shall affect the stock of the company only. Proviso.

SEC. 4. That the stockholders shall have power to make all necessary by-laws for the management of the property, and may sell the same to any competent purchaser or purchasers, through the board of directors, who may authorize the chairman of said board to convey the same by deed. By-Laws.

SEC. 5. That all questions of importance, outside of the regular routine of business necessary for the management of the school, shall be decided by the stockholders in meeting, who may be called together at any time by the board, their chairman giving notice for that purpose.

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

Ratified the 26th day of February, A. D. 1875.

## CHAPTER LVI.

AN ACT TO INCORPORATE DIRECT TRADE UNION, PATRONS OF HUSBANDRY.

SECTION 1. *The General Assembly of North Carolina do enact,* That Columbus Mills, G. Z. French, A. T. Mial, A. Graves of Caswell, T. L. Vail, G. W. Lawrence, D. H. Hill, S. B. Alexander, J. T. Kell, G. W. McDonald, W. R. Lee, J. H. Cheshire, E. M. Query, J. M. Strong, J. W. Henon, H. M. Dixon, William A. Graham, Jr., T. H. Benton, R. Body politic.

Rankin, Jasper Stowe, W. T. Shipp, F. L. Rogers, B. F. Dixon, J. Logan, J. H. Allison, W. S. Harriss, J. T. LeGrand, J. L. Long of Craven, Isaac Harriss, E. L. Bell, C. Alexander, J. M. Parks, J. Means, James F. Johnson, Dr. O. L. Ellis, John K. Hughes, Hugh A. Fladger, W. R. Davis, Henry Burton, in behalf of themselves and such others as now or hereafter may be associated with them for the purpose of establishing a direct trade between the State of North Carolina and foreign countries, are hereby constituted a body politic and corporate by the name, style and title of the Direct Trade Union of the Patrons of Husbandry, with a capital of one hundred thousand dollars, to be divided into shares of ten, with the privilege of increasing the capital to one million dollars.

Commissioners

SEC. 2. That the master and secretary of each subordinate grange in the State shall be and are hereby constituted commissioners of said company to receive subscriptions to stock in said company until an election can conveniently take place under this charter, and they, the said company, are hereby authorized and empowered to take up by subscription, at such times and places as they may hereafter deem expedient, either the whole or any part of said capital, with such penalties for enforcing the payment of the subscription thereto as by their by-laws a majority of them shall prescribe, not inconsistent with the constitution and laws of the State of North Carolina: *Provided*, Said company shall not go into operation until one-tenth of the capital stock shall have been subscribed, and that each stockholder shall be legally responsible to the amount of his stock individually to creditors.

By-laws.

SEC. 3. That the said company shall have a president and twelve directors, to be chosen as directed by the rules and by-laws made or to be made for their government and direction, and shall have power to make all by-laws, rules and regulations which a majority of them may deem proper and not repugnant to the laws of the land, to sue and be sued, to plead and be impleaded in any court of law or

equity in this State, and shall have a common seal with power to change and alter the same as often as they may deem it expedient.

SEC. 4. That said company be and is hereby invested with <sup>Powers.</sup> all the powers, rights and privileges granted to the banks of Mecklenburg and New Hanover, the same as if the charters of said banks were specifically set forth in this act.

SEC. 5. That in all elections and upon any other <sup>Stock vote.</sup> subject or question, except when restrained by the by-laws, any stockholder shall be entitled to as many votes as he or she shall have shares, and such stockholders as may be absent from any meeting shall be entitled to vote by proxy.

SEC. 6. That the said company shall be able and competent in law and equity to have, hold and enjoy, and shall have power to charge and convey such real and personal estate as they may deem proper to acquire.

SEC. 7. That said company shall have power to make contracts, advance money on produce, purchase or sell on commission foreign or domestic wares, goods and merchandize, draw bills of exchange, and to transact and perform all the business relating to the objects aforesaid according to the usages or custom of commission merchants; all contracts for the same shall be signed by such person or persons and with such ceremonies of authority as by their rules and by laws ordained and appointed, and by such contracts their capital stock shall be effectually bound and pledged to creditors, and the stockholders shall be likewise bound to the creditors to the extent of the stock owned by each of them, and to that extent only.

SEC. 8. That this act shall continue and be in force for <sup>Limitation.</sup> twenty years, and shall be deemed a public act, and the courts of this State shall take judicial notice thereof without special pleading.

SEC. 9. That on the expiration or dissolution of the said company, the estate thereunto belonging shall not escheat but be vested in the several members of the said company in proportion to their several and respective shares in the

capital stock aforesaid, after the payment of the debts of said company.

SEC. 10. That this act shall take effect from and after its ratification.

Ratified the 26th day of February, A. D. 1875.

## CHAPTER LVII.

### AN ACT TO INCORPORATE THE TOWN OF SHELBY, CLEVELAND COUNTY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the town of Shelby, residing in three quarters of a mile of the court house in said town, shall continue to be, and the same are hereby, created a body corporate under the name and style of "The Town of Shelby," and under such name is hereby vested with all the privileges, immunities and franchises, property and all other rights heretofore belonging to the town of Shelby, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary and expedient.

Mayor and commissioners.

SEC. 2. The present mayor and commissioners and other officers of the town of Shelby shall be, and the same are hereby, declared to be like officers, with like powers and duties, of the town of Shelby, until their successors are elected and qualified as hereinafter provided.

SEC. 3. The officers of said town of Shelby shall consist of a mayor and four commissioners, to be elected by ballot on the first Monday in May in each and every year, or such other day as may be designated by the general laws of the State for municipal elections, a constable, a town clerk and treasurer, to be chosen by the board of commissioners, to

hold for one year, or until their successors are elected and qualified.

SEC. 4. That any qualified voter of this State shall be eligible as mayor or commissioner and entitled to vote in such municipal election, provided he shall have resided in the corporation for sixty days next preceding the day of election. Eligibility.

SEC. 5. For the purpose of electing the mayor and commissioners, the commissioners shall, at least twenty days before each election, appoint three inspectors, who shall be qualified voters, and who shall give ten days' notice thereof by public advertisement. Notice of election.

SEC. 6. That on the day of election the inspectors shall give their 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 elections for members of the General Assembly. The voter shall designate on his ballot the person for whom he votes for mayor and the persons for whom he votes for commissioners, otherwise the votes shall not be counted. Judges.

SEC. 7. At the close of the election the votes shall be counted by the inspectors, and of such persons voted for as mayor the one having the largest number of votes shall be declared duly elected mayor, and for such persons voted for as commissioners the four receiving the highest number of votes shall be declared duly elected commissioners, and the officers elect shall be notified of such their election as soon thereafter as may be, by the inspectors.

SEC. 8. 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 case of the absence of one of the inspectors his place shall be supplied by the commissioners. Oath of inspectors.

SEC. 9. That if among the persons voted for for mayor, there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners elect shall proceed within five days after their qual- Tie vote.

ification, to elect a mayor of such persons, and that if among the persons voted for for commissioners there shall be a like tie, the remaining commissioners, in five days after their qualification, shall select of such the person or persons to be commissioners.

Duty of inspectors.

SEC. 10. That the inspectors shall certify and subscribe the poll and registration lists and return them to the town clerk who shall take charge of and preserve the same.

Mayor's oath.

SEC. 11. That the mayor, immediately 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 town of Shelby while I continue therein."

Commissioners' oath.

SEC. 12. 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 town according to the best of his skill, ability and judgment.

SEC. 13. That the mayor and commissioners shall hold their office respectively until the next ensuing election and until their respective successors shall be qualified.

Mayor pro tem.

SEC. 14. That if any person who shall be 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 town 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 heretofore declared to be eligible.

Penalty for refusal to qualify.

SEC. 15. That any person elected mayor or commissioner who shall refuse to be qualified and act as such shall forfeit

and pay to the equal use of the town and of him who shall sue therefor the sum of twenty dollars.

SEC. 16. That if the commissioners shall fail to give notice of the election, or to hold and declare the same, in the manner herein described, each of them as shall be in default shall forfeit and pay, for the equal benefit of the town and of him who shall sue therefor, fifty dollars.

Penalty for failure to hold election.

SEC. 17. That the mayor, as a peace officer, shall have, within the corporate limits, all the powers and authority of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any violation thereof, to fine and imprison, either in the guard-house of the town or in the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of said town: *Provided*, That in all cases any person dissatisfied with his judgment may appeal to the Superior Court of Cleaveland county, upon recognizance with security for his appearance at the next term thereof.

Mayor's powers.

SEC. 18. That the mayor shall keep his office in some convenient part of the town, he shall preside when present 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 be absent the board shall appoint one of their number *pro tempore* to exercise his duties.

Mayor's office.

SEC. 19. The mayor shall keep a faithful minute of all precepts issued by him and of all his judicial proceedings. Judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the courts of Cleaveland and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of the county of Cleaveland.

Mayor's record.

Misdemeanors.

SEC. 20. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than one month.

SEC. 21. That no preliminary affidavit shall be necessary to give the mayor final jurisdiction over offences against the town ordinances.

Imprisonment and fines.

SEC. 22. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now provided by law.

Use of town:

SEC. 23. That all fines collected under the provisions of this act for violations of the ordinances of said town shall go to the use of the town.

Fees.

SEC. 24. That the mayor shall be entitled to the same fees allowed by law to justices of the peace in like cases and to such other compensations as shall be allowed him by the board of commissioners.

Commissioners.

SEC. 25. 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 the 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. Special meetings of the commissioners shall 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.

SEC. 26. If any commissioner shall fail to attend a regular meeting of the board, or any special meeting of which he may have notice, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay to the use of the town the sum of four dollars. And it shall be the duty of the mayor to enforce such forfeitures.

SEC. 27. The commissioners shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the good government of the town 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. 28. The commissioners shall have power, and it shall be their duty, to provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, frays, trespasses or other breaches of the peace. They shall provide for repairing the streets, side-walks and alleys, and cause the same to be kept clean and in good order. They may establish the width and location of those already provided and lay out and open others, and have power to close and sell such streets and alleys as may be considered useless to the inhabitants of the town.

Powers of commissioners.

SEC. 29. When any land or right of way shall be required by said town of Shelby for the purpose of opening new streets or alleys, or for other objects allowed by this 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 three freeholders of the town, to be chosen jointly by the commissioners and the party owning the land, or their personal representatives, and in making said valuation said freeholders, after being duly sworn by the mayor, or a justice of the peace for the county, 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*, That if any person on whose land the said street may pass or improvement be located shall refuse to join in the selec-

Opening streets.

Proviso.

tion of the commissioners, after having been notified thereof in writing or publication, then the board of commissioners for the town shall themselves select the three commissioners : *Provided further*, That if any person on whose land the said street may pass or improvements be located, or the commissioners, be dissatisfied with the valuation thus made, then and in that event either party may have an appeal to the next Superior Court of Cleaveland 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 therein ; the land so valued by the freeholders shall vest in the town so long as it may be used for the purpose of the same and as soon as the valuation may be paid or lodged in the hands of the clerk of the Superior Court ; in the case of its refusal by the owner of the land, or if the owner is a non-resident, in Cleaveland county : *Provided*, That in case of the discontinuance of the use of the land, and its reversion to the owner the town shall have the right to remove any of its improvements erected under its authority.

Nuisances.

SEC. 30. The commissioners may require and compel the abatement and removal of all nuisances in the town at the expense of the person or persons causing the same, or the owner or tenant of the ground where the same may be ; may also prevent the establishment within the town, and may regulate the same, if allowed to be established, of any slaughter-house or place, or the exercise within the town of any dangerous, offensive, unhealthy trade, business or employment.

Guard-house.

SEC. 31. That the mayor and commissioners of the town may establish a guard-house in which to secure and confine offenders against the town ordinances and regulations, and all such offenders arrested or taken up by the constable of the town may be therein confined until such time when said offender may be taken before the mayor to be dealt with according to law : *Provided*, That no such offender shall be thus imprisoned for more than twenty-four hours

Proviso.

without having his case heard and determined before the mayor.

SEC. 32. The board of commissioners shall have power to Taxes.  
levy and collect annually such taxes on the polls, property, professions and such other subjects within the incorporation as are taxed by the State and county, to an amount as to polls and property not to exceed one dollar on the poll and fifty cents on one hundred dollars' worth of property, and as to other subjects of taxation to an amount not to exceed one-half the State tax, as may be necessary to defray the expenses of the corporation and all other expenses of the town government.

SEC. 33. That the specification of power herein set forth Further powers.  
shall not be so construed as to prevent the board of commissioners from passing such ordinances and regulations as the good government of the town may require.

SEC. 34. The commissioners, at the first meeting after their election, shall appoint a clerk, a treasurer and a constable, all of whom shall respectively hold their office 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 town of Shelby in such sums as the commissioners may determine. Clerk, treasurer and constable.

SEC. 35. That all ordinances and regulations passed by Ordinances.  
the board of commissioners, and all ordinances and regulations in force, shall be annually printed and posted at the court house door and three or more public places in the county.

SEC. 36. The clerk shall keep regular and fair minutes of Minutes.  
the meetings 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.

Treasurer.

SEC. 37. That the treasurer shall call upon all persons who may have in their hands any money or security belonging to the town which ought to be paid or delivered in the treasury, and keep safely the same for the use of the town, 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 so required to do. On the expiration of his term of office he shall deliver to his successor all the money, securities and other property entrusted to him for safe keeping, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as town treasurer.

Orders on treasurer.

SEC. 38. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, they shall 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 moneys received by him, and no such order shall be drawn by the mayor or countersigned by the clerk unless drawn in pursuance of appropriations made and directions given by the board of commissioners.

Receipts and disbursements.

SEC. 39. The commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens, and cause the same to be posted at the courthouse door ten days before the annual election of commissioners. The commissioners failing to comply with the duties of this section shall forfeit and pay, for the equal use of the town and him who shall sue therefor, the sum of fifty dollars.

Con-able.

SEC. 40. The town constable shall collect and pay over to the treasurer all taxes imposed by the commissioners according to the lists made out, all fines and costs when execution is issued to him for that purpose, and return the same to the clerk of the mayor's court; he shall see that the ordinances

and regulations of the board of commissioners are enforced, and report all breaches thereof to the mayor; he shall execute all process directed to him by the mayor or any justice of the peace of township No. 6 within the limits of the town, and in the execution of such process may call to his aid such assistance as may be necessary; he shall further preserve the peace of the town by suppressing disturbances and apprehending offenders and taking them before the mayor; he shall be allowed the same fees for his services as are allowed township constables for similar services, and such additional compensation as the board may allow.

SEC. 41. The fees and emoluments of the town officers Fees. which are not otherwise fixed and established by this charter, shall be in the discretion of the board of commissioners.

SEC. 42. The citizens of the town of Shelby, and other persons liable to be taxed by the provisions of this act shall, List of taxables. on the 1st Monday in April in each and every year, 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 fail to render such list he shall pay double the tax assessed on any subject for which he is liable to be taxed, and shall further be guilty of a misdemeanor, and fined not more than fifty dollars and imprisoned not more than thirty days.

SEC. 43. That on the second Monday in April, one thousand eight hundred and seventy-five, and every three years thereafter, the mayor shall return the tax list to the commissioners, who shall forthwith appoint three freeholders, 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 the cash value of the real estate with its improvements lying within the corporate limits of the town, and they shall make a list thereof, together with the owner thereof, previous to levying the tax, and return it to the commissioners on or before the third Monday in April in each and every year, and the Assessment.

value of the real estate of the assessors shall be assessed by the commissioners.

Lery of taxes.

SEC. 44. That as soon as the mayor shall have returned the tax list to the commissioners and the assessors shall have made their returns, the board shall proceed to lay their taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the constable for collection, who shall complete the same on the first Monday in December then next ensuing, and shall pay the moneys weekly as they are collected to the treasurer, and the constable shall receive five per cent. on the amount so collected.

Powers of constable

SEC. 45. The town constable shall have the same power to collect the taxes imposed by the commissioners as sheriffs have to collect the taxes imposed by the county commissioners.

Repeal.

SEC. 46. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed, except that entitled "An act to prohibit the sale of intoxicating drinks within two miles of the court-house in the town of Shelby, in Cleaveland county," passed by the General Assembly of North Carolina, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, the same being chapter ratified February sixteenth, one thousand eight hundred and seventy-four: *Provided*, That nothing contained in said act shall be construed so as to prevent the sale of wine manufactured in Cleaveland county of grapes the growth of Cleaveland county, in measures not less than a quart: *Provided*, That nothing in this charter contained shall be so construed as to impair the rights or destroy the privileges secured under former laws to James Love, as to property now owned by him, and so long as he may continue to own the same.

SEC. 47. This act shall take effect from and after its ratification.

Ratified the 26th day of February, A. D. 1875.

## CHAPTER LVIII.

AN ACT TO AMEND SECTION FOUR, CHAPTER ONE HUNDRED AND SIXTY-FOUR, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE, ENTITLED AN ACT TO INCORPORATE THE CALDWELL AND ASHE TURNPIKE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four, chapter one hundred and sixty-four, of the laws of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, be amended by adding to said section the following: *Provided*, That nothing contained in this section shall be construed to exempt persons living in Watauga county from working on the public roads of said county.

Laws of 1850,  
amended.

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

Ratified the 25th day of February, A. D. 1875.

## CHAPTER LIX.

AN ACT FOR THE BETTER REGULATION OF THE NEWBERN ACADEMY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Matthias E. Manly, Alonzo T. Jerkins, William Hay, William H. Oliver, John A. Guion, James B. Hughes, Charles C. Clarke, Joseph Fulford, Alexander Justice, Frederick C. Roberts, John D. Whitford, William Hallister and John Hutchinson, be and they are hereby recognized and declared and appointed to be trustees of the Newbern Academy, and they only, with their appointees

Trustees.

and successors, as hereinafter provided, shall have the property, rights, franchises and privileges heretofore granted to the trustees of said academy.

Vacancies.

SEC. 2. That the said trustees, so recognized, declared and appointed, as aforesaid, shall, as the case may be, either fill all vacancies existing in the board of trustees of said academy or appoint other trustees, until the board of trustees shall consist of twenty-four members.

SEC. 3. That whenever any vacancy shall hereafter occur in the trustees of the Newbern Academy or in the board of trustees so constituted as aforesaid, from death, resignation, removal from the said city, or from any cause whatever, the remaining trustees shall fill such vacancy.

SEC. 4. That no person or persons other than those provided in this act shall in any manner act or officiate as trustees of said academy, and any person so acting or officiating in violation hereof shall be deemed guilty of a misdemeanor, and on conviction thereof be fined not less than fifty dollars and imprisoned not less than three months.

Seal.

SEC. 5. That each and every person who may have the control or possession of the common seal of the trustees of the Newbern Academy, and who shall refuse, or neglect, after demand made, to give up the same to the trustees herein recognized, declared and appointed as aforesaid, or their duly authorized agent, shall forfeit and pay to any person who may sue for the same ten dollars for each and every day they so refuse or neglect, and shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars and imprisoned not less than three months.

SEC. 6. That all laws and parts of laws inconsistent or in conflict with any of the provisions of this act be and the same are hereby repealed.

SEC. 7. That this act shall take effect from and after its ratification.

Ratified the 25th day of February, A. D. 1875.

## CHAPTER LX.

AN ACT TO INCORPORATE PINEY CREEK BAPTIST CHURCH, IN ALLEGHANY COUNTY, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact,* That John M. Vanhoy, Solomon C. Parsons, James Weaver, William Halsey and John R. Wyatt, and their successors in office, are hereby created a body politic and corporate, and by the name and style of the trustees of Piney Creek Baptist Church, and by that name may sue and be sued, plead and be impleaded, and shall have all the power of corporate trustees of like institutions. Body politic.

SEC. 2. That said trustees shall meet at their pleasure and elect one of their number chairman, and one secretary, who may hold their office for a term of ten years. The trustees shall fill all vacancies by a majority vote at any meeting of said board.

SEC. 3. That the corporate limits shall extend three miles in every direction from said church, and any person or persons selling spirituous liquors within said corporation shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction shall be fined not less than fifty dollars and imprisoned not less than thirty days in the county jail for such offence. Limits.

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

Ratified the 24th day of February, A. D. 1875.

## CHAPTER LXI.

## AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

Auditing committee.

SECTION 1. *The General Assembly of North Carolina do enact*, That Alexander Mitchell, William H. Oliver and William George Brinson be and they are hereby appointed an auditing committee for the city of Newbern, to remain in office four years and until their successors are appointed by the General Assembly; and if a vacancy occur in said committee the remaining member or members thereof shall fill the same.

Annual examination.

SEC. 2. The said committee shall annually audit the books and accounts of all officers of said city into whose hands any moneys shall go for the benefit of said city, and all bills, vouchers and other evidences of debt which have been legally received by them.

Record of bills, &amp;c.

SEC. 3. The clerk of said city shall, immediately after the same shall have been allowed by the board of councilmen, turn over to said committee all bills, vouchers and other evidences of debt, who shall record the same in a book to be kept for that purpose; and no bill, voucher or other evidence of debt shall be paid or received in payment by any officers of said city until the same shall be recorded as aforesaid and approved and endorsed by said committee.

Bonds.

SEC. 4. That the bonds of all the officers of said city who may be required to give bonds shall be tendered to said committee for approval; and if any of said officers shall enter upon the discharge of the duties or receive any of the emoluments of the office to which he may be elected or appointed, or in any way intermeddle therewith, before his bond shall be approved as aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars and imprisoned not less than twelve months.

SEC. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 6. That this act go into effect from and after its ratification.

Ratified the 23d day of February, A. D. 1875.

## CHAPTER LXII.

### AN ACT TO PROVIDE FOR THE PASSAGE OF FISH IN THE CATAWBA, DAN AND MAYO RIVERS.

SECTION 1. *The General Assembly of North Carolina do* Obstructions.  
*enact*, That no person or persons shall place or allow to remain in the Dan or Mayo rivers, or in the Catawba river between the South Carolina line and Old Fort, in McDowell county, any obstruction whatever to the free passage of fish up said rivers, other than a dam for manufacturing purposes, under a penalty of fifteen dollars for every day that such obstruction is allowed to remain, one-half to the party suing and the other to the school fund of the county where suit is brought.

SEC. 2. That at any time, on the application of five or more Fish way.  
responsible persons, the county commissioners of any county bounded by either of said rivers, or through which they may run, or either of them between points named in section one of this act, shall examine any dam in said rivers, and after written notice to one or more of the parties interested, and a hearing, shall decide what would be a suitable fishway in said dam, not exceeding one-fifteenth of the width of the dam, and shall define in writing the limits of such fishway : *Provided*, That the provisions of this section shall not be enforced unless there is sufficient waste water so that an effective fishway may be constructed without damage to manufacturing interest.

SEC. 3. That if the owner or owners of said dam, after thirty days' notice, do not build such fishway, the county commissioners shall build it at the expense of the owner or owners.

SEC. 4. That if any person shall take any fish within one hundred feet of such fishway or dam, or shall place any impediment in or near such fishway that may hinder the passage of fish, he shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars or imprisoned not less than thirty days.

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

Ratified the 23d day of February, A. D. 1875.

## CHAPTER LXIII.

AN ACT TO INCORPORATE THE "CLEAVELAND SAVINGS BANK,"  
IN THE TOWN OF SHELBY, CLEAVELAND COUNTY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That H. D. Lee, S. J. Green, D. Beam, David Manney, B. Blanton, A. R. Homesley and J. M. Ware, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Cleaveland Savings Bank," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution, together with the rights, powers and privileges incident or belonging to corporations, as set forth in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations," and have perpetual succession and a common seal.

SEC. 2. The capital stock of said corporation shall not be less than twenty thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding two hundred thousand dollars.

Capital stock.

SEC. 2. The corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said banking company at such time or times, at such place or places, and for such periods as they shall determine, and the stockholders, at any general meeting called after the due organization of said banking company, may at their discretion from time to time re-open books of subscription to said capital stock, until the sum be wholly taken.

Books of subscription.

SEC. 4. Whenever twenty thousand dollars shall be subscribed and ten thousand dollars shall be paid into the capital stock of the said banking company, the before named corporators, or a majority of them, shall call a meeting of the subscribers to said stock, at such time and place, and on such notice as they may deem sufficient, and such 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: *Provided*, That no person shall be a director in said corporation without having first subscribed and taken at least ten shares of stock therein.

Organization.

SEC. 5. The president and directors of said banking company may adopt and use a common seal and alter the same at pleasure, may prescribe rules, regulations and by-laws, and may make and appoint a cashier and all necessary officers and agents, and fix their compensations and take security for the faithful performance of their duties, fill vacancies, and generally do and perform such duties as the rules, regulations and by-laws of said corporation shall prescribe; when the same shall have been duly ratified by a majority in number and value of the stockholders of said

By-laws.

corporation, the corporation 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, and the said corporation may do a general banking business on such terms and rates of discount and interest as is now prescribed by law.

Powers.

SEC. 6. The said banking company may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper, and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the said banking company or may be sold under execution to satisfy any debt due said corporation, and may sell and convey the same; may purchase and hold real and personal estate, personal property, and at pleasure sell or exchange the same; may discount notes and other evidences of debt and lend money on such terms as is now provided by law; it may receive deposits. The said banking company may receive on deposit money held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing interest, which certificates may be assignable and transferable 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 said association shall be as binding as under the seal of same: *Provided*, That nothing herein contained shall be construed to relieve guardians, trustees or others persons acting in a fiduciary capacity from being liable as is now prescribed by law, and that no greater rate of interest shall be charged than is allowed by law.

Defaulting subscribers.

SEC. 7. 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 association or corporation, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, by civil action, or the entire stock may be sold

by order of the directors for cash, at the court-house door in Shelby, after advertisement of sale for twenty days in three or more public places in the county of Cleaveland, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for the delinquency in civil action.

SEC. 8. If any subscriber shall assign his stock before its full payment, he and his assignees 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; in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the corporation as well in respect to the remedy for recovering the same as in distribution of assets of any deceased subscriber.

Assignment of stock.

SEC. 9. Agencies of the said banking company may be established at such times and places as the president and directors shall designate, and such agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of said banking company.

Agencies.

SEC. 10. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better government of the affairs of the corporation; shall have power to prescribe its rules for the conduct of the corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this State, and may regulate the terms and rates on which it may loan money and deposits received by the association, and they shall direct when dividends of profits shall be made; they shall call a meeting of 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 Shelby. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of officers.

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Advances, liens, &c.

SEC. 11. That to aid planters, miners, manufacturers and others, the said banking company shall and may have power to advance or loan to any planter, farmer, miner or manufacturer, or other person or persons, any sum or sums of money; and, to secure the re-payment of the same, take in writing a lien or liens on the crop or crops to be raised, even before planting the same, or upon the present or prospective products of any mining operations, or upon any articles then existing or thereafter to be made, purchased, manufactured or otherwise acquired; and any lien so taken shall be good and effectual in law: *Provided*, The same is duly recorded under the existing laws of registration anterior to all other liens and mortgages securing such loans and advances; and the said corporation shall have power to make loans upon mortgages of real and personal property with the power of sale inserted upon a default of payment, and also to receive on storage or warehouse any cotton, wheat, corn or produce, or any manufactured article whatever, as a pledge or pledges for the re payment of money or moneys loaned upon the faith of the same; and the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust, any sales made thereunder according to the terms therein recited, shall be good and valid in law.

Proviso.

SEC. 12. All laws and clauses of laws coming in conflict with this act are hereby repealed.

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

Ratified the 23d day of February, A. D. 1875.

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## CHAPTER LXIV.

## AN ACT TO INCORPORATE THE ROANOKE VALLEY RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That a company is authorized to be formed, and when formed and organized as hereinafter directed, shall become and be a corporation bearing the name "The Roanoke Valley Railroad Company," for the purpose of constructing and operating, by steam or other motive power, a railroad with one or more tracks, from some point on the line of the Raleigh and Gaston Railroad towards and into the Virginia State line, in the direction of Clarksville; and as such, shall have power to purchase, receive, hold and transfer real and personal estate necessary for the purpose of its incorporation, to have a common seal and succession for ninety-nine years, to make all necessary rules, regulations and by-laws conducive to the successful prosecution of the objects of the organization, and shall possess and may exercise and use all the rights, privileges and powers incident to a body corporate under the general laws of this State.

Body corporate.

SEC. 2. The capital stock of the company shall be five hundred thousand dollars, divided into five thousand shares of the value of one hundred dollars each.

Capital stock.

SEC. 3. The said company shall have the exclusive right to use the road when constructed for the transportation of freight and the carriage of persons at such rates and for such prices as the company may deem proper, and subject to such modifications as it may from time to time make.

Rights.

SEC. 4. That to raise the capital stock of the company, Tucker Carrington, W. M. Wilson, John H. Bullock, Fuller Skipweth, W. H. Boyd, W. M. Snead, William Towns, William H. Burwell, T. F. Goode, Marmaduke J. Hawkins, E. K. Harris, T. F. Humphries and R. D. Paschall are appointed commissioners, who or a majority of them shall have power to open books of subscription towards the capi-

Commissioners.

tal stock at such times and places as they may designate, under rules, regulations and limitations to be prescribed by them.

Organization.

SEC. 5. Whenever the sum of fifty thousand dollars or more shall be subscribed by solvent persons, counties or corporations, the commissioners named in the preceding section shall call a meeting of such subscribers, and a majority of such subscribers in person or by proxy when so met shall proceed to organize by electing from their number a president and seven directors, who shall constitute a board and possess the powers and be charged with the duty of making all necessary contracts and doing whatever else may in their judgment be necessary and proper in the construction of said road and furnishing it with cars, rolling stock and other things required in operating the same, and as soon as so formed and organized, the said subscribers and such others as may thereafter subscribe for stock and become thus associated with them, shall become and be a body corporate as proscribed in the first section of this act.

Stock vote.

SEC. 6. At all meetings of stockholders every share of stock shall be represented by one vote, to be cast by the person owning the same or such proxy as he shall appoint to act for him, and a majority of the stock when so represented shall have all the powers and rights and be subject to the responsibilities conferred and imposed upon the corporation, and if at any such meeting such majority shall not be present, the stockholders who are present may adjourn from time to time until the attendance of such majority can be secured.

Subscriptions.

SEC. 7. Subscriptions to the capital stock may be made in money or real or personal estate of such kinds and value as may be agreed upon between the persons subscribing and the commissioners mentioned in section four before and up to the organization and appointment of directors, and thereafter the directors so to be appointed and their successors.

Increase of stock.

SEC. 8. The stock may be increased by a vote to that

effect taken at any stockholders' meeting called to consider the proposed increase as may be prescribed in the by-laws.

SEC. 9. If unable to obtain necessary lands by contract on reasonable terms, the company may, by proper legal proceeding, cause to be condemned for its use so much of the land lying on either side of the line as the same may be laid out of the proposed track on each side, not exceeding one hundred feet and making a breadth not exceeding two hundred feet along the route thereof, as may be necessary in the judgment of the company or the directors for the successful working of the road, and so much additional land as the company may require for the erection of depots, shops, warehouses and other buildings needed for the road and for the use of its officers, agents and employees.

Land condemned.

SEC. 10. Proceedings instituted for the condemnation of lands required by the company shall be conducted and prosecuted according to the provisions of chapter ninety-nine of Battle's Revisal, entitled railroad companies, or as may be prescribed by law.

SEC. 11. The company, through its directors, may contract with the Raleigh and Gaston Railroad Company for the transportation of freight and the carriage of passengers over its road on such terms and conditions as may be mutually agreed upon between them, or to sell, donate or lease its said road and franchise, and all other property, real or personal, to the Raleigh and Gaston Railroad Company, or to consolidate and merge the same with and into the last named company on such conditions and limitations as may be agreed on, and in case of such sale, transfer, lease, consolidation or merge, the Raleigh and Gaston Railroad Company shall succeed to all the rights, powers and privileges, as well as be subject to the liabilities conferred and imposed in this act upon the Roanoke Valley Railroad Company as to so much of said road as may be thereby acquired and necessary for the proper running and use thereof.

Powers of directors

SEC. 12. The Roanoke Valley Railroad Company may connect with any railroad in Virginia so as to form a con-

Connections.

tinuous line, and may construct one or more branches running westward within the State, not exceeding one hundred miles in length, and to this end is invested with all the powers and rights herein conferred for the construction and working of the road specified in this act.

Stock.

SEC. 13. The company may issue common stock, guaranteed stock, preferred stock, or borrow on bond and mortgage, and in such amounts of either as it may deem expedient to secure the construction of the road, its proper equipment and the operating the same.

Powers of Corporations

SEC. 14. The company shall possess, have and enjoy, and may exercise all the rights, privileges and immunities conferred on railroad corporations organized under the provisions of chapter ninety-nine of Battle's Revisal.

SEC. 15. Any railroad corporation in this State shall have the right to connect with, prorate or exchange traffic with said company upon mutually reciprocal terms, and in case of any disagreement as to terms or rates the same shall be decided by arbitration, or in any manner hereafter prescribed by law.

Reserved right.

SEC. 16. The State of North Carolina reserves the right to regulate the rates of fares and freights whenever in the judgment of the General Assembly the public interest may demand: *Provided*, The General Assembly reserves the right, whenever the public interest may demand, to require that work on said railroad shall be commenced within three years and completed within ten, under penalty of forfeiture of charter. The gauge of this road shall be four feet eight and one-half inches.

SEC. 17. This act shall be in force from and after its ratification.

Ratified the 23d day of February, A. D. 1875.

## CHAPTER LXV.

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

WHEREAS, The above entitled act is in some respects inconsistent with the provisions of chapter one hundred and eleven, Battle's Revisal, entitled Towns; now, therefore, to make the provisions of said act conform to the provisions of said chapter, Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter forty-five of the Private Laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy be amend as follows, to-wit: By striking out the word "January," in section one of said chapter, and inserting in place thereof the word "May." By inserting in line seven of said section after the words "election of," and before the words "three commissioners," the words "mayor and." By inserting before the word "commissioner" in section four of said chapter, the words "mayor and." By inserting the word "mayor" before the word "commissioners" in lines one and seven, of section five of said chapter. By striking out the words "one of their own body a magistrate of police, and may also appoint," in section six of said chapter. By striking out the words "magistrate of police" wherever they occur in sections nine, sixteen and seventeen of said chapter, and inserting in place thereof the word "mayor." Chapter 45, laws of 1869-'70, amended.

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

Ratified the 10th day of February, A. D. 1875.

## CHAPTER LXVI.

AN ACT TO AMEND SECTIONS SIX AND SEVEN, OF CHAPTER THIRTY-ONE, OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, PASSED AT SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Rate of interest.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections six and seven of an act of the General Assembly of the State of North Carolina, entitled "An act to incorporate the People's Bank of Monroe," ratified the tenth day of January, Anno Domini one thousand eight hundred and seventy-four, be amended by striking therefrom the words "eight per cent." wherever they occur, and inserting in lieu thereof the words "the rate of interest allowed by law."

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXVII.

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

Violation of town ordinance.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the town of Lincolnton be amended by adding the following sections, to-wit: Any person violating any ordinance of this town shall be deemed guilty of a misdemeanor, but the punishment therefor shall not exceed a fine of fifty dollars or imprisonment one month.

Intendant's jurisdiction.

SEC. 2. That the intendant of Lincolnton shall have jurisdiction to hear and determine said cases without requiring

a complaint on oath, in writing, from the party injured, but may exercise said jurisdiction on the complaint of any other person, or where the offence committed is in his own knowledge.

SEC. 3. That the intendant shall have power to commit any person convicted of a violation of the ordinances of the town to prison until the fines and costs are paid, and such person can only be released as is provided in like cases in other courts.

Costs and imprisonment.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXVIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN, ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, OF THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of an act entitled an act to prohibit the sale of spirituous liquors in certain localities, and ratified the sixteenth day of February, Anno Domini one thousand eight hundred and seventy-four, as relates to Zion Methodist Church, in Brunswick county, in line twelve (12) of section one (1) of said act, and to Zion Church, in Tom Creek township, in Brunswick, in lines forty-five and forty-six of section one of said act be, and the same is hereby, repealed.

Chapter 137, laws of 1873-'74, repealed.

SEC. 2. All laws or parts of laws, acts and clauses of acts, in conflict with this act are hereby repealed.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXIX.

AN ACT TO INCORPORATE PLEASANT GROVE CAMP GROUND, IN  
THE COUNTY OF UNION.

- Body corporate. SECTION 1. *The General Assembly of North Carolina do enact*, That Pleasant Grove Camp Ground, in the county of Union, be, and the same is hereby, incorporated by the name of Pleasant Grove Camp Ground.
- Limits. SEC. 2. That the corporate limits of said camp ground shall extend three miles in every direction from Pleasant Grove Church, located in said camp ground.
- Trustees. SEC. 3. That the trustees of said Pleasant Grove Church and their successors shall be the commissioners of said corporation, one of whose number, to be chosen by themselves, shall be intendant.
- Commissioners. SEC. 4. That until their successors are organized, George A. Winchester, Thomas D. Wolfe, Wm. H. Harris, Joseph Adams and Lewis K. Gordon, shall be the commissioners of said corporation, with the said George A. Winchester as intendant.
- Police powers. SEC. 5. That said commissioners shall have all the powers of a police force, and may make and establish such rules, regulations, by-laws and ordinances for the government of said corporation and for maintenance of order and decorum upon the premises, and the removal of nuisances therefrom as they may deem proper, not inconsistent with the laws and constitution of this State, and may appoint a sufficient police force to enforce the same.
- Liquors. SEC. 6. That it shall not be lawful for any person or persons to sell or dispose of spirituous liquors at or within three miles of said Pleasant Grove Church, and every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXX.

AN ACT TO AMEND AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES, CHAPTER ONE HUNDRED AND THIRTY-SEVEN, AND RATIFIED THE SIXTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Episcopal Church on the lands of John Kamberly, be amended so as to read the "Episcopal Church on the lands of John Kimberly."

Chapter 137, laws of 1874, amended.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXI.

AN ACT FOR THE BETTER PROTECTION OF THE COUNTY BRIDGE ACROSS SCUPPERNONG RIVER, AT COLUMBIA, IN TYRRELL COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Tyrrell county shall have full power to pass all such orders, ordinances, rules and regulations as they may deem necessary and proper for the better protection of the county bridge across Scuppernong river, at Columbia, in Tyrrell county.

Protection of bridge

Violation of rules:

SEC. 2. No person shall be punished for a violation of any such rules, regulations, orders or ordinances until ten days after the same have been posted at some conspicuous place on said bridge.

SEC. 3. Any person found guilty of violating any of the ordinances, orders, rules or regulations passed by said board of county commissioners in accordance with the provisions of this act, upon conviction before any justice of the peace shall be fined not less than two nor more than ten dollars and costs.

Justice's jurisdiction.

SEC. 4. Any justice of the peace shall have exclusive original jurisdiction to hear, try and determine all violations of said rules, regulations, orders or ordinances, and for this purpose shall have all the power conferred upon justices of the peace by the laws of this State; but either party may appeal to the Superior Court as is provided for in other cases of appeal.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXII.

AN ACT TO INCORPORATE FURGUSON'S CAMP GROUND, OF THE METHODIST CHURCH, SOUTH, IN THE COUNTY OF HAYWOOD.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact,* That D. C. Howell, William Furguson, J. R. Long, William M. Rhea, John Byed, John M. Queen and A. J. Davis, and their successors in office, shall be and are hereby declared a corporate body politic in deed and by law, by the name and style of the Trustees of Furguson's Camp Ground, respectively and as aforenamed in the county of Haywood, and said corporation shall have all the powers usually granted to

corporations of like nature, with the power to receive real and personal property by purchase or otherwise.

SEC. 2. In case of a vacancy of said board of trustees the church may in twelve months thereafter fill such vacancy, after which if any other vacancy shall occur, it shall be the duty of the remaining trustees to fill the same: *Provided*, That the number of trustees shall not be less than five nor more than ten.

Vacancies.

Proviso.

SEC. 3. It shall be unlawful for any person to retail any intoxicating liquors within one mile of said camp ground, and upon conviction before any acting justice of the peace of said county shall be fined for each offence not more than twenty-five dollars and imprisoned not more than one month, at the discretion of the court.

Liquors.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF HICKORY, IN THE COUNTY OF CATAWBA, RATIFIED DECEMBER EIGHTEENTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, AND FOR OTHER PURPOSES.

WHEREAS, The county commissioners of Catawba county failed to appoint inspectors for the municipal election for the town of Hickory, which should have been held on the first Monday in May, one thousand eight hundred and seventy-three, and also for the municipal election for said town for one thousand eight hundred and seventy-four; *and whereas*, the sheriff also failed to appoint said inspectors as provided in such cases; *and whereas*, questions might arise as to the official authority of the commissioners of said town and as to the validity of their acts; therefore,

Preamble.

Acts valid.

SECTION 1. *The General Assembly of North Carolina do enact*, That all ordinances passed, and acts done, in pursuance of and consistent with an act of the Legislature, ratified the eighteenth day of December, one thousand eight hundred and seventy-three, incorporating the town of Hickory, in the county of Catawba, by the present board of commissioners of said town or their predecessors, shall be valid.

Lawful officers.

SEC. 2. That the officers now acting in said town shall be the lawful officers until their successors shall be elected and qualified.

Annual election.

SEC. 3. That the board of commissioners shall annually, at least ten days before the first Monday in May, appoint as many inspectors or judges of election as to them may seem proper, (not less than three,) and shall give at least ten days' public notice in a newspaper published in the town, or by sufficient posters, that the said inspectors will hold the annual election at such place or places as the commissioners may appoint in said town and name in the said public notices: *Provided*, That if, for any reason, the inspectors appointed shall fail to act, or any one of them, the commissioners may appoint others.

Inspectors.

SEC. 4. That it shall be the duty of the inspectors so appointed to hold the election according to law, after being duly sworn by any lawful officer, and report the result to the board of commissioners of Hickory, who shall keep a correct record of the same.

Oath of office.

SEC. 5. That the mayor and commissioners elected may take the oath of office prescribed before any justice of the peace of Catawba county.

Repeal.

SEC. 6. That all the provisions of the act incorporating the town of Hickory, ratified December eighteenth, one thousand eight hundred and seventy-three, in conflict with the provisions of this act, are hereby repealed.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXIV.

AN ACT TO INCORPORATE OLIVE BRANCH BAPTIST CHURCH, IN  
THE COUNTY OF UNION.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.  
*enact*, That Olive Branch Baptist Church, in the county of  
Union, be, and the same is hereby, incorporated by the  
name and style of Olive Branch Baptist Church.

SEC. 2. That the corporate limits of said Baptist church Limits.  
shall extend two miles in each direction from the same.

SEC. 3. That the trustees of said Baptist church and their Commissioners.  
successors shall be the commissioners of said church, one of  
whom, to be chosen by themselves, shall be intendant.

SEC. 4. That until their successors are organized, the Rev.  
Edmond L. Davis, J. O. Griffin, D. Thomas, Henry Bau-  
com and R. H. Griffin, shall be commissioners of said Bap-  
tist church, with Edmond L. Davis as intendant.

SEC. 5. That said commissioners shall have all the powers Police force.  
of a police force, and may make and establish such rules and  
regulations, by-laws and ordinances for the government of  
said church and for the maintainance of order and decorum  
therein and the removal of nuisances therefrom, as they  
may deem proper, not inconsistent with the constitution and  
laws of this State, and may appoint a sufficient police force  
to enforce the same.

SEC. 6. That it shall not be lawful for any person to sell Liquor.  
or dispose of spirituous liquors at said church or within two  
miles thereof, and every person so offending shall be deemed  
guilty of a misdemeanor, and, upon conviction thereof, shall  
be fined not to exceed fifty dollars, and imprisoned not to  
exceed one month, or both, at the discretion of the court.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXV.

## AN ACT TO INCORPORATE TRUSTEES OF STATESVILLE ACADEMY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. H. Morrison, A. A. Hampton, R. F. Simonton J. B. Connelly and W. F. Hall, and their successors in office, be constituted a body politic and corporate by the name of the "Trustees of the Statesville Male Academy Association," for educational purposes, with all the powers, rights and privileges contained in chapter twenty-six, of Battle's Revision, and therein conferred on corporations.

May hold real estate.

SEC. 2. That they and their successors in office are hereby authorized and empowered to take and hold title in fee to the new academy lately erected in or adjacent to the town of Statesville, Iredell county, North Carolina, and the lands, grounds and property of every description belonging or appurtenant to said academy, and to hold the same for the purpose of establishing, carrying on and conducting a school for white male children in said academy upon such terms and in such manner as they in their discretion may deem best.

Trustees.

SEC. 3. The said W. H. Morrison, A. A. Hampton, R. F. Simonton, J. B. Connelly and W. F. Hall, and their successors in office, shall be known as the Trustees of the Statesville Male Academy Association, and as such they shall have full power to lease, rent, mortgage or sell the said academy and the lands, grounds or other property, real or personal, belonging appurtenant to said academy or any part thereof, for the purpose of establishing or conducting said school, or for the purpose of discharging any debt due for said academy or the lands or personal property appurtenant thereto, or for the purpose of re-investing the proceeds for the like purpose.

Organization.

SEC. 4. That the said board of trustees shall meet on the first Saturday in March, Anno Domini one thousand eight

hundred and seventy-five, and organize by electing one of their number chairman, and another secretary of said board ; and they shall keep a written minute of all their proceedings, which shall be at all convenient times open to the inspection of the stockholders hereinafter mentioned.

SEC. 5. The chairman of said board shall, for thirty days previous to the second Saturday in May, one thousand eight hundred and seventy-five, and every two years thereafter, advertise for a meeting of all persons who have subscribed and paid in, or may subscribe and pay in ten (\$10.00) dollars or more to the capital stock of the company, to meet at a time and place certain in the town of Statesville, North Carolina, to elect five trustees as successors to the trustees hereinbefore appointed, who shall be elected by a stock vote of the said subscribers, every ten dollars subscribed and paid in counting one vote, and it shall require a majority of all the stock so subscribed and paid in to elect the trustees, and the trustees so elected shall enter immediately upon the duties of their office, and shall hold for two years and until their successors shall be elected and enter on their office : *Provided*, That if for any cause there shall be a failure to elect at any election, the old trustees shall hold over until their successors shall be elected at a regular election and enter on their office, and the board of trustees shall at all times have power to fill any and all vacancies in their board until the next regular election.

Election of successors.

SEC. 6. That the trustees shall at all times keep open books for the subscription of shares of stock to this association and a list of all stockholders, and shall issue to stockholders certificates of stock, one share for every ten dollars paid in : *Provided*, That the capital stock of this association shall not exceed fifty thousand dollars.

Books of subscription.

SEC. 7. A majority of the trustees shall constitute a quorum for the transaction of all business.

Quorum.

SEC. 8. The trustees herein appointed shall make no lease, renting, mortgage or sale of the property hereinbefore mentioned, except a renting for not more than one year,

Shall not lease, &c.

until after the time for first election herein provided for on the second Saturday in May, one thousand eight hundred and seventy-five.

Town stock.

SEC. 9. The board of commissioners of the town of Statesville shall have power in all elections to vote the stock of this company arising from the sale of the old Buena Vista Academy and paid into this company.

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

Ratified the 5th day of February, A. D. 1875.

## CHAPTER LXXVI.

### AN ACT TO INCORPORATE THE NORTH CAROLINA STATE GRANGE, PATRONS OF HUSBANDRY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Columbus Mills, Richard Williams, Colin Shaw, John S. Long, T. L. Vail, G. W. Lawrence, Azariah Graves, A. T. Mial, G. Z. French and their successors in office, and all others who are now, or hereafter may be, associated with them, for the purpose of mutual instruction and protection, are hereby constituted a body corporate and politic by the name, style and title of the North Carolina State Grange of Patrons of Husbandry.

By-Laws.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to make a constitution, by-laws, rules and regulations which a majority of its members may deem proper, not inconsistent with the constitution or laws of this State or of the United States, to sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have a common seal, with power to change and alter the same as often as they may deem it expedient, and shall have power to enjoy all and every right and privilege inci-

dental and belonging to corporate bodies, according to the laws of this State.

SEC. 3. *Be it further enacted*, That the said State Grange may elect and appoint officers and agents, with certain prescribed duties as they may by their constitution and by-laws direct; shall be able and competent in law and equity to have, hold and enjoy, and shall have power to charge and convey such real and personal estate as they may deem proper to acquire. Officers and agents.

SEC. 4. *Be it further enacted*, That this act shall be in force for thirty years, and that on the expiration or dissolution of said corporation the estate thereunto belonging shall not escheat, but be vested in those of its members as shall be entitled thereto by direction of the constitution and by-laws aforesaid. Thirty years.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D. 1875.

## CHAPTER LXXVII.

### AN ACT TO INCORPORATE THE NUMBER (6) SIX CHEROKEE MINING AND MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Isaac T. Lenoir, William Lenoir, Benjamin B. Lenoir, Israel P. Lenoir and William B. Lenoir, and their associates and successors, be and they are hereby incorporated into a body politic and corporate, under the name and style of "The Number Six (6) Cherokee Mining and Manufacturing Company," 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, Body politic.

hold and dispose of real and personal property for the benefit of said company, with a capital stock of two hundred thousand dollars, in shares of twenty-five dollars or fifty dollars each; with all the rights, powers and privileges as were granted by an act of the General Assembly of the State of North Carolina to "the American Mining and Manufacturing Company," ratified the eighteenth day of February, Anno Domini one thousand eight hundred and sixty-seven, not in conflict with the laws of this State and the United States.

Officers.

SEC. 2. That the said Isaac T. Lenoir, William Lenoir, Benjamin B. Lenoir, Israel P. Lenoir and William B. Lenoir shall for twelve months or until their successors are elected and qualified, constitute the directors of the said Number Six (6) Cherokee Mining and Manufacturing Company. They shall elect one of their number president and appoint a secretary and treasurer and such other officers and agents as they may deem necessary in conducting and managing the business of said company.

Begin business.

SEC. 3. That as soon as ten thousand dollars or twenty thousand dollars shall have been subscribed and paid or secured to be paid to the satisfaction of the president and directors, they may commence business, and may from time to time dispose of the remainder of their stock.

Stock.

SEC. 4. That twenty per cent. of the stock subscribed and paid or secured to be paid into the treasury of the company shall be reserved to be expended in prosecuting the business of the company, carrying on its operations and paying its necessary expenses, but if the amount recovered shall be more than is needed for these purposes, then the balance shall constitute a surplus fund to pay contingent expenses that may arise or be distributed as dividends to stockholders: *Provided*, That dividends shall be declared and paid on such stock only as shall have been subscribed and paid or secured to be paid into the treasury of the company.

Directors.

SEC. 5. That five directors shall be elected annually on the first Monday of August subsequent, and in all elections

and business transactions by the stockholders, when demanded by three of the stockholders present, the vote shall be taken by ballot, and each stockholder, himself or through his proxy, who must be a stockholder, shall be entitled to cast one vote for each share of stock owned by him as shown by the books of the company.

SEC. 6. That the president and directors shall cause to be kept a record of the stock owned and sold, and shall issue certificates of stock to the stockholders, and transfers of stock shall only be legally made on the books of the company when the certificates shall be returned and a new certificate shall have been issued to the purchaser. Record of stock.

SEC. 7. That this act shall be in force from and after its ratification, and remain in force for ninety-nine years.

Ratified the 20th day of February, A. D. 1875.

## CHAPTER LXXVIII.

### AN ACT TO INCORPORATE THE TOWN OF YADKIN COLLEGE, IN THE COUNTY OF DAVIDSON.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Yadkin College, in the county of Davidson, be, and the same is hereby, incorporated.

SEC. 2. That it shall be lawful for the citizens of said town of Yadkin College at any time within two months after the ratification of this act, having ten days' public notice by advertisement of the day of election, to elect five commissioners of the town, who shall hold their offices until the first Monday in May, Anno Domini one thousand eight hundred and seventy-six. On the first Monday in May, Anno Domini one thousand eight hundred and seventy-six, and annually thereafter, the citizens of said town shall hold their regular elections for five commissioners, who shall hold their offices until their successors are elected. Town Commissioners.

Powers.

SEC. 3. That the town of Yadkin College is hereby invested with all the powers, rights and privileges and immunities, and subject to all the restrictions enumerated in chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

Limits.

SEC. 4. The corporate limits of the town of Yadkin College shall extend one-half mile in every direction from the college building in said town.

SEC. 5. That it shall be unlawful for any person or persons to sell, make, retail, dispose of or deliver any sort or kind of spirituous liquors within two miles of the corporate limits of the said town of Yadkin College, and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding fifty dollars or imprisoned in the county jail not exceeding one month, or both, in the discretion of the justice of the peace before whom such conviction shall be had.

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

Ratified the 18th day of February, A. D. 1875.

## CHAPTER LXXIX.

AN ACT TO INCORPORATE THE TOWN OF MARLBORO, IN PITT COUNTY.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Marlboro, in the county of Pitt, be, and the same is hereby, incorporated by the name and style of the town of Marlboro, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal, not inconsistent with this act.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the point where the Falkland and Snow Hill road crosses the Wilson and Greenville plank road, and running thence with each branch of said roads five hundred yards from the beginning, making the limits of said town one thousand yards square. Limits.

SEC. 3. Until officers shall be elected as hereinafter provided, the government of said town shall be vested in the following named commissioners, to-wit: mayor, James W. McGowns; commissioners, W. H. Morris, S. R. Perry, John F. Parker and H. I. Whitehurst. Commissioners.

SEC. 4. An election shall be held the first Monday in May, one thousand eight hundred and seventy-five, and each successive year, for mayor and three commissioners, and persons living within the corporate limits of said town and qualified to vote for members of the General Assembly shall vote in the election for officers of said town. Election.

SEC. 5. For the good government of said town, the said officers and their successors in office shall have all the powers, rights and privileges, and be governed by the rules, regulations and restrictions conferred upon, and to which mayors and commissioners of incorporated towns are subject by chapter one hundred and eleven, Revised Code, as brought forward in Battle's Revisal, chapter one hundred and eleven. powers.

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

Ratified the 16th day of February, A. D. 1875.

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## CHAPTER LXXX.

### AN ACT CONCERNING THE CITY OF RALEIGH.

SECTION 1. *The General Assembly of North Carolina do enact*, That the city of Raleigh shall be divided into five wards, denominated the *first, second, third, fourth and fifth* Five wards.

wards. The first ward shall be bounded as follows: Beginning at the intersection of Davie and Wilmington streets thence east with the central line of Davie street to its intersection with Bloodworth street, thence along the line of Bloodworth street to Martin street thence east along central line of Martin street to East street, thence north with the central line of East street to its intersection with Jones street, thence east with the central line of Jones street to the city line, thence with the line of the city north and west to Wilmington street and south with the central line of Wilmington street to the beginning. *The second ward* shall be bounded as follows: Beginning at the intersection of Davie and Wilmington streets, thence with the boundaries of the first ward east with Davie street, north with Bloodworth street east with Martin street to the city line, thence with the boundaries of the city south and west to the Fayetteville road, thence northwardly up the centre of said road to the centre of South street thence east with South street to its intersection with Wilmington street, thence north with the central line of Wilmington street to the beginning. *The third ward* shall be bounded as follows: Beginning at the intersection of South and Wilmington streets, thence north with central line of Wilmington street to city line, thence west with city line to center of Salisbury street, thence with the central line of Salisbury street south, to South street thence east with the central line of South street to the beginning. *The fourth ward* shall be bounded as follows: Beginning at the intersection of Davie and Salisbury streets thence west with the central line of Davie street to Harrington street, thence north with the central line of Harrington street to Hargett street, thence west with central line of Hargett street to the Raleigh and Gaston Railroad track, thence northward along central line of said track to its intersection with Hillsboro street, thence west with central line of Hillsboro street to city line, thence with the city boundaries, south and east to the Fayetteville road, thence with the center of said road to South

street, thence west with central line of South street to its intersection with Salisbury street, thence north with the central line of Salisbury street to the beginning. *The fifth ward* shall be bounded as follows: Beginning at the intersection of Davie and Salisbury streets, thence with the boundaries of the *fourth ward* with the central line of Davie street to Harrington street, thence north to Hargett street, thence west with central line of Hargett street to the Raleigh and Gaston Railroad track, thence northward along central line of said track, to Hillsboro street, thence west to city limits, thence with city boundaries north and east to Salisbury street, thence down Salisbury street to the beginning.

SEC. 2. There shall annually on the first Monday in May Elections. in each year, be elected seventeen aldermen for said city, who shall hold their offices until their successors are qualified; three of whom shall be chosen for each ward, except the *third ward* and the *third ward* shall chose five. Such aldermen shall be residents of the ward for which they are chosen and shall be elected by the qualified voters of such ward.

SEC. 3. The board of commissioners for Wake county Registrars. shall select at or before their meeting in March one thousand eight hundred and seventy-five, and annually thereafter a registrar of voters for each of the five wards of the city of Raleigh and shall cause publication thereof to be made at the court-house door and notice to be served on such persons by the sheriff, and shall give ten days' public notice of a registration of voters in and for said wards specifying time and place and name of registrars.

SEC. 4. Said registrars shall be furnished by said county Registration. commissioners with registration books, and it shall be the duty of said registrars appointed for the year one thousand eight hundred and seventy-five, and thereafter, to open their books at such places in the city of Raleigh as may be designated by the said commissioners, on or before the last Monday in March in such year and to register therein the names of all persons applying for registration, and entitled to register and vote in that ward, for which such registrar

has been appointed ; keeping the names of the white voters separate and apart from those of colored voters and designating on the registration books opposite the name of each person registering, the place of his residence in his ward ; and if any applicant for registration shall not disclose the place of his residence in his ward, his willful failure so to do shall be *prima facie* evidence that he is not entitled to register in such ward. Any person offering to register may be required to take and subscribe an oath that he is a citizen of North Carolina and has resided in the city of Raleigh ninety days, and in the ward for which he offers to register thirty days next preceding that date, or is otherwise entitled to register, and that his place of residence is at —, in such ward ; and if any person shall willfully swear falsely in such affidavit he shall be deemed guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of one hundred dollars and to be imprisoned sixty days in the county jail: *Provided*, That after the first registration shall have been made by virtue hereof, a new registration shall not be annually had, but a revision of the registration book shall be made ten days prior to each succeeding election to be held for said city agreeably to the provisions of section eight, chapter fifty-two, Battle's Revisal.

Close of registration

SEC. 5. The registration books shall be closed ten days before the day of election, and after the same are closed, no person shall be allowed to register, but the registrar shall on application before said books are closed register all persons not then qualified to vote in his ward who will become so qualified on or before the day of election. Immediately after the said books are closed they shall be deposited in the office of the sheriff of Wake county and citizens desiring so to do may inspect them.

Judges.

SEC. 6. The board of commissioners of Wake county at or before their meeting in April one thousand eight hundred and seventy-five, and annually thereafter shall appoint four judges or inspectors of election for each of the several wards of the city of Raleigh to open the polls and superintend the

same for the municipal election to be held on the first Monday in May next succeeding, and the polls shall be opened at such places in the wards respectively as said commissioners shall designate. Such election shall be held as near as may be agreeable to the provisions of sections eleven, fourteen, fifteen nineteen and twenty of chapter fifty-two of Battle's Revisal and the registrars and the judges of election whose appointments are herein provided for, shall have authority to administer oaths and shall have all the powers of such officers appointed under the title of "General Assembly" of Battle's Revisal.

SEC. 7. All electors who have resided in the city of Raleigh ninety days and fix the ward for which they offer to register thirty days next preceding the election shall be entitled to register hereunder.

SEC. 8. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, such person's ballot shall not be received. Ballots shall be on white paper and without device. The aldermen for each ward shall be voted for on one ballot.

SEC. 9. After the ballots are counted they shall be carefully preserved, and shall be together with the poll list which shall be signed by the judges of the election, and the registration books, delivered to the register of deeds for Wake county for preservation.

SEC. 10. If among the persons voted for in any ward there should be any two or more having an equal number of votes, and either would be elected but for the equal vote, the registrar and inspectors shall decide the election between such persons. As soon as the result of the election in any ward is determined, two certificates thereof shall be made under the hand of the registrar and inspectors, setting forth in writing and in words the number of votes each candidate

received, one of which certificates they shall deliver to the sheriff of Wake county who shall at once make proclamation thereof at the court-house door and the other, they shall deliver to the mayor of the city of Raleigh. The registrar and inspectors shall also furnish to each person chosen an alderman in their ward a certificate of his election.

Qualification.

SEC. 11. That on the Tuesday succeeding the day of such election the aldermen elected thereat shall qualify by taking the oath of office prescribed for commissioners in an act entitled "an act to incorporate the city of Raleigh," ratified on the tenth day of March one thousand eight hundred and sixty-six, and when organized shall succeed to and have all the rights, powers and duties heretofore prescribed by law for the board of commissioners of the city of Raleigh.

Mayor

SEC. 12. That the board of aldermen at their first meeting after each annual election shall choose some person, not one of their own number, to be mayor of said city to hold his office until his successors shall qualify, who shall preside at the meeting of the board of aldermen and have the rights and powers and perform all the duties heretofore prescribed by law for such officers. For misconduct in office the mayor may be removed from his office by a vote of three-fifths of the entire number board of aldermen, and upon such office becoming vacant from any cause the board of aldermen shall fill the same for the unexpired time.

Auditor.

SEC. 13. That the board of aldermen may choose some one of their number or other suitable person to be auditor of the city whose salary shall not be more than two hundred dollars per annum. No claim against the city shall be paid until it shall have been audited by such officer. He shall make monthly reports of such claims audited by him to the board of aldermen, and shall perform such other duties as the board may order. The board of aldermen may in its discretion abolish the office of commissioner of the sinking fund, and make suitable provision for the payment and management of the city debt. That the board shall fund the present debt of the city by issuing bonds payable in

twenty and thirty years at six per centum interest with coupons payable semi-annually receivable for taxes or other indebtedness to the city; and the board shall contract no debt of any kind unless the money is in the treasury for its payment except for the necessary expenses of the city government, until the taxes for the payment thereof can be collected.

SEC. 14. So much of any act as provides for the election in the city of Raleigh of a board of commissioners is hereby repealed to take effect on the qualification of the aldermen herein provided for. Repeal.

SEC. 15. That all elections held by virtue of this act shall be held under the supervision of the sheriff of Wake county who shall attend the polls and by his deputies preserve order. Sheriff.

SEC. 16. That the mayor of the said city of Raleigh while acting as such is hereby constituted an official court with all the jurisdiction and powers in criminal offences occurring within the limits of said city which now are or may hereafter be given by law to justices of the peace and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said city. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Wake county, and that in all cases when a defendant may be adjudged to be imprisoned by the said special court it shall be competent for said court to adjudge also that the said defendant work during the period of his confinement in the public streets or other public works of said city. Mayor's jurisdiction

SEC. 17. Whenever under the provisions of this act any question is to be decided by the judges of election and such judges cannot decide the same because of the tie vote, the registrar shall give the casting vote. Casting vote.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1875.

## CHAPTER LXXXI.

## AN ACT TO INCORPORATE THE YADKIN RIVER AND WILKESBORO NAVIGATION COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing and maintaining a navigation, freight and passenger line to be operated with pole or steamboats, from some point at or near the North Carolina Railroad bridge across the Yadkin river, in the State of North Carolina, to some point at or near the town of Wilkesboro, of the same State, and to such points up and down the said river from Wilkesboro, as a majority of the directors may determine, the following persons, to-wit: William L. Brown, R. D. Brown, J. L. Adams, C. C. Sanford, Thomas Brown and R. S. Goins, of the State and county aforesaid, or any four of them, their associates, successors or assigns, are hereby constituted and created a body politic and corporate under the name and style of the "Yadkin River and Wilkesboro Navigation Company," and by that name and style shall have succession, with all the powers, rights and privileges hereinafter granted for seventy-five years, with all other rights, privileges, exemptions and powers heretofore granted to the most favored of other navigation and railroad companies heretofore chartered in this State.

Capital stock.

SEC. 2. The capital stock of said company shall be fifty thousand (\$50,000) dollars, divided into one thousand shares of fifty (\$50) dollars each, for which certificates may be issued and subscriptions received upon such terms and conditions as the directors hereinafter named may determine, payable in cash, land, timber, bonds, securities, real and personal estate, machinery, labor and services, by contract or otherwise.

SEC. 3. The affairs of said company shall be managed by a board of four directors who shall be stockholders, two of

whom shall reside in this State, and elected after January the first, one thousand eight hundred and seventy-six, in such manner as the by-laws may direct. The responsible officers shall be elected by the directors from their own number, and shall consist of a president and general manager. The treasurer, secretary and all subordinate officers shall be appointed by the president, with the approval of the board of directors. The following persons shall constitute the first board of directors, with power to fill all vacancies, however arising, to-wit: W. L. Brown, R. D. Brown, J. L. Adams and C. C. Sanford, and shall hold office until the first day of January, one thousand eight hundred and seventy-six, or until their successors are legally appointed or elected. At all special or stated meetings of the full board the directors may vote in person or by proxy; but it shall require a majority of all the board, in person or by proxy, to make a quorum. No director shall be disqualified from acting as engineer, constructor or contractor on any of the company's works or from holding any office in its service.

SEC. 4. Books of subscription may be opened by the directors at such times and places and under such rules and regulations as a majority may determine, and the board shall have power to contract for the whole or any part of their proposed line, and pay for the same upon such terms as may be agreed in stocks, bonds or other securities of the company.

Books of subscrip-  
tion.

SEC. 5. The board of directors, for the purpose of building, maintaining and operating said line of navigation, shall have power to borrow money from time to time upon the bonds, stocks, debentures or other securities of the company, and to secure the same by mortgage or mortgages upon the whole or upon any part or parts of the property and franchises of the company upon such terms as they may deem best.

Powers.

SEC. 6. The said company shall have all the rights, privileges, immunities, franchises, powers and benefits apper-

Rights.

taining to corporations of like nature, besides such as are herein specifically granted, and may sue and be sued in courts of law and equity, may have a common seal and the same alter at pleasure; may purchase, hold, hire, rent and otherwise use, sell or convey landed or real estate, steamers, steamboats, poleboats, rafts and vessels, and all other descriptions of property, real or personal, or otherwise dispose of the same; may enter into contracts of all and every kind, may lend or borrow money upon such securities as the directors may think proper, may give or receive mortgages or hypothecations, may issue stocks, shares, bonds, debentures, notes, bills or other securities, and generally shall have all the necessary powers for carrying on the works and objects named in this charter. Said company shall have power to construct all such docks, wharves, breakwaters, warehouses, workshops, as may be deemed necessary for the successful working of its system and trade. The said company shall have the exclusive right for the term of years hereinafter specified to navigate the said river between the aforesaid points; shall have the right to appoint its own board of engineers, and all questions concerning municipal or other rights may be settled with the authorities or parties directly concerned by agreement or arbitration. Said company shall have power to regulate its own tariff for passengers and freight.

Lands.

SEC. 7. At any time after its organization said company may purchase or receive title to any land or lands, rights of way or other property necessary for the construction of its line or lines, or any of its offices, stations or works. But in case said company is not able to agree with the owner or owners of any land or property necessary for the construction of such line or lines, or any of its works or operations, then the value of the same shall be fixed by arbitration, each side choosing one arbitrator or appraiser, who, in case of not being able to come to an agreement, shall choose a third, whose decision shall be final. In all cases of appraisal or arbitration it shall be lawful for the appraisers or

arbitrators to take into consideration the enhanced value of the land or property of the owner in consequence of the construction of said line of navigation as an offset in whole or in part for the right of way, or the land, or other property necessary for the construction of the line.

SEC. 8. The directors of the said company shall have the power to adopt a code of by-laws and regulations for its management and control. By-laws.

SEC. 9. The liability of stock and shareholders in this company shall be fixed at the amount of stock subscribed or held by each, but no such stock or shareholders shall be liable in any manner to or on behalf of such company for any amount exceeding what may be due on any share or shares held by each respectively, and the holders of full paid-up stock or shares shall be exempt from all liability whatever. Liability.

SEC. 10. The stock or shareholders in said company shall be entitled to one vote for each share held by them, and may vote in person or by proxy, and it shall require the vote of a majority in interest of not less than two-thirds of the stock and bonds of the company to change the by-laws, which shall regulate the powers and duties of stockholders and all other persons connected with said company in all matters not herein provided. Stock vote.

SEC. 11. This company shall be deemed to be fully organized immediately upon the passage and ratification of this act, and the said directors, as soon as may be thereafter, shall proceed to elect a president and general manager. The engineers of said company and their assistants shall be empowered to enter upon any premises or lands or streams of water for the purpose of running the lines or surveying the route for said line, and the directors may, whenever they deem fit, proceed to award contracts and commence the operations of the company. Officers.

SEC. 12. The company hereby created shall have the exclusive right to construct and maintain the said navigation line from and to the points aforesaid and for the purposes Exclusive right.

aforesaid for seventy-five years, and until the expiration of that time no other corporation, association or individual shall be empowered to construct any other line of competing navigation or canal from, by, to and between the said points on the said Yadkin river: *Provided*, That said corporation shall commence work within five years from the date of the ratification of this act, and the work completed within thirty years thereafter. The said company shall be empowered to remove all obstructions of any nature whatsoever in the said river, including shoals, fish-traps, dams, ferry ropes, chains and wires, the damages arising by reason of the said removal to the owners of the said dams, ferries and traps to be assessed as hereinbefore provided.

Capital stock.

SEC. 13. The capital stock of this said company may be increased from time to time as a majority of the stockholders may determine.

Exemptions.

SEC. 14. The stock, shares, real and personal estate, franchises, and all other property belonging to this said company shall, for the term of fifty years from the ratification of this act, be held exempt from the payment of all taxes, State, county and town, of every nature whatsoever.

SEC. 15. That nothing in this act shall be construed to exempt the property of said corporation from taxation, to confer upon them banking privileges, or to deprive the General Assembly of the power to alter or amend their charter.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D. 1875.

## CHAPTER LXXXII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

SECTION 1. *The General Assembly of North Carolina do* Second ward.  
*enact*, That the second ward of the city of Newbern shall hereafter be bounded by Broad street, Hancock street, Queen street and the Neuse river.

SEC. 2. That the corporate powers and authority granted Corporate powers.  
to said city shall be vested in and exercised by a board of aldermen to consist of eleven members, four of whom shall be elected by the first ward, two by the second ward, and one each by the third, fourth, fifth, sixth and seventh wards respectively. No person shall be eligible as alderman unless he shall be a native or naturalized citizen of the United States, shall have attained the age of twenty-one years, shall have resided in the corporate limits of said city one year next preceding the day of election, and have been a resident of the ward from which he shall be elected such alderman ninety days prior to said election. Before entering upon the discharge of their duties the aldermen shall take and subscribe before some judge of the Superior Court, or before some justice of the peace, an oath to well and truly discharge the duties of aldermen of the city of Newbern, which, together with the certificate of the judge or justice before whom it shall be made, shall be deposited in the office of the clerk of the city, and the aldermen elected under the provisions of this act shall hold office for one year from the day of election and until their successors are elected and qualified: *Provided*, That the aldermen elected at the first election held under this act shall enter upon the discharge of their duties when the term of office of the present board of city council shall expire by operation of law, and shall hold their offices until the first Tuesday in May, one thousand eight hundred and seventy-six, and until their successors shall be elected and qualified. Whenever any vacancy shall occur in the

office of alderman, from any cause whatever, the same shall be filled by the board of aldermen.

Mayor.

SEC. 3. That at the first meeting of each and every board of aldermen elected under the provisions of this act they shall proceed to elect one of their own number mayor, to discharge the duties prescribed by law for the mayor of said city during the term of office of said aldermen. And in case of the inability, failure or refusal of the alderman so selected to discharge the said duties, it shall be the duty of the board of aldermen to select some other one of their own number to discharge said duties, either temporarily or for the remainder of the term, as to them may seem best. And the alderman selected as mayor shall have the right to vote on every question as a ward representative, and shall have the right to cast the deciding vote as president of the board in case of a tie.

Registration.

SEC. 4. That before the first election shall be held under the provisions of this act there shall be a new registration in each ward of the persons qualified to vote therein, and the first election for aldermen held under the provisions of this act shall take place on the first Monday in May, one thousand eight hundred and seventy-five, and subsequent elections therefor shall take place on the first Monday in May, one thousand eight hundred and seventy-six, and annually thereafter.

Registrars.

SEC. 5. That in order to carry out the preceding section of this act the following named persons are empowered and authorized to act as registrars, that is to say, William H. Pearce, in the first ward; Joseph W. Jones, in the second ward; Edward H. Meadows, in the third ward; Hardy B. Lane, in the fourth ward; William H. Marshall, in the fifth ward; William Calligan, in the sixth ward; John L. Watkins, in the seventh ward. The said registrars shall, on the twenty-sixth day of April, one thousand eight hundred and seventy-five, open books for registration at such places in their respective wards as they may designate by public notice, and the said registrars shall keep the said registra-

tion books open from nine o'clock in the morning until five o'clock in the afternoon on each and every day from the twenty-sixth day of April, one thousand eight hundred and seventy-five, to the thirtieth day of April, one thousand eight hundred and seventy-five, inclusive; at five o'clock on the thirtieth day of April, one thousand eight hundred and seventy-five, the registration books shall be closed and no registration shall afterwards be permitted, nor shall any registration had at any time not between the hours prescribed for registration in this section be valid. Before entering upon the discharge of their duties the registrars shall take and subscribe, before some justice of the peace an oath to well and truly discharge their duties as registrars, and the said oath so subscribed, together with the certificate of the justice of the peace, shall be filed in the office of the clerk of the city, and the said registrars shall receive two dollars for each day while engaged in the discharge of the duties imposed by this section, which shall be paid from the funds of the city upon the certificate of said registrars respectively. The present city registration books shall be turned over to the registrars appointed by this act on demand. Every duly registered person twenty-one years of age or upward, who shall have resided twelve months in the State, and ninety days next preceding any election for aldermen in the ward in which he resided at the time of his registration shall be entitled to vote in said ward in said election. No person shall be entitled to vote without having been duly registered, and no registration shall be deemed valid under the provisions of this act that does not specify the name of the person applying for registration and the number of the lot, the name of the street and the number of the ward in which he resides: *Provided*, That persons residing in the sixth and seventh wards shall be required to give only the number of the ward in which they reside; no person shall be entitled to registration who is not a *bona fide* resident of the ward in which he applies for registration, and no person

shall be entitled to vote in any election in any ward who is not a *bona fide* resident in such ward on the day of election. Every male person twenty-one years old and upward shall be entitled to registration who shall resided twelve months in the State and ninety days next preceding the election in the ward in which he resides at the time of applying for registration, and no other person shall be so entitled. Any elector may, and it shall be the duty of the registrar, to challenge the right of any person to register known or suspected not to be legally entitled to register, and if such challenge shall be made, it shall be the duty of the registrar to require such person to prove to the satisfaction of the registrar the fact of his being of lawful age to vote, the facts of his residence for twelve months in the State and for ninety days next preceding the election in the ward in which he claims to reside, by the oaths of other persons of credibility known to the said registrar. On the day of election for aldermen any elector may, and it shall be the duty of the judges of election, to challenge the vote of any person known or suspected not to be a legal voter. When a voter is challenged at the polls on the day of election the judges of election shall require said voter before being allowed to vote to prove to their satisfaction, by the oaths of other persons of credibilty, the fact of said voter being of lawful age to vote and the fact of his residence for ninety days next preceding the election in the ward specified on the registration books. That the registrars and judges of election shall each have power to administer all oaths required to be administered under the provisions of this act. That any person coming of age to vote after the day fixed for the closing of the registration books, and on or before the day of election, and otherwise qualified to vote under this bill, shall be entitled to register and to vote on said day of election, subject to the same requirements in regard to proof and in regard to age and residence in case of challenge as above required. That the following named persons are hereby empowered and author-

ized to act as inspectors of election at the first election to be held under this act: In the first ward, Jno. W. Smith and M. Patterson; in the second ward, Wm. H. Jones and A. McLacklan; in the third ward, J. R. Bailey, F. D. Slachter; in the fourth ward, W. S. Phillips and A. W. Nelson; in the fifth ward, J. M. Hargett and Robert Mosely; in the sixth ward, Thos. O. Carroll and John Randolph, Sr.; in the seventh ward, Jacob Taylor and George Physick. The judges of election named in this act shall provide suitable ballot-boxes for receiving the ballots herein authorized to be deposited. After the first election under this act the registrars and inspectors shall be appointed by the board of aldermen. The inspectors of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, who shall attend with his registration books, shall constitute the judges of election; and the said judges of election, after being sworn by some justice of the peace or other person authorized to administer oaths, to conduct the election fairly and impartially according to the constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep poll-books on which shall be entered the name of any person who shall vote, which, at the close of the election, they shall certify and deposit in the office of the city clerk. The polls shall be open on the day of election from seven o'clock in the morning until sunset of the same day, and such voter duly registered as herein provided, and who shall not be challenged and rejected, shall hand in his ballot to the judges, who shall carefully deposit the ballot in the ballot-boxes. When the election shall be finished the judges of election, in presence of such electors as may think proper to attend, shall open the boxes and count the ballots, reading the names aloud, the names of the person or persons who shall appear on each ticket. If any ticket shall contain the name or names of more persons than such elector has a right to vote for, such ticket or tickets shall not be numbered in

counting the ballots, but shall be void ; and the said counting of votes shall be continued until completed and the result declared. When the judges of election for their several wards shall have completed the counting of the votes for their respective wards they shall publicly proclaim the result of the voting in the same for all the persons voted for, and the number of votes cast for each, and the said judges shall certify to the same in writing, declaring who have been elected in their several wards, giving a copy of such certificate to each of the persons elected in their respective wards and filing another copy in the office of the city clerk. If any member of the present board of city council shall refuse to surrender his office upon the expiration of the same by due course of law, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one thousand dollars and imprisoned not less than three months.

Fraudulent registration.

SEC. 6. That any person who shall, with intent to commit a fraud, register or vote in more than one precinct, or more than one time in the same precinct, or who shall induce another to do so, shall be guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned not less than six nor more than twelve months, or fined not less than one hundred dollars nor more than five hundred dollars, and any registrar or any clerk or copyist who shall make any entry with intent to commit a fraud shall be deemed guilty of a misdemeanor.

Vacancies.

SEC. 7. That if any person named in this act shall fail or refuse to discharge the duties of registrar, the other registrars named in this act shall fill the vacancy. If any person named in this act as a judge of election shall fail or refuse to discharge the duties thereof, the registrar for the ward in which the vacancy shall occur shall fill the same.

Proviso.

SEC. 8. That all laws or parts of laws in conflict with this act are repealed: *Provided*, That nothing in this act shall be construed to affect the operation of the act to amend the charter of the city of Newbern, ratified February, one thousand eight hundred and seventy-five.

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

Ratified the 11th day of March, A. D. 1875.

### CHAPTER LXXXIII.

AN ACT TO AMEND AN ACT RATIFIED THE TWENTY-EIGHTH OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A LITERARY AND MANUAL LABOR INSTITUTION, IN THE COUNTY OF WAKE, PASSED IN ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE."

SECTION 1. *The General Assembly of North Carolina do enact*, That an act ratified the twenty-eighth of December, one thousand eight hundred and thirty-three, and entitled an act to amend an act entitled an act to establish a literary and manual labor institution in the county of Wake, passed in one thousand eight hundred and thirty-three, shall be so amended as to read as follows: W. T. Brooks, T. H. Pritchard, J. M. Heck, J. H. Foote, W. T. Walters, A. McDowell, R. D. Graham, A. R. Vann, James Poteat, J. S. Purefoy, W. W. Vass, John Mitchell, G. R. French, J. D. Hufham, John Kerr, J. H. Mills, G. W. Thompson, Haynes Lennon, W. R. Gwathney, G. W. Blount, F. M. Jordan, W. H. Avera, G. W. Purefoy, M. L. Eure, J. C. Hiden, Peterson Dunn, R. R. Overby, J. C. Scarborough, R. H. Marsh, C. M. Cooke, B. G. Covington, J. G. Williams, William Turner, J. B. Richardson, C. J. Nelson, W. H. Mitchell, J. L. Stewart, and their successors, be and they are hereby declared to be a body politic and corporate for the purpose of educating youth, to be known and distinguished by the name and style of "The Trustees of Wake Forest College," and by this name and style they shall have perpetual succession and a common seal, and

Act of 1833 amended

shall be able and capable in law to sue and be sued, plead and be impleaded in all the courts, and shall take, receive and possess all moneys, goods and chattels which may be given to them, and shall apply the same according to the wish of the donors to the purpose herein declared; and they shall have power, by purchase or otherwise, to take, demand, hold and possess rents and tenements in special trust and confidence, and apply the same together with the profits arising therefrom to the purpose of endowing and supporting said Wake Forest College; and they may purchase and hold for the purposes aforesaid such chattels and real estate as they may deem necessary, and may dispose of the same in promoting learning and virtue in the college aforesaid, situated in Wake Forest, in the county of Wake: *Provided*, That the amount of real and personal property held by the said trustees shall not at any one time exceed the sum of five hundred thousand dollars.

Vacancies.

SEC. 2. That in the event of the death, resignation, refusal to act, or removal from the State of any of the trustees for the time being, then the remaining trustees shall have the power to fill the vacancies created.

Resignations, &c.

SEC. 3. That if any one of the trustees shall fail to attend the meetings of the said trustees continuously for the time of three years, his seat is hereby declared to be vacated, and the said trustees are authorized to fill the same as in case of death, resignation, refusal to act or removal from the State.

Removals.

SEC. 4. That the trustees shall have the power to remove any member of their board for improper conduct: *Provided*, That the cause thereof shall be entered on their journal; *And provided further*, That the accused shall have three months' notice of the procedure, and that a majority of two thirds of the members present shall be necessary to effect such removal.

Powers:

SEC. 5. That the said trustees shall have the power to appoint their own president, secretary and treasurer, and such professors, tutors and other officers in and over said college as they shall deem qualified to discharge the duties

of their several offices, and may remove the same for misbehavior, inability or neglect of duty; they shall moreover have power to make all necessary rules and regulations, not inconsistent with the laws of this State, for the government of said college.

SEC. 6. That the said trustees shall hold meetings from time to time as often as necessity may require, and nine trustees shall constitute a quorum for the transaction of all kinds of business. Meetings.

SEC. 7. That the faculty of said Wake Forest College, by the advice and consent of the said trustees, shall have power to confer all such degrees and marks of literary distinction as are usually conferred by colleges and universities. Degrees.

SEC. 8. That the lands and other property belonging to the said trustees for the benefit of said college shall be and the same are hereby exempted from all kinds of public taxation: *Provided*, That the amount of lands so exempted shall not exceed three hundred acres. Exemption.

SEC. 9. That no license to retail any spirituous or intoxicating liquors at or within three miles from said college shall be granted; and if granted, the same shall be void. Liquor.

SEC. 10. That if any person shall sell, give or carry to any student or students of said college, at or within three miles from the site thereof, any spirituous or intoxicating liquor without special permission in writing from the faculty thereof, the same shall forfeit and pay the sum of one hundred dollars, to be recovered in any court of record, one-half to the use of the informant and the other half to the use of said college, and the offender shall moreover be guilty of a misdemeanor, and upon conviction thereof in the Superior Court of Wake county shall be fined at the discretion of the court.

SEC. 11. That no person shall set up any billiard table, bowling alley or other contrivance for playing any game of chance, by whatever name it may be called, or exhibit any theatrical, sleight of hand, or equestrian performance, dramatic recitation, rope or wire dancing, or any natural or arti- Games.

ficial curiosities at said college, or within one mile thereof, unless by permission in writing from the faculty thereof; and any person who shall offend herein shall forfeit and pay the sum of one hundred dollars, to be recovered in any court of record, one-half to the use of the informant and the other half to the use of said college.

SEC. 12. That all laws conflicting with any of the provisions of this act be and they are hereby repealed.

SEC. 13. That this act shall be in force for fifty years from and after the date of its ratification.

Ratified the 11th day of March, A. D. 1875.

## CHAPTER LXXXIV.

AN ACT TO INCORPORATE THE VILLAGE OF ROSE HILL, IN THE COUNTY OF DUPLIN.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the village of Rose Hill, in the county of Duplin, be, and the same is hereby, incorporated by the name and style of Rose Hill, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal.

Limits.

SEC. 2. That the corporate limits of said town shall be as follows: one-half mile east, west, north and south from the centre of Alsa Southerland's store, on the Wilmington and Weldon Railroad, and shall run with the four cardinal points of the compass.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a treasurer and constable; that the following are hereby appointed until their successors are elected under the laws of the State, viz: A. Southerland, mayor; D. T. Carr, W. J. King and C. C. Boney, commis-

sioners; Jacob W. Carr, constable; J. J. Newton, treasurer, of said town.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER LXXXV.

### AN ACT TO INCORPORATE THE TRUSTEES OF BURNT CHIMNEY ACADEMY, IN RUTHERFORD COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Thomas Wilkins, Humphrey P. Miller, C. Baylas Justice, James W. Davis, George T. Bostick, Alfred W. Harrell, Samuel E. Bostick, James H. Yarboro, Howsen D. Harrell and John Blanton, and their successors be, and are hereby, made, constituted and declared a corporation and body politic and corporate under the name and style of "Trustees of Burnt Chimney Academy," and by that name shall have succession and continuance for the term of ninety-nine years. Body politic.

SEC. 2. Said corporation shall consist of not more than ten nor less than five members; may have a common seal; may sue and be sued; may purchase, take by gift or devise, lease, hold, sell and convey real and personal property not exceeding twenty thousand dollars in value; may make by-laws; may elect members to fill vacancies; may elect officers of the corporation; may elect a president or principal and other officers and teachers for the academy; may make contracts, rules and regulations, and do all other acts necessary for the support, control, good government, benefit and behoof of said institution of learning, not inconsistent with the constitution of the State and the United States. Powers.

SEC. 3. It shall not be lawful to sell intoxicating liquors Liquor.

within two and one-half miles of said academy, and the same is hereby forbidden and declared a misdemeanor.

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

Ratified the 10th day of March, A. D. 1875.

## CHAPTER LXXXVI.

### AN ACT TO INCORPORATE THE CITY BANK OF WILMINGTON.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Edwin E. Burruss, Eli Murray, William H. McKay, Walter L. Steele, James H. Chadbourne, Donald McRea, Stephen W. Cole, James H. Aycock, Silas N. Martin, Benjamin F. Little, Lawrence T. Everitt, J. Francis King, their associates, successors and assigns, upon compliance with the provisions of this act, are hereby incorporated and made a body politic and corporate by the name and style of the "City Bank of Wilmington," and shall so continue for the space and time of thirty years from the date of their organization, and by such name shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any of the courts of this State; and shall have power and authority to purchase and hold whatever real or personal estate may be necessary in the transaction of their business, and to do all other acts and things which corporate bodies of like character have under the laws of this State.

Capital stock.

SEC. 2. The capital stock of said bank shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each, and when the sum of one hundred thousand dollars shall have been subscribed and paid in to those persons authorized to receive the same, the subscribers thereof, their successors and assigns, shall be, and

are hereby, declared to be a body politic and corporate, with all the powers and liabilities conferred or imposed by the existing laws of this State upon corporations of like character and no other.

SEC. 3. To provide for the subscription of the stock hereby authorized, the corporators herein named, or the first five of them, shall have power to open books of subscription to receive the same at such times and places and under the superintendence of such persons as they may elect, giving ten days' notice thereof in some daily paper published in the city of Wilmington, and may, if they choose, continue the same until the whole amount of stock authorized shall be subscribed. And the subscribers of the stock shall be required to pay the same in such installments as the said first five incorporators may prescribe and publish, the first installment not being less than ten per cent. nor more than fifty per cent. of the amount of their subscriptions; and the subscription so made shall be deemed and held to constitute an obligation of like character as a promissory note, which, in default of payment as required, either by the subscriber or his assignee, may be recovered by suit in the name of the bank in any court of competent jurisdiction, or the same may be sold by the bank after ten days' publication in some daily paper published in the city of Wilmington, at public outcry, at the banking-house of said corporation, and if said sale do not produce an amount equal to the stock so sold the said bank may recover the deficiency by suit against the delinquent stockholder, his representative or assigns.

Books of subscrip-  
tion.

SEC. 4. Whenever the sum of one hundred thousand dollars shall have been subscribed as aforesaid, and paid, the first five corporators herein named shall, as soon as possible thereafter, call a meeting of the subscribers thereof by giving not less than ten days' previous notice of the time of said meeting by publication in a daily paper of the city of Wilmington, to take place in the said city, and if at said meeting the holders of a majority of stock are present, either in person or by attorney, the stockholders may pro-

Organization.

ceed to organize said bank by electing a board of directors, not less than five nor more than nine in number, who shall conduct and manage the affairs of the bank for one year from the date of their election and until their successors are duly chosen.

Officers.

SEC. 5. The board of directors shall choose one of their number president and appoint all the officers and agents of the bank, fix their compensation, and take such bonds for their faithful conduct as they shall see fit, and all such officers and agents shall hold their places at the will of the board. The salary of the president shall be fixed by the stockholders in general meeting convened, and the stockholders may, if they see fit, remove the board of directors and appoint others in their stead.

Meetings.

SEC. 6. The board of directors may call special meetings of the stockholders at any time they may see proper, and if one-third of the stockholders in interest shall in writing request the board to call a stockholders' meeting, and the board shall refuse to call the same within ten days from the date of the demand, then the said stockholders may themselves call the same, and all the meetings of the stockholders, however called, shall have equal powers.

By-laws.

SEC. 7. The board of directors may adopt and use a common seal of the bank and alter and amend the same at pleasure; may make such by-laws for their government as they see proper, not inconsistent with the laws; prescribe the mode of subscribing and paying for new stock and the transfer of stock; open and close books of subscription at their pleasure; issue bills of the bank of the denomination of five dollars and the multiples of five; loan money and discount bills; receive deposits at such rate as may be agreed upon, so the same shall be consistent with the law; may have a lien on the stock of all stockholders for debts due by them to the bank superior to the claims of other creditors of equal dignity; may receive and pay out currency, gold and silver, and deal in the bullion of said metals, uncurrent public and private securities; take mortgages on loans, whether the same

be on real or personal estate, with all the powers and liabilities in relation thereto established by law, and generally shall have all the powers, rights and privileges which are conferred upon corporators of like character by the laws of this State.

SEC. 8. The board may at any time establish branches Branches. and agents of said bank at such places as they may deem proper, and discontinue the same at their pleasure.

SEC. 9. At all meetings of the stockholders each stockholder shall have one vote for each share of stock held by him, and the stockholders may adopt rules for their government not inconsistent with the law. Stock vote.

SEC. 10. The said board shall have authority to purchase Powers. the rights and credits and assume the liabilities of any existing bank in the State created under the laws thereof, or under the laws of the United States, located in this State, and have full power and authority to collect the debts thus assigned and pay the obligations thus assumed by suit in any court in this State of competent jurisdiction: *Provided*, If one hundred thousand dollars shall not be subscribed and paid in and the said corporation shall not be organized as hereinbefore provided on or before the first of January, one thousand eight hundred and seventy-eight, then this act shall be null and void.

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

Ratified the 9th day of March, A. D. 1875.

## CHAPTER LXXXVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROCKY MOUNT, IN THE COUNTY OF EDGECOMBE, RATIFIED THE NINETEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

Act of 1866-'67  
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter ninety five of the Private Laws of North Carolina, one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe, ratified the nineteenth day of February, one thousand eight hundred and sixty-seven, shall be so amended as to read as follows: That the town of Rocky Mount, in the counties of Edgecombe and Nash, is hereby incorporated under the name and style of "The Town of Rocky Mount," and under such name and style is hereby invested with all the property and rights which belong to the five commissioners and their successors of the said town by virtue of the aforesaid act, and by the said corporate name may acquire and hold, for the purpose of the government, welfare, improvement and convenience of said town and its inhabitants, all such estate or effects as may be devised, bequeathed or conveyed to it, and may from time to time sell, dispose of or invest the same, as shall be deemed best by the proper authorities of said corporation.

Mayor.

SEC. 2. The government of said town shall be vested in a chief magistrate or mayor and five commissioners, to be elected under the rules and regulations provided in chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

Boundaries.

SEC. 3. That the boundaries and lines of said town shall be as follows: Commencing at a black gum on Gray Armstrong's land, then running south seventy-three degrees, east one mile to a maple on William W. Parker's land.

Then north seventeen degrees, east one mile to a stake in Spicer's land. Then north seventy-three degrees, west one mile to a pine in Brice's land. Then south seventeen degrees, west one mile to the first station.

SEC. 4. That for the good government of said town the said commissioners and their successors shall have all the rights, powers and privileges and be governed by the rules, regulations and restrictions conferred upon and to which commissioners of incorporated towns are subject by chapter one hundred and eleven of Battle's Revisal, except so far as these may be modified or changed by the provisions hereinafter made. Rights and powers.

SEC. 5. That the commissioners of said town are hereby authorized and empowered to open, lay out and establish such streets within the corporate limits of said town as they shall deem necessary, and also to straighten, widen or close such streets as they shall deem necessary, and if the owner of property affected by such action of the said commissioners in this particular shall claim damages for the same, then and in that case the said party claiming damages shall select three land owners residing in the limits of said town and the mayor of said town shall name or appoint two other land owners, inhabitants of said town; that these five shall constitute a board of commissioners to ascertain and assess the amount of damage sustained by said claimant. They shall make their report to the commissioners of said town and to the claimant, and it shall be the duty of said commissioners of said town to provide for the payment of said debt or charge by said town. Streets.

SEC. 6. That all penalties that may be imposed for a violation of any of the ordinances of said town shall be recovered before the mayor, and if not paid the said mayor shall have power to confine such offender, not to exceed ten days, in the guard-house of said town or to compel said offender to work on the public streets of said town for a period not to exceed ten days. Penalties.

SEC. 7. That the constable of said town shall have power Constable.

to arrest and confine all disorderly persons violating any one of the ordinances of said town until such person or persons can be brought before the mayor for trial, but such person or persons may give bail in the same manner as the same is given to sheriffs, for their appearance before the mayor.

Tax. SEC. 8. That in addition to the power and authority for taxation allowed and granted to commissioners of incorporated towns by chapter one hundred and eleven of Battle's Revisal, the said commissioners of said town shall have power to levy a tax annually, not to exceed the State tax, on all goods, wares and merchandise; on all keepers of eating houses, fish or meat, a tax not exceeding one per cent. on the original bills, invoices or valuations; on all peddlers of any kind whatsoever, prize candy, soap dealers and all itinerant dealers and venders of every description, a tax not exceeding ten dollars.

Real estate. SEC. 9. The mayor of said town is authorized to convey by deed any land belonging to said town sold by order of commissioners of said town.

SEC. 10. This act shall take effect on the first day of May, one thousand eight hundred and seventy-five.

Ratified the 17th day of March, A. D. 1875.

## CHAPTER LXXXVIII.

AN ACT TO INCORPORATE THE FAYETTEVILLE AND GOLDSBORO RAILWAY COMPANY.

Body politic. SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a railway from the town of Goldsboro to or near the town of Fayetteville, D. G. McRae, D. H. Bridgers, J. A. Bonitz, W. F. Kornegay, A. J. Galloway, Dr. Monk, Chas. W. Broadfoot, T. J. Robinson, Malcom Faulk, Robert Williams, Thomas W. Devane, K. M. C. Williamson, E. A. Bizzell, and their as-

sociates, are hereby made and constituted a corporation with succession for ninety-nine years, to be known by the name and style of the Fayetteville and Goldsboro Railway Company, and by that name shall be capable of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift, devise or otherwise, so far as may be necessary for the purposes within the scope, object and intent of this charter; and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State, and may have and use a common seal which they shall have power to alter at pleasure, and may from time to time make all such by-laws, rules and regulations as they may deem proper and necessary for their government and the interest of said company, not inconsistent with the constitution and laws of this State and of the United States. And they, or a majority of them, may forthwith, or when they elect, open books of subscription to the capital stock of said company at such places and under such regulations as they prescribe. Said capital stock shall not exceed one million of dollars, to be divided into one thousand shares of one hundred dollars each. Subscriptions to the capital stock of said company may be made payable in cash, land, timber, bonds, securities, real and personal estate, machinery, rails, labor and services, by contract or otherwise.

SEC. 2. That so soon as the sum of ten thousand dollars shall have been subscribed to the said capital stock it shall be the duty of the persons named in the first section of this act, or a majority of them, to appoint a time for the stockholders or said subscribers to said capital stock to meet, of which time and place of meeting they shall cause notice to be previously published for the space of two weeks in one or more newspapers as they deem proper, at which time and place the stockholders or subscribers, in person or by proxy, shall proceed to elect twelve directors of the said company and to make such rules and regulations and by-laws as they may deem necessary for the government of said

Organization

corporation and the transaction of its business. The persons elected as directors at that meeting shall serve for one year, or until their successors shall have been elected; and at said meeting the stockholders shall fix upon the day and place where the subsequent election of directors shall be held, and such election shall thenceforth be annually made accordingly; but if the day of election shall pass by without any such election it shall be lawful to hold an election on any other day in such manner as shall be prescribed by the by-laws of said company.

Directors.

SEC. 3. That the affairs of the said company shall be managed by a general board, to consist of twelve directors, to be elected as provided for in section second. Each stockholder shall have as many votes as he has shares in the stock of said company. All such elections shall be by ballot, and the persons receiving a majority of the votes cast shall be declared duly elected.

Officers.

SEC. 4. That the president of said company shall be elected by the board of directors from among their number in such manner as the by-laws may prescribe, and the appointment of all other officers and agents, and the rate and manner of their compensation, shall be provided for by the by-laws or rules of said company.

Bonds.

SEC. 5. For the purpose of raising money to accomplish the purpose of this act, said company may at its option make, execute and issue its bonds, payable with interest thereon either in United States currency, gold or silver, and at any rate of interest it elects, not exceeding eight per cent. per annum, and for any amount not exceeding six hundred thousand dollars, which bonds shall be signed by its president and attested by its secretary and sealed with its corporate seal, in sums of the denomination of one hundred dollars, or five hundred dollars, or one thousand dollars each, with the usual half yearly interest coupons annexed. The interest and principal of said bonds to be made due and payable at such times and places as the directors may elect.

Interest.

SEC. 6. To secure the payment of these bonds and the

interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be selected or agreed on, the same to be signed by the president and attested by the secretary of said corporation, conveying its railway, franchises and property, including its road-bed, superstructure, equipments, choses in action, and all its real and personal estate of whatever kind; and the said deed or deeds, when duly executed, may be registered in the county of Wayne, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatever, and shall give priority and preference over all claims against said corporation, and it shall not be necessary to register or record the same in any other county, any law to the contrary notwithstanding.

SEC. 7. That the said Fayetteville and Goldsboro Railway Company shall have the power and authority to appropriate and occupy so much land as may be necessary for the construction of said railroad along the route thereof, one hundred feet, and so much additional land as may be necessary for the erection of station houses, sidings, switches, engine houses, machine shops.

Powers.

SEC. 8. The said Fayetteville and Goldsboro Railway Company may lease all its chartered rights and privileges to, or may merge and consolidate with the Atlantic and North Carolina Railroad Company, in such manner and upon such terms as the stockholders in the respective corporations may agree upon, and when so let or merged and consolidated, the corporation controlling the same shall be authorized to operate and maintain the entire line of railway.

SEC. 9. The said Atlantic and North Carolina Railroad Company, the private stockholders in general meeting having authorized the same by a majority of their votes, is authorized to endorse the bonds of the said Fayetteville and Goldsboro Railway Company herein authorized to be issued. That if the North Carolina and Atlantic Railroad shall decline to indorse the bonds of the Fayetteville and Golds-

Endorsement of bonds.

boro Railway Company within six months after the said railway company shall have graded the road bed and prepared the same for the iron, (exclusive of the principal bridges necessary,) or if after the said indorsement of the bonds aforesaid the company shall be unable to negotiate the same within twelve months thereafter, then it shall be lawful, and the said Fayetteville and Goldsboro Railway Company shall have power and authority to connect their road with any other railroad company upon such terms and conditions as may be agreed upon by the respective stockholders of the same. And the company so connected with shall have all the power, authority and privilege intended to be conferred by the act on the North Carolina and Atlantic Railroad Company. That the said Fayetteville and Goldsboro Railway Company shall have authority to construct a branch of their road to the town of Clinton, or to any other point or points, at the pleasure of the stockholders.

Further powers.

SEC. 10. The said corporation shall likewise have the power and authority to lease to or merge and consolidate with the Fayetteville and Florence Railroad Company upon such terms and in such manner as the stockholders in the respective corporations may agree upon; when so let or merged and consolidated the controlling corporation shall have authority to operate and maintain the entire line.

Steamboat lines.

SEC. 11. For the purpose of establishing and maintaining sea connections at Morehead and Newbern the said Atlantic and North Carolina Railroad Company, or in event of consolidation, the controlling corporation shall be authorized to purchase, own and operate steamboat lines.

Convicts.

SEC. 12. That the directors in the North Carolina penitentiary be and they are hereby authorized to deliver to the said Fayetteville and Goldsboro Railway Company one hundred convicts, to be worked on their said road in its construction, upon such terms as is provided by law.

SEC. 13. That this act be in force from its ratification.

Ratified the 13th day of March, A. D. 1875.

## CHAPTER LXXXIX.

AN ACT TO INCORPORATE THE RUTHERFORD MANUFACTURING  
COMPANY.

WHEREAS, A. R. Homesly had recently built a cotton Preamble.  
factory on second Broad river, in Rutherford county, North  
Carolina, at a cost of twenty thousand dollars or more; *and*  
*whereas*, on or about the twenty-fifth December last, the  
same was destroyed by fire, which is a great loss to the said  
Homesly, as well as to the people of Rutherford county;  
*and whereas*, the said A. R. Homesly is desirous to rebuild  
said cotton factory, and in order to aid him in rebuilding  
said factory,

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That the following named persons to-wit: Thomas  
Wilkins, Walter McArthur, Nehemiah Dobbins, Ransom  
Price and A. R. Homesly, their associates, successors and  
assigns, are constituted a corporation and body politic under  
the name and style of the Rutherford Manufacturing Com-  
pany, to be located on second Broad river, in Rutherford  
county, on the property now owned by A. R. Homesly, with  
a capital stock of twenty-five thousand dollars, with liberty  
to increase the same from time to time to any sum or sums  
not exceeding two hundred thousand dollars, to be divided  
into shares of one hundred dollars each, and to have the  
privilege specially granted, as well as those conferred by the  
twenty-sixth chapter Battle's Revisal, entitled "Corpo-  
rations."

SEC. 2. The stockholders of said corporation shall have Officers, by-laws,  
&c.  
power to elect such officers as they may deem sufficient;  
may prescribe their duties and term of service, and make  
by-laws for the government and proper conduct of the cor-  
poration and its business.

SEC. 3. That said corporation shall have power to carry Powers.  
on the business of manufacturing and selling cotton, woollen

or any fabrics, and to engage in any other manufacturing enterprise; it may likewise make and operate rail, turnpike, tram or other roads, all or either of them, for the purpose of connecting its works with other roads, and to that end it shall have power of condemnation of land and other property, and other powers conferred on railroads and other companies by the sixty-second chapter of Battle's Revisal, entitled "Internal Improvement." It may purchase and hold, sell and lease, or otherwise convey real estate or any other property, in any manner it may see proper, for the transaction of its business. It may buy and sell merchandise.

Liquors.

SEC. 4. That it shall be unlawful for any person or persons to sell or in any manner give away any intoxicating liquor, either directly or indirectly to receive any compensation for the same, within three miles of said place, set forth in section first of this act: *Provided*, Nothing contained in this section shall have any force or effect until submitted to the qualified voters residing in the boundary set forth in this section, which may be done on the first Monday in May next, and ratified by a majority voting at said election.

Proviso.

SEC. 5. That the president and directors of said company are hereby authorized to hold said election named in section four of this act.

SEC. 6. That if said election as provided in the fourth section of this act should not from any cause be held on the first Monday in May next, then and in that case, after twenty days' notice, signed by three or more electors residents within said locality, and posted at three or more places in the bounds of said locality, said election may be held.

Violations.

SEC. 7. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction before any acting justice of the peace, shall be punished by a fine not less than ten dollars nor more than fifty dollars, or by imprisonment of not less than ten days nor more than one month.

SEC. 8. That said company or corporation shall exist for ninety-nine years.

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

Ratified the 13th day of March, A. D. 1875.

## CHAPTER XC.

AN ACT TO AMEND THE CHARTER OF THE NORTH CAROLINA MUTUAL HOME INSURANCE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one of the Private Laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, entitled An act to incorporate the North Carolina Mutual Home Insurance Company, ratified December seventeenth, one thousand eight hundred and sixty-eight, be amended as follows:

Acts of 1868-'69,  
amended.

1. That the word "mutual" be stricken from the corporate name of the company: *Provided*, That such change shall not effect the existing powers, rights, duties, liabilities or contracts of the corporation.

2. That "seven" be inserted instead of "three," "fifteen" instead of "seven," and "four" instead of "two," in section two of said act, and that the following words be added to said section: "In case a vacancy shall occur in the board of directors by death or otherwise, the board shall have power to fill the vacancy until the next general meeting of the stockholders.

3. That sections nine and ten of said act be repealed and section eleven shall read as follows: "The capital stock of the corporation shall be not more than five hundred thousand dollars and not less than one hundred thousand dollars, and the whole of such stock shall be liable for the

losses of the company whenever the cash on hand or invested and premium notes are insufficient to pay the same. The par value of the stock shall be one hundred dollars per share, and scrip certificates may be issued for stock to shareholders, and said stock shall be transferable only on the books of the company. Stockholders shall be entitled to representation in the election of directors in the ratio of one vote for every one hundred dollars. If any member shall fail to pay any assessment made by the directors on his note for stock or on his premium note for the term of thirty days after notice thereof, the company may bring an action at law and recover the whole unpaid balance of such note, or at the option of the directors, suit may be brought for the amount of the assessment.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER XCI.

AN ACT TO INCORPORATE THE TOWN OF FRANKLINSVILLE, IN THE COUNTY OF RANDOLPH, NORTH CAROLINA.

*Incorporated.* SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Franklinsville, in the county of Randolph, be and the same is hereby incorporated by the name and style of Franklinsville, and as such shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal, except so far as varied by this charter.

*Limits.* SEC. 2. That the corporate limits of said town shall be as follows: Beginning on Sandy creek, at the mouth of Martha Stack's spring branch and run nearly west to Henry Rider's, northeast corner near Patrick Lemmon's, thence west with

Rider's line to the public road leading from Franklinsville to Greensboro, thence south to Bush creek, thence down the creek to Deep river, thence down the river to the mouth of Sandy creek, thence up said Sandy creek to the beginning, including the river.

SEC. 3. That the officers of said incorporation shall consist of a mayor and five commissioners, and until officers shall be elected as hereinafter provided, the government of said town shall be invested in the following named persons: Mayor, Hugh Parks; Commissioners, Dennis Curtis, Matthew Summers, M. N. Brawer, M. M. Hayworth, George H. Makepeace. Officers.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and seventy-five, and each succeeding year thereafter as prescribed by law. Annual election.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of said town, not inconsistent with the laws of this State and the United States, and to levy and collect a tax on all subjects of State taxation, not to exceed one-half the State tax, and to impose fines for the violation of town ordinances, and collect the same. By-laws.

SEC. 6. That the commissioners of said town shall have the power, upon giving thirty days' notice, at any time to submit to the qualified voters of said town the question of license or no license, and if a majority of said voters shall be cast for no license, then until such vote shall be reversed, it shall not be lawful for any person to retail or sell spirituous liquors within said incorporation, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each and every offence in a sum not to exceed twenty dollars, or be imprisoned a term not to exceed one month, at the discretion of the court. Sale of liquors.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER XCII.

## AN ACT TO INCORPORATE THE SOUTHERN UNDERWRITERS' ASSOCIATION.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That George Little, Joel D. Whitaker, W. D. Allen, W. H. Redheffer, George Crawford, J. M. Downing and Andrew Redheffer, and all other persons who may hereafter be associated with them in the manner hereinafter prescribed, shall be constituted a body politic and corporate under the name of the Southern Underwriters' Association, to have succession for ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend in any court of record, or other court, or place whatever; and may have and use a common seal, and may hereafter break and renew the same at will, and may establish and put in execution such by-laws, rules and ordinances not contrary to the laws of this State or of the United States, as may be deemed necessary or expedient in the management of the affairs of the association, and do all such acts as may be necessary to carry into effect the provisions and objects of this charter.

Capital stock.

SEC. 2. That the capital stock of this association shall consist of the cash premiums, together with the premium and deposit notes, which may be increased by a guarantee capital hereinafter provided for.

Real estate.

SEC. 3. That the said association may purchase and hold such personal or real estate as may be deemed necessary for the purposes and objects of this charter, and may sell and convey the same at pleasure, and may have the right to receive from any and all persons and bodies politic any deposits of moneys, and if so required shall issue certificate of deposit therefor, and may invest the money so received and all other funds and property belonging to, or which may be in the hands of the association, in promissory notes secured by mortgage on real or personal estate, or by indi-

vidual security, or may invest or re-invest said funds in such manner as may be considered most safe and beneficial to this association.

SEC. 4. That the affairs of said association shall be gov- Directors.  
erned and regulated by a general board of directors, to consist of not less than five and not more than thirty stockholders, who shall be elected at the regular annual meeting of the stockholders, and shall hold their office for one year and until others shall be chosen to supply their places. The president and three directors shall constitute a quorum for the transaction of business; said board shall have power to fill vacancies created by death, resignation or otherwise.

SEC. 5. That the persons named in the first section of this Temporary officers.  
act are hereby constituted a board of directors to act as such until others are chosen, which may be done by them.

SEC. 6. That the board of directors shall elect a presi- Officers.  
dent, secretary and treasurer; also an executive committee, to consist of not less than three, who shall hold their offices for a term not to exceed three years and until others are chosen and qualified in their places; and may appoint such other officers and agents as they may deem necessary. The executive committee shall have power to transact all business in the absence of the board of directors.

SEC. 7. That the home office of this association shall be Home office.  
in the city of Raleigh, in the State of North Carolina, but may be removed to any other town or place in the State whenever the directors may deem necessary or convenient to carry out the provisions of this charter.

SEC. 8. That this association shall have power to do Powers.  
business in each State and territory of the United States and in foreign countries, and each State, territory or county in which it shall transact or intend to transact business, or any part of the same, may be formed into departments and branches of this association in such manner and form, and subject to such rules and ordinances, as may be adopted for their government and regulations by the general board of directors.

May insure.

SEC. 9. That this association may insure against loss or damage by fire, lightning or any other insurance whatsoever that the board may deem proper, including life and accidental insurance. This association is hereby vested with all powers that any insurance company heretofore incorporated in this State now has to transact business in this or any other State, and they may charge and receive such premiums as may be agreed upon by this association and the parties insured.

Rates.

SEC. 10. That the rate of insurance shall be from time to time fixed and regulated by the general board of directors of this association, and that premium or deposit notes may be received by the directors from the assured, which shall be paid at such time or times and in such sum or sums as may in the by-laws be required; and in any person applying for insurance, if he shall so desire, may pay a definite sum of money in full for insurance in lieu of a premium note, but no member shall be bound to pay in the whole more than the amount of his premium note and cash premium.

Liability.

SEC. 11. That every member of the mutual department of said association shall be bound to pay for all losses and necessary expenses in and to said association in proportion to the amount of his deposit note, and suits of law may be instituted by this association against any of its members for the collection of said deposit notes, or any assessments on said notes, or for any other cause relating to the business of the association.

Deposit.

SEC. 12. That for the better security of the policy holders the said association shall deposit with the Treasurer of the State of North Carolina five per cent. of all moneys received for premiums until the said sum on deposit shall reach the sum of twenty thousand dollars. That said deposits may be made in United States securities or bonds secured by mortgage upon real estate in this State, which shall be held in trust by him for the benefit of the policy-holders of said association; and in case any policy holder shall be unable to collect of said association any loss which he may have met with while hold-

ing any policy in said association, the said treasurer shall pay to the said policy holder any sum which said policy holder may recover in any court of competent jurisdiction; and in case the said treasurer shall have to pay out any such sum or sums, then said association shall immediately replace such amount in the hands of said treasurer as above provided, so that there shall never be less than the amount then on deposit; and the said association may have subscribed and guaranteed stock to the amount of one million of dollars, and of that amount at least one hundred thousand shall have been subscribed before the said association commences business, and the whole of such stock, together with said deposits, shall be liable for the losses of said association whenever the cash premium and premium notes are insufficient to pay the same, and the holders of said stock shall be entitled to representations in the election of the general board of directors in the ratio of one vote for every hundred dollars. Scrip certificates may be issued for such stock, transferable only on the books of the association.

SEC. 13. That nothing herein contained shall be so construed as to prevent this association from receiving any of the benefits, or from complying with any general insurance law, that may hereafter be enacted.

Insurance law.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 2d day of February, A. D. 1875.

### CHAPTER XCIII.

AN ACT FOR THE RELIEF OF MIKE WOODS, OF WAYNE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Mike Woods, of Wayne county, be authorized and allowed until the first day of January, one thou-

ARRCARS.

Proviso.

sand eight hundred and seventy-six, to collect all taxes in arrears and still due on the tax list of Goldsboro township, in Wayne county, for the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, with all the powers which belonged to him as constable of said township for said years for said purpose: *Provided*, That if any person shall make oath before a justice of the peace or other person empowered to administer oaths, that he has paid said tax and has lost or mislaid the receipt, shall not be required to pay the tax again, and this act shall not apply to executors and administrators and guardians: *And provided further*, That land which having changed hands shall not be liable for said taxes.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER XCIV.

### AN ACT TO APPOINT TRUSTEES FOR PLEASANT RETREAT ACADEMY.

Preamble.

WHEREAS, the records of the proceedings of the trustees of the Pleasant Retreat Academy, located at Lincoln, in Lincoln county, North Carolina, have been lost; *And whereas*, V. A. McBee, W. M. Reinhardt, J. C. Jenkins, Elam Caldwell and David Schenck, Esqs., were the last trustees known to be elected by their predecessors in office and are now acting as trustees, therefore,

Trustees,

SECTION 1. *The General Assembly of North Carolina do enact*, That the said V. A. McBee, W. M. Reinhardt, J. C. Jenkins, Elam Caldwell and David Schenck, Esqs., shall be, and they are hereby, appointed as trustees of said academy, and that they shall have all the authority and power vested in the trustees by the act to establish and in-

corporate an academy in the town of Lincolnton, in the county of Lincoln, ratified the tenth day of December, one thousand eight hundred and thirteen, and an act to amend the first section of an act of the General Assembly of this State, passed on the tenth day of December, one thousand eight hundred and thirteen, entitled "an act to establish and incorporate an academy in the town of Lincolnton, in the county of Lincoln," ratified the twenty-second day of December, one thousand eight hundred and nineteen.

SEC. 2. That all the acts of the parties afore named as trustees of said academy heretofore done are hereby ratified and confirmed, and they shall have all the powers which they would have had if their succession in office appeared by the records of said trustees of Pleasant Retreat Academy. Former acts ratified

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER LCV.

### AN ACT TO REGULATE FISHING IN NEWBEGUN CREEK, PASQUOTANK COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That hereafter it shall be unlawful, between the first day of March and the twentieth day of May, for any person to haul any seine in Newbegun creek, Pasquotank county, on Sunday or to haul on any other day after ten o'clock P. M. or earlier than four o'clock A. M. And further, it shall be unlawful for any person between the dates above named to set any net within eight hundred yards of the mouth of said creek, (the mouth being defined to be the outer or river edge of the bar,) or to set any weighted nets across the channel of said creek, or to set any net within one hundred Unlawful to fish on Sunday.

yards of the mouth of Frank bridge run, or within three hundred yards of the first hedge in the Big swamp run.

Penalty.

SEC. 2. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not exceeding fifty dollars or imprisoned not exceeding ten days.

Repeal.

SEC. 3. All laws and clauses of laws conflicting with this act are hereby repealed.

SEC. 4. This act shall go into effect from and after its ratification.

Ratified the 5th day of March, A. D. 1875.

## CHAPTER XCVI.

AN ACT TO INCORPORATE THE GOLDEN LYRE LODGE, NUMBER ONE THOUSAND SIX HUNDRED AND EIGHT, GRAND UNITED ORDER OF ODD FELLOWS, OF WILMINGTON, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That C. E. Walker, J. M. L. Merrick, Tom Lee, Godfrew Willis, J. S. Eagles, David Brown, Lewis Davis, Samuel H. Hall, Peter Gause, James Taylor, Henry Taylor, Alfred Bunting, Tony Black, Martin Young, E. M. Queen, and others, are hereby declared a body corporate by the name and style of the Golden Lyre Lodge, number one thousand six hundred and eight, Grand United Order of Odd Fellows, of Wilmington, North Carolina, and by that name shall have perpetual succession and a common seal, may plead and be impleaded, sue and be sued, and in general exercise and enjoy all such rights and privileges as are usually incident and belong to corporate bodies of the same nature.

SEC. 2. *Be it further enacted*, 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 of and laws of the State or the United States. By-laws.

SEC. 3. *Be it further enacted*, That the said corporation shall have the right to hold and enjoy real estate.

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

Ratified the 22d day of February, A. D. 1875.

## CHAPTER XCVII.

AN ACT TO INCORPORATE "THE BANK OF GASTON COUNTY."

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 Bank of Gaston County," to be located at Mountain Island, in the county of Gaston, 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 as fully as if expressly named in this act. Said corporation to be organized whenever at least twenty-five thousand dollars shall be subscribed to the capital stock by individuals, firms or corporations and paid in. Body politic.

SEC. 2. George K. Tate, A. W. Davenport, Ferdinand A. Tate, A. Pitman and James T. Tate are appointed commissioners, whose duty it shall be to open books of subscription to said capital stock at such times and for such period Commissioners.

as they shall determine, and said commissioners up to the period of organization, or the directors of the bank after organizing, 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.

Organization.

SEC. 3. Whenever twenty-five thousand dollars at least shall be subscribed and paid into the capital stock of said bank, the said 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 number of 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.

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, 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 such taxes as may be imposed on banks in the revenue laws of the State, and shall pay the same to the treasurer of the State direct at such times as may be prescribed in the revenue laws.

Powers.

SEC. 5. The said bank may receive and pay out the lawful currency of this State, or any of the States, or of the United States, deal in exchange, gold and silver coin, bullion, uncurrent paper, bonds and stocks, and public or other securities, manufactured goods, cotton or other products of the country; may purchase and hold real estate for the transaction of business, or such as may be conveyed to secure debts to the bank, or for other purposes, and may sell

and convey the same, and may also hold such personal property as may be conveyed to secure debts or acquired for other purposes, and at pleasure sell or exchange the same; may discount notes and other evidences of debts, and lend money at the legal rate of interest of this State, which interest may be taken in advance at the time of loan in discount. It may receive on deposit moneys on terms to be agreed on between the officers and depositors. The bank may also receive on deposit moneys held in trust by administrators, executors, guardians or others; may issue certificates of deposit bearing interest not exceeding the legal rates: *Provided*, That no administrators, executors, guardians or other persons acting in financial capacity shall be exempt from any liability on their official bonds as such by the provisions mentioned in this act. Bills, notes, certified checks or other obligations which, when signed by the proper officers of the bank, shall be as binding as if under the seal of the bank, those which are payable to order shall be assignable by endorsement, and those which are payable to bearer shall be negotiable and payable by delivery only.

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 Superior 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 cash, at the banking house on Mountain Island, after advertisement of sale for twenty days, posted in three prominent places in the county of Gaston, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action. Delinquents.

SEC. 7. If any subscriber shall assign his stock before its full payments, he and his assigns and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally, by motions as aforesaid or by civil action, Assignments.

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 the assets of any deceased subscriber.

Branches.

SEC. 8. Branches or agencies of the bank may be established at such times and places as the president and directors may designate, with such amount of capital as the directors of the bank may assign, and all branches or agencies shall be removable at the pleasure of the president and directors, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank. The president and directors may, for each branch or agency, annually appoint, removable at their pleasure, such number of directors as they may deem proper, and such officers and agents as may be necessary, with such compensation as they may deem reasonable.

Officers.

SEC. 9. 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 corporation; shall have power to make such investment of the funds of the bank as may seem to them to the interest of the institution; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations of the bank, and may regulate the terms on which discounts, loans and other investments may be made, and deposits received by the bank, or by which any other business may be transacted by the bank, and shall direct when dividends of profit shall be made. They may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding together one-fourth of the stock, may call a special meeting on giving thirty days' notice, posted at the door of the banking house at Mountain Island. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers.

SEC. 10. That to aid planters, farmers, miners, manufac-

turers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons, or corporation, any sum or sums of money, and to secure the re-payment of the same, taking in writing a lien or liens on the crop or crops to be raised even before planting the same, or upon the present or prospective products of any mining operations, or upon any article or articles then existing or thereafter to be made or manufactured, and any lien so taken shall be good and effectual in law: *Provided*, The same is duly recorded Proviso. under the existing laws of registration anterior to all other liens and mortgages for securing such loan or advance; and said bank shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment, and also to deal in and receive in storage or warehouse any cotton, wheat, corn or other produce or any manufactured article whatever, as a pledge or pledges for the re-payment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust; and any sales made thereunder, according to the terms therein recited, shall be good and valid in law.

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

Ratified the 22d day of February, A. D. 1875.

## CHAPTER XCVIII.

AN ACT TO INCORPORATE THE "RALEIGH SAVINGS BANK AND TRUST COMPANY."

SECTION 1. *The General Assembly of North Carolina do enact*, That A. W. Shaffer, John C. Blake, Charles M. Bus- Body politic.

bee, W. J. Hicks, Thomas Badger, Henry Mahler, John Nichols, Gustave Rosenthal and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Raleigh Savings Bank and Trust Company," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, and have a continual succession for ninety-nine years, and a common seal for the purposes indicated in the title.

Capital stock.

SEC. 2. That the capital stock of said corporation shall not be less than (\$50,000) fifty thousand dollars, which may be increased from time to time to a sum not exceeding five hundred thousand dollars (\$500,000), in shares of fifty dollars (\$50) each, payable at the rate of one dollar per share per month or otherwise, as may be deemed expedient.

Temporary directors.

SEC. 3. That the seven persons first named in section one of this act shall be and remain directors of this corporation until their successors are chosen: *Provided*, That no person shall be a director in said corporation without having first subscribed and taken at least ten shares of stock therein.

Proviso.

By-laws.

SEC. 4. It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, fix salaries, fill vacancies, and generally do and perform such duties as the rules, regulations and by-laws of this corporation shall prescribe when the same shall have been duly ratified by a majority in number and value of the stockholders, voting thereon in person or by proxy.

Location. branches.

SEC. 5. The principal office or banking house of this corporation shall be located in the city of Raleigh, and State of North Carolina, and branches thereof may be opened and established in such other places as may be deemed expedient and beneficial.

Powers.

SEC. 6. That this corporation shall have the power to receive and pay out the lawful currency of the country; deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or receive deposits of

money or other property or evidences of debt from corporations, minors, apprentices, *femmes covert* or other persons on such terms and time and manner of collection and payment as may be agreed upon between the parties, not to exceed the rate of interest allowed by law, free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other State or of the United States, or of any corporation under the laws thereof; and to take such real and personal security, conditioned in such form for the payment of the principal and interest of money loaned, advanced or expended, as may be deemed most safe, expedient and beneficial.

SEC. 9. That said corporation shall have power and authority to guarantee the payment of principal and interest of notes, bonds, bills of exchange and other securities or evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, not to exceed the rate of interest allowed by law.

SEC. 8. That said corporation shall pay to the State in Tax. lieu of all other taxes under the laws thereof, an annual tax on such shares of stock therein equal to that charged by the State on other property of like value; said tax shall be paid to the Public Treasurer on the first day of January in each and every year.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER XCIX.

## AN ACT TO INCORPORATE THE WESTERN NORTH CAROLINA BAPTIST FEMALE COLLEGE.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. Bowen, James Blythe, V. Ripley, W. D. Justis, David Garron, Thomas Stradly, C. B. Mingers, J. D. Franks and E. B. Herren, be and the same are hereby constituted a body corporate for the purpose of educating females, by the name and style of "Western North Carolina Baptist Female College," and by that name shall have a perpetual succession and a common seal, and shall be able and capable in law or equity to sue and be sued, plead and be impleaded, and shall take, demand, receive and possess, all goods and chattels, lands and tenements which may be given, and all donations made shall be appropriated according to the wish of the donor, to the purpose hereinafter declared, and by purchase or otherwise to take, hold and possess to them and their successors forever, any lands sufficient for the purpose of the college, and may purchase and hold for the purposes of the institution such chattels and personal property as they may deem necessary: *Provided*, That the amounts of real and personal estate shall not exceed at any one time three hundred thousand dollars.

Estate.

SEC. 2. That the estate received or controlled by the trustees of the Western North Carolina Baptist Female College shall be for the uses and purposes of the Missionary Baptist denomination in Western North Carolina.

Degrees.

SEC. 3. That the president and professors of said college, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary and classical distinction as are usually conferred in colleges or universities.

Officers.

SEC. 4. That the said trustees and their successors, or a majority of them present, shall have the power of appoint-

ing a president and such professors and tutors as to them shall appear necessary and proper for said college, whom they may remove for misbehavior, inability or neglect of duty; and may from time to time make such by-laws and regulations for their own government, and also of the college, as to them may appear expedient: *Provided*, That the same are not inconsistent with the laws or constitution of the State: *Provided further*, That if a majority of said trustees shall not convene for the purpose aforesaid, it shall be lawful for five (5) of the trustees and their successors to form a quorum to do business, and may from time to time make such by-laws and regulations.

Proviso.

SEC. 5. That upon the death or resignation of any of the trustees, or a vacancy from any other cause, or if the trustees desire to increase their number, then, in any of the above events, the Western North Carolina Baptist Convention shall fill the vacancies or increase the number: *And it is further provided*, That the aforesaid convention shall have power to remove from office any trustee for neglect of duty, incompetency or immoral conduct.

Vacancies.

SEC. 6. That the trustees shall have power to sell any or all of the property of said college, either by private or public sale, for the payment of its debts, or when they may deem it necessary for the better promotion of the educational interests of the Baptist denomination of Western North Carolina: *Provided, however*, That the advice and consent of the Western North Carolina Baptist Convention be first obtained for such sale.

Powers.

SEC. 7. That the trustees may change the college from a female college to a college for males and females whenever they may deem it necessary, if advised to do so by the Western North Carolina Baptist Convention.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 20th day of February, A. D. 1875.

## CHAPTER C.

AN ACT TO INCORPORATE THE BANK OF REIDSVILLE, IN THE  
COUNTY OF ROCKINGHAM.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That William Lindsay, H. K. Reid, Martin Oaks, J. M. Harris, J. R. Webster, Robert P. Richardson, Sr., Decator Barnes, W. D. Bethel, Col. A. J. Boyd and John D. Watkins, and their associates and successors and assigns are hereby constituted and declared a body politic and corporate by the name and style of the "Bank of Reidsville," and by such name may acquire, hold and convey real and personal estate, sue and be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations. The capital stock of said banking company shall not exceed the sum of five hundred thousand dollars, divided into shares of one hundred dollars each, and for the purpose of receiving subscription to said stock, the above named incorporators, or any five of them, shall have power to cause books to be opened at such times and places, and by such persons as they may name as commissioners for the purpose of receiving subscriptions to said stock.

Organization

SEC. 2. That when five hundred shares of the stock shall have been subscribed and twenty-five per cent. of the same paid into said commissioners, they shall appoint a time and place for a meeting of the stockholders, and give notice of the same, when if a majority of the stock is represented, (if not another meeting shall be call,) they shall proceed to elect five directors, who shall take charge of the books and money in the hands of the commissioners, and enter upon the discharge of their duties as directors, and the said directors shall hold their office for one year or until their successors are elected and enter upon the discharge of their duties, and said directors shall elect one of their number to be president during their term of office.

SEC. 3. Said president and directors shall and may adopt <sup>By-laws.</sup> and use a common seal and alter the same at pleasure; may make and adopt proper and necessary by-laws for their government; may appoint all necessary officers and agents, fix their compensation, take bond and security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof. Said bank shall have a lien on the stock for debts due it by the stockholders before 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, and no more tax except license tax.

SEC. 4. That 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, 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 and 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 upon by its officers and depositors; said bank may lend money upon such terms and rates of interest as may be agreed upon, not to exceed the rates of interest allowed by law. <sup>Powers.</sup>

SEC. 5. The president and directors shall annually appoint <sup>Annual election.</sup> the time and place of holding the election of their successors, and three of their number shall attend and conduct said election, each share being entitled to one vote, and that the said directors of the bank shall be allowed to open the subscription books from time to time, at their discretion, until the whole of the stock shall be taken.

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

Ratified the 20th day of February, A. D. 1875.

## CHAPTER CI.

## AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SUPERINTENDENT OF HEALTH FOR THE CITY OF WILMINGTON.

Superintendent of health.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be a Superintendent of Health for the city of Wilmington, to be appointed by the mayor of said city, who shall hold his office for the term of two years from the first Monday in April in the year in which he is appointed, and in case of vacancy, the mayor shall appoint for the unexpired term. He shall perform such duties in addition to those hereinafter designated, keep such records and make such reports appertaining to the duties of his office as the mayor may from time to time direct. For his services he shall receive a salary of one hundred dollars per month, to be paid by the city treasurer at the end of each month, and the receipt of the superintendent shall be a sufficient voucher for the treasurer, for such payment.

Nuisances.

SEC. 2. The Superintendent of Health, when notified thereof, shall examine into all nuisances, sources of filth and causes of sickness, which may be on board of any vessel at any wharf within the city of Wilmington, or which may have been landed on any wharf or other place, and when directed by said superintendent, it shall be the duty of the marshal of the city to cause the same to be removed or destroyed.

Vaccination.

SEC. 3. The Superintendent of Health shall vaccinate, without charge, any inhabitant of the city who may apply for that purpose. He shall always have on hand, as far as practicable, a sufficient quantity of vaccine virus, and all purchases of medicine for the city sick shall be made under his directions.

Causes of disease.

SEC. 4. He shall examine into all causes of disease within the city, and enquire into all sources of danger to the public health whenever called upon by the mayor, and shall give

his professional services and advice therein at all times when so required.

SEC. 5. He shall each day visit the guard and police head-quarters, and, if necessary, prescribe for its inmates. Daily visits.

SEC. 6. He shall visit all vessels which may arrive in the harbor of Wilmington, when there is any sickness on board, and he shall have the authority, in case of any infectious or contagious disease, to send the vessel to quarantine.

SEC. 7. It shall be the duty of the Superintendent of Health to see that all the ordinances of the board of aldermen for the preservation of the health of the city are carried into execution, and he shall report to the mayor any failure on the part of any officer or employee of the city, or of any inhabitant of the city, to promptly perform any duty required of such officer, employee, or inhabitant, by any of said ordinances. Health ordinances.

SEC. 8. The superintendent shall receive an extra compensation for each and every case of an infectious or contagious disease he may attend, the amount to be determined by the mayor, and to be paid by the treasurer upon the warrant or order of the mayor. Extra compensation

SEC. 9. In case of necessary absence from the city, or sickness of the superintendent, he may select one of the regular physicians of the city to discharge the duties of his appointment during such sickness or absence. Substitute.

SEC. 10. The Superintendent of Health shall be a regular graduate of some of the schools of medicine in good standing, and shall have practiced medicine for the period of at least five years, and shall have been a resident of the city for not less than five years immediately preceding his appointment. Professional requirements.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CII.

AN ACT TO AUTHORIZE THE SALE OF PARTS OF A CERTAIN STREET  
AND ALLEY IN THE TOWN OF SHELBY.

Sale authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the chairman of the board of commissioners of Cleaveland county, the register of deeds, and the county treasurer of said county, be and they are hereby constituted a board of assessors to assess the value of that part of the centre alley in the town of Shelby, north of the court house, lying between lots number three and four, in the north-west square, and lots number three and four in the north-east square of said town, also the value of the width of thirty-five feet of Sumter street, on the south side thereof, from Washington street to Lafayette street; and also the value of the width of fifteen feet of Sumter street, on the north side thereof, between Washington street and Lafayette street.

Assessment.

SEC. 2. The said board of assessors shall make and sign a report of their assessment and valuation of the said parts separately to the board of commissioners of said county, and it shall be filed in the office of the register of deeds.

Who may purchase.

SEC. 3. That it shall be lawful for C. C. Durham to purchase that part of the centre alley aforementioned, and that part of Sumter street on the south side thereof aforementioned, upon payment to the treasurer of said county of the amount of the assessment as aforesaid; and it shall be lawful for James M. Green and A. R. Homesly to purchase that part of Sumter street on the north side thereof aforementioned, upon payment to the county treasurer of the amount assessed as its value.

Duty of chairman.

SEC. 4. It shall be the duty of the chairman of the board of commissioners of said county, upon the payment of the amounts respectively as assessed, and upon the exhibition to him of the receipt of the county treasurer by

the said parties respectively, to make and execute and deliver to them and their heirs respectively good and sufficient deed or deeds, conveying and assuring to them in fee simple the said parts of street and alley paid for by them respectively, and the deed or deeds of the said chairman, when so made and executed, shall insure to the parties the title in fee simple to the parties and their heirs and their assigns respectively.

SEC. 5. The money arising from said sale or sales shall be Proceeds of sale. used and appropriated as other county funds.

SEC. 6. That all laws and parts of laws 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 —— day of March, A. D. 1875. }

### CHAPTER CIII.

#### AN ACT TO AMEND THE CHARTER OF THE BEAVER CREEK MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the president and directors of Beaver Creek Manufacturing Company be and they are hereby authorized to increase the capital stock of said company to an amount not exceeding the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and power and authority is hereby conferred on the said president and directors to call the present shares of stock in said company as may be prescribed by the action of a meeting of the stockholders to be called for that purpose, and to issue new stock of one hundred dollars a share for the old stock according to such scale as may have been agreed upon at the meeting, provided to be held as pro- Increase of capital stock.

vided for in this section so as to equalize the value of the old and new stock.

Books of subscrip-  
tion.

SEC. 2. Books of subscription to the capital stock of said company may be opened by the president and directors of said company, for the additional stock hereby authorized, at such time and in such manner as they may prescribe, and when payment shall be made for such increased stock, certificates shall be issued therefore.

May borrow money.

SEC. 3. The president and directors are hereby authorized for the purpose of extending, enlarging or repairing the property of the company to borrow money to such an amount as they may be authorized by the stockholders, and to secure the payment of the same may make a mortgage or mortgages on all or any part of the property of the company, and issue such bonds or other evidence of debt as may be determined, and payable at such times and with such rate of interest as the stockholders may authorize, not to exceed eight per cent.

Annual meetings.

SEC. 4. The annual meetings of the company shall be at the office of the company, in the town of Fayetteville, on the third Monday in May in each year, and in all meetings each stockholder shall be entitled to cast one vote for every share held or represented.

Repeal.

SEC. 5. That section *nine* of the original charter of said company, and all other parts or portions of said charter inconsistent with the provisions of this act, be and the same is hereby repealed.

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

Ratified the 11th day of March, A. D. 1875.

## CHAPTER CIV.

AN ACT TO INCORPORATE THE AMERICAN MINING COMPANY,  
IN THE COUNTY OF HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That D. V. McCracken, W. C. Hill, Samuel Ferguson, S. Walker, H. M. Rogers, A. T. Rogers, William M. Rhea and Solomon Rhea, and their associates, successors and assigns, or any three of them, be and they are hereby created and made a body politic and corporate by the name and style and title of the American Mining Company, and by such name and title shall have continual succession for the purpose of working, mining, milling, purchasing, manufacturing, smelting, assaying, reducing or otherwise treating ores, minerals and metals, and for building, erecting and owning such machinery and fixtures for any of said purposes or for sale, barter or exchange, and for holding, owning, leasing, mortgages or selling such real or personal estate as may be necessary in connection with the other privileges herein granted, and to erect houses, mills and other buildings upon and otherwise improve any lands leased or held by them, and for making, buying and selling such matters and things as appertain to their business, and shall be capable of suing and being sued, impleading and being impleaded, and of having and using a common or corporate seal, and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name, property personal and mixed.

SEC. 2. The mining capital stock shall be one thousand Capital stock.  
dollars, to be divided into shares of not less than fifty dollars each, with [power to increase the capital stock from time to time, by a majority of the stockholders, to a sum not exceeding one hundred thousand dollars (\$100,000).

SEC. 3. And the affairs of the company shall be managed by a board of directors of such number as the stockholders

may select and choose, a quorum of whom may be such number as the stockholders may name, but for the purpose of organization, the incorporators herein named shall constitute the board of directors, and shall hold office until their successors are elected and qualified. The officers of the company shall be a president and such other officers as the board of directors shall name, and all officers except president, may be abolished or combined by a majority of the stockholders. The subscription to the capital stock of said company shall and may be paid in such property, real or personal, as a majority of the incorporators herein named may determine, but the stockholders of this company shall not be liable for any loss or damage or responsibility beyond the assets of the said company; may make, alter, repeal or amend such by-laws and regulations covering all points of organization and business not herein provided for, as they may deem necessary and proper: *Provided*, The same are not inconsistent with the constitution of the United States and laws of this State, or the other provisions of this act.

Certificate of stock.

SEC. 4. That said company may issue certificates of stock in such form and subject to such regulations as they may from time to time prescribe, and regulate and direct in what manner their contracts and obligations shall be made and executed, and to do all other matters necessary to the proper and successful transaction of the business for which it is organized.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CV.

AN ACT TO INCORPORATE THE WESTERN NORTH CAROLINA LAND  
AND COLONIZATION COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That for the purpose of facilitating colonization and  
the more speedy development of the agricultural, manu-  
facturing and mineral resources of the western counties of  
this State, Zebulon B. Vance and William H. Bailey, of  
the county of Mecklenburg, and David Schenck, of the  
county of Lincoln, and State of North Carolina, John C.  
McKelden, Matthew G. Emery, George W. Sissell, Edward  
McB. Timaney, Charles D. Willard and H. M. F. V.  
Stamp, of Washington City, in the District of Columbia,  
their associates, successors or assigns, be and they are hereby  
created a body corporate and politic for the term of fifty  
years, under the name, style, and title of the "Western  
North Carolina Land and Colonization Company," and by  
that name they and their successors and associates shall  
have a common seal; shall be capable of suing and being  
sued, impleading and being impleaded in all the courts of  
this State and of the United States, with power to make  
by-laws for its government not inconsistent with the laws  
of the State, and provide for the election of directors and  
other officers, and shall also have power to purchase and  
hold all such property, real, personal and mixed, as it may  
requires to effect the purposes to which it is created, and the  
same to sell, convey or otherwise dispose of, and shall pos-  
sess and enjoy all the rights and privileges of corporations  
of like nature.

SEC. 2. That the objects of said corporation shall be the Objects.  
promotion of the settlement and cultivation of the unim-  
proved and uncultivated lands of the western counties of  
this State by the encouragement and procurement of im-  
migration thereto, the development of the mineral resources

thereof by the investment and employment of capital and enterprise, and the opening up of market communication to that section of the State; and to secure which market communication the said corporation is hereby authorized to construct one or more railroads of any gauge from a point on its land to a main line of railroad in operation through the State, or to the seaboard.

Capital stock.

SEC. 3. That the capital stock of the said company shall be two hundred thousand dollars, with the right to increase the same to five hundred thousand dollars, to be divided into shares of par value as may be provided by its by-laws, which said capital stock may be sued for, and be appropriated to the purchase of real estate, and for the purposes set forth in the second section of this act, or may be sold at such price and upon such terms as the board of directors of said company may determine, and no liability shall attach to any stockholder of said company for the debt thereof.

Bonds.

SEC. 4. That the said company is hereby authorized to execute, issue and deliver to any person or persons, trustee, body corporate or politic, bonds for the payment of money with coupons attached, bearing a legal rate of interest, in denominations from one hundred to one thousand dollars, payable at such time or times as it may determine, to sell and dispose of said bonds for such price or consideration as said company may deem proper, and to make said bonds convertible into the stock or redeemable in the lands of said company, and to provide for such conversion into stock or redemption into lands upon such terms as its board of directors may determine, and to secure the payment of said bonds by one or more deeds of trust or mortgages upon real estate and other property and franchises of said company, which said bonds shall be of such denominations and payable at such time and authenticated in such manner as its said board of directors may direct.

Principal office.

SEC. 5. That the principal office of said company shall be in the city of Washington and District of Columbia, but it may locate and establish such branch offices in this State

and elsewhere as its board of directors may deem necessary for the accomplishment of the purpose of the company.

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

Ratified the — day of March, A. D. 1875.

## CHAPTER CVI.

AN ACT CONCERNING ANTIOCH CAMP GROUND, IN ALLEGHANY COUNTY, AND TO INCORPORATE A BOARD OF TRUSTEES THEREFOR.

SECTION 1. *The General Assembly of North Carolina do* Body politic  
*enact*, That J. F. Roberts, A. M. Smith, Eli Simmons, Henderson Harriss, D. F. Roberts, William Harris, and their successors, be and they are hereby declared to be a body politic and corporate in deed and in law by the name and style of the Trustees of Antioch Camp Ground, in Alleghany county, North Carolina, and said corporation shall have power to purchase and hold real and personal estate and acquire the same by gift or otherwise; shall have perpetual succession, sue and be sued, plead and be impleaded in any court of the State having competent jurisdiction, and may have and use a common seal, have power to elect their officers, consisting of a chairman, secretary and treasurer, and to establish such rules and regulations for the promotion of order and decorum, and for the removal or abatement of any nuisance from or at said camp ground, while occupied for worship, and at all other times not inconsistent with the constitution and laws of this State.

SEC. 2. That in case of death or refusal to act, or removal Vacancies.  
 or for any cause, there becomes a vacancy, the remaining trustees shall have power to fill the vacancy: *Provided*, Their number shall not be less than five nor more than ten.

Liquors.

SEC. 3. That it shall not be lawful for any person to sell, give away or dispose of spirituous or intoxicating liquors at or within one mile of said camp ground, and any person violating said prohibition and act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for each offense be fined not more than sixty dollars nor imprisoned more than forty days, at the discretion of the court.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LA GRANGE,  
IN THE COUNTY OF LENOIR.

Act of 1869 amended

SECTION 1. *The General Assembly of North Carolina do enact*, That the act to incorporate the town of LaGrange, in the county of Lenoir, ratified the tenth day of April, Anno Domini one thousand eight hundred and sixty-nine, private acts one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter —, be and the same is hereby amended as follows, to-wit: That the corporate limits of said town shall be extended as follows: commencing at a stake at the northwest corner of the present corporation limits and runs north sixty-three and one-fourth degrees ( $63\frac{1}{4}^{\circ}$ ) west, two hundred (200) yards; thence south twenty-six and three fourths degrees ( $26\frac{3}{4}^{\circ}$ ) west, twelve hundred (1,200) yards; thence south sixty-three and one-fourth degrees ( $63\frac{1}{4}^{\circ}$ ) east, eighteen hundred (1,800) yards to a stake, thence north twenty-six and three-fourths degrees ( $26\frac{3}{4}^{\circ}$ ) east, two hundred yards to the southeast corner of the present corporation limits.

Limits.

Streets.

SEC. 2. That the commissioners of said town are hereby

authorized and empowered to lay out and establish such streets within the corporate limits of said town as to them shall seem to be required for the comfort and convenience of the citizens of said town, and from time to time as shall seem to them necessary, shall cause such streets so laid out and established to be opened, and when the same are so opened, all laws and clauses of laws, and all ordinances of said commissioners now or hereafter to be made in reference to streets of said town, shall apply to and be in full force and effect over and within each one of said streets so established and opened, and they shall be further empowered to straighten, widen or close such streets as they shall deem necessary to the general good of said town.

SEC. 3. That in all cases in which the owner or owners of New streets. the land which may be necessary for any street or streets proposed to be established, to be straightened, widened or closed by such commissioners by virtue of this act, shall claim compensation for use of such land as a street, or for damage done such owner, or owners by the straightening, widening or closing such street, the mayor of said town shall issue his warrant to the constable of the township in which said LaGrange is situated, or to constable of said town, commanding him to summon eight free-holders, citizens of said town, who are unconnected by consanguinity or affinity with the owner or owners of such lands required for such streets, or with the owners of land in the immediate vicinity of the same, to meet at a place and on a day to be designated in said warrant, when and where said constable shall proceed to draw from the persons summoned five men, to each of whom the said constable shall administer an oath for the impartial performance of their duties in assessing damages; and the jury of five men, attended by the said constable, shall thereupon proceed to view the land required for such street or streets, opening, straightening, widening or closing of the same required by this section, and also the several lots or parts of lots adjacent to or in the vicinity thereof, and shall be required by said constable, who shall

have the jury in charge, to make the assessment required by their oath and return the same under their hands and seals, in writing, to the said constable, who shall make a minute of his proceedings under the warrant of the mayor of said town; and the said warrant, with a proper return written on the same, and his minute, and the verdict of the jury and the proceedings of the same, he shall return to the mayor of said town, who shall file the same in his office, and upon the payment or tender of payment by the commissioners aforesaid to the owner or owners of the land required for any street as aforesaid, of the damages done by the closing of such streets as aforesaid, or the damage to such owner or owners assessed as aforesaid, it shall be and may be lawful and right, and said commissioners are hereby authorized and empowered to cause such street or streets to be opened and kept opened, closed or kept closed, and the same shall forever thereafter be possessed and vested in such commissioners; and it shall be the duty of said constable to give to the owner or owners of any land required for any of the aforesaid purposes, and to the tenants in possession of said lands at least ten days' notice of the time when such lands owned or possessed by them shall be viewed, and when the assessment as aforesaid shall be made by the jury as herein before provided. It shall be the duty of said commissioners to give ten days' notice of the opening, straightening, widening or closing of any street so established by them as aforesaid, by posting the same in writing at four public places in said town; any person or persons who shall not make claim for compensation for the use of land belonging to him or them by straightening, widening or closing such street six months after the same shall have been opened, straightened, or widened or closed in manner aforesaid, and after ten days' notice as aforesaid, shall be forever barred of any right to such compensation, unless the owner or owners of such land shall be infants, absent from the State, *non compos mentis*, or *femme covert*, in which case, such owner or owners shall have the right to make such claim at any time within one

year after such disability shall have been removed; and the said commissioners shall have the right by their agents or servants, to enter upon and open and keep open any street established by them, except in such case where the land required for such street shall be enclosed or some building or some improvement shall be situated thereon, in which case the said commissioners shall have no right to entry on said land until the same shall have been condemned by jury summoned, qualified and proceeding in the manner hereinbefore provided, and the damages assessed shall have been paid or tendered to the owner or owners of the same.

SEC. 4. That the constable of said county of Lenoir shall be entitled to the sum of three dollars, to be paid by the commissioners of said town, in full payment for the services to be performed by him as herein before set forth under the warrant to him directed by virtue thereof; a jury shall be summoned as aforesaid, and if any person summoned as aforesaid, for the purpose aforesaid, shall fail to attend according to such summons, then such persons so failing shall pay the sum of two (\$2.00) dollars, to be collected by distress or otherwise for the use of commissioners of said town, unless such persons shall have good cause for such failure, and on showing the same to such commissioners such persons shall be released from the payment of such sum. Constable.

SEC. 5. That if either person shall be dissatisfied with the verdict of the jury in assessing damages, under the foregoing provisions of this act, such parties shall have the right to appeal to the Superior Court of Lenoir county, as in other cases.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CVIII.

AN ACT TO INCORPORATE THE TOWN OF WEAVERVILLE IN THE  
COUNTY OF BUNCOMBE.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Weaverville, in Buncombe county, be and the same is hereby incorporated by the name and style of the town of Weaverville, and shall be subject to all the provisions contained in chapter one hundred and eleven, Battle's Revisal, not inconsistent with this act.

SEC. 2. The corporate limits of said town shall extend one-half mile in all directions from J. W. Vandiver's store in said town.

Temporary commissioners.

SEC. 3. Until commissioners shall be elected as hereinafter provided, the government of said town shall be vested in the following named commissioners, to-wit: J. W. Vandiver, J. A. Reagar, Montraville Weaver, Elbert Weaver, David Smith.

Elections.

SEC. 4. An election shall be held the first Monday in May, Anno Domini one thousand eight hundred and seventy-five, and each successive year, for five commissioners of said town, and persons living within the corporate limits of said town and qualified to vote for members of the General Assembly, shall vote in the election for commissioners of said town.

Jurisdiction of mayor.

SEC. 5. That the mayor of said town shall have the same jurisdiction in all criminal proceedings that are conferred by law on justices of the peace.

Rights and powers.

SEC. 6. For the good government of said town the said commissioners and their successors in office shall have all the powers, rights and privileges, and be governed by the rules, regulations and restrictions conferred upon, and to which commissioners of incorporate towns are subject by existing law.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CIX.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD THROUGH THE COUNTIES OF WATAUGA AND CALDWELL.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a public road, commencing at the point on the Caldwell and Watauga Turnpike where the old Morganton road now intersects the same in Watauga county, thence *via* William Walker's and Elisha Sims' to M. C. Coffey's, thence with a dividing ridge *via* Thomas Right's and A. J. M. Clean's, so as to intersect the Morganton road at the Globe church, in Caldwell county. Road established.

SEC. 2. That the said road shall be made sixteen feet wide, except where there shall be a side-cutting, and in such places it shall be twelve feet wide, and no part of the road shall it rise, on ascending any hill or mountain, more than one foot in ten, and to be well made as herein directed. width.

SEC. 3. That M. C. Coffey, L. W. Farthing, and Jesse Moore, and Charlie Disson, are hereby appointed commissioners to engineer and locate said road, who shall take an oath before a justice of the peace of either of the counties through which said road is to be located, to do equal justice to the said counties in locating said road, and their *per diem* for said services shall be fixed by the county commissioners of one of said counties, and paid by the two counties *pro rata*. Commissioners.

SEC. 4. That if the owners of any lands through which said road shall pass shall consider him, or her, or them- Damages.

selves injured thereby, it shall be competent for each person or persons, by petition to the board of trustees of the township through which the said road shall be located, praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the trustees to order such jury to be summoned, as in case of such public roads, and it shall be the duty of the jury to take into consideration the benefit of the land, as well as the jury, by making such road, and on report of the jury made to and confirmed by the said trustees, the damages shall be paid as is now provided by law for paying the damages caused by the laying out of other public roads.

SEC. 5. That if any person or persons shall claim damages and call for a jury to assess them, and none are found, the person or persons so calling shall defray all the expenses in the case.

SEC. 6. That the board of trustees of the township through which said road shall pass may call out the hands of their respective townships, liable to work on public roads under existing laws at such time, and for such length of time as will not materially conflict with working crops, to construct said road: *Provided, however,* That no person shall be required to work more than thirty days in any one year.

SEC. 7. That when said road provided for in this act has been constructed, as herein provided, it shall be the duty of the board of trustees through whose township said road runs, to receive the same, and cause the same to be kept in good repair as is now required by law in case of public roads.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CX.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF DURHAM.

SECTION 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the town of Durham shall be and continue as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The Town of Durham," and under such name and style is hereby invested with all property and rights of property which now belong to the corporation, and by this name may acquire and hold, for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three 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.

Body politic.

SEC. 2. That the corporate limits of said town shall extend one-half mile north, south, east and west from the present location of the warehouse of the North Carolina Railroad, in said town, making the corporate limits one mile square.

Limits.

SEC. 3. That no person shall be entitled to vote for mayor or commissioners unless he shall be an elector of the State of North Carolina, and shall have resided, preceding the day of election, ninety days within the corporation.

Qualification of voters.

SEC. 4. That no person shall be eligible as mayor or commissioner, alderman or other officer, unless he shall be a qualified voter, as prescribed in section three of this chapter.

Eligibility.

SEC. 5. That in all elections the polls shall be opened at any place in the corporation that may be designated by the board of commissioners.

Place of voting.

SEC. 6. That a registration shall be had of the voters of the town, and that a copy of the registration shall be fur-

Registration.

nished the poll-holders, and no person shall be allowed to vote unless his name is found thereon.

Close of registration

SEC. 7. That the registration shall be closed ten days before the election, and after the closing of the same no person shall be allowed to register; however, the registrar is authorized and empowered, before said books shall be closed, to register therein all persons who, not then being of the age of twenty-one years, but otherwise qualified to register, who may arrive at the age of twenty-one years on or before the day of the election.

Registrar.

SEC. 8. That the mayor shall appoint a suitable person to act as registrar within the corporation of said town, and the registration shall close on the tenth day before the first Monday in May in each year.

Registration books.

SEC. 9. That within twenty-four hours after the close of the registration for each election the registration books shall be deposited in the office of the mayor of the town, and be open for the inspection of the citizens.

Challenge.

SEC. 10. It shall be lawful to challenge the right of any person to vote, either on the day of election where he offers to vote, or on the day of registration, where he offers to register; and if it shall appear to the judges of election, or a majority thereof, or to the registering officer, that such person is disqualified, he shall be excluded from registration, or if he has been registered, from voting.

Officers.

SEC. 11. That there shall annually, on the first Monday of May in each year, be elected a mayor and five commissioners, who shall hold their office until their successors are qualified, the mayor and commissioners to be elected by the qualified voters of the whole town.

Inspectors.

SEC. 12. That for the purpose of electing said officers, the commissioners shall, at least twenty days before the election, appoint three inspectors who shall be qualified voters, and the inspectors shall give ten days' notice thereof by public advertisement, and the inspectors, before they proceed to act, shall be sworn by the mayor, a justice of the peace, to conduct the election fairly and impartially,

and according to law, and in case of the absence of any inspector, his place shall forthwith be supplied by the commissioners.

SEC. 13. 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 elections for members of the General Assembly.

SEC. 14. The candidates for mayor and commissioners shall be voted for in separate boxes, and on a separate ballot, written or printed.

SEC. 15. That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be declared duly elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared duly elected commissioners; and the mayor and commissioners shall be notified of their election by the inspectors.

SEC. 16. That if among 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 select a mayor of such persons; and if among 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. 17. The inspectors shall certify and subscribe two poll lists, and return one of them to the clerk of the board of commissioners, who shall keep them among the archives of the town, and the other to the register of deeds for the county.

SEC. 18. That the mayor, immediately after his election and before entering on the duties of his office, shall take the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the

office of mayor of the town of Durham while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the town; and in discharge of my duties I will do equal justice in all cases whatsoever."

Oath of commissioners.

SEC. 19. That each commissioner before entering on the duties of the office shall take before the mayor, some justice of the peace, an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment.

Term of office.

SEC. 20. That the mayor and commissioners shall hold their offices respectively, until the next succeeding election, and until their respective successors are qualified.

Refusal of mayor to qualify.

SEC. 21. That if any person chosen mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor for the term, or the unexpired portion of the term, as the case may be; and on like occasion and in like manner, the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and all vacancies which may occur, and such persons only shall be chosen as are hereafter declared to be eligible.

Penalty for refusing to qualify.

SEC. 22. That any person elected mayor or commissioners who shall refuse to be qualified and act as such, shall forfeit any pay for the equal use of the town and of him who will sue therefor, twenty-five dollars.

Failure to give notice of election.

SEC. 23. That if the commissioners shall fail to give the notice of election or to hold and declare the same in the manner herein prescribed, such of them as shall be in default shall forfeit and pay for the equal use of the town and of him who will sue therefor, twenty-five dollars.

SEC. 24. That this town shall not lose any of its corporate rights and privileges by failure to elect officers on any first Monday in May.

Failure to elect.

SEC. 25. That in case of failure to elect municipal officers on any said first Monday in May, the electors residing within the incorporation limits may, after ten days' notice, signed

by any three of said electors and posted up at three places within the corporation limits, proceed to hold an election for municipal officers in the way and manner provided for in Battle's Revisal, chapter one hundred and eleven.

SEC. 26. That the mayor within the corporation limits shall have all the powers and authority 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 town 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 the laws of the State or against the laws, ordinances and regulations of the corporation. He shall also have within the same limits as a judicial officer, all the powers, jurisdiction and authority of a justice of the peace to issue warrants, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws and rules which may be made by the commissioners: *Provided nevertheless*, That he shall not have jurisdiction of cases 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. 27. That the mayor may issue his precepts to constables of the town, and to such other officers to whom a justice of the peace may direct his precepts.

SEC. 28. That the mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. The judgments 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 Orange 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 Orange.

SEC. 29. That the mayor shall keep his office in some convenient part of the town. He shall 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 by the ordinances of the corporation.

Meetings of board,

SEC. 30. 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 the duties of the mayor.

Commissioners

SEC. 31. That the commissioners shall form one board and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided; within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings 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.

SEC. 32. That if any commissioner shall fail to attend a general meeting or any special meeting of which he shall have notice as aforesaid, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of one dollar.

SEC. 33. That the commissioners, when convened, shall have power to make and provide for the execution thereof of such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, The same be allowed by the provisions of this act and be consistent with the law of the land.

SEC. 34. 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 the Sabbath, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town from contagious or 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 town, and shall appoint and provide for the pay, and prescribe the duties of all such other officers as may be deemed necessary.

SEC. 35. That the commissioners at their first meeting Officers. after their election shall appoint a clerk, a treasurer, a collector of taxes, and one or more constables, who shall respectively hold their offices during the official term of the commissioners, 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 duty, and shall execute a bond payable to the town of Durham in such sum as the commissioners shall determine.

SEC. 36. That the clerk shall have a reasonable salary, Clerk. and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver to his successor, and generally to perform such other duties as may be prescribed by the commissioners.

SEC. 37. That every person shall be allowed to inspect Journals. the journals and papers of the board in presence of the clerk, on paying 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.

SEC. 38. That the treasurer shall have a reasonable salary, Treasurer. and it shall be his duty to call on all persons who may have in their hands any moneys as securities belonging to the town which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town, to dis-

burse 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 account 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 upon him as town treasurer.

Orders.

SEC. 39. That all orders drawn on the treasurer shall be signed by such persons as may be designated by the commissioners, and state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Constable.

SEC. 40. 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 town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power 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 sheriff and constable of the county have, and he shall have such fees on all process and precepts executed or returned by him as may be allowed by the board of commissioners, not to exceed the fees allowed the sheriff and constables of the county for like services, and also such other compensation as the commissioners may allow.

SEC. 41. That the constable shall have the same powers and be bound by the same rules in this respect as constables of the county of Orange, to apprehend all offenders against the State within the limits of the town, and to carry them before the mayor or some justice of the peace, and for such

duty he shall have such fees as may be allowed by the board of commissioners, not to exceed the fees allowed to constables of the county for like duties, to be paid by the party offending if found guilty.

SEC. 42. That the commissioners may provide a patrol or watch for the town 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.

Watch.

SEC. 43. That for any breach of his official bond by the town clerk, constable, tax collector or any other officer who may be required to give an official bond, he shall be liable in action on the same in the name of the town at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Breach of official bonds.

SEC. 44. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, namely:

Taxes.

1. On real estate situate in the town, a tax not exceeding fifty cents, on every hundred dollars value.

2. On all taxable polls a tax not exceeding two dollars a poll, who may be resident in the town on the first day of April of each year, or may have been so resident within sixty days next preceding that day.

3. On every hundred dollars value of goods, wares and merchandise purchased for retail by any merchant trading in the town within one year next preceding the first day of April of the years in which the same is listed, a tax not exceeding ten cents.

4. Upon manufacturers of tobacco, a tax not exceeding five cents upon one hundred dollars valuation of leaf purchased within one year next preceding the first day of April of the year in which the same is listed.

5. Upon warehouses, a tax not exceeding ten dollars per year.

6. Upon leaf dealers, a tax not exceeding five dollars per year.

7. Upon each commission merchant and auctioneer, a tax not exceeding ten dollars per year.

8. Upon all dogs kept in the town and which may be so kept on the first day of April, a tax not exceeding two dollars.

9. Upon all public drays in use on the said first day in April, or which have been used within six calendar months previous thereto, a tax not exceeding ten dollars a year.

SEC. 45. That the citizens of the town of Durham and others liable to be taxed on account of any of the foregoing subjects, shall on the tenth day of May, or within five days thereafter, render to the mayor, on oath, a list of their 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.

Assessment.

SEC. 46. That within one week after receiving the tax list the mayor shall return the same to the commissioners, who shall forthwith appoint three respectable freeholders, not of their own 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 the cash value of the taxable real estate with the improvements lying within the corporate limits of the town, 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 tenth day of June next ensuing, and the value of the real estate of the assessors shall be assessed by the commissioners.

Levy of tax.

SEC. 47. That as soon as the assessors shall have made their return, the board of commissioners 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 proceed forthwith in the collection and shall complete the same on or before the first day of October

next ensuing, and shall pay the moneys as they are collected to the treasurer, and the collector for his compensation shall receive such pay as the commissioners may allow.

SEC. 48. That if any person liable to taxes on subjects directed to be listed, shall fail to pay them within the times 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 published in the town, or at three public places, if the property be personalty, and of twenty days if the property be realty. Delinquent tax payers.

SEC. 49. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of October, and there is no other visible estate but such lot or land of the person whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact 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 town, or in three public places, which the collector shall divide the said land into 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 land, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to the said town in fee.

SEC. 50. That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land has been divided and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the commissioners, and if there shall be a surplus after paying said taxes, the same shall be paid into the town treasury, subject to the demand of the owner. Sale of property

Redemption.

SEC. 51. That the owner of any land sold under the provisions of this charter and amendments, his heirs, executors and administrators, or any person acting for them, may redeem the same, within one year after the sale, by paying to the purchaser the sum paid by him, and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest the proceeds, less double the amount of taxes.

When not redeemed

SEC. 52. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser or his assigns, and the recital in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or if 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.

Real estate of infants.

SEC. 53. That the real estate of infants or persons *non compos mentis*, shall not be sold for taxes; and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made according to section twenty-eight, sub-division four, chapter one hundred and two of Battle's Revisal.

Right of way:

SEC. 54. That when any land or right of way shall be required by said town of Durham 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 town, three of whom shall be chosen by the commissioners and two by the land owners, and in making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace for the county, or a 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, also any special benefit or advantage such owner may receive from the opening of such street or other improvement,

and shall state the value and amount of each and the excess of loss or damage over and above the advantages, shall form the measure of valuation of said land or right of way: *Provided nevertheless*, That if any person over whose land the said street may pass, or improvements be erected, or the commissioners be dissatisfied with the valuation thus made, then, and in that case, either party may have an appeal to the next Superior Court of Orange county to be held thereafter, and the said freeholders shall return to the court to which the appeal is taken this valuation with the proceedings thereon; and 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, as soon as the valuation may be paid or lodged in the hand of the Clerk of the Superior Court in case of its refusal by the owner of the land; *Provided, however*, That such appeal shall not hinder or delay the commissioners opening such streets or erecting such improvements: *And provided further*, That in case of the discontinuance of the use of the land, and it reverts to the owner, the town shall have the right to recover any improvement under its authority erected.

SEC. 55. That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the chief of police instantly, and if the same be not paid on demand, the same may be recovered by suit, and 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:

Additional subject  
of taxation.

1. Upon all itinerant merchants or peddlers, vending or offering to vend in the town, a tax not exceeding twenty-five dollars a year; *except* such only as sell books, charts, maps, pictures and paintings, and such as sell only goods, wares and merchandise and productions of the growth or manufacture of this State.

2. Upon every billiard table or bowling alley, except those used in private families, or other game allowed by law,

used or kept in town, a tax not exceeding fifty dollars a year, nor less than fifteen dollars per year.

3. Upon every victualling house, or restaurant established, used or kept in the town, a tax not exceeding ten dollars a year.

4. Upon every permission of the board of commissioners to retail spirituous liquors, a tax not exceeding one hundred and fifty dollars, nor less than fifty dollars per year.

5. Upon every company of circus riders who shall exhibit within the town, or within one mile thereof, a tax not exceeding twenty-five dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled.

6. Upon every person or company exhibiting in the town or within one mile thereof, stage or theatrical plays, sleight of hand performance, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding ten dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting, or the same to be doubled.

7. Upon every exhibition for reward or artificial curiosities (models or useful inventions excepted) in the town, or within one mile thereof, a tax not to exceed ten dollars, to be paid before exhibition, or the same shall be doubled.

8. Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not to exceed five dollars, to be paid before exhibition, or the same shall be double, *except* for charitable and benevolent purposes, or to aid in any public improvement in the town.

9. Upon every goat or hog running at large in the town there may be levied a tax not exceeding two dollars, and every such goat or hog may be seized and impounded, and if the owner, on being notified, will not pay the tax, the animal shall be so'd therefor at such place as the commissioners may designate after three days' notice.

SEC. 56. *Provided nevertheless,* That no property or sub-

jects of taxation, which are specially exempt from taxation shall be taxed by the town.

SEC. 57. That all money arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by the board constituted of a majority of all the commissioners. Moneys paid treasurer.

SEC. 58. That the commissioners shall cause to be kept clean and in good repair, the streets, sidewalks and alleys. They may establish the width and ascertain the location of those already provided, and lay out and open others, and may reduce the width of all of them; they may also establish and regulate the public grounds and protect the shade trees of the town. Streets, &c.

SEC. 59. That if any owner or lessee of lands in the town of Durham, on being notified to repair his sidewalks according to law, shall avow his intention not to repair as ordered, the commissioners may have such repairs made immediately at the expense of said owner or lessee. A notice of ten days by any officer of the town in writing, shall be sufficient in any event. Sidewalks.

SEC. 60. Where there are no sidewalks, and has never been in existence, in convenient walking order along any lot in said town, the owner may be required to pay such portion of the expense of making a sidewalk along said lot as three assessors, unconnected with the owner and disinterested, to be appointed by the commissioners, may estimate that said property is benefitted by the improvement; such expense to be a lien on the property, enforceable as liens for repairing sidewalks under existing laws: *Provided*, That there shall be right of appeal by either party to the Superior Court.

SEC. 61. Before making such appointment the assessors shall appoint a day when they shall hear parties interested on the subject, giving at least three days notice of the time and place of their setting. From their decision the town lot owners may appeal to the Superior Court of Orange, but the commissioners may, notwithstanding an appeal under

this or any other act, proceed with the work of opening and grading the new street.

Cellars.

SEC. 62. That no cellar shall be built under any sidewalk in the town, or entrance established on the sidewalk to any cellar whereby the free passage of persons may be delayed, hindered or interrupted, and every offender herein shall forfeit and pay to the town five dollars for every day the same shall remain.

Nuisances.

SEC. 63. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the 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 town, and may regulate the same, if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

SEC. 64. That the commissioners shall have the power to prevent dogs, horses, cattle and all other brutes from running at large in the town.

Fast driving, &c.

SEC. 65. 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 town ; and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds, or elsewhere within the town.

Fire companies.

SEC. 66. 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 in damages.

Grave yards.

SEC. 67. That they may provide graveyards in or near the town and regulate the same ; may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and they may prohibit interments within the town.

Contagious disease.

SEC. 68. That they may take such measures as they deem

effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in town suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to public health.

SEC. 69. That it shall not be lawful for the commissioners of Orange county to grant any license to retail spirituous liquors within the limits of the town or within one mile thereof, without permission first obtained from the board of town commissioners in being at the time of the application to the county commissioners; and if any license shall be granted without such permission in writing, attested by the clerk of the board and exhibited to the court and filed with the clerk of the board of county commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment as in other cases of retailing without a license, and for every offence of retailing shall moreover forfeit and pay to the town the sum of one hundred dollars. That it shall not be lawful for any person to sell spirituous liquors within the corporation, or in one mile thereof, in quantities less than five gallons, without first having obtained license and paid tax, in accordance with this section.

SEC. 70. That for the violation of any by-law, or rule made by said commissioners, they may prescribe penalties, not exceeding one hundred dollars for each offense, to be recovered before the mayor, intendant or magistrate of

Liquor.

Violations of town laws.

police, without any stay of process mesne or final, and when judgment shall be given for any such penalty the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days, or until payment thereof shall be made, or else the mayor or intendant or magistrate of police may issue execution therefor: *Provided*, That any party dissatisfied with such judgment shall be allowed an appeal to the next Superior Court for the county, upon entering into recognizance with sufficient security for his appearance to said court, and also for the penalty and costs.

Penalties.

SEC. 71. That all penalties incurred by any minor for the breach of any the provisions of this act or ordinance passed in pursuance thereof, shall be recovered from the parent, guardian, or master (if the minor be an apprentice,) of such minor.

SEC. 72. That all penalties imposed by law relating to the town or by this act, by any ordinance of the town unless otherwise provided, shall be recoverable in the name of the town of Durham before the mayor or any tribunal having jurisdiction thereof.

SEC. 73. That the commissioners shall not have power to impose, for any offence, a larger penalty than twenty-five dollars, unless the case be expressly authorized, and from any judgments of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeal from the judgment of a justice of the peace.

Fees of mayor.

SEC. 74. That the Mayor shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as Mayor: for every warrant issued by him for the recovery of any penalty or for other cause of action, not exceeding twenty-five cents; for every judgment rendered thereon, not exceeding one dollar, to be taxed among the costs; for every warrant issued by him as mayor to appre-

hend an offender against the criminal laws of the State under which he may be arrested and recognized to appear before a court of record, not more than one dollar, to be taxed, on submission or conviction of the offender, among other costs; for every warrant to arrest individuals who may have fled from other States or counties, not more than two dollars, to be paid on the removal of offender by such as convey him away: *Provided, however,* That the commissioners may have power to reduce and regulate the fees enumerated in this section.

SEC. 75. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of any incorporated town, and the person or persons against whom the same is adjudged, refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person or persons so convicted to work on the streets or other public work, until, at fair rates of wages, such person or persons shall have worked out the full amount of judgment and cost of the prosecution. Fines.

SEC. 76. That the mayor and a majority of the commissioners shall have power at all times to sell at public outcry (after thirty days notice) to the highest bidder, any property, real or personal, belonging to the town, and apply the means as they may think best. The mayor is authorized to make title to any property sold under this section. Sale of property.

SEC. 77. The mayor shall have, and it shall be his duty to exercise all the jurisdiction, powers and duties given to justices of the peace, in chapter thirty-two, of Battle's Revisal, entitled "Criminal Proceedings," subject to the restrictions and limitations contained in the chapter: *Provided,* That the mayor shall not take jurisdiction of any offense committed beyond the limits of the town. Powers of mayor.

SEC. 78. That any person or persons violating any ordinance of the town shall be deemed guilty of a misdemeanor

and shall be subject to the provisions of chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

Debts.

SEC. 79. Debts contracted by the town in pursuance of authority vested in it, shall not be levied out of any property belonging to the town and used by it in the discharge and execution of its corporate duties and trusts, nor out of the property or estate of any individual who may be subject to pay said debts according to the course of the law in other cases.

Failure to turn over.

SEC. 80. The mayor, commissioners, tax collector and all other officers of the town who shall, on demand, fail to turn over to their successors in office the property, books, moneys, scales or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the Superior Court of Orange county, shall be imprisoned for not more than two years, and fined not exceeding five hundred dollars, at the discretion of the court.

Tax lists.

SEC. 81. All tax lists which have or may hereafter be placed in the hands of the tax collector, shall be at all times subject to the control of the authorities imposing the tax or their successors in office, shall be surrendered to the authorities for such inspection or correction, and if the tax collector fail or refuse to surrender his list upon such demand, shall be deemed guilty of a misdemeanor, and upon conviction, be subject to the penalties imposed by the preceding section.

SEC. 82. This act shall be in force from and after its ratification.

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CXI.

AN ACT TO INCORPORATE THE TOWN OF YOUNGSVILLE, IN THE  
COUNTY OF FRANKLIN.

SECTION 1. *The General Assembly of North Carolina do* Incorporated.  
*enact,* That the town of Youngsville, formerly "Pacific,"  
on the Raleigh and Gaston Railroad, in the county of  
Franklin, be and the same is hereby incorporated by the  
name and style of the town of Youngsville, and be subject  
to all the provisions contained in chapter one hundred and  
eleven of Battle's Revisal, and the acts amending said  
chapter.

SEC. 2. The corporate limits of said town shall be one- Limits.  
fourth of a mile in every direction from the warehouse  
of the Raleigh and Gaston Railroad, said warehouse to be  
the centre of said town.

SEC. 3. D. W. Spivey, James S. Timberlake, John Young, Commissioners.  
A. T. Uzzle and Julius A. Clifton are hereby appointed  
commissioners of said town, to hold their office until their  
successors shall be elected as provided in chapter one hun-  
dred and eleven of Battle's Revisal, and said commissioners  
are hereby invested with all the authority conferred upon  
such officers by the aforesaid chapter of Battle's Revisal.

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

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CXII.

AN ACT TO INCORPORATE THE CAROLINA PLUMBAGO COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact,* That B. C. Flanner, M. A. Carroll, Oscar Recirson,

W. W. Flannagan, M. H. Massil, S. A. Ashe, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name and style of "The Carolina Plumbago Company," and as such shall have succession, and may have and use a common seal and change the same at pleasure, and shall be capable of suing and being sued, and shall also have, use, exercise and enjoy all the powers and privileges incident to corporations under the laws of North Carolina, and particularly the power and privilege of opening and working mines, and of buying, holding and selling real estate and mineral rights, and of doing all things necessary for an easy and successful working of mines and vending the products thereof.

By-laws

SEC. 2. That the company shall have power to make all necessary by-laws and regulations for the conduct of its officers.

SEC. 3. That the capital stock of said company shall be not less than fifty thousand dollars, to be divided into shares of one hundred dollars each. Said corporation shall have power to increase their capital stock to not more than five hundred thousand dollars whenever they shall deem it advisable. The lands, mines, machinery and other property of the said company shall constitute a part of the capital stock, at such price as shall be agreed on by the owners thereof, on one part, and those who may associate themselves with them and constitute the aforesaid corporation by subscribing for stock payable in money, on the others.

Subscriptions.

SEC. 4. That the subscription to capital stock shall be made at such times and places and in such manner as B. C. Flanner, M. A. Carroll, Oscar Recirson, W. W. Flannagan, M. H. Massil and S. A. Ashe, or a majority of them, shall designate, and the stockholders shall be entitled at all meetings to one vote for each share of stock so held in person or by proxy, and the shares of said corporation shall be transferable in such manner as may be provided by the by-laws of the company, and shall be personal property.

Directors.

SEC. 5. That the affairs of the company shall be man-

aged by a board of directors consisting of not less than three nor more than five, one of whom shall be appointed president, all to be appointed by the stockholders, and to serve for one year and until their successors are chosen. A failure to elect directors at any time shall not work a forfeiture or dissolution of the corporation; until the first election of directors the affairs of the company shall be administered by B. C. Flannagan, M. A. Carroll, Oscar Reccerson, W. W. Flannagan and S. A. Ashe, who shall be and are hereby declared to be directors of the company until their successors are chosen.

SEC. 6. That the principal business office of said com. Office and meetingspany may be without the State of North Carolina, and directors' meeting and stockholders' meetings may be held without the State of North Carolina.

SEC. 7. That there shall always be at least one director resident in the State of North Carolina, and that there shall also be a secretary or superintendent of said company resident in the State of North Carolina, on whom service of process shall be as valid and good as to the company as if served on a director.

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

Ratified the 14th day of March, A. D. 1875.

## CHAPTER CXIII.

AN ACT TO INCORPORATE THE TOWN OF ALBEMARLE, IN THE COUNTY OF STANLY.

SECTION 1. *The General Assembly of North Carolina do* Incorporated.  
*enact*, That the town of Albemarle, in the county of Stanly, be and the same is hereby incorporated by the name and style of "The Town of Albemarle," and shall be subject

to the provisions of all general laws in relation to incorporations of a like nature, not inconsistent with this act.

Limits.

SEC. 2. The corporate limits of said town shall extend one-fourth of a mile in every direction from the court house in said town.

Officers.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a constable, and it shall be the duty of the justices of the peace in the Albemarle township, in the county of Stanly, or any one of them, within thirty days from the ratification of this act, or so soon thereafter as practicable, after giving ten days' notice by advertisement at the court house door in said town, to open the polls for the election of a mayor, three commissioners and constable, and to appoint inspectors of said election.

Suffrage and eligibility.

SEC. 4. That all resident citizens who are qualified voters of this State, within said corporation, that have resided ten days previous to said election, shall be entitled to vote at said election, and all citizens that have so resided for thirty days shall be eligible as officers in said corporation.

Oath of commissioners.

SEC. 5. It shall be the duty of the commissioners elect to meet together, within five days after their election, and organize by taking the following oath before some person authorized to administer oaths, to-wit: I, A. B., do swear that I will faithfully act as commissioner of the town of Albemarle, to the best of my knowledge and ability, for the ensuing year. So help me God.

By laws.

SEC. 6. The said commissioners shall have power to pass all by-laws, rules and regulations, for the government of said corporation, not inconsistent with the laws of this State and of the United States.

Taxation.

SEC. 7. The commissioners shall have power to levy a tax not to exceed twenty-five cents on the poll and not to exceed fifteen cents on the hundred dollars valuation of property, said valuation to be the same that is placed thereon to raise revenue for State and county purposes.

SEC. 8. The commissioners shall have power to tax all subjects of State taxation within their corporate limits to an

amount not exceeding one half the State tax, and they shall have power to abate all nuisances, and for this may impose such fines as may be necessary to abate them, said fines to go to the use of the corporation.

SEC. 9. It shall be the duty of the commissioners to use the tax in defraying the expenses of said corporation and in repairing the streets and sidewalks, and keeping them in good and passable order.

Repair of streets.  
&c.

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 sureties approved by the commissioners. 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.

Officers.

SEC. 11. The mayor, when elected and qualified, shall have the same powers, to all intents and purposes in criminal cases occurring in said corporate limits, that any other magistrate of the county has.

Powers of mayor.

SEC. 12. That the mayor elect, before entering into office, shall go before some person authorized to administer an oath, and take the oath usually taken by such officers; and it shall be his duty to hold an election as provided in section three of this act, on the first Monday of May, one thousand eight hundred and seventy-six, and on the first Monday in May in each succeeding year thereafter.

Oath of mayor.

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 in such cases, and he shall occupy the same position and have the same authority, within said corporation, that the sheriff of any county has within his county: *Provided*, His duties shall only extend to the business of said corporation.

Constable.

SEC. 14. The officers of the corporation shall hold their

Term of office.

office for twelve months, and until their successors are elected and qualified, and in case of a vacancy in any of said offices, from whatever cause, the commissioners, or a majority of them, shall have power to fill the same by appointment, until the next regular election.

SEC. 15. That all laws and clauses of laws heretofore enacted, coming in conflict with this act, are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1875.

## CHAPTER CXIV.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN OR WITHIN THREE MILES OF THE TOWN OF MURFREESBORO, IN THE COUNTY OF HERTFORD.

Sale of liquor prohibited.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to sell or give away spirituous liquors, or in any wise either directly or indirectly, receive compensation for the same in or within three miles of the town of Murfreesboro, in the county of Hertford, and any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace having jurisdiction, shall be punished by a fine of not less than ten nor more than fifty dollars, or imprisonment of not more than one month for each and every offence, at the discretion of the court: *Provided*, That if the offender or offenders are not brought to trial before some justice of the peace having jurisdiction within six months after the offence, the Superior Court in term time may take jurisdiction of the same and punish the offender, but nothing herein contained shall be construed to interfere with the original jurisdiction of justice of the peace.

SEC. 2. All medical compounds, whether known by bit-

ters or any other name, the principal ingredient of which is spirituous liquors, shall be construed to come under the provisions of this act: *Provided*, The provisions of this act shall not be construed to apply to prescriptions of practising physicians to be given as a physic only.

SEC. 3. This act shall be in force from and after the first day of May, in the year one thousand eight hundred and seventy-five.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE NATIONAL LOAN AND TRUST COMPANY, RATIFIED THE FOURTH DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN, AND THE SEVERAL ACTS AMENDATORY THEREOF.

*The General Assembly of North Carolina do enact*, That the charter of the National Loan and Trust Company as set out in the several acts mentioned in the title of this act, be and hereby is revised, amended and re-enacted, and the same, as a whole, shall hereafter be and only be, in the words following, to-wit :

AN ACT TO INCORPORATE THE NATIONAL LOAN AND TRUST COMPANY.

SECTION 1. That R. B. Haywood and R. C. Badger, of Body politic. the city of Raleigh, and James B. Johnson, of the city of New York, and such other persons as may hereafter be associated with them and their successors, are hereby constituted a body corporate under the name of the National Loan and Trust Company, and by that name shall have perpetual succession with powers and privileges as hereinafter provided.

Rights, powers, &c

SEC. 2. Said corporation may exercise and enjoy all the privileges, franchises and immunities incident to a corporation of like nature; may sue and be sued, plead and be impleaded, complain and defend in all courts of law and equity, of record and otherwise; may purchase, receive by gift or otherwise, hold and enjoy property, real, personal and mixed of what kind and quality soever, not to exceed one million of dollars; may construct, build and erect such buildings, structures, works and improvements, public or private thereon as may be deemed proper, and may use, manage and maintain the same; may sell, convey, mortgage, transfer, grant, lease, sub-lease and dispose of any portion of their property at such prices and on such terms as may be deemed proper; may exercise and enjoy the privileges granted and defined in the further sections of this act; may make and have a common seal, and the same may alter and renew at pleasure, and may adopt such by-laws as may be necessary for the government of the said company, the same not being contrary to the constitution and laws of this State: *Provided*, That nothing herein contained shall be so construed as to give to the said company any privileges of issuing their obligations to circulate as money.

SEC. 3. The said company shall have power to contract with companies, corporations and other parties concerning the construction, building and equipment of works and improvements, public or private, or whatever kind, at such prices and on such terms as may be agreed upon by the parties respectively; may purchase, lease, use and maintain and sub-lease the same; and may also unite with any other company in so doing.

SEC. 4. The said company shall have power to make purchases and sales of, or investments the stocks and securities of other companies, and to make advances of money and of credit to other parties, and to aid in like manner contractors, miners, manufacturers, inventors and others, to receive and hold in trust or otherwise, or as collateral, any

estate or property, real, personal or mixed, including patent rights, the notes, obligations and accounts of individuals, companies and corporations, and the same to purchase, adjust, collect and settle, and also to pledge, sell and dispose thereof on such terms as may be agreed on between them and the parties contracting with them, and also to indorse and guarantee the payment of the bonds and the performance of the obligations of other companies, corporations and parties, and to assume, become responsible for, execute and carry out any contracts, leases or sub-leases made by any company or other party, to or with any other company or companies, individuals or firms whatever; also to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, moneys, promissory notes, certificates and evidences of debt, contracts or other property, and to take the management, custody and charge of real and personal estate and property in trust or otherwise, and to advance moneys, securities and credits upon any property, real or personal, on such terms as may be established by the directors of said company. But in no case shall the said company contract, by discount or otherwise, or in any manner, for a greater rate of interest than allowed by the laws of this State.

SEC. 5. The said company shall have power to purchase, use and maintain any works or improvements connecting, or intending to be connected, with the works and improvements of the said company, and to merge or consolidate, or unite with said company or improvements, property and franchises of any other company or companies, on such terms and conditions as the said company may agree upon, and to fix and to regulate all charges in maintaining and carrying on the business of their works and improvements of whatever kind, and of those under their control. And the said company shall be liable to taxes imposed by the State on similar institutions. And for this purpose may be required to make such returns and exhibits as will enable such taxes to be levied; and this charter shall not continue longer than sixty years.

Certificates of stock.

SEC. 6. The said company shall have power to issue certificates of stock from time to time, the par value of the shares of which shall be not less than ten dollars each, representing the property, franchises and business of the company, which stock may be sold at the par value of the shares thereof, or at such price and on such terms as the directors may deem best, and may be declared fully paid and not liable to further calls. The corporators named in the first section of this act may, at any time, open books of subscription, and whenever fifty thousand dollars of the stock has been subscribed, and five per centum thereon actually paid in, may organize the said company by the election of not less than five directors, and may choose out of the number of the said directors, or out of the shareholders of said company, a president, one or more vice presidents, a secretary and treasurer, and may also elect or appoint such other officers and agents as the business of the company may require, the directors and officers to hold their positions until their successors shall have been chosen in accordance with the by-laws of the company; but in no event shall the existence of the company be in anywise affected or be dissolved by reason of a failure to elect officers.

SEC. 7. The said company may borrow money from time to time upon a pledge of its property, or without such pledge, and may create, execute and deliver mortgages, and also bonds, with or without coupons, bearing such rate of interest and containing such stipulations or conditions as the board of directors may direct or approve, and may sell the same at such prices and on such terms as may be deemed proper by the board of directors, and may also hypothecate the same in transaction between the company and individuals or corporations: *Provided*, That the rate of interest shall not exceed that allowed by the laws of this State.

Officers, &c.

SEC. 8. The said company shall have an office in the State of North Carolina, and may have a general office or offices elsewhere as the stockholders or directors of the company

may from time to time determine. Not less than two of its directors shall be residents of the State of North Carolina.

SEC. 9. The stockholders and directors shall be individually liable only to the amount remaining unpaid on the stock held by them respectively.

SEC. 10. The said company is hereby authorized to declare such portions of its capital stock from time to time as it may desire, a preferred stock, and to issue and appropriate the same to such special purposes as may be deemed proper, which preferred stock, as well as the common stock heretofore authorized to be created, shall be subject to such rules and regulations and conditions as may be prescribed by the board of directors, and may be sold as authorized in section six of this act.

SEC. 11. The said company may change its name whenever the holders of two-thirds of the stock of the company shall so determine by a vote; and a certificate of such change shall be filed in the office of the Secretary of State, with the signatures of the president and secretary, and the seal of the company thereto affixed. Such change of name shall not in any manner affect or change any of the rights, powers, privileges, franchises or obligations of said corporation. Change of name.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXVI.

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF FAYETTEVILLE TO RE-ORGANIZE THE FIRE DEPARTMENT OF SAID TOWN.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of enabling the mayor and com- Fire department.

missioners of the town of Fayetteville to render the fire department of said town more efficient, the said mayor and commissioners are hereby authorized to organize such engine and hose companies, hook and ladder and bucket companies as they may deem necessary for the protection of said town against fire.

Control.

SEC. 2. That said companies when organized as aforesaid shall be under the control of the said mayor and commissioners, under such rules and regulations as the said mayor and commissioners may from time to time prescribe for their government.

Chief fire warden.

SEC. 3. That the said mayor and commissioners shall annually appoint a chief fire warden, and as far as practicable from the different wards of the town, who shall hold their offices one year from their appointment, and in case of a vacancy by death, resignation, removal or otherwise, the said mayor and commissioners shall fill the same.

SEC. 4. That as soon after their appointment as practicable the chief fire warden shall summon the fire wardens together, he shall preside at their meetings, and shall appoint one of his associates to discharge all his duties in case of his absence, sickness or other inability. A majority of said wardens shall be necessary to transact business, and to adopt such rules for the management of their body as they may think proper, consistent with the ordinances enacted for the government of said town. It shall be the duty of chief fire warden and the assistant wardens, under the direction of the chief warden, to exercise a general control at all fires; to direct the stations of the engines and to marshal and direct the efforts of the various fire companies and citizens. They shall provide a sufficient number of buckets, hooks, ladders, axes and such other implements as may be necessary for the complete extinguishment of fire. They shall cause the engines and all other implements for the extinguishment of fire to be deposited in safe and convenient places, and see that there is at all times a sufficient supply of them, and that they are kept in repair and good

order, and they shall pass upon and approve all accounts for the purchase or repairs of fire engines and implements before the same shall be allowed and paid by said mayor and commissioners.

SEC. 5. The wardens shall be under the control of the mayor and commissioners, and shall report the condition of the fire department quarterly to the said mayor and commissioners, and for neglect of duty or other sufficient cause, may be removed from office.

SEC. 6. That the said mayor and commissioners may Compensation, &c grant to the fire wardens, officers and members of the engine, hose, hook and ladder and bucket companies such compensation, immunities and privileges as they may deem right and proper according to the services rendered.

SEC. 7. That the acts of the General Assembly heretofore passed incorporating the "McLean Fire Company," "The Frizzell Citizens Relief Company," "The Hook and Ladder Company," and "Bucket Company," of the town of Fayetteville, be and the same is hereby Repeal. repealed.

SEC. 8. That all laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 8. That this act shall take effect from and after its ratification.

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXVII.

### AN ACT TO INCORPORATE THE PLUMMER HOOK AND LADDER COMPANY, NUMBER ONE.

SECTION 1. *The General Assembly of North Carolina do* Body politic enact, That Richard Rowlett, Richard Burges, Phillip Rodgen, William Plummer and Robt. P. Hall, and other persons who may be associated with them for the object intended,

and their successors duly elected and chosen according to the by-laws and constitution of said company, shall constitute a body politic and corporate by the name and style of the "Plummer Hook and Ladder Company, Number One," of Warrenton, North Carolina, for the purpose of more united action in the extinguishment of fire in the town of Warrenton, and by said name and style shall have power to acquire all necessary apparatus and equipments, and such real estate as may be necessary to subserve the legitimate purposes of the company.

By-laws:

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 the funds, and in all matters do and perform what is customary and proper for fulfilling the object of association.

SEC. 3. That members in the actual service of the company, performing when required, shall be exempt from paying poll tax to the town of Warrenton.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXVIII.

AN ACT TO ALLOW A JURY IN MADISON COUNTY TO LAY OFF A ROAD TO MARSHALL, NORTH CAROLINA.

Jury may lay off road.

SECTION 1. *The General Assembly of North Carolina do enact*, That a jury appointed by the sheriff of Madison county shall have the power to lay off a road from Little or Big Sandy Marsh, the most practicable route to Marshall, Madison county, and that when said road is so laid off, it

may be constructed under the same rules and regulations as now bear upon the subject.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CIX.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CERRO GORDO,  
COUNTY OF COLUMBUS.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and two, section first, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out all after the word "town," in line three, down to and including the word "Williamson," in line four, and insert in lieu thereof the following: "And A. Sessoms, J. A. Joyner, J. W. Griffin, E. D. Williams, and M. D. Bullard." Law of 1873-'74, amended.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXX.

AN ACT TO AMEND AN ACT TO LAY OFF AND ESTABLISH A PUBLIC  
ROAD IN THE COUNTIES OF DAVIE AND DAVIDSON.

SECTION 1. *The General Assembly of North Carolina do enact*, That wherever the name "Holtzburg" appears in an Law of 1869 amended.

act passed by the General Assembly and ratified the twelfth day of April, one thousand eight hundred and sixty-nine, that the same be amended to the name and place of "Linwood."

SEC. 6. That this act be in force from and after its ratification.

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXXI.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN ONE AND ONE HALF MILES OF POPLAR SPRING CHURCH, IN THE COUNTY OF FRANKLIN.

Prohibited.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell any intoxicating liquors, or either directly or indirectly to receive any compensation for the same, within one and one-half miles of Poplar Spring church, in the county of Franklin.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction in the court of a justice of the peace, shall be fined not less than ten, nor more than fifty dollars.

SEC. 3. This act shall be in force from and after the first day of May, one thousand eight hundred and seventy-five.

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXXII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF JACKSON COUNTY TO ERECT A TOLL GATE ON A ROAD KNOWN AS THE TUCKASEGEE AND KEOWEE TURNPIKE ROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Jackson are hereby authorized and empowered to transfer and assign all the right, title, interest and franchise, including the road-bed, and the right of way of the said Tuckasegee and Keowee turnpike to any solvent party or parties, who will agree and bind themselves to complete said road within one year from the date of contracting or purchasing with said commissioners, from a point two miles above the forks of Tuckasegee river to the South Carolina State line, connecting with the turnpike road known as the Sload road, to be built and completed in the following way, namely: a maximum grade of not more than one foot perpendicular to fourteen feet horizontal, and shall be fourteen feet wide, cutting, (except in passing rock projections, when it must be twelve feet wide,) and sixteen feet wide on level ground, with all necessary bridges, culverts and drain ditches, built in a substantial manner, and when so completed and received by the county commissioners, or a majority of them, then the party or parties to whom said road is transferred, shall have right to erect one toll-gate at such point on said road as they may elect, and charge the following tolls, namely: for every four-wheeled carriage of pleasure, thirty-five cents; for every gig or sulky, or buggy, twenty-five cents; for every five or six-horse wagon, sixty cents; for every four-horse wagon, fifty cents; for every two or three horse wagon, thirty cents; for every one-horse wagon or cart, twenty cents; for horses and mules, with riders, ten cents, without riders, five cents; for every head of cattle, two cents; for every head of hogs and sheep,

Authority to transfer.

one cent each, collected off all persons travelling over said road, except citizens resident of Cashmy Valley and Hamburg township, and citizens resident two miles from and above the forks of Tuckasegee river.

Tolls. SEC. 2. That when said road is transferred any person or persons refusing to pay the tolls as provided in first section of this act, shall be guilty of misdemeanor, and on conviction thereof, before any justice of the peace of the county of Jackson, shall be fined five dollars, one-half to the county of Jackson and the other half to the owners of said road.

Work road. SEC. 3. That all persons liable to work the public road under the laws of this State, residing within one-half mile on each side of said road, commencing at two miles from and above the forks of Tuckasegee river to the South Carolina State line, shall work or cause to be worked six days each in the year on said road, and such person or persons refusing to work thereto shall be guilty of a misdemeanor, and on conviction thereof for each day refusing to work, when warned to work with a notice, either verbal or written, for five days before hand, before any magistrate of Jackson county, shall be fined two dollars or pay in lieu of his work, when properly notified, one dollar, and said fine and money paid for work to be expended in repairing said road.

SEC. 4. That immediately after the road is contracted for and the work is commenced, the trustees of the township of Cashmy Valley and Hamburg shall transfer all persons liable to work the public road (other than those assigned by this act) to work on the other public roads of their respective townships.

SEC. 5. That the party or parties owning said road failing to keep the same in good repair for three consecutive days, shall for each offence be guilty of misdemeanor, and on conviction thereof before any justice of the peace of Jackson county, shall pay a fine of ten dollars, one-half to the informer and the other to the county.

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

shall continue in force for ten years from the date of transfer by the county commissioners, and to take effect from and after its ratification.

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXXIII.

### AN ACT TO INCORPORATE THE ROBESON COUNTY AGRICULTURAL SOCIETY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That Col. Murdoch McRae, Col. Neill A. McLean, Dr. R. F. Lewis, D. C. McIntyre, Joseph B. McCallum, William B. Blake, W. W. McDairmid, Giles Leitch, Berry Godwin, Alfred Rowland, Alex. H. McLeod, John T. Pope, H. W. Fuller, J. A. McAllister, Alex. S. Rowland, John Redmond, Warren E. Thompson, A. J. McNair, D. D. McBryde, E. T. Williams, Edward Ranche, J. D. Bryan, Thompson Williams, Giles Williams, John W. Edmond, B. M. Floyd, W. B. Jenkins, John Jenkins, Hezekiah Rhodes, J. D. Barnes, J. J. Howell, A. McNeill, A. J. Thompson, Neill Townsend, W. J. Smith, J. P. Smith, W. A. Smith, B. C. Bine, L. F. Nance, Orran Moore, Robert Inman, Charles Townsend, L. M. Gunn, Neill C. Privatt, H. H. Howell, William W. Privatt, A. S. McNair, Archd. Privatt, John Biggs, Enoch McNeill, Calvin Black, P. P. Smith, James P. McLean, E. C. McNeill, W. A. McNeill, A. S. Morrison, D. H. McNeill, J. A. Gilchrist, J. C. McEachern, D. McCallum, J. M. T. Brown, J. P. Smith, A. J. McCallum, Neill Bine, D. McP. Bine, William Black, J. M. Bine, H. J. McMillan, Archd. Bine, D. P. McEachern, D. J. McEachin, Charles Purecell, Archd. Purecell, Frank P. McNeill, James P. Graham, D. E. McBryde, Archd. McMillan, A.

Currie, John D. Currie, Noah Brigman, D. B. Graham, N. McLaughlin, Thomas Sanderson, B. F. White, C. S. Hayes, Alexander McIntyre, J. G. Smith, J. S. J. Regan, Oliver Kinlan, Rev. Noah Mercer, James A. Rozin, McKay Rozin, H. C. Mercer, Thos. Barker, M. F. Britt, E. Ivey, J. W. Britt, E. W. Privatt, W. P. Allen, Lewis Pitman, H. B. Easterling, Jas. L. Thompson, John H. Collins, Rev. S. D. Collins, Jos. Johnson, M. R. Bullard, M. P. Jenkins, Alfred Baxley, C. Privatt, W. P. Lewis, J. T. Sutton, F. D. Collin, Mark Allen, S. A. Edmond, W. H. Bullard, S. A. Albin, J. C. Freeman, Hybert Atkinson, J. W. Jenkins, L. A. Lauson, Joseph Williams, H. P. Thompson, J. A. B. Stephens, W. A. Lewis, J. P. Lewis, Charles Bullock, W. H. Jenkins, J. E. Britt, A. G. Britt, Elijah Ivey, A. McE. McCallum, D. B. Stone, A. C. McKinnon, William McQueen, Archd. McQueen, W. T. Alford, J. C. McKillar, W. H. McCallum, N. T. McLean, Z. T. Millsaps, Francis L. Hayne, J. F. Britt, Allen Walters, E. Page, Zephaniah Ivey, R. M. Powell, E. K. Floyd, Wright Legeth, Jesse Flowers, E. P. Edmond and such others as they may choose for their associates and successors are hereby incorporated and made a body corporate and politic under the name and style of the Robeson County Agricultural Society, and by that name shall sue and be sued, purchase and hold personal and real estate not exceeding in value the sum of seventy-five thousand dollars, and have all such power and authority as is incident to bodies corporate, not inconsistent with the laws of the State of North Carolina.

Officers.

SEC. 2. The officers of this society shall consist of a president and fifteen (15) vice presidents, treasurer, recording secretary, corresponding secretary and an executive committee of five members, and such other officers as may be deemed necessary, who shall be chosen annually, all of whom shall hold their offices until their successors are appointed; and such corporation shall have power to make all necessary or proper by-laws and regulations for the purpose of carrying out and effecting the objects of said society; and shall have

power to establish and hold fairs at such times and places as may be selected by them, and award premiums for the encouragement of agriculture, manufactures, the mechanic and fine arts and all the industrial pursuits of the county; and shall also have a common seal.

SEC. 3. This corporation shall exist and continue with the privileges hereby conferred for the term of ninety-nine years. Term.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXXIV.

### AN ACT TO INCORPORATE THE MECKLENBURG CENTENNIAL ASSOCIATION.

WHEREAS, Our ancestors, moved by the most sacred love of liberty and country, and a deep-seated hatred of tyranny, did assemble in the town of Charlotte on the twentieth day of May, one thousand seven hundred and seventy-five, and with a boldness which challenged the admiration of the world, openly threw off and renounced their allegiance to the crown and government of Great Britain, and declared themselves separate and independent; *and whereas*, they were the first of the American people to take so courageous and important a step, and made it good with their lives, fortunes and most sacred honor; *and whereas*, we deem the establishment and preservation of our liberties as the most important of all earthly concerns to us and to our children, and desire to keep alive the sacred flame which they kindled on this continent, as well as to honor the memory of such brave, patriotic and virtuous men; therefore, Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That a corporate body is hereby created to be known Body politic.

as "The Mecklenburg Centennial Association," for the purpose of celebrating, by proper ceremonies, the one hundredth anniversary of the said declaration of independence in the city of Charlotte, on the twentieth day of May, Anno Domini, one thousand eight hundred and seventy-five, and for erecting a monument in commemoration of that event, which corporate body shall be composed of the corporators hereinafter named and their associates, and shall continue its corporate existence so long as may be necessary to accomplish the objects proposed.

Powers.

SEC. 2. *It is further enacted,* That said corporation shall have power to sue and be sued, to levy, lease and sell real estate, receive subscriptions of money or other property, create debts, keep and use a common seal if desired, and shall have and exercise any and all powers necessary to the accomplishment of said objects granted to similar corporations, subject to the constitution and existing laws, including the right to prescribe rules and by-laws for its government.

Organization.

SEC. 3. That for the sake of efficiency and convenience, any ten of said corporators meeting together in the city of Charlotte, may organize this association by electing officers and making other provisions for its operation.

Corporators.

SEC. 4. That the following persons, and all others whom they may associate with them, on such terms as they may prescribe, shall constitute said corporation, viz: From the county of Mecklenburg, A. B. Davidson, R. Barringer, T. W. Dewey, J. H. Wilson, J. P. Alexander, S. B. Alexander, W. F. Avery, Wm. Johnston, John Hunter, R. D. Graham, W. S. Hays, R. I. McDonald, W. H. Neal, Thos. Grier, W. M. Shipp, D. H. Hill, W. J. Yates, W. R. Myers, M. L. Wallis, J. A. Young, W. F. Davidson, R. D. Whitley, W. M. Mills, E. C. Knykendall, Z. B. Vance and C. Dowd; county of Cabarrus, J. L. Henderson, W. C. Means; Union county, S. H. Walkup, S. M. Houston; Iredell, R. F. Armfield and R. F. Simonton; Orange, W. A. Graham, Sr., Thomas Ruffin, Pride Jones, Sr.; Guilford, J. T. Morehead, Jr., John A. Gilmer; Lincoln, W. A. Gra-

ham, Jr., J. F. Hoke, D. A. Schenck, R. Brevard; Sampson, E. W. Kerr; Robeson, W. F. French; Jackson, J. R. Love; Henderson, T. W. Taylor; New Hanover, Robert Strange, Edward Cantwell; Wayne county, W. T. Dortch; Wake county, C. M. Busbee, W. N. H. Smith; Bertie county, P. H. Winston, Sr.; Craven county, W. H. Oliver, M. E. Manly; Northampton county, R. B. Peebles; Warren county, Wm. Eaton; Richmond county, P. D. Walker, W. L. Steele; Anson, R. P. Bennett and Thomas S. Ashe; Rockingham county, W. M. Mebane, David Settle; Randolph, J. M. Worth.

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

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CXXV.

### AN ACT TO INCORPORATE THE ATLANTIC IRON AND STEEL MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, The following named, viz: M. B. Calendine, J. M. Heck, R. B. Carr, M. G. Harrison and E. P. Heck, their associates, successors and assigns, are created a body politic and corporate under the name of "The Atlantic Iron and Steel Manufacturing Company," with a capital stock of two hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five millions of dollars, divided into shares of one hundred dollars each, said corporation to have the privileges specially granted, and also those belonging to like corporations under the twenty-sixth chapter of Battle's Revisal, entitled "Corporations," for sixty years.

SEC. 2. The stockholders shall have power to make all By-laws.

rules and regulations they may deem fit for the government of the corporation and transaction of their business. They may prescribe the number and power of their directory and other offices, fix salaries and terms of service, regulate the time and place of general or special meetings of stockholders, and, in general, make such by-laws as they may deem fit, not inconsistent with the constitution and laws of the State or the United States.

Powers

SEC. 3. Said corporation shall have power to engage in the manufacture of iron and steel in any of their forms, and of other metals, metallic or other fabrics, in the mining of minerals, or of iron, manganese, copper or other ores, in the transportation of persons and things to and from their works and intermediate points, by water or otherwise, may make and operate rail, turnpike, tram, or other roads for the purpose of connecting their works or mines with other roads, rivers and navigation works whenever necessary or convenient for their business, and for that purpose may have power of condemnation of land and other property, and other powers conferred on railroads and other corporations in the sixty-second chapter of Battle's Revisal, entitled "Internal Improvements;" may purchase, hold, sell and lease or otherwise convey real estate, not to hold at any one time exceeding thirty thousand acres of land as incidental to their business; may buy and sell merchandise.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXVI.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GOLDSBORO, AND FOR OTHER PURPOSES.

Limits extended.

SECTION 1. *The General Assembly of North Carolina do enact,* That the corporate limits of the town of Goldsboro

be extended so as to include the following : Beginning at a stake in the town cemetery, the corner of the present corporate limits of said town, running south seventy and one-half degrees east, fifty poles to a stake near John K. Suggs' house ; thence south nine degrees west, ninety poles to a stake ; thence south eighty-one degrees east, eighty poles to a stake on the back of the Coor place ; thence north nine degrees east, two hundred and forty-nine poles to a stake opposite Mulberry street ; thence north seventy and one-half degrees west, one hundred and six poles to the corporate limits of said town, near William T. Dortch's line.

SEC. 2. That the corporate powers of said town are hereby vested in a mayor and six commissioners, to be elected at large by the qualified voters in said town as extended, without regard to any former division of said town into wards. Corporate powers.

SEC. 3. That all the electors entitled to vote for members of the General Assembly, who shall reside within the corporate limits of said town as extended at the time of the ratification of this act, shall be entitled to vote at the next regular election for the officers of said town. Who may vote.

SEC. 4. That the present mayor and board of commissioners of said town shall appoint three persons as registrars, who shall open books for the registration of the voters of said town at the court house in said town twenty days before the said election, one of whom shall be a justice of the peace, and the mayor and commissioners shall furnish said registrars with proper books of registration. Registrars

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXVII.

## AN ACT TO INCORPORATE THE HISTORICAL SOCIETY OF NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, The following named persons, viz: William A. Graham, William Hooper, Thomas Atkinson, Charles Phillips, Fordyce M. Hubbard, Charles F. Deems, Braxton Craven, William H. Battle, Mathias E. Manly, Bartholomew F. Moore, Richmond M. Pearson, Edwin G. Reade, Nereus Mendenhall, John H. Wheeler, Zebulon B. Vance, Caylin H. Wiley, George Davis, William Eaton, Richard B. Creecy, Gen. D. H. Hill, S. D. Pool, W. C. Kerr, Wm. Shakespeare Harris, K. P. Battle, G. D. Bernheim, George V. Strong, Cyrus L. Hunter and Cornelia Phillips Spencer, their associates and their successors, are created a body corporate under the name of the Historical Society of North Carolina, with the powers conferred on corporations by the twenty-sixth chapter of Battle's Revisal, entitled "Corporations," as well as those conferred by this act.

First meeting.

SEC. 2. The first meeting of the members of said corporation shall be held at such time and place the three first named in this act or either of them shall designate, at which meeting three shall be a quorum for the transaction of all business.

By-laws.

SEC. 3. Said corporation shall have power to make such rules, regulations and by-laws in regard to the meetings of its members, and the terms of their admission, the mode of voting, the functions of its officers, the number requisite to form a quorum and all other matters relating to the government of the corporation as may be deemed proper, not inconsistent with the laws of the land.

SEC. 4. The said corporation shall have authority to acquire and hold such real and personal property as may be proper for carrying out the objects of its creation, especially

books, manuscripts, documents, papers and memorials of whatever kind relating to the history of this State, particularly those possessed by the late Historical Society of North Carolina. It shall likewise be authorized to accept donations of money or property for the purpose of enabling it to prosecute researches into said history and make publication relating thereto.

SEC. 5. The officer in charge of the capitol shall be authorized to furnish said society a room in said building for the safe keeping of the books, papers and effects of the society: *Provided*, That this can be done without inconvenience to any officer of the State or to any officers or committees of the General Assembly. Keeping of books.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXVIII.

AN ACT TO AMEND SECTION ONE, CHAPTER FOURTEEN OF PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, AND TO RE-ENACT THE SAME.

WHEREAS, The persons named in section one of chapter fourteen, of the private laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, as incorporators, have failed and neglected to meet and organize as a body corporate; *and whereas*, the said act has become null and void by said non-action; Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That Edward H. Hill, Andrew York, William Beners, Virgil Crowfield, William Bowers, George Abbott, William Hall, and Cicero Reobins, their associates, successors and assigns, shall be and they are hereby constituted a Body politic.

body politic and corporate by the name and style of "The African Methodist Episcopal Singing School Society, of Newbern, North Carolina."

SEC. 2. That sections two, three and four, of said chapter fourteen of the private acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy one, be and the same are hereby re-enacted.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXIX.

AN ACT TO INCORPORATE THE ROCKY FORD MANUFACTURING COMPANY IN THE COUNTY OF RICHMOND.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That William H. N. Lamin, William F. Gibson, David D. Gibson, Lawrence T. Everett, Joseph C. Everett, Peter McRae, Jas. M. Graham, Jno. C. M. Caskill, Alexander McRae, their associates, successors and assigns shall be and are hereby declared a body corporate and politic by the name and style of "The Rocky Ford Manufacturing Company," for the purpose of erecting and using mills and machinery for the manufacturing of cotton, woollen, and other textile fabrics, on Shoe Heel creek, in Richmond county, and by said corporate name may sue and be sued, plead and be impleaded, defend and be defended, and to answer and be answered in any court in this State. May have and use a common seal, alterable and renewable at their pleasure. May establish such by-laws, rules and regulations for the government of said corporation as they may deem proper, not inconsistent with the law of the land. May

purchase and use real estate for the use of said corporation. May acquire and hold personal property and effects, to whatever extent may be necessary and convenient for the purposes of their organization, and, generally, shall have authority to do all acts and things for the proper and convenient carrying on the business for which they are established.

Capital stock.

SEC. 2. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and when the sum of twenty (\$20,000) thousand dollars of said amount shall be subscribed and twenty (20) per cent. thereof shall be paid to the persons authorized by the corporators herein named to receive the same, the said corporators, their associates, successors and assigns shall be and are hereby declared to be a body politic and corporate, and with all the rights and liabilities herein conferred and imposed for the business hereby authorized with only corporate liabilities for the space and term of ninety-nine years.

SEC. 3. That as soon as the sum of twenty thousand (\$20,000) dollars shall have been subscribed and the percentage thereon paid as aforesaid, the corporators herein named shall have full power and authority to open books of subscription for the capital stock of said company at such places as they may deem proper, under the superintendence of such persons as they may elect, and shall prescribe the instalments by which and the time when such subscription shall be paid, and all persons subscribing and refusing to pay according to said terms, shall be liable at the suit of said corporation in an action of debt in court of competent jurisdiction.

Books of subscription.

SEC. 4. That as soon as thirty thousand (\$30,000) dollars shall have been subscribed, it shall be the duty of the corporators hereinbefore named to call a meeting of the subscribers thereof at such place as they may elect, giving twenty (20) days' notice thereof in some newspaper of general circulation in the State, and at said meeting a majority

of the shares subscribed and represented either in person or by proxy, the subscribers so present shall proceed to elect a board of directors, nor less than five not more than seven in number, who shall manage the affairs of the corporation for one year from the date of their election and until their successors shall be chosen; and said board of directors shall, as early as practicable, elect one of their number president and appoint such other officers, agents and employees as in their judgment the said corporation may require, and shall have power to do all other acts and things for the ordering and management of the affairs of said company incident to the position and auxiliary to the purposes for which the corporation is created.

Pay of officers.

SEC. 5. That compensation to the president and directors shall be fixed by the stockholders, and to the other officers and employees by the board of directors, and the said board shall have authority to take bond from certain officers having in charge the finances of the company, and bring suit upon the breach thereof.

Annual meetings.

SEC. 6. That the annual meetings of stockholders shall be held at such times and places as the stockholders may elect, and at said meetings and all other meetings called by the board of directors, or by one-fifth in interest of the stockholders, who may call meetings, each stockholder shall be entitled to one vote for each share held by him.

Authority

SEC. 7. That said corporation shall have authority to construct dams, buildings, walls and all other works necessary for the purpose for which they are established; may purchase, make and use all machinery, tools and implements and fixtures necessary and convenient for such ends; may use any motive power which may be deemed conducive to the interest of the company; and to encourage manufacturing enterprises, shall be free from taxation for ten (10) years.

SEC. 8. That the board of directors shall have authority to keep open their books of subscription until the whole of the capital stock shall be subscribed, and may prescribe the terms upon which new stockholders may be admitted, de-

termine upon the rate of interest which shall be allowed by law, and whenever in their discretion the proceeds of the company will justify it, they may set apart five per cent. or less of their dividend as a sinking fund, to be used for increasing their capital stock, or in such other way as will be most conducive to the interest of the stockholders.

SEC. 9. That said corporation shall have power to borrow money for the purposes of their business to the amount of one hundred thousand dollars, and to issue under their corporate seal obligations to pay the same, which obligations shall be assignable by endorsement as inland bills of exchange, and have all their incidents and no other.

SEC. 10. That to aid said corporation in the protection of their property, the peace and quiet of their community, and advancement of their interest, the board of directors to be elected by the stockholders, shall have power, as early as practicable after their election, to lay off by metes and bounds under the direction of a competent surveyor, a tract of land two miles square, their manufactory being the centre, and appoint from among the inhabitants thereof five discreet persons, who are qualified voters of the State, as commissioners for the management and regulation of the police of said place, who, with the president of the corporation, or the superintendent, as the board of directors may designate, shall have all the municipal powers now granted by the laws of the State to other incorporate places, and be subject to the duties of the same for one year from the date of their appointment and until their successors are chosen; and at the expiration of said time, or at the time said board of directors may set apart for an annual election, an election shall be held under the superintendence of the sheriff of Richmond county, according to the laws of the State, for five well qualified persons to succeed those first appointed, to be chosen by the qualified voters of the State residing thirty days previous thereto within said limits, out of their number, and the persons thus elected and their successors duly chosen annually thereafter, shall succeed to all the powers and lia-

bilities of the commissioners first appointed, and the president or superintendent of said corporation, as the board of directors may designate, shall be invested with all the powers and subject to all the liabilities of a presiding magistrate by the general laws of the State.

Liquors.

SEC. 11. It shall be unlawful for any person to sell, barter or give away any intoxicating liquor, bitters, brandy peaches, &c., or to receive compensation either directly or indirectly therefor within three miles of the aforesaid place. Any person or persons guilty of violating this section shall be guilty of a misdemeanor, and on conviction thereof before said magistrate, shall be subject to a fine not exceeding fifty dollars and costs, and imprisonment for thirty days or both, for each and any offence.

SEC. 12. That this act shall take effect and be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXX.

### AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF CERTAIN CORPORATIONS.

Time extended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporations hereinafter named shall be allowed until the first day of March, Anno Domini one thousand eight hundred and seventy-seven, for the purpose of being organized under the provisions of their respective charters, viz:

The Lockville Cotton and Woollen Mills, chartered by the General Assembly, ratified February thirteenth, one thousand eight hundred and seventy-four.

The Cape Fear Cotton and Woollen Mills, chartered by act of the General Assembly, ratified February sixteenth, one thousand eight hundred and seventy-four.

The Roanoke Iron Company, chartered by act of the General Assembly, ratified February twenty-eighth, one thousand eight hundred and seventy-three.

The Haw River Iron Company, chartered by act of the General Assembly, ratified March third, one thousand eight hundred and seventy-three.

The Lockville Locomotive and Car Company, chartered by an act of the General Assembly, ratified March third, one thousand eight hundred and seventy-three.

SEC. 2. *And whereas*, Certain of the names of the corporators in said acts have been incorrectly written in the enrolled copies of said charters, the same are hereby corrected as follows, viz :

In the charter of the Cape Fear Cotton and Woollen Mills, John Hare, instead of John Hase.

In the Roanoke Iron Company, Jonathan M. Heck, instead of John M. Heck.

In the charter of the Lockville Locomotive and Car Company, George G. Lobdell, instead of George C. Lobdell, and Elias P. Heck, instead of Elias B. Heck.

In the charter of the Haw River Iron Company, Elias P. Heck, instead of Elias B. Heck.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXI.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KINSTON,  
LENOIR COUNTY, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That all special laws in relation to the town of Kinston, in the county of Lenoir, are hereby repealed: *Pro-*

Former charters  
repealed.

*vided, however,* That such repeal shall not, in any manner, invalidate the election of the mayor and commissioners, and all other officers now acting in said town, or any of the acts, ordinances or by-laws of said commissioners which they had authority to pass by the laws heretofore in force.

Limits.

SEC. 2. That the corporate limits of said town shall hereafter be comprised within the following boundaries, viz: Beginning at the cattle-guard where the Atlantic and North Carolina Railroad crosses the public road leading from said town to John C. Washington's residence, and running southwardly along said Washington's fence to the north-western corner of Heritage and North streets, then southwardly along the west side of Heritage street to the south-west corner of Heritage and South streets, then eastwardly along the south side of South street to the south-east corner of South and East streets, then northwardly up the east side of East street to a point where a due west line from the beginning will intersect with said line up East street continued, then a due west line to the beginning.

Battle's Revisal.

SEC. 3. That said corporation shall, in the future, in addition to this act, be governed by the provisions of chapter one hundred and eleven, Battle's Revisal, and the general laws of this State now in force, and which may hereafter be enacted in reference to towns.

Taxes.

SEC. 4. The mayor and commissioners of said town shall have authority to lay, and collect annual taxes for municipal purposes on all persons and subjects within the corporate limits of said town, which may be taxed for State and county purposes: *Provided,* That said tax shall not exceed one dollar on the poll nor twenty cents on the hundred dollars valuation of property.

List of taxables.

SEC. 5. The mayor shall, by the order of the commissioners, take the list of taxables within the corporate limits of the said town, in such manner and at such times as the commissioners shall prescribe. If any person fail to list his or her taxables within the time prescribed by the commissioners, he or she shall be liable to a double tax. The

commissioners shall appoint three assessors being freeholders to assess the taxable property within said town, who before acting shall take an oath before some justice of the peace to discharge their duties faithfully, fairly and impartially, and the said assessors shall make their report of such assessment to the commissioners within twenty days from the date of their appointment.

SEC. 6. Upon the return of the assessment as prescribed in the next preceding section, and the completion of the tax list by the mayor, he, the mayor, shall endorse on said tax list and order to collect the taxes therein mentioned, and shall deliver said list with said order endorsed thereon to the tax collector of said town, and such order shall have the force and effect in the hands of said collector of a judgment and execution against the property of the person or persons charged in such list, and enforceable in the same manner by said collector in which the sheriffs of the counties enforce the collection of county taxes. Collection of taxes

SEC. 7. The tax collector of the town shall collect on every circus and menagerie which exhibits within the corporate limits of said town a tax of twenty-five dollars, on every side-show or other entertainment attending such circus or menagerie, and on every theatrical company, concert, minstrels or other exhibition for reward or profit, (except for benevolent purposes, to be judged of by the mayor and commissioners,) a tax of not less than five dollars for each exhibition, and the said collector shall be liable on his bond if he fail to account for the same. Tax collector;

SEC. 8. That the mayor and commissioners shall appoint annually a tax collector for the town, who shall collect all taxes assessed by them; said collector shall enter into bond in the sum of two hundred dollars, with two or more different securities, who shall justify, as required by law in cases of guardian bonds, conditioned that he will fairly and truly account, and pay over all taxes collected by him into the hands of any person or persons who may be designated by the mayor and commissioners of said town. Any violation

of said bond shall subject the said collector and his sureties to a penalty of the full amount of the collector's bond, to be recovered on a warrant issuing from any justice of the peace in the county of Lenoir, at the instance of the mayor and commissioners of said town, and shall be subject to be removed from office at the discretion of the mayor and commissioners.

Liquors.

SEC. 9. That no person or persons shall hereafter be granted by the commissioners of Lenoir county, any license to sell at retail a less quantity than one half gallon of any spirituous, fermented or malt liquors or wines, in the corporate limits of the town of Kinston, Lenoir county, unless the person or persons applying therefor, in addition to the other requirements of the law as it now exists shall exhibit the consent, in writing, of the mayor and commissioners of said town.

Bar rooms.

SEC. 10. That all bar rooms or places where spirituous, fermented, or malt liquors, wines or cider are retailed in quantity, in or within two miles of the town of Kinston, in Lenoir county, shall not be opened for the purpose of giving away or otherwise disposing of any of said liquors, wines or cider, between the hours of twelve o'clock Saturday nights and twelve o'clock on Lord's day or Sunday nights, under a penalty of fifty dollars fine or thirty days imprisonment for each and every offence, to be enforced by warrant issuing from the mayor of said town or justice of the peace of said county of Lenoir: *Provided*, This section shall not apply to liquors sold or given away upon a physician's certificate in the case of sickness.

By-laws.

SEC. 11. The mayor and commissioners shall have power from time to time, and for all times hereafter, to make such rules, orders, regulations and ordinances as to them shall seem just and reasonable, for the good government of said town, to lay off, construct and repair streets, to appoint market places, to erect necessary market houses, to regulate the markets, to erect and construct public pumps and wells, to appoint inspectors of wood, and weighers and inspectors

of cotton, tar, pitch, and turpentine, and other produce of the country, and to provide how said inspectors and weighers shall be paid; to appoint town watch or patrols, to erect proper and necessary guard-houses and a mayor's office; to do all other acts and things as in their judgment may be necessary for the advantage, improvement and good government of said town; and the same rules, regulations and ordinances from time to time to alter, change, amend or discontinue, as to them or a majority of them shall appear just and reasonable: *Provided, however,* That if the annual taxes of said town are insufficient to liquidate the current expenses of the town, and those incurred or to be incurred under the provisions of this section, the mayor and commissioners shall order the vote of the qualified voters of the town, in accordance with section seven, article —, of the constitution of the State, to be taken, first giving ten days notice at four public places, and two insertions in a newspaper, if any be published within said town, of the time, place and purpose of such voting, in order to ascertain the will of the incorporators of said town, as to the levying and collecting said additional tax, contracting any debt, pledging the faith of the town or loaning its credit for the purpose of carrying out the provisions of this section. Should a majority of the said voters vote in favor of levying said tax, pledging the faith of the town or loaning its credit as aforesaid, the said tax, debt, pledge or loan, shall be obligatory on said town, and enforceable by listing and taxation in the same manner as the annual taxes are listed and collected under this act.

SEC. 12. That in case of the sickness of the mayor elect or his absence from town, the board of commissioners shall

Mayor, pro tem.

SEC. 13. That the annual salary of the mayor shall not exceed one hundred dollars, exclusive of his lawful fees. His fees shall be the same as a justice of the peace on all processes from his court within his jurisdiction. The

Salary and fees.

annual salary of each commissioner shall not exceed ten dollars. The constable of the town shall have the same fees on all processes issuing from the mayor's court as are allowed to sheriffs on similar processes, and his annual salary shall not exceed two hundred dollars. The tax collector shall have the same commissions on all taxes collected by him as are allowed to sheriffs for collecting taxes.

Constable.

SEC. 14. The mayor and commissioners may at any time elect a town constable, whose duty it shall be to serve all processes issuing from the mayor's court, to enforce the observance of all by-laws, rules, regulations, orders or ordinances, and shall enter into bond in the sum of two hundred dollars, with two or more sufficient securities who shall justify as by law is required of sureties to guardian bonds, conditioned for the faithful performance of the duties pertaining to his office, any breach of which will subject him to removal at the election of the mayor and commissioners, and further subject him and his sureties to the like penalties, and proceedings on his bond as is given under the tenth section of this act against the tax collector; he shall in no case collect the taxes of said town unless he gives a bond in addition to his constable bond, as is required of the tax collector under section tenth of this act, and shall then be subject on said bond in the same manner and to the same extent as the collector under said section.

Receipts and disbursements.

SEC. 15. It shall be the duty of the mayor and commissioners to publish in a newspaper, if any, and to post up at the court house door for public inspection, quarterly, a list of the receipts and disbursements of all taxes collected by them during the last quarter, and any violation of this section shall subject them severally to a penalty of fifty dollars, to be recovered by warrant issuing from any justice of the peace of the county of Lenoir.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXI.

## AN ACT TO INCORPORATE "THE RAILWAY OPERATIVES MUTUAL INSURANCE COMPANY."

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be established in the city of Wilmington, a mutual life insurance company to be called "The Railway Operatives Mutual Insurance Company," which shall be a body corporate and politic, of which E. D. Browning, John E. Leggett, J. M. Howell, Edward Everett, S. L. Meredith, Robert R. Bridges, Jr., and D. L. Fillyaw, and such persons as they shall associate with themselves as trustees, under this act, not less than seven in number, shall be the first trustees. Body politic.

SEC. 2. That the said company shall have power to make and effect insurance on lives in such manner as the said company may provide by its by-laws. Powers.

SEC. 3. That all the corporate powers of said company shall be exercised by a board of seven trustees and such officers and agents as said trustees may appoint from time to time. It shall be the duty of the said trustees to choose a president and vice president to act for one year from the date of the organization of the company, from among their number. Officers.

SEC. 4. That the president and vice president shall hold their offices for the term of one year, and until their successors are elected; all other officers and agents during the pleasure of the trustees. Term of office.

SEC. 5. It shall be the duty of the trustees named in the first section of this act, or a majority of them, to receive applications for insurance, and whenever application for insurance upon five hundred lives shall be received the company shall be organized. Organization.

SEC. 6. There shall be an annual meeting of the policy holders of said company for the election of seven trustees, Annual meetings.

of which meeting notice shall be given for at least two weeks in some newspaper published in the city of Wilmington, and at said meeting each policy holder shall be entitled to one vote: *Provided*, That no policy holder who may be in arrears to the company shall be allowed to vote.

SEC. 7. That the said company shall have power to take and hold real estate to the extent of twenty thousand dollars.

By laws.

SEC. 8. That said company shall have all the powers conferred by the general law concerning corporations, and may make all such by-laws as it may deem proper, not inconsistent with the constitution and laws of this State.

Loans.

SEC. 9. That this company may loan such surplus moneys as it may at any time have on hand on bond and mortgage or pledge of personal property.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXIII.

### AN ACT TO INCORPORATE THE SAMPSON COUNTY AGRICULTURAL SOCIETY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dr. C. T. Murphy, W. R. Pigford, A. N. Mathias, John R. Beaman, Henry Lee, and their associates and successors in office are hereby incorporated and made a body politic under the name and style of the "Sampson County Agricultural Society," and by that name shall sue and be sued, purchase and hold real and personal property, and have all the powers, rights and authority incident to such bodies corporate.

Officers.

SEC. 2. The society shall annually elect a president, vice-president, recording secretary, corresponding secretary and

five directors, which directors shall have power to elect one chief marshal, who shall be invested with all the powers of a police officer, and whose duty it shall be to arrest any person violating any of the rules or regulations of said society.

SEC. 3. The Sampson County Agricultural Society shall have full power and control over the adjacent grounds outside of its inclosure for the distance of three hundred yards; any person attempting to make any exhibition or to play at any game of chance in any manner, to cheat or defraud within said distance after having been forbidden so to do by the marshal or other officer in charge, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, or imprisoned not less than one month. Powers.

SEC. 4. That it shall not be lawful for any person or persons to sell any spirituous liquors or to erect any place of amusement for profit within the said distance of three hundred yards from the enclosure of said society grounds (except by consent of the society); any person or persons violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars and imprisoned not less than one month. Liquors.

SEC. 5. That all agricultural products, mechanical work or property of any and every kind, designed for exhibition at any fair of the Sampson County Agricultural Society, while going to, while running 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 article or property: *And provided further*, That such articles shall not be sold during such fair with intent to defraud creditors. Exempt from levy.

SEC. 6. That said society shall be exempt from taxation by the State or county, the proceeds of the same being applied to the purpose of paying premiums and expenses of said society. Exempt from taxation.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXIV.

AN ACT TO INCORPORATE THE FIFTH WARD INDEPENDENT BUCKET COMPANY, NUMBER ONE, OF WILMINGTON, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That T. M. James, E. S. Griffith, B. Swann, L. H. Mann, J. G. Dardin and C. H. Newberry, of the city of Wilmington, and such other persons as now or may hereafter be associated with them for the object intended, and their successors duly elected in conformity with the by-laws of the company, are hereby created and shall be for the term of ninety years a body politic and corporate by the name and style of "The Fifth Ward Independent Bucket Company, Number One, of Wilmington, North Carolina."

Real estate.

SEC. 2. That for the purpose of united and systematic action in the extinguishment of fires in the city of Wilmington, said corporation shall have power to acquire by devise or purchase such real estate in said city as may be deemed necessary or convenient for the care and custody of such apparatus, equipments and vehicles of any kind whatsoever which may be considered useful or desirable for carrying into effect the purposes of their organization.

SEC. 3. That said organization shall have all the rights, powers and privileges incident and belonging to corporations as set forth in the second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina entitled "Corporations."

SEC. 4. The members of said corporation who shall be in

actual service and performing duty as members shall during the continuance of such service be exempt from jury duty.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXV.

### AN ACT TO INCORPORATE THE GRANGE BANK OF CUMBERLAND COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body politic  
*enact*, That John Elliott, Neill S. Stewart, W. B. Turles, James P. Hodges, Hugh McLean, R. R. Roberson, H. N. Bizzell, Cyrus Murphy, Jonathan Evans, J. A. Worth, Jas. A. Gainey, Theophilus Evans, Gleaver Avent, R. McRea, J. W. Purdie, J. R. Bradley, C. T. Davis, A. Munn, W. C. Dunham, W. McNatt, E. T. Usher, H. H. Bolton, C. P. McGuyan, A. Malloy, D. Chromartie, H. R. Horne, J. B. Underwood, Neill McQueen, (Rockfish,) their associates and successors in office, are hereby created a body corporate to be known as "The Grange Bank of Cape Fear," to be located at Fayetteville, with a capital stock not exceeding five hundred thousand dollars, in shares of twenty-five dollars, and as such shall have all the rights and privileges of a corporation, and shall continue for thirty years with capacity to possess and hold real and personal property, with all banking privileges granted to any banking institution by this Legislature. Said bank shall be organized whenever twenty thousand dollars of the capital stock shall be subscribed and twenty-five per cent. thereof paid in.

SEC. 2. That the commissioners, or any five of them, may meet and appoint a chairman, who shall appoint three suitable persons in each grange in the county of Cumberland, Books of subscription.

and such other granges as the commissioners may direct, to open books for subscription to the capital stock of said bank, and so soon as the sum of twenty thousand dollars shall be subscribed, the said chairman shall call a meeting of the stockholders by giving public notice for twenty days in some newspaper in the city of Fayetteville, at which meeting the stockholders shall elect nine directors, who shall be grangers or stockholders, to hold office for one year, or until successors shall be elected: *Provided*, No stockholder shall vote at said meeting who has not paid twenty-five per cent. upon his stock.

Officers.

SEC. 3. That said directors shall elect a president, (who shall be *ex officio* a director,) cashier and such other officers as they think necessary, fix the salary and duties of said officers and remove them at pleasure; may adopt a common seal, and make such by-laws for their government as they may think right, subject to be modified or changed by the stockholders.

Instalments.

SEC. 4. That the subscription to said bank shall be in shares of twenty-five dollars and shall be paid in instalments as may be directed by the president and directors, and should any stockholder fail to pay his instalments in twenty days after notice, then the bank may, after ten days' notice, before a justice of the peace, if the sum claimed be less than two hundred dollars, and after twenty days' notice before the clerk of the Superior Court for Cumberland county, if the sum exceed that amount, take judgment for the amount of stock then due, and collect the same by execution; and the said bank shall have a lien upon the amount of stock paid in for all dues or obligations of the stockholders, which may have accrued before the transfer of said stock upon the company's books prior to all their liens, and no transfer of said stock shall be effectual to pass the same until it be approved by the directors.

Granger's stock.

SEC. 5. That any granger, instead of subscribing in money to said bank, may subscribe the proceeds arising from the sale of produce raised upon one or more acres of land an-

nually to be deposited in said bank to the credit of the producer, or such persons as he shall direct, at such interest as shall be agreed upon, subject to the general laws of this State, until such sum or sums shall amount to twenty-five dollars, when the said depositor may, at his option, permit the said amount to remain on interest, or may have a certificate of stock for the same issued to himself or to such persons as he shall direct, who shall immediately become a stockholder in said bank, with all the rights and privileges thereof, and any depositor in said bank may, whenever his deposits amount to twenty-five dollars, in like manner have a certificate of stock, if assented to by the directors.

SEC. 6. That said bank may receive and pay out the law-<sup>Powers.</sup>ful currency of the country, deal in bullion, gold and silver coin, exchange, uncurrent paper, public and other securities, may purchase and hold real and personal estate for the transaction of business or securing debts to said bank, and may sell and convey or exchange the same; may discount notes and other evidences of debt, upon such terms as may be agreed upon, subject to the general laws of the State, may receive and pay out deposits upon the same.

SEC. 7. That to aid grangers, farmers, planters, manufacturers and others, the said bank shall have the right to advance money in any sums to any such person or persons or corporations, subject to the general laws of the State, upon such terms as shall be agreed upon, and may secure the enjoyment thereof, with all interest and commissions arising upon it, by taking a lien upon any crop, grown or growing, or yet to be planted, upon any mining, manufacturing interest present or prospective, any articles made or to be made or manufactured, or upon any personal or real estate whatever, and such lien shall be good in law: *Provided*, It be registered, if on real estate, as a mortgage, and if on chattels, then as chattel mortgage. The said bank may receive in storage or in warehouse, cotton, wheat, corn or other produce, or any personal property whatever, and thereby shall acquire a lien for the amount of any obligation

or debt then due or to become due, and it may insert in any such mortgage or stipulate in any such agreement for a power of sale in default of re-payment.

SEC. 8. That each stockholder holding one share shall have the right to one vote in a stockholders' meeting, and those holding a larger number of shares shall be entitled to such number of votes as may be fixed by the by-laws.

Annual meeting.

SEC. 9. That there shall be an annual meeting of the stockholders at such times and places as they shall direct, at which time the directors shall be elected; the president and directors or any number of stockholders holding one-tenth of the capital stock may at any time call a meeting of the stockholders by giving twenty days public notice in the newspapers of the city of Fayetteville. And at any such stockholders meeting business may be transacted whenever a majority of the stock is represented in person or by proxy.

Dividends, &c.

SEC. 10. The president and directors shall, whenever the condition of the bank will in their opinion warrant it, declare a semi-annual dividend upon the stock thereof, and shall have power and authority to govern the affairs of the bank, and make rules therefor; the terms upon which loans and discounts may be made, and exercise all authority herein given, subject to the control of the stockholders, and any three of said directors shall constitute a quorum to transact business.

Auditors.

SEC. 11. That the president shall appoint two of said directors each year who shall examine the condition of the bank and make a report semi-annually, which report shall be published, signed by said committee and the cashier of the bank, and the books of said bank shall be opened at all times for the inspection of stockholders and the Treasurer of the State; said bank may establish branches or agencies at such points as the directors may indicate.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXVI.

AN ACT TO INCORPORATE THE NORTH CAROLINA PRINTING  
AND PUBLISHING COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That for the purpose of engaging in and carrying  
on at the city of Raleigh, North Carolina, or at any other  
place or places within the State, the business of publishing  
a religious, literary, agricultural, news or other paper or  
papers, books, magazines, pamphlets and doing all kinds of  
work appertaining to printing, Robert M. Douglas, Charles  
S. Winstead, Joseph M. Ruse, J. E. West and D. H. Star-  
buck, their associates, successors and assigns are constituted  
a company, and are hereby incorporated under the name  
and style of "The North Carolina Printing and Publishing  
Company," with a capital stock of twenty thousand dollars,  
with the privilege of increasing the same to seventy-five  
thousand dollars. The said company shall have a corporate  
existence for ninety-nine years, and by its name may sue  
and be sued, plead and be impleaded, and may have a com-  
mon seal. It shall be capable of purchasing, holding, loan-  
ing and conveying estate, real and personal and mixed, so  
far as may be necessary for the purpose herein contemplated,  
and the said company may enjoy all the rights, privileges  
and immunities which other corporate bodies of a similar  
character may lawfully exercise; and may make all neces-  
sary by-laws and regulations for its government, not incon-  
sistent with the constitution and laws of North Carolina  
and of the United States.

SEC. 2. That the capital stock of said company shall be Capital stock.  
created by subscription on the part of individuals or corpo-  
rations in shares of the value of twenty dollars.

SEC. 3. That when the sum of twenty thousand dollars Organization.  
shall have been subscribed, and fifty per cent. thereof paid  
in, the subscribers shall assemble at such time and place as

may be agreed upon for the purpose of completing the organization of said company, and the said subscribers shall be and are hereby declared incorporated into a company by said name and style of "The North Carolina Printing and Publishing Company."

Annual meetings.

SEC. 4. That said company may hold an annual meeting of the stockholders, and oftener if necessary, and at its organization and the annual meetings subsequent thereto, six directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected, and any of said meetings shall have power to make or alter the by-laws of the company: *Provided*, That in all such meetings a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number president of said company and to fill all vacancies in the board. The said company may have such officers and agents as may be provided for in the by-laws.

SEC. 5. That said company shall have the same power to enforce payment of stock subscribed as has been heretofore granted to other corporations within this State.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXVII.

AN ACT TO INCORPORATE THE TOWN OF PENNY HILL, IN THE COUNTY OF PITT.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Penny Hill, in the county of Pitt,

be and the same is hereby incorporated by the name and style of the town of Penny Hill, and shall be subject to the provisions contained in the one hundred and eleventh chapter of the Revised Code, and the one hundred and eleventh chapter of Battle's Revisal, not inconsistent with the constitution and laws of this State or the United States; also, subject to the provisions of the general law in relation to incorporation.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning on bank of Tar river and running north sixty degrees, east forty-seven poles; thence north thirty-one, west eighty poles; thence south sixty, west thirty-three poles to the river; thence down the river to the beginning, containing twenty-seven acres. Limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a constable. It shall be the duty of the sheriff of the county of Pitt, after ten days notice of the same by advertising at three or more public places in said corporation, to open the poles on the first Monday of May, Anno Domini one thousand eight hundred and seventy-five, for the election of mayor, three commissioners and a constable under the same restriction that county and State elections are held. Officers.

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. That it shall be the duty of the commissioners elect to meet together and organize, take and subscribe to the oath of public officers.

SEC. 6. That 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 or the United States. By-laws.

SEC. 7. That the commissioners shall have power to levy a tax not to exceed fifty cents on the poll and not to exceed twenty-five cents on one hundred dollars valuation of property. Taxes.

SEC. 8. That 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 shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them.

SEC. 9. That it shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and sidewalks, and for such other purposes as may be for the interest of said corporation, and exempt persons inside the corporation from working on the public roads.

Secretary and treasurer.

SEC. 10. That 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 which must be approved by the commissioners, 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, to be approved by the commissioners.

Election.

SEC. 11. That it shall be the duty of said commissioners to provide for an election on the first Monday in May, Anno Domini (1876) one thousand eight hundred and seventy-six, and annually thereafter according to the laws of the State, and the officers elect shall serve until their successors are elected and qualified, and the officers elected at the election provided for in section three of this act, shall hold until their successors are elected and qualified.

SEC. 12. That so much of all laws and clauses of laws as are inconsistent with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXVIII.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF PUBLIC GRADED SCHOOLS IN THE CITY OF CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina do enact,* The board of aldermen of the city of Charlotte shall have authority, on the requisition of at least ten voters of each ward in the city, after thirty days' notice by advertisement in at least two newspapers published in the city, hold an election by ballot to ascertain the sense of the qualified voters of the city on the question of establishing and maintaining by taxation in the city, public graded schools, and the maximum rate of taxation for such purpose, the said board being hereby vested with full powers as to the time and manner of holding said election, the registration of voters, the appointment of registrars and inspectors and all other things necessary to effectuate the aforesaid object: *Provided,* They may, in their discretion, adopt the last preceding registration, if made in accordance with this act: *And provided further,* That no person shall be deemed qualified as a voter unless he shall have resided within the ward in which he offers to vote at least ninety days.

Election.

Proviso.

SEC. 2. The board of aldermen shall designate the maximum rate of taxation proposed to be imposed, which shall never exceed twenty-five cents on the one hundred dollars value of property and seventy-five cents on the poll, and on other subjects of taxation in the same proportion as the rate on property. If the vote shall be in favor of the scheme proposed, said board shall have power to levy such tax as they may think proper within the limit aforesaid, and the tax so levied shall be collected as other city taxes, and shall not be diminished for two years, after which the board may change the rate of taxation within said limit.

Rate of taxation

SEC. 3. At the time designated for the aforesaid election there shall be elected by ballot two school commissioners from

School commissioners.

each ward, who shall, if the majority of those voting on the aforesaid scheme shall be in favor thereof, be charged with carrying the same into effect. They shall hold office for two years, and until their successors shall be elected and qualified: *Provided*, That the board of aldermen may, if necessary, extend the term of those first elected beyond two years, so that the election of their successors, if said board deem it expedient, may be had on the day of the regular election of aldermen.

Proviso.

SEC. 4. Said eight commissioners shall constitute a board, a majority of whom shall be a quorum at all meetings duly called. The mayor of the city shall be *ex officio* chairman, entitled to vote only in case of a tie. Vacancies in the board shall be filled by

Sites.

SEC. 5. Said board of school commissioners shall have power and authority to purchase sites and build school houses in the city, open and regulate schools therein, appoint examiners, employ teachers and fix their salaries, prescribe courses of study, and, in general do whatever may be necessary to establish and continue within said city a good system of graded public schools, to be kept open at least nine months in the year, without charge for the education of the children of the city, within the ages of six and twenty-one.

Body politic.

SEC. 6. The said board shall be a body politic and corporate under the name of "The School Commissioners of the City of Charlotte," with all the rights and powers of the school committees of the respective townships in addition to the powers in this act granted.

Treasurer.

SEC. 7. The said board shall appoint a treasurer and prescribe his duties and compensation. He shall give bond for the faithful performance of his duties in such sum as they may prescribe, not less than double the amount which may probably be in his hands at any one time, and with sufficient security, to be approved by them.

SEC. 8. It shall be the duty of the board of aldermen to provide for the payment to said treasurer of all moneys col-

lected under this act; and it shall be the duty of the county treasurer to pay to said treasurer, to be used in carrying out the objects of this act, all school moneys in his hands from time to time to which the city of Charlotte shall fairly be entitled.

SEC. 9. The board of school commissioners shall have Powers. power in their discretion to receive into the public schools of the city children of the township in which Charlotte is situated, and also children not between the ages hereinbefore mentioned, on such terms as they may think reasonable.

SEC. 10. The said board shall make reports annually, and Reports. as often as they may be requested, to the board of aldermen of the city and to the Superintendent of Public Instruction, in the manner and to the extent that the county treasurer and the secretaries of the boards of education of the counties are bound by law to report to the Superintendent of Public Instruction under the same pains and penalties for failing so to do as said officers are liable to for like failure.

SEC. 11. It shall be the duty of the mayor after he has By-laws. ascertained the result of said election, if the same is in favor of the scheme proposed, to call a meeting of said commissioners within ten days after said election, whereupon at said meeting or at any subsequent meeting, the said board shall have power to make such by-laws for their government, and such rules and regulations towards the carrying into effect the object of this act as they may deem best, not inconsistent with the laws of the land.

SEC. 12. This act shall take effect from its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXXXIX.

### AN ACT TO INCORPORATE THE WILBERFORCE SCHOOL.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact,* That the Right Reverend Thomas Atkinson, D. D.,

the Right Reverend Theodore B. Lyman, D. D., the Reverend Benjamin S. Bronson, Reverend Neilson Fall, and Messrs. William R. Myers, Thomas G. Walton, Joseph J. Erwin, Kemp P. Battle and Samuel McD. Tate, and their successors, are created a body corporate under the name and style of "The Trustees of the Wilberforce School," to have perpetual succession and a common seal, with power to hold real and personal estate for the purpose of the corporation, and with all other powers conferred by the twenty-sixth chapter of Battle's Revisal on like corporations, in addition to those conferred by this act.

By-laws.

SEC. 2. The said trustees shall have power to adopt such rules, regulations and by laws as they deem proper respecting the time and place of their annual and other meetings; the number necessary to constitute a quorum; the appointment of an executive committee, and their powers; the appointment and salaries of teachers, and their terms of service, and all other things necessary to and for an institution of learning, not inconsistent with the law of the land.

Degrees.

SEC. 3. The trustees or a quorum thereof, may confer such degrees as are conferred in other colleges and seminaries, and grant such other marks of merit and distinction as are common to institutions of like kind, as well as such or said trustees may think advisable for the encouragement of learning. They may likewise sell scholarship on such terms as they may deem proper.

SEC. 4. The trustees (or a quorum of them) shall have power to elect a location for said school, and to select their successors, and fill vacancies in their number. They may likewise increase the number of trustees from time to time as may be deemed best for the interests of the institution.

SEC. 5. This act shall take effect from its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXL.

AN ACT TO AMEND SECTION ONE, CHAPTER FIFTY-TWO, AND SECTION ONE, CHAPTER FIFTY-NINE, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of section one of chapter fifty-two, and section one of chapter fifty-nine, of the acts of the General Assembly of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, authorizing the commissioners of the towns of Winston and Salem, in the county of Forsythe, to levy taxes upon money on hand or on deposit, solvent credits, bonds or stocks, be and the same is hereby repealed.

Law of 1873-'74 repealed.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLI.

AN ACT TO AMEND THE CHARTER OF ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK.

SECTION 1. *The General Assembly of North Carolina do enact*, That section six of the charter of the town of Elizabeth City, in the county of Pasquotank, be amended by striking out the words "two hundred," and inserting in lieu thereof the word "fifty."

Charter amended.

SEC. 2. That to section seven of said charter the following be added: "They shall receive for their services from the town treasurer twelve dollars each.

SEC. 3. *Be it further enacted*, That after the words "repair," in section fourteen of said charter, the following be added: "In case the revenue received from the taxes levied as provided in section thirteen, after paying the regular current expenses of the town government, is not sufficient to meet these additional expenses, and build such bridges as may be necessary, the mayor and commissioners shall be authorized and empowered to levy special taxes for the same, in no case to exceed twenty-five cents on the hundred dollars valuation."

SEC. 4. *Be it further enacted, &c.* This act shall be in force from and after the seventh day of June, one thousand eight hundred and seventy-five.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLII.

AN ACT TO AMEND CHAPTER SIXTY-NINE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Law of 1872-'73.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter sixty-nine, private laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be and the same are hereby amended by striking out the whole of section five of said chapter, and that sections four and six be amended by inserting the word "mayor" before the word "commissioners," in those sections.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLIII.

AN ACT TO DEFINE THE JURISDICTION OF THE MAYOR OF  
NEWBERN.

SECTION 1. *The General Assembly of North Carolina do* Special court.  
*enact*, That the mayor of the city of Newbern shall be a  
special court for the trial of misdemeanors, and shall have  
the same jurisdiction within the corporate limits of said city  
to try, hear and determine and punish misdemeanors com-  
mitted therein, that a justice of the peace now has by law,  
and be a special court for this purpose.

SEC. 2. He shall also have the same power that justices of  
the peace now have to arrest and hold to bail, persons  
charged with crimes and misdemeanors.

SEC. 3. The mayor shall have the same fees as are now  
allowed by law to justices of the peace.

SEC. 4. This act shall take effect from and after its rati-  
fication.

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLIV.

AN ACT TO INCORPORATE PERSEVERANCE COUNCIL, NUMBER  
SEVENTY-FOUR, FRIENDS OF TEMPERANCE, OF FAYETTEVILLE,  
NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That W. W. Cole, A. R. Carver, J. E. Garrett, W. H.  
Holland, W. S. Cook, A. A. McKeathan, Jr., and others,  
their associates, successors and assigns, are hereby consti-  
tuted a body politic and corporate by the name and style of  
Perseverance Council, Number Seventy-four, Friends of  
Temperance, of the town of Fayetteville, North Carolina,

and by that name they shall have perpetual succession, sue and be sued, plead and be impleaded, exercise and enjoy all the rights that are usually enjoyed by corporate bodies of like nature.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLV.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES IN CHATHAM COUNTY.

Unlawful to sell.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to sell any intoxicating liquors within two miles of Mount Gilead, Baptist, Elams' Chapel, Christian, Gum Spring, Baptist, or Mount Pisgah, Baptist Churches, in Chatham county: *Provided*, This act shall have no force or effect in either locality until submitted to the qualified voters embraced within the prescribed territory, at an election to be held on the first Monday in May next, and on the first Monday in May in each year thereafter, upon the petition of twenty-five freeholders, and ratified by a majority thereof.

Election.

SEC. 2. That it shall be the duty of the county commissioners to hold said election after having given thirty days' notice by advertisement at three or more public places in each of said localities, under the present provisions of law regulating elections in this State.

SEC. 3. That if a majority of the votes cast favor prohibition, this act shall be in full force and effect; if a majority be against prohibition, it shall be of no force or effect.

Violation.

SEC. 4. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and

upon conviction thereof before any justice of the peace, shall be fined not more than twenty-five dollars, or imprisoned not more than ten days.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLVI.

AN ACT TO INCORPORATE WILKESBORO HIGH SCHOOL, IN THE COUNTY OF WILKES.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That Dr. R. F. Hackett, Jno. T. Finley, R. A. Spainhour, W. W. Bannay, T. J. Dula, J. S. Cranor and A. L. Rosessau, and their successors, be and the same are hereby incorporated a body politic under the name and style of "Wilkesboro High School," near Wilkesboro, in the county of Wilkes, and as such may have all the corporate powers of trustees of like institutions. The trustees may plead and be impleaded, may sue and be sued, and may purchase and hold real and personal estate.

SEC. 2. That said trustees shall be entitled to all the rights, Rights.  
 privileges and immunities conferred on corporations by chapter (26) twenty-six of Battle's Revisal, entitled "Corporations."

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLVII.

AN ACT TO EXTEND AND DEFINE THE CORPORATE LIMITS OF THE  
TOWN OF MORGANTON.

Limits.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Morganton shall be extended so as to be bounded as follows, to-wit: Beginning at the Rutherford road bridge crossing the railroad, then with the railroad track to Spa spring, then down the branch from the spring to its junction with Hunting creek, then down the creek to the line of the McEntyre track, then north to Jesse Tate's east corner, then a direct line to the Sandy Flat, in the Rocky Ford road, beyond the head of the lane leading from town, then a direct line to the Cascade, then to the corner of the George Erwin, Grumler and Scott tracts, in the Flimming's Ford road, then to the one-mile post on the McDowell's Ford road, then to E. S. Walton's, on Asheville road, then to the beginning.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLVIII.

AN ACT TO INCORPORATE THE DRY POND AND NEW TOWN BUCKET  
COMPANY, OF THE CITY OF WILMINGTON, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That James R. Cutler, Anthony Howe, Jr., Josh Moore, Fred Hall, Emual Jones, Washington Greene, Jas. Dry, James Jones, Charles A. Forman, Henry Greene, Elonzo Simmons, William Cuttan, and such other person or persons as may hereafter associate with them, they, their

successors or assigns be and the same are hereby created a body corporate and politic under the name and style of "The Dry Pond and New Town Bucket Company," of the city of Wilmington, for the purpose of engaging in the putting out of fires in time of need in the city of Wilmington, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have the right to hold real estate.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CXLIX.

### AN ACT TO INCORPORATE THE AMERICAN TYPE-SETTING MACHINE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph B. Batchelor, Fenton G. Foster, John Gatling, Richard F. Yarborough, Walter Clark, Fabius H. Busbee, Alexander B. Andrews, George W. Blacknall, Madison C. Hodge and William P. Batchelor, and their associates, assigns and successors, be and they are hereby created a body politic and corporate under the name and style of "The American Type-Setting Machine Company," and under that name shall have perpetual succession and a common seal, shall sue and be sued in all the courts of this State; shall have power to take, hold, purchase, sell and dispose of in any way, real and personal property; to make and alter by-laws for governing and conducting the affairs of the company hereby created not inconsistent with this charter or the general laws of the State, and shall generally have and enjoy all such rights, powers and authority as corporations are allowed to use and enjoy under the laws of this State.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into shares of one hundred dollars each ; shall be deemed personal property, and shall be transferable only on the books of the company, and as may be prescribed by the by-laws thereof; and each share of stock shall be entitled to one vote in all meetings of the stockholders.

Rights.

SEC. 3. The said company shall have power and authority to construct, use, sell, lease or otherwise dispose of machines for the setting of type for printing ; to cast or mould such type to carry on the business of printing or publishing in all its forms ; to purchase, lease, convey, hold and assign all and every species of property, real or personal, and to construct buildings and machinery on real property owned by it ; to borrow money, issue and dispose of its promissory notes or bonds for money borrowed, and to secure the payment of such notes or bonds by mortgage on any part of its property or franchise from time to time; to declare dividends of its profits, and to invest such part thereof as it may think proper in bonds or notes of individuals, in bonds of the United States or of any State, or in bonds and stock of any incorporated company, and to sell and dispose of the same at its will and pleasure.

Who may take stock.

SEC. 4. Any city, town, railroad company, bank or other corporate body may subscribe to the capital stock of this company.

Annual meetings.

SEC. 5. An annual meeting of the stockholders of the company shall be held at such time and place as may be prescribed by the by-laws.

By-laws.

SEC. 6. The stockholders in general meeting shall make such by-laws, rules and regulations, not inconsistent with the laws of this State and of the United States, as they may deem proper for the management of the affairs and business of the company and the government of its officers, agents and employees.

Officers.

SEC. 7. The stockholders at each regular annual meeting shall elect a president and not less than two nor more than ten directors, each of whom shall be a stockholder of said

company, who shall constitute the board of directors of the company, and shall continue in office one year, and until their successors are elected.

SEC. 8. The board of directors shall have power and authority, subject to the by laws, rules and regulations which may be made by the stockholders in general meeting to control and manage all the affairs and business of the company; to appoint all officers, agents and employees thereof, when not otherwise provided for by the charter or by-laws; to prescribe their duties and fix their compensation, and also to fix the compensation of the president. A majority of the board shall constitute a quorum for the transaction of business. The president, when present, shall preside at all their meetings; in case of his absence, the board shall elect one of their number president *pro tem*. If a vacancy shall occur in the office of president or director, it shall be filled by the appointment of the board until the next election. The three persons first named in the first section of this act shall constitute the board of directors until a board is elected by the stockholders. They shall elect one of their number president, and provide for receiving subscriptions to the capital stock of the company, and shall fix the amount thereof, which may be increased from time to time as the stockholders may direct: *Provided, however,* That it shall not exceed two millions five hundred thousand dollars, and shall call a general meeting of the stockholders at such time and place as they may think proper.

SEC. 9. That if the president, treasurer or any other officer or agent of the company shall embezzle any money with which such president or treasurer, or officer, or other agent, shall be charged by virtue of his said office or agency, or shall in any way dispose of for his own use or benefit, or for the use or benefit of himself or any other person or corporation, any of the property or funds belonging to this corporation, or shall use any certificate or receipt for any property of any kind, when the same shall not have been

received or actually deposited in the custody of said company, or in any way defraud said company by false entries in the books of the company or otherwise, such president or treasurer or other officer or agent so offending shall, for any such offence, be deemed guilty of a felony, and, on conviction, shall be imprisoned at hard labor in the penitentiary not less than three, nor more than ten years, and fined not less than one thousand, and not more than ten thousand.

SEC. 10. That if any person or persons shall join, combine, collude, or conspire with the president, treasurer, or other officer or agent of the company, or any one or more of them to commit any offence specified in the foregoing section of this act, any person so offending shall also be deemed guilty of a felony, and upon conviction shall be imprisoned at hard labor in the penitentiary not less than three years nor more than ten years, and to be fined not less than one thousand nor more than ten thousand dollars.

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

Ratified the 22d day of March, A. D. 1875.

## CHAPTER CL.

AN ACT TO INCORPORATE ORION LODGE, NUMBER SIXTY-SEVEN,  
INDEPENDENT ORDER OF ODD FELLOWS, WILMINGTON, NORTH  
CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That G. M. Altaffer, W. M. Yopp, J. S. Dudley and the noble grand and other officers and members of Orion Lodge, number sixty-seven, (I. O. O. F.) Independent Order of Odd Fellows, located in the city of Wilmington, North Carolina, be and hereby are incorporated into a body politic and corporate under the name and title of the Orion Lodge,

Body politic.

(No. 67) number seventy-six, Independent Order of Odd Fellows, 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 justices of the peace, contract and contracted with, acquire, hold and dispose of real or personal property for the benefit of said lodge, and the widows and orphans of its members, may have all such other rights and privileges as are incident to such corporations.

SEC. 2. 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 or the United States, or of the supreme jurisdiction of the order of which the said lodge is a subordinate.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLI.

### AN ACT CONCERNING THE SALE OF ARDENT SPIRITS ON THE ISLAND OF OCRACOKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That on the first day of October, one thousand eight hundred and seventy-five, there shall be held on the island of Ocracoke, in the county of Hyde, an election by the voters of said island to determine the question whether ardent spirits shall be sold on said island.

SEC. 2. Said election shall be held by the sheriff of said county or his deputy. Those in favor of selling ardent spirits may vote "No Prohibition," those opposed may vote "Prohibition," on a piece of paper.

SEC. 3. If a majority of the votes of said island shall be

cast in favor of abolishing the traffic in ardent spirits, then it shall not be lawful for any one to sell any kind of spirituous liquors on said island, and whosoever may violate this law shall be fined not less than fifty dollars, nor more than one hundred dollars for every offence.

SEC. 4. This law to take effect three months after the aforesaid election.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLII.

### AN ACT TO INCORPORATE THE DAN RIVER NAVIGATION COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of improving Dan river so as to render it navigable for steamboats and other craft from the Virginia line near Danville, to Virginia line near Danbury, in the county of Stokes, the formation of a corporate company with a capital stock of fifty thousand dollars, is hereby authorized, with liberty to increase its stock to not over one million dollars, to be called "The Dan River Navigation Company," and when formed in compliance with the conditions hereinafter prescribed, said company shall have a corporate existence as a body politic for fifty years.

Commissioners.

SEC. 2. That for the purpose of creating the capital stock of said company, the following persons are hereby constituted and appointed a board of commissioners, to-wit: J. Turner Morehead, John M. Lindsay, Wm. T. Reynolds, John Guerrant, J. M. Heck, George L. Aiken, N. M. Pepper, J. G. H. Mitchell, Leonard Anderson, Sterling Adams, whose duty it shall be to open books for the subscription of stock at such times and places as a majority of them may designate, and the said board of commissioners shall appoint

a chairman of their body, a treasurer and all other necessary officers, and in the name of the board sue and recover all sums of money that ought, under this act, be received by them.

SEC. 3. That it shall be the duty of said commissioners to direct and authorize the keeping open of books for the subscription of said stock as above provided, until the amount of fifty thousand dollars shall have been subscribed to the capital stock of said company, and as soon as the said amount shall have been subscribed by solvent persons, the said company shall be regarded as formed.

Books of subscrip-  
tion.

SEC. 4. That whenever the sum of fifty thousand dollars shall have been subscribed as aforesaid, it shall be the duty of the commissioners heretofore appointed to appoint a time for the stockholders to meet at some place which they shall cause to be previously published twenty days in one or more newspapers, at which time and place said stockholders, in person or by proxy, shall proceed to elect not exceeding seven directors of the company, and to enact all such by-laws, rules and regulations as may be necessary for the government of the corporation and the transaction of its business; the persons so elected shall serve for one year, and at this meeting the stockholders shall fix on a place or places, when the subsequent election of directors shall be made.

Organization.

SEC. 5. That the president and directors of said company shall proceed to make improvements on the Dan river, so as to render said river navigable for steamboats and other crafts from the Virginia line, near Danville, to Virginia line near Danbury, in the county of Stokes.

SEC. 6. That the president and directors, their officers and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their works, and lay out the same according to their pleasure, so that the dwelling house, yards and other buildings of any person be not invaded without his consent; and they shall have power to enter upon and lay out such contiguous land as they may desire to occupy, as sites for de-

Right of way.

pots, warehouses, storehouses, tollhouses, and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules, and cattle, and protection of the property of the company: *Provided*, That the land so laid out for these latter purposes shall not exceed two acres in any one parcel.

SEC. 7. That if the president and directors can not agree with the owner or owners of the land so entered upon and laid out by them as to the terms of the purchase, it shall be lawful for them to apply to the Superior Court of the county wherein a part of said land is situated; and the said court shall appoint five discreet freeholders to assess the damages to the owners from the condemnation of the land as aforesaid; that no such appointment however shall be made unless it appear to the court that ten days' previous notice of the application shall have been given to the owner of the land, or to the guardian, if the owner be an infant, or the committee, if the owner be a lunatic or *non compos mentis*, if such owner, guardian or committee reside in the State, but if they or any of them shall reside out of the State, then publication of an intention to make such application shall be made for the space of one month in some one or more newspapers within the State; a day for the meeting of said freeholders to perform the duty assigned to them shall be designated in the order of appointing them, any one or more of them attending on that day may adjourn from time to time until their business shall be finished, and of the five freeholders, any three or more of them may act, after having been duly sworn or solemnly affirmed before some justice of the peace that they will impartially and justly ascertain the damages which may be sustained by the proprietors of the land from the condemnation thereof, and that they will truly certify their proceedings thereupon to the court of the same county making the appointment.

SEC. 8. That it shall be the duty of said freeholders in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after surveying the

same and having such proper evidence as the parties may offer, they shall ascertain as nearly as may be the damages which the proprietor may sustain by the condemnation thereof, all the attending circumstances being considered ; and when they shall have agreed upon the amount of damages, they shall make an accurate report thereof to the court appointing them, which report shall also contain a description of the location and quantity of land so condemned, and append thereto a certificate of the magistrate before whom they were qualified of such due qualification. That when said report shall be returned, unless good cause be shown, the same shall be confirmed and spread upon the record ; but if the said report shall be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or for any cause they should fail to report within a reasonable time after their appointment, the court may supersede them and appoint others in their stead.

SEC. 9. That the said Superior Court may, upon the confirmation of the report of said freeholders, enter judgment and execution against said company for the amount of damages so assessed, and when said judgment shall be paid and discharged, the title of the land for which such damages are assessed shall be vested in the company in the same manner as if the proprietors had sold and conveyed it to them, and the said court shall then order the report of the freeholders to be registered in the county for which the court sits, and the same shall be had in evidence as in case of registered deeds for the conveyance of lands.

SEC. 10. That the said president and directors for the purpose of constructing their works necessary to the improvement of said river, or of repairing the same, shall be at liberty by themselves or agents, at any time, to enter upon any adjacent land, and to cut, quarry, take and carry away therefrom any wood, stone, gravel or earth, which they may deem necessary : *Provided, however,* They shall not, without the consent of the owner, cut down any fruit tree preserved in any lot or field for shade or ornament, nor take

Adjacent lands

Provided.

any timber, gravel or stone, constituting any part of any fence or buildings, and for all such wood, stone and gravel thus taken, the president and directors shall pay to the owner or owners thereof a reasonable compensation, to be by them agreed upon, and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders appointed by any justice of the peace of the county where the stone, &c., may be situated, on the application of the owner thereof, after previous notice of ten days to the other party, and in case the other party shall be dissatisfied with their determination, an appeal shall be allowed and sent up by said justice, to the Superior Court of said county, and there be tried and determined as other cases of appeals to said court.

Rights of navigation.

SEC. 11. That the president and directors of said company shall cause the works hereby required to be executed with diligence so soon as any portion of said river is in a condition to be used for transportation of persons or property by steamboats or other craft, the company shall have the exclusive right of navigation on said river with such boats, and shall be entitled to charge for their services in the transportation of persons and property at such rates as not to exceed twenty-five per cent. on their capital in any one year: *Provided*, That nothing herein shall interfere with the navigation of said river by other persons in mode other than by steam, nor with the unforfeited rights of any other company heretofore authorized.

SEC. 12. The said company shall have power to contract by lease or otherwise with any company, person or persons, claiming to have any right, interest, franchise in and along said river.

Void on certain grounds.

SEC. 13. *Be it further enacted*, That if the said company do not organize under this charter, and do not put in operation steamboats on the Dan river within the limits provided in this act in the space of two years after the passage of this act, this charter shall be void, and the right is hereby reserved to reduce and regulate the rates of freight and fare

whenever it shall be made to appear that the same are unreasonable or exorbitant.

SEC. 14. This act shall take effect from its ratification.

Ratified the 20th day of March, A. D. 1875.

## CHAPTER CLIII.

### AN ACT TO INCORPORATE THE SHAW UNIVERSITY.

WHEREAS, On the third day of May, one thousand eight hundred and seventy, Elijah Shaw, of the State of Massachusetts, and certain other charitable disposed persons, purchased of Daniel M. Barringer, late of North Carolina, a tract or parcel of land situate, lying and being in the city of Raleigh, and procured the same to be conveyed to the said Elijah Shaw, J. S. Backees, E. Eagles, E. E. L. Taylor, L. W. Boone, James B. Simons and Peter F. Pescud, as trustees, upon the trust that said trustees shall hold and apply the land so conveyed to them for the uses and purposes of an educational institution, and the proceeds of the rental sales thereof shall be perpetually devoted to educational purposes, and that no pupil or pupils should ever be excluded from the benefits arising therefrom, or from the benefits arising from the rental or sale thereof, on account of race, color or previous condition of servitude; and upon the further trusts that the said trustees should apply to the General Assembly of the State of North Carolina as early as it might conveniently be done, for a charter or act of incorporation creating and incorporating a literary institution to be called "The Shaw Collegiate Institute," and as soon as such charter or act of incorporation was obtained, should convey the said land to the said corporation to be held by it in all respects upon the same uses and trusts as those upon which the said trustees had heretofore held it, or which will

more fully and at large appear by the deed of conveyance from the said Barringer to the said trustees, bearing date the said third day of May, one thousand eight hundred and seventy, and registered in the register's office of Wake county, in book number thirty, at page one hundred and seventy-two ;

*And whereas*, The said trustees, except E. E. L. Taylor, who has since deceased, have ever since the execution of said conveyance, accepted the same and held the said land upon the trusts aforesaid ; and extensive buildings and improvements have been erected upon said land by the charitable contributions of other persons for advancing and promoting the interests of the educational institution provided for in said deed of trusts ; and the said trustees now surviving or a majority of them, have applied to this General Assembly to incorporate "The Shaw University," and to vest in said corporation the land and improvements and personal property and effects now held by the said surviving trustees for the uses and purposes of the educational institution aforesaid ; therefore,

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Elijah Shaw, John Burleigh and Joseph G. Shedd, all of the State of Massachusetts ; Jacob Esty, Levi K. Fuller and Mial Davis, all of the State of Vermont ; George M. Moore, O. B. Grant and Elihu Larkins, of the State of Connecticut ; Thomas H. Briggs, Richard Shepherd and Jack Yarborough, all of the State of North Carolina, and the treasurer, chairman of the executive board, and corresponding secretary, (and if there be two or more corresponding secretaries, the senior corresponding secretary, and if there be no corresponding secretary *de jure*, the acting corresponding secretary,) of "The American Baptist Home Mission Society," (a corporation created by the State of New York under an act passed April twelfth, Anno Domini one thousand eight hundred and forty-three, and amended February ninth, Anno Domini one thousand eight hundred and forty-nine,) for the time being *ex officio*, and their associates

and successors, he and they are hereby created and constituted a body politic and corporate by the name and style of "The Shaw University," for the purpose of founding, continuing, governing and in all respects managing, controlling one or more universities, colleges, academies or schools for persons of both sexes or either sex, without regard to their race, color or any previous condition of servitude, to be located in the city of Raleigh, in the State of North Carolina, on the land hereinbefore in the preamble of this act referred to.

SEC. 2. The said corporation by its corporate name and style aforesaid shall have perpetual succession of officers and members, and shall be capable and liable to sue and be sued, plead and be impleaded in any court in this State; to have and use a common seal, and the same to change at will; to take and hold by gift, grant, bequest, devise, purchase or otherwise, estate and property, real, personal and mixed, to an amount not exceeding five hundred thousand dollars in value in the whole, and not exceeding in land three hundred acres in extent, and to use and dispose of the same for the benefit of said corporation where the will of the donor does not prohibit it; and to make such by-laws, rules and regulations not repugnant to the constitution and laws of this State or of the United States, for the government and control of the corporation and the one or more universities, colleges, academies and schools aforesaid, as it may deem necessary and proper, and to do all other acts and have all other rights, privileges and powers usually done or used and exercised by corporations of like character with this. Powers.

SEC. 3. As soon as this charter shall have been accepted by the corporators hereinbefore specified, and the corporation hereby created shall have been organized in the manner hereinafter provided, the said corporation shall be and it hereby is absolutely vested with all the real estate specified in the beforementioned deed of the third of May, one thousand eight hundred and seventy, and with all the other estate and property, real, personal and mixed, and effects

and interests of what nature or kind soever now held and used by the surviving trustees named in said deed, for the benefit, use and purposes of the educational institution provided for in said deed, and if for any reason this act shall be ineffectual to convey and transfer the said estate, property and effects to the corporation hereby created, then the said corporation shall have power and authority to institute an action in the Superior Court of Wake county against the trustees named in said deed, or the survivors of them or their successors in office, to compel the conveyance and transfer of said estate, property and effects to said corporation by said trustees, and the survivors of them and their successors in office are hereby required to convey and transfer to said corporation the said estate, property and effects, and the said corporation is hereby authorized and empowered to take and receive from them and hold the said estate, property and effects for the use and benefit of "The Shaw University," upon the uses and trusts specified in said deed of the third of May, one thousand eight hundred and seventy, which said uses and trusts so specified in said deed shall forever be held and deemed the fundamental law of said corporation.

Government;

SEC. 4. The powers, privileges and authority granted by this charter, and the general government and the control of the Shaw University shall be held and exercised by fifteen trustees, of whom the treasurer, chairman of the executive board, and corresponding secretary, and if there be two or more corresponding secretaries, the senior corresponding secretary, (and if there be no corresponding secretary *de jure*, the acting corresponding secretary,) of the "American Baptist Home Mission Society" aforesaid, for the time being shall, *ex officio*, at all times be three, and the first board of trustees shall consist of the fifteen persons hereinbefore in the first section of this act specified. The said board of trustees shall have power to create an executive board, consisting of five of their number, which executive board shall have authority to transact all the ordinary

business of the corporation, except the purchase or conveyance of real estate, the investment of funds, the appointment or removal of officers and teachers, and fixing their salaries, but the said board of trustees are not required to create or appoint such executive board unless they see fit so to do in their sound discretion.

SEC. 5. The corporators mentioned in the first section of this act, who are officers of the American Baptist Home Mission Society aforesaid, or acting as such officers, shall call the first meeting of the corporation, and the board of trustees hereby appointed, at such time, within one year after the ratification of this act, and at such place within the United States as they think proper, by giving notice to the other trustees of the time, place and objects of such meeting, in writing, at least fifteen days before the same is held; and at said meeting the said trustees shall signify their acceptance or rejection of this charter, and if they accept the same, shall organize the corporation hereby created, and after such organization shall have power to transact all business, make rules and regulations, choose officers and prescribe their duties and terms of office, appoint times and places for holding annual and other meetings for the benefit of said corporation, create and appoint an executive board, as hereinbefore indicated, and use and exercise all the other rights, privileges and powers herein and hereby conferred upon the "Shaw University," and at that and all other regular meetings of the trustees, duly notified in a manner to be prescribed by the by-laws of said corporation, eight members shall constitute a quorum for the transaction of all business.

SEC. 6. The said corporation shall have power to perpetuate its existence, by the election of new members to fill vacancies caused by death, resignation or otherwise, or to succeed those whose term of office shall have expired; and that the above named twelve trustees, who are not such *ex officio*, as officers of "The American Baptist Home Mission Society," shall, at the first meeting hereinbefore provided

for be divided by lot into three classes, each class consisting of four persons; and the first class shall vacate their office at the end of one year from the time appointed, set and determined by the corporation, in the by-laws, rules and regulations which it shall adopt; the second class shall vacate their office in two years from the time thus appointed, set and determined, and the third class shall vacate their office in three years from the time thus appointed, set and determined; and their successors shall each and all hold their offices for the term of three years from the time of their election at any meeting regular warned and held for that purpose, according to the by-laws, rules and regulations which the said corporation may adopt.

Property.

SEC. 7. The said corporation shall hold, possess and use all such lands, rents, tenements, hereditaments, moneys, goods, chattels and effects of what kind, nature or quality soever, the same may be, to which it may at any time, or in any manner, become entitled, in special trust and confidence, for the purpose of founding, establishing or endowing, the one or more universities, colleges, academies or schools hereinbefore provided for at the site hereinbefore selected and appointed for the same in the city of Raleigh, to be conducted upon the scheme indicated by the aforesaid deed of the third of May, one thousand eight hundred and seventy, and all such lands, rents, tenements, hereditaments, moneys, goods, chattels and effects, so held and used by said corporation for the purposes, and upon the trusts aforesaid, and so long as they shall be so held and used, and no longer, shall be exempt from all taxes, rates and assessments for State, county or city purposes, or for any other purpose whatever: *Provided*, That the same shall not exceed the sum of two hundred thousand dollars.

Officers.

SEC. 8. The trustees of said corporation shall and may, as often as they see proper, according to rules by them to be prescribed, elect out of their number a president of the board of trustees, and a treasurer and secretary of said board; they shall have authority to appoint, either out of

their own number or otherwise, as they shall see fit, all such officers to continue in office for such time, and to be succeeded by others in such manner as the said trustees shall direct; and they shall also have power to appoint and remove a president, professors and teachers, or either or any of said officers, for any and all universities, colleges, academies or schools, existing, founded, continued or conducted, under and by virtue of this charter.

SEC. 9. The president, professors, teachers and scholars of any and all universities, colleges, academies or schools which exist or shall be created by virtue of this charter shall be at all times exempt from militia duty, (except in time of war or insurrection), and also from the duty of working upon the public roads.

Militia and road duty.

SEC. 10. The faculty of any college which may exist or be created by virtue of this charter, that is the president and professors of any such college, by and with the consent of the board of trustees of "The Shaw University," shall have power to confer all such degrees or marks of literary distinction as are usually conferred in colleges or universities in the United States.

Degrees.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLIV.

AN ACT TO BE ENTITLED AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN, PUBLIC LAWS, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact,* That chapter one hundred and thirty-seven of the

Chapter 137, laws of 1873-'74, amended

public laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by adding after the words "Mecklenburg county," in the twenty-second line, on page two hundred and nineteen, in the first section of the said chapter of the said laws, the words "or within one mile of Prospect Church and New Hope Church, in the county of Robeson."

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLV.

### AN ACT CONCERNING INSPECTOR OF LUMBER IN THE CITY OF WILMINGTON.

Inspectors of timber

SECTION 1. *The General Assembly of North Carolina do enact*, That any person upon application to the clerk of the Superior Court of New Hanover county, and upon proof before such clerk that such applicant is of good moral character and competent to discharge the duties of an inspector of timber, shall, upon the payment of twenty dollars, be entitled to receive from such clerk a license to act as an inspector of timber for the city of Wilmington; said applicant before receiving such license being required by the clerk aforesaid to give a justified bond with two sufficient sureties in the penal sum of two thousand dollars, payable to the State of North Carolina, conditioned for the faithful performance of the duties of inspector as aforesaid, and for the payment of all such damages as may be sustained by reason of any fraudulent, illegal, negligent or improper act or return on the part of such inspector. The bonds taken as aforesaid shall be kept by the clerk of the court aforesaid as a part of the records of his office, and any person injured by the neglect or misconduct of such inspection or his employee, may institute a suit against the obligors or

any or either of them in said bond in the name of the State without any assignment of such bond, and no such bond shall become void upon the first recovery, or if judgments be given for the defendants, but may be put in suit and prosecuted from time to time until the whole penalty shall have been exhausted: *Provided*, That no inspector of timber in said city shall be in any way connected as clerk, agent, employee or otherwise with any commission house, owner of a saw mill or timber buyer, and that no mill owner or buyer of ton timber shall be surety on the bond of any inspector, under a penalty of twenty-five dollars for each and every act of inspection during such connection. Proviso.

SEC. 2. The amount so received from any such license by the clerk aforesaid, shall by him be paid over to the treasurer of the city of Wilmington for the use of said city within thirty days after the receipt of the same, and the said clerk shall be entitled to receive for said license a fee of two dollars in full payment for his services in preparing the bond required, issuing the license and other services in connection with the duties required of him under the provisions of this act. License fees.

SEC. 3. No raft of timber shall be inspected in the city of Wilmington, except upon request of the owner of the same or his agent, but the owners of rafts of timber are fully authorized and entitled to sell said rafts by bulk or otherwise at wharf or elsewhere as they may desire, and in case inspection is had the same shall be before sale is made of the timber, and the inspector shall deliver to the owner or his agent a bill descriptive of said timber, by which bill said timber may be sold. Refuse timber may be sold or not with the raft, and the price for the same may be agreed upon between seller and buyers. Rights of owners.

SEC. 4. Ton timber shall be measured by the inspector thereof in the middle thereof, that is to say at an equal distance from the small end and from the butt. The length of defects in sticks of timber by reason of rots, drawsplinters, windshakes, cutfaces, plugs or defects at either end of such Ton timber.

stick or log, shall be ascertained by examination either by chopping, boring or otherwise, and the length of such defect only shall be refused. No stick or log shall be refused by reason of windshakes when such windshakes will square eight inches.

SEC. 6. Inspectors of timber at the city of Wilmington shall be entitled thirty cents per thousand feet, for said inspection, and no more.

SEC. 6. All laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLVI.

### AN ACT TO CREATE ANOTHER TOWNSHIP IN THE COUNTY OF BURKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township is hereby created and established in the county of Burke, bounded as follows, to-wit: Beginning at Alexander's shoal, on the Catawba river, and running thence to the Yellow Mountain road, at Alexander's barn; thence so as to include the residence of W. B. Avery, to the Quaker Meadows road, thence with said road to the top of the hill west of Quaker Meadows church, thence so as to include the residences of Alexander Harbinson and Sidney Fleming, thence so as to include Rufus Kincaid's to John's river by the most direct course, thence with John's river to its mouth, and thence with the Catawba river to the beginning.

SEC. 2. The said township shall be called Quaker Meadows Township, and it shall be the duty of the county com-

missioners of Burke to provide for the election of township officers for said township, on the first Thursday in August, Anno Domini one thousand eight hundred and seventy-five, after which time said township shall be under the supervision of said officers, and shall be entitled to its lawful proportion of the common school fund.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLVII.

AN ACT TO INCORPORATE WHITAKER'S MILLS, IN NASH COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Incorporated: *enact*, That the town of Whitaker's Mills, Nash county be and the same is hereby incorporated by the name and style of the "Town of Whitaker's Mills," 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 laws 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.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Beginning at a pine on the lake, north side of Swift creek, thence north three degrees west, one hundred and thirteen poles to a sweet gum, thence north eighty-seven degrees east, one hundred and sixty poles to a stake, thence south three degrees east, two hundred and seven poles to Swift creek, thence up said creek to the mouth of the lake, thence up said lake to the beginning, containing one hundred and sixty acres.

SEC. 3. Officers of said corporation shall consist of a mayor, three commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-five, or until their successors in office are elected and qualified: For mayor, Henry W. Whitaker; for commissioners, Allen Hilliard, J. B. Ellinor and T. M. Draper; for constable, Berry Whitehead.

Who may vote.

SEC. 4. That all male persons twenty-one years old and upwards, who have resided in Nash county for twelve months immediately preceding any municipal election, and who own taxable real estate in said town, who have paid all the taxes for which such persons are in any way liable to the town of Whitaker's Mills for the preceding year, shall be allowed to vote at any municipal election in said town: *Provided*, That all persons who reside within the corporate limits, who are entitled to vote for members of the General Assembly, shall be entitled to vote in said elections.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLVIII.

AN ACT TO INCORPORATE THE TOWN OF POLKTON, IN THE COUNTY OF ANSON.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Polkton, in the county of Anson, be and is hereby incorporated by the name and style of "Polkton," and shall be entitled to enjoy and be subject to all the privileges and powers contained in the various sections of the one hundred and eleventh chapter of Battle's Revisal, entitled "Towns."

SEC. 2. That the corporate limits of the said town shall Limits.  
be one half mile square, having for the centre the store  
house of Geddy and Williams in said town.

SEC. 3. That the corporate powers and authority granted Officers.  
to said town shall be vested in and exercised by an intend-  
ant and five commissioners, to be chosen and elected in the  
manner prescribed in said chapter one hundred and eleven,  
by the qualified voters of said town who have been residents  
thereof for thirty days preceding the day of election, and  
they and their successors shall be and are hereby invested  
with all the rights, privileges, powers and immunities con-  
ferred upon and secured to commissioners of incorporated  
towns by the one hundred and eleventh chapter of Battle's  
Revisal.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLIX.

### AN ACT TO INCORPORATE THE RIDGEWAY CEMETERY ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do* Body politic.  
*enact*, That J. D. Worth, T. P. Jerman, J. B. Curran, H. B.  
Hunter, J. A. Cheatham, R. G. Moore, M. J. Hawkins, C.  
F. Sims, Allen Dodsworth, Kemp Plummer, Thomas Car-  
roll, James H. Tinsdale, A. S. Webb, Charles Peter, B. M.  
Collins, F. A. Kinsley, J. W. Scott, A. A. Boshammer, T.  
L. White and Robt. F. Rose, and such other persons as may  
associate themselves with them for the purpose hereinafter  
mentioned, be and they are hereby made a body politic and  
corporate, under the name and style of the "Ridgeway  
Cemetery Association," 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.

Lands.

SEC. 2. That said corporation may purchase and hold as much land as may be necessary for the purpose of establishing a cemetery in or near the town of Ridgeway, in the county of Warren, and may sell or otherwise dispose of said land in suitable burial lots, to be used exclusively as a place for the burial of the dead, and all moneys received for or on account of the sale of burial lots in said cemetery shall be first applied to the payment of the purchase money of the said land acquired by said corporation, or to the payment of any other debt said corporation may owe; and any surplus of money remaining in the treasury of said corporation may be applied to the improvement and embellishment of the grounds of said cemetery, or to any other useful purpose deemed expedient by said corporation.

Exempt from taxation.

SEC. 3. That the real estate of said corporation and the burial lot and plats conveyed by said corporation to individual proprietors shall be exempt from assessment and taxation, and shall not be liable to be sold on execution, nor to be applied to the payment of debts by voluntary assignment, or by any forced assignment under the operation of any insolvent law.

Injuries to property

SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, urn, monument, grave-stone, or other structure placed in the said cemetery, or any fence, railing or other work for the protection or ornamentation of said cemetery, or of any burial lot therein, or who shall wilfully destroy, cut, break, or injure any tree, shrub, plant, or vine within the limits of said cemetery, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined and imprisoned, either or both, at the discretion of the court, and such offender shall also be liable for the trespass in an action to be brought by said corporation against him in any court of competent jurisdiction, and in such suit any member of said corporation shall be a competent witness.

SEC. 5. That the land which the said corporation is permitted to purchase shall remain forever dedicated to the purpose of a cemetery. Any lot or lots therein which the said corporation shall convey to individual proprietors, shall be so conveyed as to reserve to said corporation the right to limit the number of interments to be made therein, and to restrict interments in any such lots to such person or persons or class of persons as may be designated in the conveyance under which such lot or lots may be originally taken or held. Interments

SEC. 6. The said corporation may prescribe the form of conveyance for the burial lots in said cemetery, and how, and by whom the same shall be executed, and may make all such by-laws, rules and regulations, consistent with the laws of the Union and of this State, for their own government, and for the proper conduct of their affairs and the management of their property and the said cemetery, as they may deem necessary or expedient. By-laws.

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

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLX.

AN ACT TO INCORPORATE BALFOUR LODGE, NUMBER ONE HUNDRED AND EIGHTY-EIGHT, OF FREE AND ACCEPTED MASONS, IN THE TOWN OF ASHBORO, COUNTY OF RANDOLPH.

SECTION 1. *The General Assembly of North Carolina do enact,* That the officers and members who are at present or in the future may be of "Balfour Lodge," number one hundred and eighty-eight, of Free and Accepted Masons, in the town of Ashboro, county of Randolph, be and they are hereby incorporated into a body politic and corporate under Body politic.

the name and style of "Balfour Lodge," number one hundred and eighty-eight, of Free and Accepted 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 of 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.

By-laws.

SEC. 2. That the said corporation shall have power to pass all necessary 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 18th day of March, A. D. 1875.

## CHAPTER CLXI.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD FROM EDWIN D. GREER'S STORE TO JEFFERSON, IN ASHE COUNTY.

Commissioners.

SECTION 1. *The General Assembly of North Carolina do enact*, That John Dent, David Sapp and Franklin Harden, be and they are appointed commissioners to run out and locate a public road from Edwin D. Greer's store to Jefferson, in Ashe county, by the way of John W. Martin's mills and Ore Knob copper mines, then the most practicable route to intersect the State road leading from Daniel's Gap to Jefferson.

Width.

SEC. 2. That the said road shall be made eighteen feet wide, except where there shall be side-cutting, and in such places it shall be fourteen feet wide.

Grade.

SEC. 3. That the said commissioners appointed in the first

section of this act shall locate said road so that on ascending any hill or mountain it shall not rise more than one foot in ten ; that it shall be the duty of said commissioners to assess such damages as in their judgment may seem just and correct and report to the county commissioners, and when such report shall be made and confirmed by the county commissioners, the same shall be paid as other county claims.

SEC. 4. The county commissioners shall have power to Overseers. appoint overseers to open said road, also to collect all the hands liable to work on public roads under existing laws who reside within five miles of said road by compass line, at such times and for such length of time as will not materially conflict with the farming interest of the country, to construct said road.

SEC. 5. That when the said road provided for in this act has been constructed as herein provided, it shall be the duty of the township board of trustees through whose township said road runs, to receive the same and report to the county commissioners that said road has been constructed according to law. Township board to receive.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXII.

### AN ACT TO INCORPORATE THE MARION AND JEFFERSON TURNPIKE COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Body politic. enact, That W. P. Thomas, J. W. Todd, F. J. McMillan, W. C. Fields, J. P. Waugh, J. E. Foster, John Dent, J. W. Martin, J. E. Clayton, J. W. Sheffry, M. P. Venable, N. H. Vonhay, and ——— Fell, their associates, assigns and suc-

cessors are hereby created and declared a body politic and corporate under the name and style of "The Marion and Jefferson Turnpike Company."

By-laws.

SEC. 2. That said company shall have power to make all necessary by-laws, rules and regulations for its government, sue and be sued, plead and be impleaded, in any court of record in this State.

Make and repair.

SEC. 3. That said company shall have power to make and keep in repair a turnpike road, running by the most direct, convenient and practicable route from the Virginia and Tennessee Railroad to Jefferson, Ashe county, North Carolina, with a branch diverging and running to Ore Knob, in said county, and McAdamize the same in such a manner as shall be determined by the directors of the company.

Road way.

SEC. 4. Whenever land or right of way shall be needed by the said company for the purpose of constructing the road, to supply stone, gravel or other material, if the parties cannot agree, the same may be taken at a valuation to be made by a commission of five freeholders, to be known by two justices of the peace of the county where the land lies, or by the county commissioners thereof, which valuation, made on oath, shall be recorded by the register of deeds in said county, and payment of the valuation or tender thereof, or in case the owner of the land does not live in the county, a deposit of the same in the office of the clerk of the Superior Court, the said land or right of way shall vest in the company so long as it shall be used for the purpose thereof. Either party may appeal from the decision of the commissioners to the Superior Court, but no proceedings under this section shall hinder or delay the company from proceeding with their work. The right of condemnation, except for materials of construction, shall not include any garden, yard, burial ground, nor more than thirty feet on each side of the centre of the road, and not exceeding one acre for each toll house.

Public roads.

SEC. 5. That said company may use such portions of any

public road as may be, in their opinion, convenient and necessary.

SEC. 6. Said company shall have power to issue certificates to an amount not exceeding thirty thousand dollars, (\$30,000,) in shares of five dollars, (\$5) each, and each stockholder shall be individually liable to the creditors of said company to an amount only equal to the amount unpaid on the stock held by him for any debt or liability of said company. Certificate.

SEC. 7. That books of subscription may be opened along the proposed line of said road, and kept open until the whole of said stock shall be subscribed. It shall be lawful, however, when two hundred shares have been subscribed, for the stockholders to call a meeting and elect directors, who, when chosen, may proceed to employ a corps of engineers to survey and locate said road in accordance with this act and an act passed by the Legislature of Virginia at the session of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and when said survey has been made the said company may proceed to build and complete said road at once. Books of subscription.

SEC. 8. That when said road is completed, the company may erect three toll gates along the line, may charge and collect toll not to exceed the following: six-horse wagon, one dollar; five-horse wagon, ninety cents; four-horse wagon, eighty cents; three-horse wagon, sixty cents; two-horse wagon, fifty cents; one-horse wagon, thirty-five cents; two-horse carriage, one dollar; two-horse buggy, seventy-five cents; other vehicle, thirty cents; man and horse, twenty cents; loose horse, ten cents; cattle, hogs, &c., five cents: *Provided, however,* That until the road is completed the company may collect tolls, in proportion to those above named, as the distance completed and travelled is to forty-five miles, the whole length of said road. Tolls.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXIII.

AN ACT TO INCORPORATE "THE WILMINGTON AND COAST  
TURNPIKE COMPANY."

Capital stock.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing a turnpike road from the city of Wilmington or from some point in its vicinity, to a point near the head of Lee's creek, with branches therefrom to different places near the sound in the county of New Hanover, the formation of a corporation with a capital stock not exceeding one hundred thousand dollars, and to be styled "The Wilmington and Coast Turnpike Company," is hereby authorized.

Books of subscrip-  
tion.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation at different places in the city of Wilmington and elsewhere, under the directions of any three of the following named persons, viz: John A. Sanders, William B. Giles, Zebulon Latimer, William A. Wright, Richard A. Grant, Eli Murray, George Harris, George R. French, Henry Bukheimer, Christopher C. Morse, William A. Cumming, Robert Henning, George A. Peck, Henry R. Savage, Isaac Granger, John N. Moffitt, Edward Ridder, David B. Murchison, Armand J. DeRosset, R. R. Bridgers, William H. McRary, Edwin E. Burruss, Francis W. Renchner, James Dawson, D. McRae, T. H. McRay, J. H. Chadbourn, J. W. Atkinson, O. G. Parseley, T. J. Southerland, E. A. Anderson, J. A. Euglehard, C. D. Myers, C. S. Ellis, J. R. Davis, W. H. Bernard, J. W. Atkinson, Levi Hart, G. W. Williams, W. G. Thomas, J. D. Bellamy, Wilkes Morris, H. Samson, T. H. Smith, Alrich Adrian, C. M. Steadman, E. Peschan, R. E. Heide and John Dawson.

Body politic.

SEC. 3. The capital stock of said corporation shall be divided into shares of twenty five dollars each, and whenever two hundred of such shares shall be subscribed for on

the books authorized to be opened for that purpose, the subscribers for the same and their future associates are hereby declared to be a body politic, and incorporated by the name and style of "The Wilmington and Coast Turnpike Company," for the term of ninety-nine years, with all the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the twenty-sixth chapter of the Revised Code of North Carolina, entitled "Corporations."

SEC. 4. In all subscriptions to the capital stock of said corporation the particular line of turnpike to be made, whether the main stem from its western beginning to a point near the head of Lee's creek, or any particular branch from such point, or from any other point on such main stem, or from any point on any one of such branches, shall be specially designated by the subscribers to such capital stock, and all payments on account of such subscriptions shall be exclusively applied to the making of the particular line of turnpike so designated in such several subscriptions, and all dividends of nett profits which may occur from the use of such particular lines respectively, shall belong exclusively to the subscribers, their successors or assigns by whom such particular line was originally made. It shall be the duty of such corporation to keep separate accounts in reference to the several and respective lines which may be made as aforesaid, and all receipts and disbursements shall be credited and debited, and all debts and contracts shall be entered in the books so to be kept in the special accounts respectively of the particular line which they may concern. In all contracts made by said corporation the particular line of turnpike on account of which any such contract is made shall be stated. All debts or contracts made for or on account of any particular line of turnpike as aforesaid, in case of any default in complying with the same, shall be satisfied and discharged from the property, effects and credits of such particular line for or on account of which any such debt or contract may have been entered into or created, and the property, effects or credits of any other line as aforesaid shall in no event be

liable for the payment or satisfaction of the same; all expenses incurred and all disbursements made which are properly chargeable to the general or common management of the corporation shall be equitably apportioned among the different lines according to their respective interests. No branch road shall be opened or any work done on the same other than its survey and location until at least forty shares of the capital stock of the corporation shall be subscribed as aforesaid for making such particular line or branch.

Organization.

SEC. 5. So soon as two hundred shares of the capital stock of said corporation shall be subscribed for, it shall be lawful for any three of the persons herein before named, to call a general meeting of such subscribers by notice advertised at least two days prior thereto, in one or more newspapers published in said city of Wilmington, and such subscribers shall at such meeting elect from among themselves a board of directors for said corporation of such number, not less than five, as they may at such meeting or any subsequent meeting determine, and of such directors the stockholders of each and every branch road shall have the right to elect or appoint at least one; and the directors to be chosen at such meeting and at the subsequent annual meetings of the stockholders as they may be fixed by the by-laws of said corporation, shall elect one of their number president of said corporation at said meeting or at any subsequent meeting of the stockholders of said corporation; they may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time to time order and direct.

Instalments.

SEC. 6. The board of directors may require payments on account of subscriptions to the capital stock of said corporation, to be made in such instalments and at such times as they may think proper, and in case any subscriber fails to make payment of any such instalments at the time required by the call for the same, the directors, after fifteen days notice, advertised in one or more of the newspapers

of said city, may sell by public auction the share or shares of stock subscribed for by him, or so many of them as will pay the whole of the remainder then unpaid on his subscription, whether then payable or not, and if a balance shall still remain after applying the proceeds of the sale of his shares as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid.

SEC. 7. Whenever any lands may be required for said Roadway. turnpike or any of its branches or connections, either for a roadway or for toll houses or other necessary appurtenance thereto, and an agreement cannot be made with the owner or owners of such lands, the company or such owner may, in writing, apply to the clerk of the Superior Court of the county of New Hanover to cause the damages to such owner, if any to be assessed, by five disinterested referees, two of whom shall be named and appointed by the party so applying to said clerk, two by the other party, and the fifth by such clerk; but should either party have failed to appoint after five days' notice of such application to the clerk, then the clerk shall appoint others to make up the number five, and the whole of them in case both parties fail to appoint as above provided. The referee so appointed being duly notified by the clerk shall, being first duly sworn by some justice of the peace to act impartially, lay off a right of way forty feet in width, and also if required by the company shall lay off a suitable site for a toll house not exceeding an acre of land, and assess the damages if any to the owners of the land, taking into consideration any benefit or advantage to such owner to accrue from the making of such road, and return their award in writing within ten days to said clerk, and such award of such referees, or any three of them, when so returned, shall become a judgment of the Superior Court of said county on which execution may issue returnable in sixty days, if the amount is not paid by said company within ten days after notice of such return; but if either party is dissatisfied, and shall within five days after the re-

turn of such award notify the clerk in writing of an intention to appeal to the next term of the Superior Court of said county, such party shall have five days after such notice to give an appeal bond or undertaking with two sufficient sureties in such sum as the clerk shall fix to cover damages and costs, and both parties may appeal from the same award, and the trial in the Superior Court shall be *de novo*, and the facts shall, if either party so requests, be submitted to a jury. So soon however as an award is returned by a majority of such referees as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award, and use them for making such turnpike road or erecting a toll house as the case may be. Said road shall not in any case be located or made through any yard or garden, or orchard, without the consent of the owner of the same.

Tolls.

SEC. 8. That said company shall be authorized to demand, recover, and receive from all persons using the road of such company or any of its branches, or connections or any part of the same, whether such road or branch shall be completed or not, such fare or tolls as may from time to time be established or fixed by its board of directors, and shall have the right to transport persons and freight over the same at such rates of fare, tolls and compensation therefor as the directors may deem proper. Any person who shall use any part of such road, or of its branches, or connections without paying the fare or toll due, and payable for such use, and such fare or toll shall have been demanded by any officer or agent of said company, and shall not be paid, every such person or persons so in default shall in every such case be deemed guilty of a misdemeanor, and on conviction before any justice of the peace of the county of New Hanover, shall pay a fine of not less than two dollars, nor more than five dollars, and upon failure to pay such fine together with the cost of proceedings against him or them, shall be imprisoned by the justice of the peace before whom such case shall be tried, not less than five days

nor more than twenty days. All such fines as may be collected by virtue of the provisions of this section shall be paid over to said company for the use of such free schools other than such as may be in the city of Wilmington, which are or may be in operation near the line of the road of said company or of one of its branches.

SEC. 9. Any person who shall in any manner injure or obstruct the road of said company or any of its branches or connections, or any bridge connected therewith, besides being liable for damages in a civil action, shall be deemed guilty of a misdemeanor, and shall be punished in any court having jurisdiction by fine or imprisonment, or both, in the discretion of the court. Obstructions.

SEC. 10. The said corporation may take by purchases, devise or otherwise all such real estate as may by its directors be considered necessary or convenient for its different roadways, or for toll houses and gardens appurtenant thereto, or for sites for one or more hotels or houses of entertainment with suitable yards, fields and gardens adjacent or near to the same, and may sell and convey the same at pleasure; and may make its road and the branches thereto of any such different materials or substances, and in any such manner and form as to its directors may seem best. Real estate.

SEC. 11. It shall not be lawful for such company to make the main stem of its road or of any of its branches or connections on or over the line of any public country road, but may cross the same when necessary or convenient by keeping them in good repair at all such crossings. Public roads.

SEC. 12. This act shall take effect and be enforced from its ratification.

Ratified the 19th day of March, A. D. 1875.

## CHAPTER CLXIV.

AN ACT SUPPLEMENTAL TO THE CHARTER OF THE TOWN OF STATESVILLE, IREDELL COUNTY.

Fire company.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor and commissioners of the town of Statesville shall have power to organize, equip and maintain a fire company, to purchase fire engines and other implements for the extinguishment of fire, and incur all necessary expenses for the accomplishment of the purpose.

By-laws.

SEC. 2. That the mayor of said town shall have power to enforce all the by-laws and regulations enacted by the mayor and commissioners of said town in accordance with the provisions of said charter by imposing penalties not to exceed in any case fifty dollars, and if said penalties are not paid or secured to the satisfaction of said mayor, he may then impose in lieu thereof imprisonment not to exceed in any case five days.

Incorporated.

SEC. 3. The said mayor and commissioners shall have power to regulate by by-laws and ordinances not inconsistent with their charter and the laws and constitution of the State and United States, under fine and imprisonment as aforesaid, the suppression of all nuisances, disturbances of the peace or of public decorum, the cleaning of the streets, and the preservation of the health within the bounds of their corporation.

SEC. 4. The constable and police appointed under said charter shall have power within the boundaries of said corporation to arrest any offender against the ordinances or by-laws of said town with or without a warrant, and immediately take him before the mayor for trial: *Provided*, Said offence or breach is committed in the view of said constable or police officer, or endeavoring to escape from the boundaries of said corporation, and in all other cases he shall only

on warrant issued by the mayor or some justice of the peace.

SEC. 5. This act shall take effect from its ratification.

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXV.

AN ACT TO INCORPORATE THE TOWN OF ORE KNOB, IN ASHE  
COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Incorporated.  
*enact*, That the town of Ore Knob, in the county of Ashe,  
be and the same is hereby incorporated under the name and  
style of the town of Ore Knob, and shall be subject to all  
the provisions contained in the one hundred and eleventh  
(111) chapter of Battle's Revisal.

SEC. 2. That the corporate limits of said town shall be Corporate limits.  
one-half mile in every direction from the office of the Ore  
Knob Copper Company.

SEC. 3. The officers of said town shall consist of five Officers.  
commissioners, who shall choose one of their number mayor,  
a secretary and constable.

SEC. 4. That until the next regular election under the  
general law concerning corporate towns, John Dent, David  
Murray, James Williams, H. E. Alcott and James E. Clay-  
ton are appointed commissioners of said town with power to  
appoint their secretary and constable to serve till the  
election.

SEC. 5. That they shall have power to make all necessary By-laws.  
by-laws, rules and regulations for the good government of  
the town, not inconsistent with the general laws of the land.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXVI.

## AN ACT TO INCORPORATE THE WILMINGTON ICE COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful to open books in the city of Wilmington and elsewhere, under the direction of Walker Mears, Isaac B. Grainger, Charles M. Stedman, David R. Murchison, William A. Wright, John W. Atkinson, Clayton Giles, Robert Strange and Donald McRea, of said city, or any three of them, for the purpose of securing subscriptions to an amount not exceeding one hundred thousand dollars, in shares of twenty-five dollars each, to constitute a joint capital stock for the purpose of manufacturing ice in said city, and for the purpose of purchasing and selling ice, and for the establishment of suitable refrigerating rooms and warehouses, and so soon as the sum of five thousand dollars shall be subscribed as aforesaid, such subscribers and their future associates shall be and they are hereby declared to be a corporation and body politic by the name and style of "The Wilmington Ice Company," with all the rights, powers and privileges incident or belonging to corporations as set forth in the first, second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "Corporations," and shall continue as such corporation for the term of ninety-nine years.

Real estate.

SEC. 2. That said corporation shall have full power and authority to purchase and hold such lots or parcels of land in the city of Wilmington and elsewhere as may be necessary or convenient for the erection of all suitable buildings and improvements as may be required for any of the purposes referred to in the preceding section, or for any purpose connected with any branch of the business therein mentioned, and may purchase and hold all such personal property and effects convenient or deemed useful for the successful prosecution of any of the purposes of said corpora-

tion, and in connection therewith may purchase and sell provisions of all kinds whatsoever, and may receive and keep the same for other persons upon such terms and for such compensation as may be agreed on between the parties.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXVII.

### AN ACT TO INCORPORATE THE YADKIN RIVER BRIDGE AND TURNPIKE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of building a public bridge across the Yadkin river between Glenn's ferry and the town of Huntsville, or at either of these points, and for the purposes hereafter named, Lewis Laughenour and A. E. Conrad, Esqs., of Forsythe, and Hon J. G. Marler and Dr. L. G. Hunt, of Yadkin county, are hereby appointed commissioners whose duty it shall be within thirty days after the passage of this act, to open books at suitable times and places for securing subscriptions to the capital stock of the "Yadkin River Bridge and Turnpike Company."

Commissioners.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, with power to increase the same to twenty thousand dollars, and the shares shall be twenty dollars, and no certificate of stock is to be issued by the commissioners or the company to any person until each and every share subscribed for by him shall be paid for in cash.

Capital stock

SEC. 3. That when one thousand dollars shall have been subscribed and paid for, the officers of said company may organize and proceed to carry out the provisions of this act, and when so organized it shall for the term of fifty years be deemed a body corporate under the name and style of the

Organization

“Yadkin River Bridge and Turnpike Company,” and in that name to have succession, sue and be sued, plead and be impleaded, to make rules and regulations for its government not inconsistent with the laws of the State, and to have all and singular the rights and privileges of other corporate bodies of like nature.

Treasurer.

SEC. 4. That W. A. Lemly, cashier of the first National Bank, is hereby appointed treasurer, until the regular organization of said company, to whom the commissioners herein before named shall turn over all moneys received by them, and the said Lemly is here directed to hold the same subject to the order of the proper authorities of the company when organized.

Directors.

SEC. 5. That said company shall elect at its first meeting three directors, who shall have control of the affairs of the company for twelve months or until their successors are elected: *Provided*, That no stockholder shall be a director who does not own five shares of stock.

Tolls.

SEC. 6. That the amount of toll to be charged by said company for crossing their bridge shall be determined by the commissioners of Yadkin county.

Forfeitures.

SEC. 7. That if any person or persons shall pass over said bridge without paying the established tolls, such person or persons shall forfeit and pay a sum of money equal to five times the regular charge, and the same can be recovered before any justice of the peace.

Failure to keep up.

SEC. 8. That in case of the failure of said company to keep their bridge in order so that the public may cross in safety, then the company shall be subject to indictment in the Superior Courts of Yadkin or Forsythe counties, and be fined at the discretion of the court.

Rights of Turnpike companies.

SEC. 9. That as the object of this organization cannot be successfully carried out without good roads leading in the direction of the location of said bridge, the said company are hereby authorized and empowered, being granted all the rights and privileges accorded to turnpike companies in chapter sixty-two, Battle's Revisal, entitled Internal Im-

provements, to construct such graded turnpikes, commencing at any neighboring town or county, as may best answer their purpose; and the directors of said company shall be sole judges of the manner, time and cost of such work: *Provided*, That the condemning of valuable bottom lands shall be the subject of arbitration: *And provided further*, That the proposed roads be constructed entirely at the expense of said company, and that no tolls be charged for passing over said roads.

SEC. 10. That this act be in force from and after its ratification.

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXVIII.

### AN ACT FOR THE BETTER GOVERNMENT OF THE TOWN OF TARBORO.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Tarboro shall be divided into three divisions or wards, denominated First, Second and Third wards respectively, which shall be severally bounded as follows: Three wards.

The first ward shall include all that part of said town included within a line, beginning at the intersection of Main or St. George's street with Granville street, thence running northerly with said Main or St. George's street to the intersection of the same with St. John's street, (otherwise known as St. Joshau's street), thence easterly along St. John's street until it intersects St. David's street, thence southerly along St. David street to the intersection thereof with Pitt street, thence westerly along Pitt street to the intersection thereof with St. Andrew's street, thence southerly along St. Andrew's street to the intersection thereof with

Granville street, and thence along Granville westerly to the beginning.

The second ward shall include all that part of said town included within a line beginning at the intersection of St. George's street or Main street with Granville street, thence westerly along Granville street to the track of the Tarboro and Williamston Railroad, running along Mill creek street, thence northerly along the track of said railroad till the intersection thereof with Pitt, thence easterly along Pitt street till the intersection thereof with Trade street, thence northerly along Trade street till the intersection thereof with St. James, thence westerly along St. James street to the track of said railroad, thence northerly along the track of said railroad till the intersection thereof with St. John's street aforesaid, thence easterly along St. John's street to the intersection thereof with Trade street, thence northerly along Trade street to the intersection thereof with Wilson street, thence westerly along Wilson street till the intersection thereof with the track of said railroad, thence northerly along the track of said railroad till it intersects the line of the projected street running immediately in front of R. A. Watson's house, and along the north side of said Watson's lot, thence easterly along said projected street till it intersects the line of St. George's or Main street extended, and thence southerly along St. George's or Main street to the beginning.

The third ward shall include all that portion of the town not included within the bounds of the first and second wards.

Commissioners.

SEC. 2. That the corporate powers and authority granted the said town shall be vested in and exercised by six commissioners, two of whom shall be elected by each ward. No person shall be eligible to the office of commissioner unless he shall be a legally qualified voter according to the provisions of this act, in the ward where he shall be elected commissioner. And the commissioners elected under the provisions of this act, shall hold their office for one year

from the day of their election, and until their successors shall be duly elected and qualified.

SEC. 3. That the first meeting of each and every board of commissioners elected under the provisions of this act, they shall proceed to elect one of their own number to discharge the duties now prescribed by law for the mayor of said town during the term of office of said board. And the mayor so selected shall vote as commissioner, but not as mayor; and in case of a tie, the measure shall fail. Mayor.

SEC. 4. That before the first election shall be held under the provisions of this act, there shall be a registration in each of the said wards of the persons entitled to vote therein; and the first election for commissioners held under the provisions of this act shall take place on the first Monday in May, Anno Domini one thousand eight hundred and seventy-five, and thereafter annually, upon the first Monday in May of each and every year.

SEC. 5. That each of the said wards shall constitute one voting precinct. That in order to carry out the provisions of the preceding section of this act, the following named persons are empowered and authorized to act as registrars; that is to say: In the first ward, William M. Kippen; in the second ward, D. W. Hunt, and in the third ward, David Anderson. Registrars

SEC. 6. The said registrars shall, on the fifth day of April, Anno Domini one thousand eight hundred and seventy-five, open books of registration at the following places: In the first ward, at the court house; in the second ward, at such place, within said ward, as the above-named registrars of the second ward, shall give notice of, by advertisement for ten days next preceding said fifth day of April, Anno Domini one thousand eight hundred and seventy-five, in the *Tarboro Southerner*, and at the court house door; and in the third ward, at the hall over the market house; and the same places shall be the polling places of the respective wards. And the said registrar shall keep the registration books open from the hour of ten o'clock in the morning Books of subscription.

until one o'clock in the afternoon, and from three o'clock in the afternoon until six o'clock in the evening of each and every day from the said fifth day of April to the tenth day of April, one thousand eight hundred and seventy-five, both included. At six o'clock on the evening of April the tenth, Anno Domini one thousand eight hundred and seventy-five, the books of registration shall be closed, and no registration shall afterwards be permitted except as hereinafter provided. Nor shall any registration had at any time or place not within the prescribed hours and at the prescribed places be valid. Before entering upon the discharge of their duties the registrars shall take and subscribe, before some justice of the peace or other person authorized to administer oaths, an oath to well and truly discharge their duties as registrars, which oath so subscribed, together with the certificate of the person administering the same, shall be filed in the office of the mayor of said town. And the said registrars shall each receive five dollars for each day while engaged in the performance of the duties imposed by this section, to be paid out of the funds of said town by the person having charge thereof.

Voters.

SEC. 7. Every duly registered male person twenty-one years of age, who shall have resided twelve months in the State and ninety days next preceding any election for commissioners in the lot and ward at which he resided at the time of his registration shall be entitled to vote in said ward at said election. No person shall be entitled to vote who is not duly registered, and no registration shall be deemed valid under the provisions of this act, that does not specify the number of the ward and of the lot in which the person registered resides, together with his name. No person shall be entitled to register who is not a *bona fide* resident of the ward in which he applies for registration, and no person shall be entitled to vote in any municipal election who is not a *bona fide* resident of the ward in which he applies to vote on the day of such election. And at least one-half of

the ninety days required to give any person a residence in any ward shall be passed within the limits of said town.

SEC. 8. Any elector may and it shall be the duty of the registrar to challenge the right of any person to register known or suspected not to be lawfully entitled to register, and when such challenge shall be made by the registrar or by any other person, it shall be the duty of the registrar to require the person challenged to prove to the satisfaction of the registrar the fact of his being lawfully qualified to vote, according to the terms of the last preceding section, by the oaths of other persons of known credibility of the registrars.

SEC. 9. On the day of election any elector may, and it shall be the duty of the judges of election to challenge, the vote of any person known or suspected not to be a duly qualified voter. Upon such challenge it shall be the duty of judges of election to require the person whose vote is challenged, to prove himself qualified as specified in the registration books by the oaths of other persons of known credibility to the judges of election. Challenge.

SEC. 10. That the registrars and judges of election shall each have the power to administer the oath required to be administered by the two sections next preceding. Power to administer oaths.

SEC. 11. That any person coming of age after the day fixed for the closing of the registration books, and on or before the day of election, and otherwise qualified under the provisions of this act, shall be entitled to register and vote on the day of election, subject to the same requirements in regard to proof of age and qualification to vote as above provided, in case of a challenge. Persons coming of age.

SEC. 12. After the first election to be held under this act the registrars and inspectors of election shall be appointed by the board of commissioners; and the registrars so appointed shall receive such compensation for their services as the commissioners may allow, and they shall open the books of registration in their respective wards for at least ——— consecutive days before each and every municipal election to be held under this act, at such times and places and Subsequent appointment of registrars.

during such hours of the day as said commissioners may order ; and the times, places and hours of such registration books shall be open, shall be advertised at the court house door and in some newspaper published in said town, for at least ten days previous to the opening of said books, and at the time so appointed the registrars shall proceed to revise said registration books by striking therefrom all persons not entitled to vote in their respective wards, and by adding thereto such persons as shall come forward and satisfy the registrars, according to the foregoing provisions relating to the first registration, that they are lawfully qualified to vote in such ward ; but any person whose name shall be wrongfully stricken from the books of any registrar shall be allowed to vote on the day of election upon showing to the judges of election that his name has been wrongfully stricken from said books, by the oaths of other persons of known credibility to the judges of election.

Inspectors.

SEC. 13. That the following named persons are hereby empowered and authorized to act as inspectors of election at the first election of commissioners to be held under the provisions of this act, that is to say : In the first ward, John W. Corton and Osceola Doggett ; in the second ward, Fred. Phillips and John Norflet ; in the third ward, Joseph B. Coffield and Warren J. Jones.

Ballot boxes.

SEC. 14. The judges of election shall provide suitable ballot boxes for receiving the ballots of the voters on the day of election. The registrars herein named shall furnish suitable registration books for their respective wards, which shall be paid for out of the funds of the town by the persons having charge thereof.

SEC. 15. The inspectors of election shall attend at the places for which they are respectively appointed on the day of election, and they, together with the registrar of the ward who shall attend with his registration books, shall constitute the judges of election, and the said judges of election, after being sworn by some person authorized to administer oaths, to conduct the election fairly and impartially

according to the constitution and laws of the State, shall open the poles and superintend the same until the close of the election. They shall keep poll books in which shall be entered the name of every person who shall vote, which at the close of the election they shall certify and deposit in the mayor's office, together with the registration books.

SEC. 16. The poles shall be opened the day of election from eight o'clock in the morning until sun set of the same day, and each voter duly registered as herein provided who shall not be challenged and rejected, shall hand in his ballot to the judges of election, who shall carefully deposit the same in the ballot boxes.

SEC. 17. When the election shall be finished the judges of election, in presence of such electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ticket, and if there shall be two or more tickets rolled up together, or if any ticket shall contain the names of more persons than one elector has a right to vote for, such ticket or tickets shall not be numbered in counting the ballots, but shall be void; and the counting of the votes shall be continued without adjournment until completed and the result thereof declared. When the judges of election of the several wards shall have completed the counting of the votes of their respective wards, they shall publicly proclaim the result of the voting in the same, for all the persons voted for and the number of votes cast for each, and the said judges shall certify to the same in writing, declaring who have been elected in their respective wards, and filing another copy of such certificate in the office of the mayor and inserting the same twice in some newspaper published in the town of Tarboro.

SEC. 18. That any person who shall, with intent to commit a fraud, register or vote in more than one ward, or more than once in the same ward, or who shall induce another to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned not less than six nor more

Fraudulent registration.

than twelve months, or fined not less than one hundred nor more than four hundred dollars. And any registrar or any clerk or copyist who shall make any entry or copy with intent to commit a fraud, shall be held liable to the same penalty.

Vacancies.

SEC. 19. That if any of the persons named in this act shall fail or refuse to perform the duty of registrar the other registrar or registrars named herein, shall fill the vacancy so occasioned. If any person named in this act as inspector of election shall fail or refuse to perform the duties thereof, then the registrar of the ward where such vacancy occurs shall fill the same.

Wooden buildings.

SEC. 20. No person shall erect on any of the squares contiguous to Main street any wooden buildings with wooden roofs, without first obtaining the written permission of the authorities of said town, and in case of any such erection without permission as aforesaid, the said authorities shall be and they are hereby authorized to adopt and enforce such ordinances as may prove effectual for the removal of the same.

Guano, &c:

SEC. 21. The corporate authorities may require the removal from the town, and prevent the storing therein of any guano or other fertilizers which, upon inspection by them, they shall adjudge to be a nuisance to any citizen or citizens of said town; and chapter one hundred and thirty-four of the acts of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled an act to amend the charter of the town of Tarboro, is hereby repealed, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed as far as effects said town of Tarboro.

Justices.

SEC. 22. And on the first Monday in May, Anno Domini one thousand eight hundred and seventy-five, and biennially thereafter, in addition to the commissioners whose election is above provided for, there shall be elected at the same time and place, and under the same regulations as above provided, and by the voters qualified and registered as hereinbefore said, one justice of the peace in each ward of said

town, who shall be a resident of said ward and a duly qualified voter therein, and said justice shall qualify and act under chapter sixty-three of Battle's Revisal.

SEC. 23. That the mayor and board of commissioners created by this act are hereby invested with all the powers and authority conferred by chapter one hundred and eleven, entitled "Towns," not inconsistent with the provisions of this act; and all authority now exercised by the corporate authorities of said town by virtue of acts relating especially to the town of Tarboro, not inconsistent with the provisions of this act, is hereby continued to the corporate authorities whose election is hereby provided for. Powers.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXIX.

AN ACT TO INCORPORATE THE VESTRY OF CALVARY CHURCH,  
AT WADESBORO, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact,* That the following persons, Thomas S. Ashe, James C. Marshall, John M. Little, Marion O. Leak, W. J. Covington and R. F. Bennett, constituting at present the vestry of Calvary Church, at Wadesboro, which said church belongs to the Protestant Episcopal faith, be and they are hereby incorporated under the name and style of the Vestry of Calvary Church, and they and their successors only chosen shall have succession for one thousand years, and as such may hold such real estate as may be necessary for a rectory and church at Wadesboro, North Carolina. Body politic.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXX.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KING'S  
MOUNTAIN, CLEVELAND COUNTY.

Misdemeanor.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment therefor shall not exceed a fine of fifty dollars or imprisonment more than one month

Jurisdiction.

SEC. 2. That the mayor or intendant of the town of King's Mountain, Cleveland county, shall have jurisdiction to hear and determine said offences without requiring a complaint on oath in writing from the party injured; but may exercise said jurisdiction on the complaint of any other person, or where the offence committed is in his own knowledge.

Confinement.

SEC. 3. That the mayor or intendant shall have power to commit any person or persons convicted for violations of any ordinances of said town to the calabose or place of confinement until the fine and cost are paid, and such persons can only be released as provided by law in other cases.

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

Ratified the 18th day of March, A. D. 1875.

## CHAPTER CLXXI.

AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS  
WITHIN TWO AND ONE-HALF MILES OF ROCKY RIVER CHURCH,  
IN CABARRUS COUNTY.

Penalty for selling.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person selling or delivering any spirituous or malt liquors, wines or any intoxicating drinks within two

and one half miles of Rocky River Presbyterian church, in the county of Cabarrns, shall be deemed guilty of a misdemeanor.

SEC. 2. That this act shall go into effect from and after its ratification.

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXXII.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD FROM THE VIRGINIA LINE TO THE TOP OF THE BLUE RIDGE, IN ALLEGHANY COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That there shall be laid out and established a public road from the Virginia line, near Billings' Sulphur Springs by way of Reeves Cox's, Susan Edwards', Edwards' Cross-roads, by or near William H. James', and then by the nearest and most practicable route to Thompson's Gap in the Blue Ridge. Road to be laid out

SEC. 2. That the said road shall be made sixteen feet wide, except where there are side-cuttings, and in such places shall be fourteen feet wide. Width.

SEC. 3. That it shall be the duty of the county commissioners of Alleghany county to appoint a competent engineer and two commissioners of said county to survey and locate said road on the best grade possible, (said road not rise more than one foot in ten in ascending any hill or mountain,) who shall take an oath before the chairman of the board of county commissioners to faithfully discharge their duties for the best interest of their county. Duty of commissioners.

SEC. 4. That if the owners of any land through which said road shall pass shall consider him, her or themselves injured thereby, it shall be competent for such person or Assessment of damages.

persons by petition to the county commissioners of their county praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the commissioners to order such jury to be summoned as in case of such public roads, and it shall be the duty of the jury to take into consideration the benefit of the road as well as the injury done by making said road, and on report of the jury to and confirmed by the commissioners, the damages shall be paid by the county.

Damages.

SEC. 5. That if any person or persons shall claim damages and call for a jury to assess them, and none are found, the person or persons so calling shall defray all the expenses in the case.

Working road.

SEC. 6. That the county commissioners of Alleghany county shall have power to call out all the hands of the county liable to work on public roads, under existing laws, who reside within five miles of said road, the nearest bridle-way, at such times and for such length of time as will not materially conflict with the farming interest of the county, to construct the road: *Provided*, That no person shall be required to work more than thirty days on said road in any one year.

Proviso.

SEC. 7. That when said road provided for in this act has been constructed as herein provided, it shall be the duty of the township board of trustees through whose township said road runs, to review the same and report to the county commissioners that said road has been constructed according to law.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXXIII.

AN ACT TO DEFINE THE JURISDICTION OF INTENDANT OR MAYOR OF SALISBURY, AND THE MAYOR OF THE TOWN OF LOUISBURG.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor or intendant of the town of Salisbury, and mayor of the town of Louisburg, shall be a special court for the trial of misdemeanors in their respective towns, and shall have the same jurisdiction within the corporate limits of their respective towns to try, hear, determine and punish misdemeanors committed therein that a justice of the peace now has by law, and be a special court for this purpose. Special Court.

SEC. 2. He shall also have the same power that justices of the peace now have to arrest and hold to bail persons charged of crimes or misdemeanors. Powers of justice.

SEC. 3. The mayor or intendant shall have the same fees as are now allowed by law to justices of the peace. Fees.

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

Ratified the 15th day of March, A. D. 1875.

## CHAPTER CLXXIV.

AN ACT TO INCORPORATE NASHVILLE LODGE, NUMBER EIGHTY-FOUR, INDEPENDENT ORDER OF ODD FELLOWS, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the noble grand and other officers and members of Nashville Lodge, number eighty-four, of the Independent Order of Odd Fellows, located in the town of Nashville, Nash county, North Carolina, and their successors, be and Body politic.

they are hereby incorporated into a body politic and corporate under the name and title of "Nashville Lodge, number eighty-four, Independent Order of Odd Fellows," and by that name may have succession and a common seal, sue and be sued, implead and be impleaded before any court of record, or before any justice of the peace, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporations.

By-laws.

SEC. 2. 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 the United States, or of the supreme jurisdiction of the order of which said lodge is a subordinate.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXXV.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD FROM PEACH BOTTOM COPPER MINE, IN THE COUNTY OF ALLEGHANY, TO THE VIRGINIA LINE.

Road laid out.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a public road from Peach Bottom Copper Mine, in Alleghany county, by way of John R. Wyatt's, Charity Rives', Old Creek church, and thence by the most direct and practicable route to the Virginia line near the widow Cox's.

Width.

SEC. 2. That the said road shall be made sixteen feet

wide except where there shall be side cuttings, and in such places it shall be fourteen feet wide.

SEC. 3. That it shall be the duty of the county commissioners of Alleghany county to appoint a competent engineer and two commissioners of their respective county to survey and locate said road on the best grade possible, and not to rise more than one foot in ten feet, and said commissioners shall take an oath before the chairman of the county commissioners to faithfully discharge their duties for the best interest of their county.

Duty of commissioners.

SEC. 4. That if the owners of any lands through which said road shall pass, shall consider him, her or themselves, injured thereby, it shall be competent for such person or persons by petition to the county commissioners of their county, praying for a jury to view the premises and assess the damages sustained; and it shall be the duty of the commissioners to order such jury to be summoned as in case of such public roads, and it shall be the duty of the jury to take into consideration the benefit to the land, as well as the injury done by making said road, and on report of the jury made to and confirmed by the commissioners, the damages done shall be paid by the county.

Assessment of damages.

SEC. 5. That if any person or persons shall claim damages and call for a jury to assess them, and none are found, the person or persons so calling, shall defray all the expenses in the case.

Damages

SEC. 6. That the county commissioners of Alleghany county shall have power to call out all the hands of the county liable to work on public roads under existing laws who reside within five miles of said road, the nearest bridle way, at such times and for such length of time as will not materially conflict with the farming interest of the county, to construct said road: *Provided*, That no person shall be required to work more than twenty days on said road in any one year.

Working roads.

SEC. 7. That when the said road has been constructed as herein provided for, it shall be the duty of the township

board of trustees through whose townships said road runs, to receive the same and report to the county commissioners that said road has been constructed according to law.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXXVI.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF  
CARTHAGE, IN THE COUNTY OF MOORE.

Limits extended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Carthage, in the county of Moore, be extended one-half mile north, fifty-one west, and half mile south, fifty-one east, and one fourth of a mile north, thirteenth east, and one-fourth mile south, thirteenth west from the present corporate limits of said town. Said extension in width to include the whole length on each side of the extension in length of said town. Boundaries of said town as extended are as follows: Beginning at a stone northwest of the court-house, running thence north thirty-nine east, sixty-four chains, fifty links; thence south fifty-one east, one hundred and four and fifty one-hundredth chains; thence south thirty-nine west, sixth-four chains, fifty links; thence north fifty-one west, one hundred and four chains, fifty links to the beginning.

Boundaries.

SEC. 2. That the county commissioners for the county of Moore shall on or before second Monday in April next, appoint a registrar of voters and two electors, who shall hold the election for officers of said town, and make returns as provided in chapter one hundred and eleven Battle's Revisal.

SEC. 3. That all qualified voters in the limits of the town of Carthage as extended, shall be entitled to vote for officers

of said town on the first Monday in May, one thousand eight hundred and seventy-five.

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

Ratified the 16th day of March, A. D. 1875.

## CHAPTER CLXXVII.

AN ACT TO LAY OFF AND ESTABLISH A PUBLIC ROAD FROM HORSE GAP, ON THE BLUE RIDGE, TO THE VIRGINIA LINE, NEAR THE MOUTH OF WILSON.

SECTION 1. *The General Assembly of North Carolina do* Commissioners.  
*enact*, That Edwin D. Greer, Daniel C. Jones and John S. Parsons, of Alleghany county, be and they are hereby appointed commissioners to lay off and establish a public road from Horse Gap, on the Blue Ridge, near William Rose's to the Virginia line, near the mouth of Wilson, by way of Jesse B. Plimmons' and Solomon B. Jones', so as to intersect the Piney creek road at or near Henry J. Williams'.

SEC. 2. That the said commissioners or a majority of them Damages.  
 after having been first sworn before some justice of the peace of Alleghany county, shall assess the damage that ought to be paid any person or persons over whose land said road may pass, and shall make due return of their proceedings to the commissioners of Alleghany county at their first meeting in May, one thousand eight hundred and seventy-five, and upon return of said road commissioners of Alleghany county at their first meeting in May, one thousand eight hundred and seventy-five, and upon return of said road commissioners it shall be the duty of said county commissioners to cause to be paid to the owners of the land so condemned such sum or sums as may be assessed by the road commissioners.

SEC. 3. That after said road shall have been laid off and established as heretofore provided, it shall be the duty of the commissioners of the county to appoint overseers and hands within five miles of said road for the purpose of making or opening said road, after which it shall be kept up as other public roads are required by law to be.

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

Ratified the 22d day of March, A. D. 1875.

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STATE OF NORTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Raleigh, May 15th, 1875.

I, WILLIAM H. HOWERTON, Secretary of State, hereby certify that the foregoing are true copies of the original acts and resolutions on file in this office.

WILLIAM H. HOWERTON,  
*Secretary of State.*

INDEXES  
TO THE  
LAWS AND RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY OF NORTH CAROLINA,  
PASSED AT ITS  
SESSION 1874--'75.



*to*  
*Public & Private Laws & Resolutions 1874-'75*  
*Regular Session*

# INDEX.



## A

	PAGE.
<b>ACTIONS :</b>	
Costs when brought by State,	69
For real estate,	343
	Index to public laws.
<b>ADJOURNMENT :</b>	
Resolution in regard to,	370
Committee to examine as to and report,	381
Resolution on,	400
<b>ADJUTANT GENERAL :</b>	
To collect public arms,	373
<b>AFRICAN M. E. SINGING SCHOOL :</b>	
Charter amended,	649
<b>AGRICULTURAL ASSOCIATIONS :</b>	
Cape Fear, incorporated,	18
Robeson county, incorporated,	641
Sampson county, incorporated,	602
<b>ALBEMARLE AND CHESAPEAKE CANAL CO. :</b>	
Committee to investigate affairs of,	391, 393
<b>ALBEMARLE SOUND :</b>	
Appropriation for Light House on,	381
<b>ALBEMARLE :</b>	
Town of incorporated,	625
<b>ALBEMARLE STEAM NAVIGATION :</b>	
Charter amended,	440
<b>ALLEGHANY COUNTY :</b>	
Change of line between and Surry,	186
Road from Horse Gap to Virginia line,	739
Road from Virginia line to Thompson's Gap,	733

Index to public laws.		PAGE.
<b>ALEXANDER COUNTY :</b>		
	Commissioners to establish public road,	177
	Who to work road in,	427
<b>AMERICAN MINING CO. :</b>		
	Act incorporating,	591
<b>AMERICAN TYPE SETTING MACHINE CO. :</b>		
	Act incorporating,	688
<b>AMENDMENTS :</b>		
	Chapter 60, section 28, Battle's Revisal (Insolvent debtors),	7
	“ 4, section 6, Battle's Revisal (Amnesty),	17
	“ 106, section 15, Battle's Revisal (Sheriffs),	27
	“ 37, laws 1873-'74 (Sale of Liquor),	28
	“ 66, section 2, laws 1869-'70, (Roads),	30
	“ 19, laws 1873-'74 (Registration of Deeds, &c.),	31
	“ 32, section 84, Battle's Revisal (Retailing without License),	32
	“ 91, section 6, Battle's Revisal (Processioning),	32
	“ 104, section 15, Battle's Revisal (Roads and Ferries),	34
	“ 135, laws 1873-'74 (Bureau of Immigration, &c.),	36
	“ 30, section 6, Battle's Revisal (Pay County Treasurer),	38
	“ 105, section 40, Battle's Revisal (Fees of Jailors),	41
	“ 171, section 2, laws 1873-'74, (Weight, &c., of salted fish),	43
	“ 33 Battle's Revisal (Criminal Proceedings),	49
	“ 102, laws 1873-'74 (Drainage in Lincoln and Catawba),	53
	“ 62, section 1, laws 1873-'74 (Sale of cotton in night time),	63
	“ 98, laws 1873-'74 (Offences on Conic Island),	67
	“ 105, laws 1873-'74 (Fences),	67
	“ 17, section 368, Battle's Revisal (Quo Warranto),	69
	“ 193, laws 1872-'73 (Fences),	70
	“ 12, section 5, Battle's Revisal (Building Associations),	71
	“ 187, section 4, laws 1870-'71 (Meadows in Rockingham),	90
	“ 5, section 4, Battle's Revisal (Apprentices),	92
	“ 137, laws 1873-'74 (Sale of Liquor near Richmond C. H.),	94
	“ 138, laws 1873-'74 (Liquor Law),	95
	“ 38, Battle's Revisal (Dogs),	111
	“ 329, section 19, (Charter of Concord),	262
	“ 246, laws 1870-'71 (Turnpike Company),	412
<b>ANSON COUNTY :</b>		
	Fence law in,	267
<b>ANTIOCH CAMP GROUND :</b>		
	Incorporating Trustees of,	595
<b>APPRENTICES :</b>		
	White children not to be bound to colored masters,	29

	PAGE.
<b>ARMS, PUBLIC:</b>	
Freight on to be paid,	18
For military schools,	280
Adjutant General to collect,	173
<b>ARTILLERY, BATTERY OF:</b>	
\$500 appropriated to build house for,	405
<b>ASHE COUNTY:</b>	
Sheep law amended,	121
Commissioners may levy special tax,	179
Road from E. D. Greer's to Jefferson,	708
Road from Peach Bottom Copper Mine,	736
<b>ASYLUMS: (SEE INSANE ASYLEM, DEAF AND DUMB AND BLIND INST.)</b>	
<b>ATLANTIC IRON AND STEEL COMPANY:</b>	
Act incorporating,	645
<b>ATTACHMENTS:</b>	
Battle's Revisal in regard to amended,	113
<b>ATTORNEY GENERAL:</b>	
Duty of, in actions of Quo Warranto,	69
Costs in action by State,	69
<b>AUDITOR OF STATE:</b>	
Not to audit any claim for principal or interest of State debt,	2
To issue warrant for costs in certain cases,	179
To issue warrant to Solicitors for prosecuting in Federal Court,	190

## B

<b>BANKS:</b>	
Continuing charter of Bank of Raleigh in force,	445
Bank of Gaston incorporated,	575
Bank of Reidsville incorporated,	584
Rights of Banking Institutions,	207
City Bank of Wilmington,	552
Cleveland Savings Bank,	504
Durham Bank incorporated,	473
Grange Bank of Cumberland incorporated,	665
National Loan and Trust Company,	629
People's Bank of Monroe incorporated,	514
Raleigh Savings Bank and Trust Company incorporated,	579
Repeal of tax on State Banks asked,	379

	PAGE.
BATTLE'S REVISAL :	
Index to pub- laws.	Chapter 32, section 133, (Trial of Solicitors by Governor.) 3
	“ 60, section 28, (Insolvent debtors,) 7
	“ 4, section 6, (Amnesty) amended, 17
	“ 106, section 15, (sheriffs) amended, 27
	“ 32, section 84, (retailing without license,) amended, 32
	“ 91, section 6, (Processioning,) amended, 32
	“ 104, section 15, (Roads and Ferries,) amended, 34
	“ 30, section 6, (pay county Treasurer,) amended, 38
	“ 105, section 16, (pay county Treasurer,) repealed, 39
	“ 14, section 18, (Burnt and lost Records,) amended, 40
	“ 105, section 40, (fees of jailors,) amended, 41
	“ 33, (criminal proceedings,) amended, 49
	“ 49, section — (forcible entry and detainer,) 63
	“ 17, section 368, ( <i>quo warranto</i> ,) 69
	“ 12, section 5, (Building Associations,) amended, 71
	“ 112, section 17 (townships) repealed, 72
	“ 5, section 4, (apprentices) amended, 90
	“ 17, section 193, (attachments,) amended, 113
	“ 39, section 9, (draining wet lands) amended, 113
	“ 89, section 17, (costs in criminal prosecutions,) how paid, 114
	“ 17, section 276, (costs in civil actions,) 119
	“ 17, section 82, (suits against railway corporations) amended, 193
	“ 19, section 53, (time of commencing actions,) 194
	“ 68, section 47, (County Treasurer,) amended, 211
	“ 44, section 11, (salesday,) amended, 279
	“ 64, (section —, (landlord and tenant,) amended, 281
	“ 26, section 42, (Insurance examination,) 275
	“ 53, section —, (guardian and ward,) amended, 287
	“ 120, section 1, (wrecks) amended, 308
	“ 185, section 5, (elections,) amended, 311
	“ 63, section 12, (justices jurisdiction,) amended, 313
	“ 45, section 115, (Executors and Administrators,) amended, 339
	“ 14, section 16, (burnt and lost records,) 341
	Furnished Senate and House, 357
	Price of reduced, 574
BEAUFORT :	
	Change of line between and Pamlico, 129
	Town of, charter repealed, 447
BEAVER CREEK MANUFACTURING COMPANY :	
	Charter amended, 589
BERTIE COUNTY :	
	Court to try offences on Connie Island,

	PAGE.
<b>BIRDS :</b>	
To protect in certain counties,	261
To prevent netting in Forsythe,	306
	Index to public laws
<b>BOARD INTERNAL IMPROVEMENTS :</b>	
Act to revive,	85
State Corporations to report to,	270
<b>BONDS :</b>	
Authorizing issue of, by Burke county,	91
Authorizing issue of, by Currituck,	99
Authorizing issue of, by Hertford,	201
<b>BONDED OFFICERS :</b>	
May deposit mortgage on real estate in lieu of bond,	105
<b>BOONE :</b>	
Town charter amended,	445
<b>BRANDS :</b>	
Fraudulent use of, how punished,	308
<b>BRUNSWICK COUNTY :</b>	
Removal county seat of,	123
<b>BURNT CHIMNEY ACADEMY :</b>	
Trustees incorporated,	551
<b>BURNING GRAIN, &amp;c.,</b>	
Act to punish,	151
<b>BURNING HOUSES :</b>	
How punished,	310
<b>BURNT AND LOST RECORDS :</b>	
Orders and records of county courts legalized,	40
<b>BUREAU OF IMMIGRATION, &amp;c. :</b>	
Law 1873-'74 amended,	36
<b>BUILDING ASSOCIATIONS :</b>	
Battle's Revisal amended,	71

	PAGE.
Index to public laws.	
BLACKNALL, DR. G. W. :	
Re-appointed on Board of Public Charities,	396
BURKE COUNTY :	
Allowing Commissioners to issue bonds,	91
To preserve public records in,	265
Taxation of W. N. C. R. R. in,	274
Preventing felling of timber in South Fork river and Rock and Laurel creeks,	483
Creating Quaker Meadow Township,	702
C	
CABARRUS COUNTY :	
Live stock at large in.	72, 189
Commissioners may sell court house, &c.,	172
Commissioners may levy special tax,	172
CALDWELL, GOV. T. R. :	
Resolutions of respect to,	377
Funeral expenses of,	404
CALDWELL COUNTY :	
To construct public road through,	601
CAPE FEAR RIVER AND BAR :	
Asking appropriation,	366
CAPE FEAR AGRICULTURAL ASSOCIATION :	
Act incorporating,	18
CAPITOL :	
Resolution in relation to heating of,	356, 384
Resolution concerning repairs on,	360
Removal of flag staff on,	374
Concerning out houses,	397
CARTERET COUNTY :	
To compromise debt of,	78
To attach part of Craven to,	122
CASES :	
Removal of,	16

	PAGE.
<b>CATAWBA COUNTY :</b>	
Drainage of certain lands in,	53
Live stock at large in,	32, 139
<b>CATAWBA TOLL BRIDGE CO. :</b>	
Charter amended,	33
<b>CALVARY CHURCH :</b>	
Vestry of incorporated,	731
<b>CENTRAL FIRE INSURANCE COMPANY :</b>	
Amending charter of,	416
<b>CENTENNIALS :</b>	
Resolution raising Joint Committee on,	365
In regard to National Centennial,	403
<b>CERTIORARI :</b>	
Writ of authorized,	112
<b>CERRO GORDO :</b>	
Charter of town of amended,	637
<b>CITIES AND TOWNS :</b>	
Concord, charter amended,	262
Newport, Carteret county, amending charter,	421
Raleigh, abolishing Wood and Coal Inspector,	415
Sanford, amending charter of,	428
Greensboro, amending charter,	428
Mt. Mourne, incorporating,	437
Shoe-heel, amending charter,	441
Swann's Station, incorporating,	443
Boone, charter amended,	445
Beaufort, charter repealed,	447
Whitaker's, charter amended,	447
Morrisville, incorporating,	455
Wilmington, charter amended,	462
Charlotte, defining jurisdiction of mayor,	481
Newbern, charter amended,	502, 541
"    defining jurisdiction of mayor of,	679
Lenoir, charter amended,	513
Lincolnton, charter amended,	514
Yadkin College, incorporating,	527
Marlboro, incorporating,	538
Raleigh, charter amended,	539
Rose Hill, incorporated,	559
Rocky Mount, charter amended,	566

Index to public laws.

Index to public  
acts.

## CITIES AND TOWNS—(CONTINUED.)

PAGE.

Franklinville, town of chartered,	566
LaGrange, town of chartered,	596
Weaversville, town of chartered,	600
Duroam, town of chartered,	603
Youngsville, town of chartered,	623
Albemarle, town of chartered,	625
Cerro Gordo, town of chartered,	637
Penny Hill, town of chartered,	670
Salem, repeal of law taxing money, &c.,	677
Winston, repeal of law taxing money, &c.,	677
Elizabeth City, charter amended,	677
Stantonsburg, charter amended,	678
Morganton, defining limits of,	682
Wilmington, incorporating Dry Pond Bucket Company,	682
Whitaker's Mill, town chartered,	703
Polkton, town of chartered,	704
Carthage, extending corporate limits of,	738
Statesville, charter amended,	718
Ore Knob, town chartered,	719
Tarboro', charter amended,	723
King's Mountain, charter amended,	732
Officers forbidden to use moneys in certain cases,	170
To ascertain indebtedness of,	325
CITY BANK OF WILMINGTON:	
Act incorporating,	552
CIVIL RIGHTS BILL:	
Resolution in relation to,	367
CHARLOTTE:	
Jurisdiction of mayor defined,	481
Public graded schools in,	673
CHATHAM COUNTY:	
Prohibiting sale of liquor in certain localities in,	689
CHATTEL MORTGAGE:	
Act amended,	287
CHEOA TURNPIKE COMPANY:	
Amending charter,	471, 482
CHEROKEE COUNTY:	
Cancellation Cherokee land bonds,	90
May levy special tax,	191
Resolution concerning educational interests of,	392

	PAGE.	Index in public laws.
CLERKS OF GENERAL ASSEMBLY :		
Authority to procure pigeon holes,	370	
Additional aid,	382, 395	
Pay of clerk to railroad committee,	384	
Pay of clerks for preparing calendars,	394	
Allowed \$150 for extra work,	399	
\$100 allowed G. D. Miller for clerical assistance,	408	
CLEVELAND SAVINGS BANK :		
Act incorporating,	504	
CODE, CIVIL PROCEDURE :		
Costs in civil actions,	119	
Suits against railway corporations,	193	
COLUMBUS COUNTY :		
Commissioners may extend time of tax collector,	312	
COMPROMISES :		
Act in regard to,	308	
CONSTITUTIONAL CONVENTION :		
Act to call,	302	
CONCORD :		
Charter of amended,	262	
CONSTITUTION, STATE :		
Resolution concerning,	378	
CONSTITUTIONAL REFORM :		
Resolution raising joint committee on,	364	
CONSTABLES :		
To execute writs from justices' courts,	27	
May execute writs in county,	341	
CORPORATIONS :		
Time for organization of certain extended,	654	
COSTS :		
In action by State,	69	
To relieve counties from payment of in criminal cases,	114	
In civil actions,	119	
In civil actions by State officers,	179	
Counties not liable for in poll tax indictments,	267	

Index to public laws.		PAGE.
	<b>COTTON:</b>	
	Concerning weighing of,	45
	Unlawful to sell in night time,	63
	<b>COUNTY COMMISSIONERS:</b>	
	Filling vacancies in,	124
	To ascertain debt of counties,	325
	<b>COUNTY LINES:</b>	
	Change of between Granville and Franklin,	49
	“ of between Gaston and Lincoln,	124
	“ of between Pamlico and Beaufort,	129
	“ of between Alleghany and Surry,	186
	“ of between Pamlico and Craven,	211
	<b>COUNTY OFFICERS:</b>	
	Required to make annual report of funds,	176.
	<b>COUNTY TREASURER:</b>	
	Pay of reduced,	93
	To receive proceeds of sale of school property,	211
	Authorized to pay school money,	312
	<b>COUNSEL, RIGHT OF:</b>	
	Act defining,	115
	<b>COURTS:</b>	
	Extra term of Superior Court for Wayne provided,	26
	Two additional terms for Wayne provided for,	44
	Extra term of Superior Court for Cumberland,	27
	Changing time of holding in 3d district,	46
	Two additional terms for Mecklenburg,	54
	Investing Martin and Bertie with authority,	67
	Change in time of holding in Dare and Hyde,	68
	Changing time of holding in 11th district,	118, 153
	“ of time of holding in 10th district,	180
	Additional term for Northampton and Halifax,	206
	Change of time for holding in Lenoir and Wilson,	261
	Divested of jurisdiction over misdemeanors in failing to list polls and property,	266
	To change time of holding in Davidson and Rowan,	310
	To alter time of holding in second judicial district,	322
	<b>GRAVEN COUNTY:</b>	
	Attaching part of to Carteret county,	122
	Commissioners may levy special tax,	165
	Change of line between and Pamlico,	311

## PAGE.

## CRIMES AND PUNISHMENTS :

Burning of grain and other products,	151	Index to public laws.
Unlawful to sell cotton in night time,	63	
Refusing to kill dog bitten by mad dog,	111	
Embezzlement of State property,	40	
Defendant in larceny charged in same court, &c.,	49	
Lotteries and gift concerts,	94	
Retailing without license,	32	
Failure of county officers to report as to funds,	177	
Changing gange of railroads,	185	
Breaking into uninhabited house,	191	
Accessories before fact in murder, arson, burglary, rape,	286	
To punish fraudulent use of brand,	308	
To punish wilful burning of houses,	310	

## CRIMINAL PROCEEDINGS :

Solicitors to prosecute in Federal Courts,	190
--	-----

## CUMBERLAND COUNTY :

Authorizing Commissioners to fund debt of,	284
--	-----

## CURRITUCK COUNTY :

Commissioners may issue bonds,	90
--------------------------------	----

## D

## DAN RIVER NAVIGATION COMPANY :

Act incorporating,	688
--------------------	-----

## DARE CONNTY :

Change in time of holding courts,	48
-----------------------------------	----

## DAVIE COUNTY :

Amending act of 1869, laying off public road,	637
---	-----

## DAVILSON COUNTY :

Act establishing Teachers' Institute, &c., repealed,	8
To change time of holding court in,	310
Resolution concerning burning of court house,	362
Amending act of 1869, laying off public road,	637

## DEAF AND DUMB AND BLIND :

Appropriation for support of,	406
Resolution for relief of,	355
Vacant lot turned over to,	289

	PAGE.
Index to public laws,	
DEBTS :	
To ascertain county, city and towns,	325
DIAMOND CHOPPER AND CULTIVATOR COMPANY :	
Act of incorporation amended,	413
DIRECT TAX :	
Resolution asking refunding of,	363
DOGS :	
Penalty for refusing to kill when bitten by mad-dog,	111
DOORKEEPERS, &c. :	
Pay for extra services,	407
DUNLAP, LEE :	
Resolution of instruction to Governor in regard to,	358
DURHAM :	
Bank of, chartered,	473
Town of, incorporated,	603
DRAINING WET LANDS :	
In Lincoln and Catawba,	53
Battle's Revisal amended,	113
In Guilford and Rockingham,	195
DRY POND BUCKET COMPANY :	
Act incorporating,	632

## E

EDENTON HARBOR :	
Resolution asking improvement of,	371
ELECTIONS :	
Candidates not to act as registrar or judges of,	311
Time of holding, changed to November,	315
Fees of returning officers,	348
ELIZABETH CITY :	
Charter of, amended,	679
EMBEZZLEMENT :	
Of State property, how punished,	46

	PAGE.
ENNISS, J. H. :	
Allowed §88 for Stationery,	388
Allowed §12 for Stationery,	391
Allowed §21 for Stationery,	393
ENTRIES AND GRANTS :	
To make valid irregular entries,	38
To extend the time for taking out grants,	44
EQUITY :	
Enforcement of decrees in,	73
ESTRAYS :	
act in relation to,	344
EVIDENCE :	
In cases of fraud, where State concerned,	286
Evidences of debt,	194
EXECUTORS AND ADMINISTRATORS :	
May make deeds in certain cases,	339
 <b>F</b>  	
FARRISS, JAMES:	
Pay of as assistant to Doorkeeper,	406
FAYETTEVILLE:	
Re-organizing fire department of,	635
Commissioners authorized to issue bonds,	335
FFES:	
In State cases,	334
FENCES:	
Act concerning in certain counties, - <i>Deleted</i>	70
Construing act of 1872-'73,	167
Act providing for in Union, Anson and Guilford,	267
FISH:	
Unlawful to take in Goshen Swamp by fire light,	24
Law of 1873-'74 not to apply to fishermen,	43
I relation to fishing in Albemarle sound and certain rivers,	115
To protect in Neuse river and Contentnea creek,	210

	PAGE.
FISH—(CONTINUED.)	
index to public laws.	To protect fishermen, 212
	To regulate taking of in New river, 260
	Providing for passage of in Catawba, Dan and Mayo rivers, 503
	Fishing in Newbegun creek regulated, 573
FORCIBLE ENTRY AND DETAINER:	
	Magistrates not liable to prosecution, 48
	To give magistrates jurisdiction in, 63
FORNICATION AND ADULTERY:	
	Law of 1873-'74 repealed, 35
FORSYTHE COUNTY:	
	To protect stock of citizens in, 117
	To prevent netting of birds in, 309
FRANKLIN COUNTY:	
	Change of dividing line between and Granville, 49
	May levy special tax, 263
FRANKLINSVILLE:	
	Incorporating town of, 568
FREEDMAN'S SAVING BANK:	
	Resolution in regard to, 378
FREIGHT TARIFFS:	
	To prevent discrimination in by railroad companies, 322
FRIENDS OF TEMPERANCE:	
	Act incorporating Perseverance Council No. 74, 678
FURGUSON'S CAMP GROUND:	
	Act incorporating, 518
<b>G</b>	
GASTON COUNTY:	
	Commissioners may levy special tax, 47
	Change of dividing line between and Lincoln, 124
GASTON MINING COMPANY:	
	Act incorporating, 417

	PAGE.
GAUGE OF RAILROADS :	
Change of forbidden,	185
Gauge of North Western North Carolina Railroad,	285
	Index to public laws.
GENERAL ASSEMBLY—(SEE CLERKS OF.)	
GOLDSBORO:	
Corporate limits of town extended,	646
GRAHAM COUNTY :	
Cancellation of Cherokee land bonds,	90
GRAHAM HIGH SCHOOL:	
Act incorporating,	449
GRANVILLE COUNTY:	
Change of dividing line between and Franklin,	49
GRANGES :	
Eno, No. 134,	436
Incorporating State Grange, Patrons of Husbandry,	524
GRANGE BANK OF CUMBERLAND :	
Act incorporating,	665
GREENSBORO' :	
Amending charter of,	428
GUARDIAN AND WARD :	
Act concerning, amended,	287
GUARDIAN, PUBLIC :	
Act to appoint in every county,	302
GUILFORD COUNTY :	
Commissioners may employ convict labor to drain lands,	195
Fence law in,	267
 <b>H</b>  	
HALIFAX COUNTY :	
Additional term of court for,	206
HARRELSON, BRICE :	
Relieved from license tax,	433

Index to public  
laws.

	PAGE.
HAYWOOD COUNTY :	
To authorize turnpike in,	64
Authorizing special tax,	187
Citizens of, not to be charged toll,	307
HAYWOOD ACADEMY :	
Former act revived,	439
HAYNES, K. :	
Pay for arresting convict,	400
HERTFORD COUNTY :	
Commissioners may issue bonds,	201
HICKORY HIGH SCHOOL :	
Act incorporating,	484
HICKORY :	
Amending charter of town of,	519
HISTORICAL SOCIETY OF NORTH CAROLINA :	
Act incorporating,	648
HYDE COUNTY :	
Change in time of holding courts,	68
Commissioners may levy special tax,	193
Concerning sale of ardent spirits on Island of Ocracoke,	687
 <b>I</b>  	
INSANE ASYLUM :	
Appropriation for support of,	169
Erection of kitchen and store-house at,	326
Western Asylum provided,	336
Colored Asylum at Wilmington provided,	338
Joint resolution for relief of,	359
Committee to examine and report on location for Western Asylum,	382
Pay of committee,	389
Vacancies in Board of Commissioners,	401
Superintendent to make estimates,	402
INSOLVENT DEBTORS :	
Battle's Revisal amended,	7

	PAGE.
INSPECTOR OF LUMBER:	
Act concerning, (Wilmington,)	706
	Index to public laws.
INSURANCE COMPANIES:	
Secretary of State to examine,	275
INTEREST ON STATE DEBT:	
Public Treasurer not to pay,	1
INTEREST:	
Regulating rate of,	87
INTERNAL IMPROVEMENTS:	
To revive board of,	86
Railroad and other officers to report to,	270
INTERNAL REVENUE LAW:	
Resolution asking repeal of,	364
Asking refunding of tax on spirits turpentine,	369

## J

JAILORS:	
Fees of,	41
JACKSON COUNTY:	
Commissioners to erect toll gate,	629
JONES COUNTY:	
Levy of special tax in,	98
JOHNSTON COUNTY:	
Removal of county seat,	181
JUSTICES AND THEIR JURISDICTION:	
Time in which to answer summons extended,	313
JOURNAL OF EDUCATION:	
Seven hundred dollars appropriated for,	384

## K

KEEPER OF CAPITOL:	
To notify parties in regard to improvements on public lots,	39
To turn over cloth, &c., to J. H. Mills,	401

	PAGE.
Index to public laws.	
KEEBLER, GODFREY :	
Tax refunded,	399
KINSTON :	
Charter of amended,	653
✓ KING'S MOUNTAIN :	
Town charter amended,	✓ 732
<b>L</b>	
LAGRANGE:	
Town of incorporated,	596
LAND GRANTS :	
To extend time for taking out	44
LANDS :	
Title to under decrees,	79
LANDLORD AND TENANT:	
Amending act concerning,	281
LARCENY:	
Defendant may be charged in same indictment, &c.,	49
LEE, T. F. :	
Allowing surties of to collect arrears of taxes,	108
LENOIR COUNTY :	
Creating Woodington township,	107
Time of holding court in,	261
LENOIR :	
Charter of town amended,	513
LIGHT HOUSES:	
Asking appropriation for two on Albemarle sound,	381
LIGHT HOUSE CLUB :	
Incorporating,	416
LINCOLN COUNTY :	
Drainage of certain lands in,	53
Change of line between and Gaston,	124

## PAGE.

## LINCOLN COUNTY—(CONTINUED.)

Allowing Lincoln township to subscribe to Chester and Lenoir Railroad,	126	Index to previous laws.
Additional justice in Catawba Springs township,	209	
To prevent live stock from running at large in,	260	
To insure public buildings,	477	

## LINCOLNTON :

Charter of town amended,	514
--------------------------	-----

## LIQUOR, SALE OF :

Sale of near Burnsville prohibited,	28
Sale of near Poplar Springs church prohibited,	638
Retailing without license,	32
Sale of near Hank's chapel,	94
Repealing act prohibiting near Richmond court house,	94
Sale of near Transylvania court house,	95
Election on prohibition in township,	95
Sale of prohibited near Asheville and Spartansburg Railroad,	125
Sale of near Rush Academy, Hyde county,	167
Applications for prohibition to be posted,	184
Concerning on Island of Ocracoke,	687
Prohibiting near Prospect and New Hope churches,	699
Prohibiting near Rocky River church,	732
Prohibiting in certain localities in Chatham county,	680
Law prohibiting near Wayman's chapel repealed,	444
Near Laurinburg, Richmond county,	257
Prohibited in certain localities,	319
To regulate sale of in Northampton.	342
Repealing law concerning sale of near Swansboro,	414
Prohibiting sale of near Dallas,	432
Repeal of law as to Bonville, Yadkin county,	439
Prohibition near Nebo Camp Ground.	442
Repeal of act prohibiting near Summerville,	446
“ “ “ Ashpole church,	446
Prohibiting near Hayesville Academy,	457
Repeal of act prohibiting near Elam church,	480
Prohibiting near Mott's Grove Camp Ground and Rehoboth church,	480
Repeal of act prohibiting near Zion church,	515
Episcopal church near John Kimberly,	517
Sale of near Murfreesboro prohibited,	628

## LISTING TAXES :

Superior Courts divested of jurisdiction for failure, &c.,	266
--	-----

## LIVE STOCK :

To prevent running at large in certain counties,	72, 189, 260
--	--------------

	PAGE.
Index to public laws.	
<b>LODGES :</b>	
Olive Branch, No. 37, I. O. O. F.,	434
Columbus, No. 27, " "	448
Patrons of Mercy, Grand Order of Brothers,	450
Cedar Fork, No. 342, F. A. M.,	450
Golden Link, No. 1,633, G. U. O. O. F.,	482
Golden Lyre, No. 1,608, " "	574
Orion, No. 67, I. O. O. F.,	686
Balfour, No. 188, F. A. M.,	707
Nashville, No. 84, I. O. O. F.,	735
<b>LOST OR DESTROYED RECORDS :</b>	
Orders of old Courts of Pleas and Quarter Sessions legalized,	40
Battle's Revisal in relation to amended,	341
<b>LOTTERIES AND GIFT CONCERTS :</b>	
Who liable for engaging in,	94
<b>LOUISBURG :</b>	
Defining jurisdiction of mayor,	735
<b>LOVEJOY ACADEMY :</b>	
Leased to J. M. Lovejoy for ten years,	386
<b>LUMLEY, JAMES :</b>	
Pay of as assistant to doorkeeper,	406
<b>LUNATICS :</b>	
Concerning maintenance of,	318
<b>M</b>	
<b>MACON COUNTY :</b>	
Commissioners may levy special tax,	258
<b>MADISON COUNTY :</b>	
Jury to lay off a road to Marshall,	636
<b>MAGISTRATES :</b>	
Not liable to prosecution for taking jurisdiction in cases of forcible entry and detainer,	48
To give jurisdiction in forcible entry and detainer,	63

	PAGE.
MARION AND ASHEVILLE TURNPIKE:	
In favor of employees on,	88
Supplemental to above,	116
	Index to public laws.
MARLBORO :	
Incorporating town of,	528
MARSHALL, JOSEPH :	
Overplus of tax refunded,	397
MARTIN COUNTY :	
Court to try for offenees on Connie Island,	67
Jurisdiction of court over Pocosin Island,	68
McDOWELL COUNTY :	
Taxation of Western North Carolina Railroad in,	274
McKAY, JUDGE A. A. :	
Resolution in regard to salary of,	387
MECKLENBURG COUNTY :	
Additional terms of courts for,	54
Live stock running at large,	72, 189
Construction of fence law of 1872-'73,	167
MECKLENBURG CENTENNIAL ASSOCIATION :	
Act incorporating,	643
MEXICAN WAR SURVIVORS :	
Asking amendment of pension law,	370, 383
MILITARY SCHOOLS :	
To provide arms for,	280
MILLER, H. M. :	
Resolution in favor of, allowed \$100 for clerical assistance,	356
MILLER, G. D. :	
Resolution in favor of,	357
MONEY :	
To allow deposit of in courts in lieu of bond,	105
MONROE HIGH SCHOOL :	
Act incorporating,	411

	PAGE.
Index to public laws,	
MONTGOMERY COUNTY:	
Commissioners may levy special tax,	129
MOORE COUNTY:	
Commissioners may levy special tax,	170
Law in regard to wild fowl extended to,	314
MOORE, W. M.:	
Resolution in favor of,	402
MORGANTON:	
Defining corporate limits of,	682
MORTGAGES:	
To allow deposit of in courts in lieu of bond,	105
Act concerning chattel amended,	287
MORRIS, J. E.:	
Allowed \$10 for forwarding arms,	389
MORRIS, W. H. & CO.:	
Allowed \$25 for chair,	386
MORRISVILLE:	
Incorporating town of,	455
MOUNT PLEASANT RETREAT ACADEMY:	
Trustees for appointed,	372
MURPHY, DR. C. T.:	
Re-appointed on Board Public Charities,	300
 N  	
NASHVILLE LODGE NO. 84, I. O. O. F.:	
Act incorporating,	735
NATIONAL CEMETERY:	
United States government may purchase lands for near Wil- mington,	42
NATIONAL LOAN AND TRUST COMPANY:	
Act incorporating,	629

	PAGE.	
NEWBEGUN CREEK:		
Act regulating fishing in,	573	Index to public laws.
NEWBERNE:		
Amending charter of,	502, 541	
Defining jurisdiction of mayor,	679	
NEWBERNE ACADEMY:		
Act for better regulation of,	499	
NEWBERNE:		
Asking appropriation for United States Court House, &c.,	394	
NEUSE RIVER:		
Asking removal of obstructions in,	368	
NEWPORT:		
Amending charter of,	421	
NEWPORT RIVER:		
To prevent obstruction to navigation in,	99	
NEW RIVER CANAL COMPANY:		
Asking aid for,	375	
NORTHAMPTON COUNTY:		
Additional terms of court for,	206	
May levy special tax,	256	
Regulating sale of liquors in,	342	
N. C. PRINTING AND PUBLISHING COMPANY:		
Act incorporating,	669	
N. C. MUTUAL HOME INSURANCE COMPANY:		
Act amending charter,	565	
NORTH CAROLINA MANUAL:		
Resolution in relation to repealed,	34	
NORTH CAROLINA STEEL COMPANY:		
Name changed,	7	
NORTH CAROLINA PLUMBAGO COMPANY:		
Act incorporating,	623	

	PAGE.
Index to public laws.	
NUMBER SIX CHEROKEE MINING AND MANUFACTURING CO. : Act incorporating,	525
<b>O</b>	
OAK CITY BUILDING AND LOAN ASSOCIATION : Act incorporating,	451
OFFICIAL BONDS : To secure sufficiency of,	120
OLIVE BRANCH BAPTIST CHURCH : Act incorporating,	521
ONDERDONK INVESTIGATION : Resolution to pay witnesses and clerk,	395
ONslow COUNTY : Commissioners may sell Alum Springs property,	479
ORANGE COUNTY : Trustees of Bingham township to collect arrears,	300
ORE KNOB : Town of chartered,	719
<b>P</b>	
PAMLICO COUNTY : Change of line between and Beaufort, " " between and Craven,	129 211
PAMLICO INSURANCE AND BANKING COMPANY : Act incorporating,	455
PARDON : (Amnesty given,) Of Mack Ransom,	17 387
PATRONS OF HUSBANDRY : Direct Trade Union incorporated,	455

	PAGE.
PENDER COUNTY :	
Act establishing,	96
Act supplemental to,	154
PENITENTIARY :	
Appropriation for erection of,	288
Authorizing the hire of convict labor,	329
PENSIONS :	
Asking for, for Mexican survivors,	370
Asking Congress to amend law,	388
PENNY HILL :	
Act incorporating town of,	670
PITT COUNTY :	
To re-assess real property in,	161
Commissioners may sell jail,	259
Commissioners may levy special tax,	301
PEOPLE'S BANK OF MONROE :	
Charter amended,	514
PERSEVERANCE COUNCIL, F. T. :	
Act incorporating,	679
PINEY CREEK BAPTIST CHURCH :	
Act incorporating,	501
PLEASANT GROVE CAMP GROUND :	
Act incorporating,	516
PLUMMER HOOK AND LADDER COMPANY :	
Act incorporating,	685
PROCESSIONING :	
Law in regard to amended,	32
PUBLIC ARMS :	
Freight on,	18
Adjutant General to collect,	373
PUBLIC DEBT :	
Resolution in regard to,	358
PUBLIC GUARDIAN :	
Act to appoint in every county,	302

	PAGE.
to public	
PUBLIC LANDS :	
Certain irregular entries of made valid,	38
PUBLIC PRINTING :	
Time in which to complete extended,	312
In regard to printing stationery for General Assembly,	361
Instruction to State Treasurer to pay,	372
PUBLIC CHARITIES :	
Re-appointment of Drs. Murphy and Blacknall on board of,	350
 Q  	
QUO WARRANTO :	
Actions in,	67
To facilitate trial of actions in,	200
 R  	
RAILROADS :	
Watauga and Caldwell Narrow Gauge, charter of,	9
Greenville and French Broad, charter amended,	23
Spartanburg and Asheville,	23
Yadkin Railroad, authorizing Rowan county to subscribe to stock,	36, 102
Yadkin Railroad, authorizing Stanly county to subscribe to stock,	148
WILMINGTON AND WELDON :	
In relation to consolidation with Wilmington and Raleigh Rail- road Company,	61
CHESTER AND LENOIR NARROW GAUGE :	
Subscription of Lincolnton township,	126
DEEP RIVER, SAXAPAHAW AND DANVILLE :	
Act of incorporation,	130
ALBEMARLE AND ROANOKE :	
Act of incorporation,	138
CAROLINA NARROW GAUGE :	
Amending charter,	152

	PAGE.	
NORTH CAROLINA BORDER RAILROAD COMPANY :		Index to public laws.
Act of incorporation,	162	
WESTERN RAILROAD COMPANY :		
Amending charter,	168	
WESTERN NORTH CAROLINA RAILROAD COMPANY :		
Appeal in case of Clews, Sibley and others,	405	
Commissioners to purchase,	172	
Taxation in Burke and McDowell,	274	
Duty of officers to turn over money,	306	
Changing gauge of,	185	
Resolution in relation to,	385	
NORFOLK, ROXBORO AND GREENSBORO RAILROAD :		
Act of incorporation,	196	
WESTERN NORTH CAROLINA RAILROAD :		
Concerning gauge of,	285	
SNOW HILL BRANCH :		
Act incorporating,	289	
WILMINGTON, RALEIGH AND DANVILLE :		
Act incorporating,	294	
ATLANTIC AND NORTH CAROLINA RAILROAD :		
Authorized to construct branch road,	324	
NORTH CAROLINA RAILROAD :		
Amending charter of,	349	
Resolution concerning State railroads,	360	
Resolution pay witnesses in Onderdonk investigation,	395	
Joint committee to employ clerk,	396	
GEORGIA AND NORTH CAROLINA RAILROAD :		
Charter amended,	434	
ROANOKE VALLEY RAILROAD COMPANY :		
Act incorporating,	500	
FAYETTEVILLE AND GOLDSBORO RAILROAD COMPANY :		
Act incorporating,	558	
RAILWAY CORPORATIONS :		
Suits against,	193	

Index to public laws.		PAGE.
	RAILWAY OPERATIVES' MUTUAL INSURANCE COMPANY :	
	Act incorporating,	661
	RALEIGH, CITY OF :	
	Law authorizing inspector of wood and coal repealed,	415
	Charter amended,	529
	RALEIGH SAVINGS BANK AND TRUST COMPANY :	
	Act incorporating,	579
	RANGERS :	
	Duty of,	344
	RECEIVING STOLEN GOODS :	
	Defendant may be charged with, &c.,	49
	RECORDARI :	
	Writ authorized,	112
	REMOVAL :	
	Of cases :	16
	REPEAL :	
	Chapter 32, sec. 32, Battle's Revisal, (trial of Solicitors by Gov.,)	3
	"    75, private laws 1873-'74,	5
	Resolution in relation to N. C. Manual,	34
	Chapter 176, sec. 3, laws 1873-'74, (fornication and adultery,)	35
	"    105, sec. 16, B. R., (pay of county treasurer,)	39
	"    112, sec. 17, B. R., (report on roads and bridges,)	72
	RETAILING WITHOUT LICENSE :	
	Penalty for,	32
	REVENUE—(SEE TAXES, page 213.)	
	REVISED CODE :	
	Sections 24, 25, 26, 27, chapter 32, re-enacted,	13
	Sections 115, 116, 117, 118, chapter 31, re-enacted,	16
	RICIIMOND COURT HOUSE :	
	Repealing liquor law,	94
	RICHMOND MANUFACTURING COMPANY :	
	Amendment to charter,	414

	PAGE.
RIDGEWAY CEMETERY COMPANY:	
Act incorporating,	705 <small>Index to public laws</small>
ROADS, FERRIES AND BRIDGES:	
To lay out from Boone to Watauga Turnpike,	59
Law requiring reports on repealed,	72
ROANOKE NAVIGATION COMPANY:	
Act for dissolution of,	264
ROBESON COUNTY AGRICULTURAL SOCIETY:	
Act incorporating,	641
ROCKINGHAM COUNTY:	
Live stock at large in,	72, 189
Amending act in relation to the Meadows,	90
May issue bonds to repair bridge,	183
Convict labor to drain certain lands,	195
ROCKY FORD MANUFACTURING COMPANY:	
Act incorporating,	650
ROCKY MOUNT:	
Town charter of amended,	556
ROLLINS, PINKNEY & CO.:	
Instruction to State Treasurer to pay,	400
ROSE HILL:	
Town of incorporated,	550
ROWAN COUNTY:	
Authorizing commissioners to subscribe to Yadkin Railroad,	56, 102
Live stock running at large in,	72, 189
To change time of holding courts in,	310
RUTHERFORD MANUFACTURING COMPANY:	
Act incorporating,	563

## S

SALARIES AND FEES:	
County Standard Keeper,	112
SALES-DAY:	
Act to change time of,	279

	PAGE.
Index to public laws.	
SALEM :	
Repeal of law authorizing tax on money, &c.,	677
SALISBURY :	
Defining jurisdiction of mayor,	735
SAMPSON COUNTY AGRICULTURAL SOCIETY :	
Act incorporating,	662
SANFORD :	
Charter amended,	428
SATCHWELL, F. J. :	
Relieved from penalty,	375
SCUPPERNONG RIVER :	
Asking appropriation to open mouth of,	373
SECRETARY OF STATE :	
Allowed clerical assistance,	29
To examine insurance companies,	575
Required to perform certain duties,	343
SHAW UNIVERSITY :	
Act incorporating,	693
✓ SHELBY :	
Constable to collect taxes,	✓ 4
✓ Incorporating town of,	✓ 458
✓ Authorizing sale of parts of certain street,	✓ 588
SHERIFFS :	
To execute writs from justices' courts,	27
Compensation for bringing convicts,	110
Fees for making return of election,	348
SHERIFFS AND TAX COLLECTORS :	
sheriff of New Hanover, time extended,	1
"    Craven, "    "	2
"    Beaufort "    "	3
"    "    allowed to settle,	375
"    Sampson to collect arrears,	5
"    Henderson "    "	5
"    Martin "    "	6
"    Person, time extended,	8

	PAGE.
SHERIFFS AND TAX COLLECTORS: (CONTINUED.)	
Sheriff of Sampson, credit allowed,	12
“ Franklin, time extended,	15
“ Brunswick, time extended,	20
“ Halifax, “ “	21
“ Greene, allowed to settle with Auditor,	24
“ Granville, time extended,	25
“ Martin, allowed to settle with Auditor,	29
“ Watanga, to collect arrears,	35
General relief of,	37
Sheriff of Person to collect arrears,	52
“ Graham county, time extended,	378
SHOE HEEL:	
Charter amended,	441
SOLICITORS:	
To prosecute in Federal Courts,	190
To dismiss indictments for failing to list poll tax,	267
SOUTHERN UNDERWRITER'S ASSOCIATION:	
Act incorporating,	568
SPECIAL TAX:	
Commissioners of Gaston may levy,	47
“ “ Jones “ “	98
“ “ Montgomery may levy,	129
“ “ Craven “ “	165
“ “ Moore, “ “	170
“ “ Cabarrus “ “	172
“ “ Ashe “ “	179
“ “ Haywood “ “	187
“ “ Cherokee “ “	191
“ “ Hyde “ “	193
“ “ Northampton “ “	256
“ “ Elizabeth City may levy,	258
“ “ Macon county “ “	258
“ “ Franklin “ “ “	263
“ “ Pitt “ “ “	301
SPECIAL TAX FUND:	
Transferred to general fund,	2
STATE BANKS:	
Repeal of tax on issues of asked,	379
STATE BONDS:	
Committee to make list of in treasury,	371

Index to public laws.		PAGE.
	STATE DEBT :	
	To compromise, commute and settle,	202
	Resolution in regard to,	358
	Resolution to appoint committee on,	372
	STATE GEOLOGIST :	
	Requested to furnish itemized statement of expenses,	378
	STATE LOTS :	
	Removing improvements from,	39
	STATE PROPERTY :	
	Embezzlement of, how punished,	40
	STATE TREASURER :	
	To issue bonds to settle State debt,	202
	Authorized to receive certain bonds from R. & A. A. L. R. R.,	328
	Bonds and coupons in office of to be burned,	379
	Meaning as to deposits made by,	390
	Instruction concerning paying out moneys,	391
	STANLY COUNTY :	
	Subscription to Yadkin R. R. Co.:	148
	Clerk of Court, &c., shall not practice law in,	159
	To prevent felling trees in Big Bear creek,	192
	STATESVILLE :	
	Charter of amended,	718
	STATESVILLE ACADEMY :	
	Incorporating trustees of,	523
	STANTONSBURG :	
	Charter of amended,	675
	SUPERCEDEAS :	
	Writ of authorized,	112
	SURRY COUNTY :	
	Change of line between and Alleghany,	156
	SWAIN COUNTY :	
	Citizens of not to pay toll,	307
	SWANN'S STATION :	
	Incorporating town of	443

PAGE.

## T

## TAXES:

Act to provide for collection of, (machinery act,)	213	Index to public laws.
Valuation of lands,	213	
Meaning of words land and real property.	214	
Clerk to notify township boards,	214	
Tax list, when to be given in,	214	
Farming stock given in when,	215	
Polls and other property when given in,	215	
Tax payer to give in list of property,	215	
Tax list, what to contain,	216	
Tax list refer to first of April,	216	
Guardians, executors, administrators and trustees,	217	
Banks, railroads, &c.,	218	
Plank roads, turnpikes,	219	
Exemptions, what property exempt,	220	
Property, how valued,	220	
Auditor to provide forms,	221	
Abstracts, board to make,	221	
Revisal of list by County Commissioners,	222	
Complaints,	222	
Refunding tax, double tax,	223	
Exemptions from poll tax,	224	
Distribution of tax lists,	224	
Form of order,	225	
Clerk to transmit, penalty,	225	
Land divided, how tax apportioned,	226	
Valuation, how altered,	226	
When taxes due,	227	
When and where taxes may be received,	227	
How sheriff to collect,	228	
When sheriff to bid off land,	230	
Redemption of land,	231	
Failure to redeem,	231	
Re-conveyance,	232	
Unlisted taxables, sheriff to keep list of,	232	
Settlements of sheriffs, when,	233	
Deductions by Auditor,	234	
Compensation of sheriff and tax collector,	234	
Failure to settle State taxes, penalty for,	235	
County taxes, when payable,	236	
Committee to assist in settlement,	236	
Failure to account for county taxes,	237	
Tax collector,	238	
Collection of taxes, extension of time,	238	
Peddlers,	238	

Index to public ws.		PAGE.
	REVENUE ACTS :	
	Taxes, how assessed, in what currency payable,	239
	Polls,	239
	Special taxes,	240
	Income tax,	240
	Deductions tax on corporations,	241
	(SCHEDULE B.)	
	Theatres, concerts, circuses, gift enterprises,	242
	Bank agencies, billiard saloons, alleys, liquor dealers,	243
	Merchants,	244
	Hotels, ferries, brokers,	245
	Auctioneers, commission merchants, horses and vehicles,	246
	Itinerant peddlers, lightning rods, gypsies,	247
	Drummers, insurance companies,	248
	Who to list, traders license,	250
	Form of license, validity of license, penalty for failure,	251
	Duty of sheriff, sheriffs licenses,	252
	(SCHEDULE C.)	
	Express companies,	252
	Telegraph companies, seals, &c.,	253
	Marriage licenses, charters of corporations,	254
	Fines, penalties and forfeitures,	255
	Secretary of State to pay,	256
	 TAX COLLECTORS : (SEE SHERIFFS.)	
	 TAXES :	
	Sheriff of New Hanover, time extended,	1
	Sheriff of Craven, time extended,	2
	Sheriff of Beaufort, time extended,	3
	Constable of Shelby, to collect arrearages,	4
	Sheriff of Sampson, to collect arrearages,	5
	Sheriff Henderson, to collect arrearages,	5
	Sureties late sheriff of Martin, to collect arrearages of taxes,	6
	Sureties of late sheriff of Person, time extended,	8
	Sheriff of Franklin, time extended,	15
	Sheriff of Brunswick, time extended,	20
	Sheriff of Halifax, time extended,	21
	Sheriff of Greene, allowed to settle,	24
	Sheriff of Granville, time extended,	25
	Sheriff of Martin, allowed to settle,	29
	Sheriff of Watauga, to collect arrears,	35
	Sheriff of Person, to collect arrears,	52
	Sheriff of Wake, to collect arrears,	108
	Trustees of Blount township to collect arrears,	300
	Commissioners of Columbus may extend time,	313
	Tax collector for Wake allowed to settle,	361
	Sureties of late sheriff of Halifax may collect,	438

	PAGE.
TARBORO :	
Charter of amended,	723
TELEGRAPH LINES :	
To facilitate construction of	271
THORNE, J. WILLIAMS :	
Resolution to pay witnesses in case of,	398
TOBACCO TAX :	
Asking repeal of,	366
TOLL GATES :	
Jno. E. Patton and associates may locate,	435
TOWNSHIP TRUSTEES :	
Law requiring report on roads and bridges repealed,	72
TURNPIKES :	
To authorize making in Haywood county,	64
In favor contractors Marion and Asheville,	88, 116
Making Western Turnpike a free road,	97
To establish a free turnpike in Burke and Mitchell,	102
For better protection of Caldwell and Watauga Turnpike,	160
To amend charter of Cheoah,	471
To amend charter Caldwell and Ashe County,	499
Incorporating Marion and Jefferson,	709
Wilmington and Coast Line,	712
Yadkin River Bridge,	721
TRANSYLVANIA COURT HOUSE :	
Sale of liquor prohibited near,	95
TRIVETT, S. :	
Over payment of money refunded to,	398
TYRRELL COUNTY :	
Commissioners authorized to sell poor house lot, &c.,	21
Protection of county bridge across Scuppernon river,	517

## U

UNCLAIMED DIVIDENDS :	
Act to carry Constitution into effect,	314

Index to public laws.		PAGE.
UNDERTAKING :		
For costs,		69
UNION COUNTY :		
Fence law in,		267
UNIVERSITY :		
Unclaimed dividends to go to,		314
Certificates for land scrip to issue,		330
UNITED STATES COURT HOUSE, &c. :		
Asking appropriation for at Asheville and Greensboro,		365
USURY :		
Act to prevent,		87
W		
WAKE COUNTY COMMISSIONERS :		
Special meetings authorized,		13
Authorized to sell work house and grounds,		22
Tax collector of allowed to settle,		361
WAKE FOREST COLLEGE :		
Amending charter of,		547
WARD, CLIFTON :		
Credit allowed,		12
WATAUGA COUNTY :		
Act restoring records amended,	31,	187
To lay out public road in,		59
To make title to certain lots,		92
Amending act of 1850-'51, in regard to sheep raising,		121
Attached to 10th district,		180
To construct public road through,		601
WAYNE COUNTY :		
Extra term of Superior Court,		29
Two additional terms provided for,		41
WEIGHING :		
Lint Cotton,		45

	PAGE.	
WEAVERSVILLE :		
Town of incorporated,	600	Index to public laws.
WESTERN N. C. BAPTIST FEMALE COLLEGE :		
Act incorporating,	582	
WESTERN N. C. LAND AND COLONIZATION COMPANY :		
Act incorporating,	593	
WIDOWS' AND ORPHANS' BENEFIT SOCIETY :		
Charter of,	477	
WILD FOWL :		
Law in regard to extended to Moore county,	314	
Law extended to Dare and Hyde,	348	
WILDER, SARAH E. :		
Overplus of tax refunded,	396	
WILSON, N. M. :		
Time extended for settling county taxes,	374	
WILBERFORCE SCHOOL :		
Act incorporating trustees of,	675	
WILKES COUNTY :		
Commissioners to establish public road,	177	
WILKESBORO' HIGH SCHOOL :		
Act incorporating,	681	
WILSON COUNTY :		
Time of holding courts in,	261	
WILMINGTON :		
Charter of amended,	462	
Superintendent of health,	586	
Fifth Ward Bucket Company incorporated,	664	
Dry Pond Bucket Company incorporated,	682	
Concerning inspectors of turpentine,	700	
WILMINGTON ICE COMPANY :		
Act incorporating,	720	
WHITAKER'S :		
Charter of amended,	447	

Index to public laws.		PAGE.
WHITAKER'S MILL :		
	Town of chartered,	703
WINES :		
	To encourage manufacture of domestic,	281
WINSTON :		
	Repeal of law authorizing tax on money on hand,	677
WOODS, MIKE :		
	Authorized to collect arrears of taxes,	571
WRECK DISTRICTS :		
	Battle's Revisal in regard to amended,	308
WRITS FROM JUSTICES' COURT :		
	Sheriffs and constables to execute,	27
<b>Y</b>		
YADKIN COLLEGE :		
	Incorporating town of,	527
YADKIN RIVER BRIDGE AND TURNPIKE COMPANY :		
	Act incorporating,	721
YADKIN RIVER AND WILKESBORO NAVIGATION CO. :		
	Incorporating,	536
YANCEY COUNTY :		
	Commissioners to adjust debt of,	171
	Sheriff's time for settling extended,	374
YOUNGSVILLE :		
	Town of incorporated,	623















