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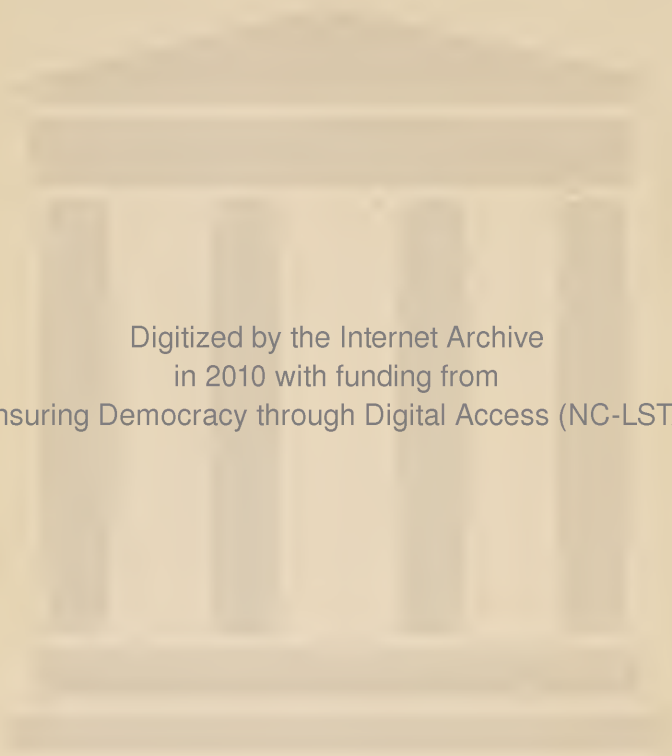


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L A W S

AND

R E S O L U T I O N S

OF THE

S T A T E O F N O R T H C A R O L I N A ,

P A S S E D B Y T H E

G E N E R A L A S S E M B L Y

A T I T S

S E S S I O N 1 8 7 6 - 7 7 ,

B E G U N A N D H E L D I N T H E C I T Y O F R A L E I G H ,

O n M o n d a y , t h e N i n e t e e n t h D a y o f N o v e m b e r , A . D . 1 8 7 6 .

T O W H I C H A R E P R E F I X E D

A R E G I S T E R O F S T A T E O F F I C E R S , M E M B E R S O F T H E G E N E R A L A S S E M B L Y A N D
J U D I C I A R Y , A N D A L I S T O F C O M M I S S I O N E R S O F A F F I D A V I T S .

P U B L I S H E D B Y A U T H O R I T Y .

R A L E I G H :

T H E N E W S P U B L I S H I N G C O M P A N Y , S T A T E P R I N T E R A N D B I N D E R .

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REGISTER OF STATE OFFICERS,

Members of the General Assembly

AND THE

JUDICIARY.

FOR THE YEAR 1877.

OFFICIAL REGISTER,

FOR THE

YEAR 1877.

STATE GOVERNMENT.

ZEBULON B. VANCE... Mecklenburg county,.....Governor.
THOS. J. JARVIS,..... Pitt county,.....Lieut. Governor.
JOS. A. ENGELHARD,...New Hanover county,.....Secretary of State.
SAM'L L. LOVE,.....Haywood county,.....Auditor.
JOHN M. WORTH,.....Randolph county,.....Treasurer.
J. C. SCARBOROUGH,....Johnston county,.....Supt. Pub. Instruct'n
THOS. S. KENAN,..... Wilson county,.....Attorney General.
JOHNSTONE JONES,.....Wake county,.....Adjutant General.
W. C. KERR,.....Mecklenburg county,.....State Geologist.
J. McLEOD TURNER,... Buncombe county,.....Keeper of Capitol.
SHERWOOD HAYWOOD,...Wake county,.....State Librarian.
DAVID M. VANCE,..... Mecklenburg county,.....Private Sec. to Gov
G. L. DUDLEY,.....New Hanover county,....Cl'k to Sec. State.
A. J. PARTIN,.....Wake county,.....Chief Cl'k to Auditor.
D. W. BAIN,.....Wake county,.....Chief Cl'k to Treas'r.
THOS. C. WORTH,.....Randolph county,.....Assist't Cl'k to Treas.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
RICHMOND M. PEARSON, Chief Justice,.....	Richmond Hill, N. C.
EDWIN G. READE, Associate Justice,.....	Roxboro, “
WM. B. RODMAN, Associate Justice,.....	Washington,
W. P. BYNUM, Associate Justice,.....	Charlotte, “
W. T. FAIRCLOTH, Associate Justice,.....	Goldsboro, “
THOS. S. KENAN, Reporter,.....	Wilson, “
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,.....	Newbern, “
4. A. A. MCKOY,.....	Clinton, “
5. R. P. BUNTON,.....	Fayetteville, “
6. WM. R. COX,.....	Raleigh, “
7. JOHN KERR,.....	Reidsville, “
8. JOHN M. CLOUD,.....	Winston, “
9. DAVID SCHENCK,.....	Lincolnton, “
10. D. M. FURCHES,.....	Statesville, “
11. JAMES L. HENRY,.....	Asheville, “
12. R. H. CANNON,.....	Franklin, “

SOLICITORS.

DISTRICTS AND NAMES.	RESIDENCES.
1. JAS. P. WHEDBEE,.....	Elizabeth City, N. C.
2. J. J. MARTIN,.....	Williamston, “
3. L. J. MORE,.....	Newbern, “
4. W. S. NORMENT,.....	Lumberton, “
5. S. J. PEMBERTON,.....	Albemarle, “
6. C. M. COOK,.....	Louisburg, “
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, “

 CRIMINAL COURT JUDGES.

OLIVER P. MEARES,.....	Wilmington, N. C.
GEORGE V. STRONG,.....	Raleigh, “

SOLICITORS.

BENJAMIN R. MOORE,.....	Wilmington, N. C.
THOMAS P. DEVEREUX,.....	Raleigh, “

GENERAL ASSEMBLY.

Convenes in the City of Raleigh on the third Monday in November.

SENATE.

THOS. J. JARVIS, Lieutenant-Governor, President.

DIST.	COUNTIES.	NAME OF SENATORS.	RESIDENCES.
1	Currituck, Camden, Pasquotank, Hertford, Gates, Chowan, Perquimans,...	Octavius Coke,.....	Edenton, N. C.
2	Tyrrell, Washington, Martin, Dare, Beaufort and Hyde,.....	W. C. Mercer,.....	Currituck C. H., " "
3	Northampton and Bertie,.....	W. T. Caho,.....	Bay River, " "
4	Halifax,.....	Charles Latham,.....	Plymouth, " "
5	Edgecombe,.....	G. A. Mebane,.....	Windsor, " "
6	Pitt, ..	John Bryant,.....	Halifax, " "
7	Wilson, Nash and Franklin,.....	W. P. Mabson,.....	Tarboro, " "
8	Craven,.....	J. B. Stickney,.....	Greenville, " "
9	Jones, Onslow and Carteret,.....	H. G. Williams,.....	Wilson, " "
10	Wayne and Duplin,.....	N. W. Boddie,.....	Nashville, " "
11	Lenoir and Greene,.....	George Green,.....	Newbern, " "
12	New Hanover,.....	Benjamin Askew,.....	Trenton, " "
		I. F. Dortch,.....	Goldsboro, " "
		J. D. Stanford,.....	Kenansville, " "
		W. W. Dunn,.....	Kinston, " "
		W. H. Moore,.....	Wilmington, " "

SENATE—(Continued.)

DIST.	COUNTIES.	NAME OF SENATORS.	RESIDENCES.
13	Brunswick and Bladen,	J. N. Bennett,	Town Creek,
14	Sampson,	J. L. Stewart,	Clinton,
15	Columbus and Robeson,	H. B. Short,	Flemmington,
16	Cumberland and Harnett,	W. C. Troy,	Fayetteville,
17	Johnston,	L. R. Waddell,	Smithfield,
18	Wake,	R. W. Wynne,	Neuse,
19	Warren,	J. W. Thorne,	Ridgeway,
20	Person, Orange and Caswell,	John W. Graham,	Hillsboro,
21	Granville,	J. W. Cunningham,	Cunningham's Store,
22	Chatham,	H. T. Hughes,	Oxford,
23	Rockingham,	W. G. Albright,	Mud Lick,
24	Alamance and Guilford,	W. N. Mebane,	Wentworth,
25	Randolph and Moore,	Thos. M. Holt,	Haw River,
26	Richmond and Montgomery,	J. I. Scales,	Greensboro,
27	Anson and Union,	M. S. Robins,	Ashboro,
28	Cabarrus and Stanley,	H. C. Dockery,	Rochingham,
29	Mecklenburg,	E. R. Liles,	Lilesville,
30	Rowan and Davie,	L. G. Heilig,	Mt. Pleasant,
31	Davidson,	T. J. Moore,	Charlotte,
32	Stokes and Forsythe,	W. H. Crawford,	Salisbury,
33	Surry and Yadkin,	B. B. Roberts,	Lexington,
34	Iredell, Wilkes and Alexander,	T. J. Wilson,	Winston,
		John G. Marlet,	Hamptonville,
		T. A. Nicholson,	Nicholson's Mills,
		Tyre York,	Trap Hill,

N. C.

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35	Alleghany, Ashe and Watanga,.....	Heavey Bingham,.....	Boone,	N. C.
36	Caldwell, Burke, McDowell, Mitchell } and Yancey,.....	C. F. Young,.....	Burnsville,	"
37	Catawba and Lincoln,.....	G. N. Folk,.....	Lenoir,	"
38	Gaston and Cleaveland,.....	S. M. Finger,.....	Newton,	"
39	Rutherford and Polk,.....	R. W. Sandifer,.....	Dallas,	"
40	Buncombe and Madison,.....	H. M. Justice,.....	Rutherfordton,	"
41	Haywood, Henderson and Transylvania.	Thomas D. Johnston,.....	Asheville,	"
42	Jackson, Swain, Clay, Macon, Cherokee } and Graham.....	G. S. Ferguson,.....	Waynesville,	"
		J. L. Robinson,.....	Franklin,	"

HOUSE OF REPRESENTATIVES.

CHARLES PRICE, Davie County, Speaker.

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Alamance,.....	Dan'l Worth,.....	Company Shops.
Alexander,.....	Lyndon Stephenson,.....	Taylorsville.
Alleghany,.....	Vaughan, E. L.	Gap Civil.
Anson,.....	B. I. Dunlap,.....	Cedar Hill.
Ashe,.....	J. W. Todd,.....	Jefferson.
Beaufort,.....	D. W. Jarvis,.....	Haslin.
Bertie,.....	W. T. Ward,.....	Windsor.
Bladen,.....	John H. Clarke,.....	Clarkton.
Brunswick,.....	D. L. Russll,.....	Wilmington.
Buncombe,.....	M. E. Carter,.....	Asheville.
Burke,.....	James W. Wilson,.....	Morganton.
Cabarrus,.....	Ervin Harris,.....	Concord.
Caldwell,.....	J. M. Houck,.....	Lenoir.
Camden,.....	J. K. Abbott,.....	South Mills.
Carteret,.....	W. V. Geoffroy,.....	Beaufort.
Caswell,.....	Wilson Cary,.....	Fitches' Store.
Caswell,.....	Thomas S. Harrison,.....	Purley.
Catawba,.....	D. McD. Yount,.....	Catawba Station.
Chatham,.....	J. M. Moring,.....	Morrisville.
Chatham,.....	James R. Powell,.....	Pittsboro.
Cherokee,.....	J. W. Cooper,.....	Murphy.
Chowan,.....	T. E. Ward,.....	Wardville.
Clay,.....	W. H. McClure,.....	Hayesville.
Cleveland,.....	Reuben McBrayer,.....	Shelby.
Columbus,.....	V. V. Richardson,.....	Whiteville.
Craven,.....	H. H. Simmons,.....	Newbern.
Craven,.....	Wm. E. Clarke,.....	"
Currituck,.....	H. E. Baxter,.....	Indian Town.
Cumberland,.....	J. W. Godwin,.....	Kyles' Landing.
Cumberland,.....	George M. Rose,.....	Fayetteville.
Dare,.....	George L. Fulcher,.....	Cape Hatteras.
Davidson,.....	James A. Leach,.....	Thomasville.

HOUSE OF REPRESENTATIVES—(Continued).

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Davidson,.....	M. H. Pinnix,.....	Lexington.
Davie,.....	Chas. Price,.....	Mocksville.
Duplin,.....	J. G. Kenan,.....	Kenansville.
Duplin,.....	A. G. Moseley,.....	Warsaw.
Edgecombe,....	Willis Bunn,.....	Battleboro.
Edgecombe,....	B. I. Dunlap,.....	Tarboro.
Forsythe,.....	Edgar Lineback,.....	Winston.
Franklin,.....	John H. Williamson,...	Louisburg.
Gaston,.....	W. G. Morris,.....	Dallas.
Gates,.....	W. P. Roberts,.....	Gatesville.
Graham,.....		
Granville,.....	Henry C. Rogers,.....	Oxford.
Granville,.....	W. H. Crews,.....	"
Greene,.....	W. P. Ormond,.....	Snow Hill.
Guilford,.....	John Staples,.....	Greensboro.
Guilford,.....	Lyndon Swaim,..	"
Halifax,.....	J. S. Reynolds,.....	Enfield.
Halifax,.....	J. A. White,.....	Scotland Neck.
Harnett,.....	Dan'l H. McLean,.....	Lillington,
Haywood,.....	F. M. Davis,.....	Iron Duff.
Henderson,.....	J. L. Hood,.....	Hendersonville.
Hertford,.....	J. J. Horton,.....	St. John's.
Hyde,.....	W. S. Carter,.....	Fairfield.
Iredell,.....	A. F. Gaither,.....	Eagle Mills.
Iredell,.....	A. C. Sharpe,.....	Statesville.
Jackson,.....	G. W. Spake,.....	Webster.
Johnston,.....	H. J. Ryals,.....	Clayton.
Johnston,.....	Dr Farquard Smith,...	"
Jones,.....	J. F. Scott,.....	Trenton.
Lenoir,.....	J. K. Davis,.....	Kinstor.
Lincoln,.....	B. C. Cobb,.....	Lincolnton.
Macon,.....	G. N. Rush,.....	Franklin.
Madison,.....	H. A. Gudger,.....	Marshall.
Martin,.....	N. B. Fagan,.....	Plymouth.
McDowell,.....	J. S. Brown,.....	Marion.
Mecklenburg,...	W. E. Ardrey,.....	Pineville.
Mecklenburg,...	Randolph A. Shotwell,...	Charlotte.
Mitchell,.....	John P. Heap,.....	Bakersville.
Montgomery, ...	W. T. H. Ewing,.....	Sulphur Springs.

HOUSE OF REPRESENTATIVES—(Continued).

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Moore,.....	Jas. D. McIver,.....	Carthage.
Nash,	T. P. Braswell,.....	Battleboro.
New Hanover,.	J. C. Hill.....	Wilmington.
New Hanover,.	James Wilson,.....	"
Northampton,.	A. J. Allen,.....	Jackson.
Onslow,.....	J. W. Shackelford,.....	Richlands.
Orange,.....	J. Knox Hughes,.....	Cedar Grove.
Orange,.....	Calvin E. Parish,.....	Hillsboro.
Pamlico,.....		
Pasquotank,...	Hugh Cale,.....	Elizabeth City.
Pender,	Alfred Loyd,.....	Topsail Sound.
Perquimans,...	Willis Bagley.....	Hertford.
Person,.....	Montford McGehee,.....	Cunningham's Store,
Pitt,	E. A. Moyer,.....	Farmville.
Pitt,	Samuel Quinnerly,.....	Johnson's Mills.
Polk,	James K. Simpson,.....	White Oak Hall.
Randolph,	M. L. Fox,.....	Sandy Creek.
Randolph,	F. L. Winslow,.....	Trinity College.
Richmond,	W. R. Terry,.....	Rockingham.
Robeson,	Alfred Rowland,.....	Lumberton.
Robeson,	M. McKee,.....	Shoe Heel.
Rockingham,...	J. P. Dillard,.....	Leaksville.
Rowan,.....	J. S. McCubbins,	Mill Bridge.
Rowan,.....	John S. Henderson,.....	Salisbury.
Rutherford,....	D. Beam,.....	Webb's Ford.
Sampson,	J. A. Bizzell,.....	Clinton.
Sampson,	N. H. Fennell,.....	Harrell's Store.
Stanley,.....	J. E. Hartsell,.....	Leo.
Stokes,.....	Walter W. King,.....	Danbury.
Surry,.....	J. F. Graves,.....	Mount Airy.
Swain,.....	T. D. Bryson,.....	Charlestown.
Transylvania, .	G. W. Wilson,.....	Davidson River.
Tyrrell,	Edward Ransom,.....	Columbia.
Union,.....	C. Austin,.....	Monroe.
Wake,.....	James Emiss,.....	Merry Oaks.
Wake,	J. E. Bledsoe,.....	Raleigh.
Wake,	T. R. Purnell,.....	"
Wake,	M. G. Todd,	Eagle Rock.

HOUSE OF REPRESENTATIVES—(Continued).

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.]
Warren,	D. R. Johnson,.....	Warrenton.
Warren,	H. W. Carter,.....	“
Washington, ...	S. L. Johnston,	Plymouth.
Watauga,	W. R. Council,.....	Boone.
Wayne,.....	Owen Peel,.....	
Wayne,	F. M. Aycock,.....	Freemont.
Wilkes,	C. J. Horton,.....	Elkville.
Wilkes,	J. Q. A. Bryan,.....	Trap Hill.
Wilson,.....	R. W. Singeltary,	Wilson.
Yadkin,	Thomas Haynes,	Jonesville.
Yancey,	W. W. Proffitt,	Ivey Gap.

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.

FOR 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, together with residence, dates of appointment and expiration of each.

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTM'T.	DATE OF EXPIRATION.
Alabama,	James E. Webb,	Greensboro,	December 15, 1875,	December 15, 1877
"	George W. Noble,	Montgomery,	March 10, 1876,	March 10, 1878
Arizona,	Will D. Southworth,	Prescott,	October 25, 1876,	October 25, 1878
Arkansas,	Britton Robeson,	Wilsburg,	June 23, 1875,	June 28, 1877
California,	Jay E. Russell,	San Francisco,	October 13, 1876,	October 13, 1878
"	Edward Chattin,	"	December 18, 1876,	December 18, 1878
"	N. Proctor Smith,	"	January 31, 1877,	January 31, 1879
Connecticut,	Edward Goodman	Hartford,	24, 1877,	January 24, 1879
"	James N. Loomis,	Grantz,	February 5, 1877,	February 5, 1879
District of Columbia,	Jos. T. K. Plant,	Washington,	May 15, 1876,	May 15, 1878
"	Samuel C. Mills,	"	August 29, 1876,	August 29, 1878
Georgia,	A. Farnsworth,	Dalton,	March 20, 1876,	March 20, 1878
"	Luther A. Hall,	Eastman,	June 27, 1876,	June 27, 1878

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF EXPIRATION.
Georgia,	Frank H. Miller,	Augusta,	January 18, 1877.	January 18, 1879
"	Jno. W. Burroughs,	Savannah,	February 21, 1877,	February 21, 1879
Illinois,	Philip A. Hayne,	Chicago,	December 16, 1876,	December 16, 1878
"	Simeon W. King,	"	January 19, 1877,	January 19, 1879
Kentucky,	Harry Stucky,	Louisville,	May 27, 1876,	May 27, 1878
Louisiana,	Andrew Hero, Jr.,	New Orleans,	December 8, 1876,	December 8, 1878
"	John G. Eastis,	"	December 22, 1876,	December 22, 1878
Maryland,	Henry R. Dulancy,	Baltimore,	December 1, 1875,	December 1, 1877
"	Jos. T. Atkinson,	"	May 27, 1876,	May 27, 1878
"	James S. Key,	"	July 18, 1876,	July 18, 1878
"	Murray Hanson,	"	August 5, 1876,	August 5, 1878
"	William E. Hill,	"	November 13, 1876,	November 13, 1878
"	E. W. Owens,	Rockville,	March 1, 1877,	March 1, 1879
Massachusetts,	Edward J. Jones,	Boston,	May 10, 1876,	May 10, 1878
"	J. W. Thompson,	"	December 12, 1876,	December 12, 1878
"	James B. Bell,	"	January 3, 1877,	January 3, 1879
"	Samuel Jennison,	"	January 13, 1877,	January 13, 1879
Mississippi,	Garnett Andrews,	Yazoo,	August 6, 1875,	August 6, 1877
"	Henry P. Turner,	Wonona,	September 20, 1876,	September 20, 1878
Missouri,	John W. Hodgkin,	St. Louis,	November 17, 1876,	November 17, 1878
New York,	Eleazer Jackson,	New York,	May 24, 1875,	May 24, 1877
"	Richard M. Bruno,	"	April 8, 1876,	April 8, 1878
"	Spencer C. Doty,	"	May 19, 1876,	May 19, 1878

"	Thomas B. Clifford,	"	27, 1876,	"	27, 1878
"	James E. Halsey,	"	3, 1876,	July	3, 1878
"	Geo. R. Jaques,	"	28, 1876,	September	28, 1878
"	Joseph B. Norris,	"	13, 1876,	October	13, 1878
"	Harald Bagley,	"	8, 1876,	December	8, 1878
"	Thos. Kilvert,	"	8, 1876,	"	8, 1878
"	Lucius W. How,	"	15, 1876,	"	15, 1878
"	Jacob DuBois,	"	16, 1876,	"	16, 1878
"	A. C. Anderson,	"	12, 1876,	"	12, 1878
"	Charles H. Hatch,	"	22, 1876,	"	22, 1878
"	W. H. Melick,	"	20, 1876,	"	20, 1878
"	Chas. Nettleson,	"	20, 1876,	"	20, 1878
"	Henry C. Banks,	"	19, 1877,	January	19, 1879
"	Edwin F. Carey,	"	8, 1877,	"	8, 1879
"	A. H. Nones,	"	31, 1877,	"	31, 1879
"	E. D. Grant,	"	2, 1877,	February	2, 1879
"	Chas. T. Bruen,	"	16, 1877,	"	16, 1879
"	Moses B. Maclay,	"	19, 1877,	"	19, 1879
"	William F. Lett,	"	25, 1877,	January	25, 1879
"	Marion J. Merchant,	"	17, 1877,	March	17, 1879
"	Henry Bischoff,	"	20, 1877,	"	20, 1879
"	Chas. A. Cameron,	"	30, 1877,	"	30, 1879
"	Jas. C. VanDyke,	"	3, 1877,	April	3, 1879
"	John A. Hillery,	"	2, 1877,	"	2, 1879
"	Chas. W. Anderson,	"	13, 1877,	"	13, 1879
"	Chas. Edgar Mills,	"	14, 1877,	"	14, 1879
"	Wm. E. Osburn,	Brooklyn,	27, 1876,	June	27, 1878
"	Wm. Edwin Osburn,	"	27, 1876,	"	27, 1878
"	Alex. Ostranger,	"	8, 1876,	December	8, 1878
"	Lewin W. Barringer,	Philadelphia,	12, 1875,	June	12, 1877
"	Wm. K. Shryock,	"	22, 1876,	February	22, 1878
"		Pennsylvania,			

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF EXPIRATION.
Pennsylvania.	Joseph S. Perot,	Philadelphia,	March 20, 1876,	March 20, 1878
"	E. A. B. Brown,	"	May 10, 1876,	May 10, 1878
"	Charles Chauncey,	"	December 12, 1876,	December 12, 1878
"	S. L. Taylor,	"	" 12, 1876,	" 12, 1878
"	Henry Reed,	"	" 12, 1876,	" 12, 1878
"	John Sparhawk,	"	" 8, 1876,	" 8, 1878
"	T. D. Rand,	"	" 8, 1876,	" 8, 1878
"	Kinley J. Tener,	"	" 8, 1876,	" 8, 1878
"	J. D. Reinboth,	"	" 15, 1876,	" 15, 1878
"	John Russell,	"	" 12, 1876,	" 12, 1878
"	Alexander Ramsey,	"	" 22, 1876,	" 22, 1878
"	Stanley N. Mitchell,	"	" 8, 1876,	" 8, 1878
"	J. Paul Diver,	"	" 20, 1876,	" 20, 1878
"	Geo. W. Thurston,	"	January 19, 1877,	January 19, 1879
"	H. E. Hindmarsh,	"	" 20, 1877,	" 20, 1879
"	Edward Shippen,	"	" 27, 1877,	" 27, 1879
"	Francis C. Fallon,	"	February 28, 1877,	February 28, 1879
"	J. Wise Norton,	"	March 5, 1877,	March 5, 1879
"	Jos. Frankish,	"	" 30, 1877,	" 30, 1879
"	Wm. F. Robb,	Pittsburg,	February 8, 1876,	February 8, 1878
South Carolina,	Geo. W. Nicholls,	Spartanburg,	November 17, 1876,	November 17, 1878
"	V. J. Tobias,	Charleston,	December 20, 1876,	December 20, 1878
"	Thomas Frost.	"	January 20, 1877,	January 20, 1879

"	Augustus E. Cohen,	"	April	2, 1877,	2, 1879
"	Thos. E. Dudley,	Bennettsville,	February	3, 1877,	3, 1879
"	A. B. Horton,	Cheraw,	"	12, 1877,	12, 1879
Tennessee,	James E. Temple,	Memphis,	June	1, 1875,	1, 1877
"	James K. Stephens,	Jackson,	February	6, 1877,	6, 1879
"	Hunsdon Cary,	Memphis,	"	12, 1877,	12, 1879
Texas,	J. M. Long,	Paris,	December	16, 1875,	16, 1877
"	R. N. Campbell,	Bonham,	March	4, 1877,	4, 1879
Virginia,	E. R. Hunter,	Portsmouth,	May	24, 1875,	24, 1877
"	J. Booten Hill,	Richmond,	January	17, 1876,	17, 1878
"	Thomas Hamlin,	Danville,	April	15, 1876,	15, 1878
"	L. B. Allen,	Norfolk,	October	28, 1876,	28, 1878
"	W. B. Martin,	"	November	28, 1876,	28, 1878
"	L. D. Starke,	"	"	28, 1876,	28, 1878
"	T. R. Borland,	"	December	8, 1876,	8, 1878
"	W. G. Elliott,	"	January	19, 1877,	19, 1879
"	Jno. C. Baker,	"	"	9, 1877,	9, 1879
"	Alexander Donnan,	Petersburg,	"	11, 1877,	11, 1879
"	John R. Kilby,	Suffolk,	"	20, 1877,	20, 1879
"	E. M. Garrett,	Richmond,	"	19, 1877,	19, 1879

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE,

Raleigh, April 25th, 1877:

I, Jos. A. ENGELHARD, 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 appointment and places of residence, as recorded in this office.

JOS. A. ENGELHARD, *Secretary of State.*

CAPTIONS
OF THE
LAWS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA,
SESSION 1876-'77.

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TO THE

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CONSTITUTION
OF THE
STATE OF NORTH CAROLINA,
AS AMENDED BY THE
CONSTITUTIONAL CONVENTION OF 1875.

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA,

AS AMENDED BY THE

CONSTITUTIONAL CONVENTION OF 1875.

PREAMBLE.

We, the people of the State of North Carolina, grateful ^{Preamble.} to Almighty God, the Sovereign Ruler of nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution :

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare :

SECTION 1. That we hold it to be self-evident that all men ^{The equality and rights of men.} are created equal ; that they are endowed by their Creator

with certain unalienable rights ; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power
and government.

SEC. 2. That all political power is vested in, and derived from, the people ; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal govern-
ment of the State.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness ; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

That there is no
right to secede.

SEC. 4. That this State shall ever remain a member of the American Union ; that the people thereof are part of the American nation ; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

Of allegiance to
the U. S. govern-
ment.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

Exclusive emolu-
ments, &c.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The Legislative,
Executive and

SEC. 8. The legislative, executive and supreme judicial

powers of the government ought to be forever separate and distinct from each other. Judicial powers distinct.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised. Of the power of suspending laws.

SEC. 10. All elections ought to be free. Elections free.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty. In criminal prosecutions.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment. Answers to criminal charges.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of jury.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.

SEC. 17. No person ought to be taken, imprisoned or dis-seized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person to be taken, &c., but by law of the land.

- Persons restrained of liberty. SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.
- Controversies at law respecting property. SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.
- Freedom of the press. SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.
- Habeas corpus. SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.
- Property qualification. SEC. 22. As political rights and privileges are not dependent upon, or modified by property, therefore no property qualification ought to affect the right to vote or hold office.
- Representation and taxation. SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.
- Militia and the right to bear arms. SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.
- Right of the people to assemble together. SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.
- Religious liberty. SEC. 26. All men have a natural and unalienable right to

worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right. Education.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held. Elections should be frequent.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty. Recurrence to fundamental principles.

SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State. Hereditary emoluments, &c.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed. Perpetuities, &c.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed. Ex post facto laws.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within this State. Slavery prohibited.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are. State boundaries.

SEC. 35. All Courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Courts shall be open.

SEC. 36. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law. Soldiers in time of peace.

Other rights of the people.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein delegated, remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Two branches.

SECTION 1. The Legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: A Senate and House of Representatives.

Time of assembling.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business unless a majority of all the members are actually present.

Number of Senators.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Regulations in relation to districting the State for Senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Regulations in relation to apportionment of Representatives.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially

chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts for the Senate are hereinbefore directed to be laid off.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing twice but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Ratio of representation.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election.

Qualifications for Senators.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.

Qualifications for Representatives.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Election of officers.

SEC. 10. The General Assembly shall have power to pass

Powers in relation

to divorce and alimony. general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, &c.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear thirty days' notice of application to pass such a law shall have been given, under such direction, and in such manner as shall be provided by law.

Vacancies.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third reading of the bill shall have been entered on the Journal.

Entails.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

Journals.

SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

SEC. 17. Any member of either House may dissent from, and protest against, any act or resolve, which he may think

injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

SEC. 18. The House of Representatives shall choose their own Speaker and other officers. Officers of the House.

SEC. 19. The Lieutenant Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided. President of the Senate.

SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor. Other Senatorial officers.

SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.

SEC. 22. Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place. Powers of the General Assembly.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, &c.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath for members.

SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.

SEC. 26. Upon motion made and seconded in either House, by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays.

SEC. 27. The election for members of the General As- Election for mem-

bers of the General Assembly. ssembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

Pay of members and officers of the General Assembly.

SEC. 28. The members of the General Assembly for the term for which they have been elected, shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage.

Extra session.

Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the Executive Department.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years by the qualified electors of the

Terms of office.

State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from after the first day of January.

SEC. 2. No person shall be eligible as Governor or Lieutenant Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant Governor or President of the Senate.

Qualifications of
Governor and
Lieutenant Gov-
ernor.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly, in such manner as shall be prescribed by law.

Returns of elec-
tions.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and

Oath of office for
Governor.

of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Duties of the Governor.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, commutations and pardons.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences, (except in cases of impeachment,) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

Annual reports from officers of Executive Department and of Public Institutions.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-Chief.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions of General Assembly.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers, whose offices are established by this Constitution, and whose appointments are not otherwise provided for.

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities be removed, or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for a President of the Senate to administer the Government, the Secretary of State shall convene the Senate, that they may elect such President.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resig-

Duties of other Executive officers.

nation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

Council of State.

SEC. 14. The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction, shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of Executive officers.

SEC. 15. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under

such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of Court before a jury.

Abolishes the distinction between actions at law and suits in equity.

Feigned issues abolished.

SEC. 2. The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Division of Judicial powers.

SEC. 3. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial Court of Impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted

Impeachment.

without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Treason against
the State.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Supreme Court
Justices.

SEC. 6. The Supreme Court shall consist of a Chief Justice and two Associate Justices.

Terms of the Su-
preme Court.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Jurisdiction of
Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior Courts.

Claims against the
State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial District
for Superior
Courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Residences of

SEC. 11. Every Judge of the Superior Court shall reside

in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years, but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall become unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of said district.

Judges. Rotation in Judicial Districts. And Special Terms.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it, as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Jurisdiction of Courts inferior to Supreme Court.

SEC. 13. In all issues of fact, joined in any Court, the parties may waive the right to have the same determined by a jury; in which case the finding of the Judge upon the facts shall have the force and effect of a verdict of a jury.

In case of waiver of trial by jury.

SEC. 14. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Special courts in cities.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Clerk of Supreme Court.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time

Election of Superior Court Clerk.

and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

Fees, salaries and emoluments.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office.

What laws are and shall be in force.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or to the Constitution and laws of the United States, shall be in force until lawfully altered.

Disposition of actions at law and suits in equity, pending which this Constitution shall go into effect, &c.

SEC. 20. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at, the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Election, terms of office, &c., of Supreme and Superior Court Judges.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of

SEC. 22. The Superior Courts shall be, at all times, open

for the transaction of all business within their jurisdiction, business in the Superior Courts.
except the trial of issues of fact requiring a jury.

SEC. 23. A Solicitor shall be elected for each Judicial Solicitors for each Judicial District.
District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his District.

SEC. 24. In each county a Sheriff and Coroner shall be Sheriffs and Coroners.
elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the Commissioners for the County may appoint to such office for the unexpired term.

SEC. 25. All vacancies occurring in the offices provided Vacancies.
for by this Article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

SEC. 26. The officers elected at the first election held Terms of office of first officers under this Article.
under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of
Justices of the
Peace.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

Vacancies in office
of Justices.

SEC. 28. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the County shall appoint to fill the vacancy for the unexpired term.

Vacancies in office
of Superior Court
Clerk.

SEC. 29. In case the office of Clerk of a Superior Court for a County shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

Officers of other
Courts inferior to
Supreme Court.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe,

and they shall hold their offices for a term not exceeding eight years.

SEC. 31. Any Judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of Judges of the various Courts for inability.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Courts, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Removal of clerks of the various Courts for inability.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

Amendments not to vacate existing offices.

ARTICLE V.

REVENUE AND TAXATION.

Capitation tax.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The Commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Exemptions.

Application of proceeds of State and County capitation tax.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent. thereof be appropriated to the latter purpose.

Taxation shall be by uniform rule and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

Restriction upon the increase of the public debt, except in certain contingencies.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject

be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 5. Property belonging to the State or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Property exemptions from taxation.

SEC. 6. The taxes levied by the Commissioners of the several counties for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Taxes levied by County Commissioners.

SEC. 7. Every act of the General Assembly levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Acts levying taxes shall state object, &c.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person, born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open Court, shall be adjudged guilty of

Qualifications of an elector.

felony, or of any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Registration of electors.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

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4.

Elections by people and General Assembly.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Oath of office.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God."

Disqualification for office.

SEC. 5. The following classes of persons shall be disqualified for office: First, All persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

SECTION 1. In each county, there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and five Commissioners. County officers.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county, as may be prescribed by law. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners. Dut of County Commissioners.

SEC. 3. It shall be the duty of the Commissioners first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869. Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said Districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships. Said districts shall have corporate powers as Townships.

SEC. 5. In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of Justices of the Peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially Officers of Townships.

elected a School Committee, consisting of three persons, whose duty shall be prescribed by law.

Trustees shall assess property.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners for revision, as may be prescribed by law. The clerk shall also be, *ex officio*, treasurer of the township.

No debt or loan except by a majority of voters.

SEC. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein.

Drawing of money.

SEC. 8. No money shall be drawn from any county or township treasury, except by authority of law.

Taxes to be ad valorem.

SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem*, upon all property in the same, except property exempted by this Constitution.

When officers enter on duty.

SEC. 10. The county officers first elected under the provisions of this Article, shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint Justices.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

Charters to remain in force until legally changed.

SEC. 12. All charters, ordinances, and provisions relating to municipal corporations, shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in aid of the rebellion not to be paid.

SEC. 13. No county, city, town or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except sections seven, nine and thirteen.

Powers of General Assembly over municipal corporations.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time or repealed.

Corporations under general laws.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

Debts of corporations, how secured.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons.

What corporations shall include.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessments, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

Legislation to provide for organizing Cities, Towns, &c.

ARTICLE IX.

EDUCATION.

Education shall be encouraged.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination made in favor of, or to the prejudice of, either race.

Separation of the races.

Counties to be divided into districts.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property shall be devoted to educational purposes.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to this State, and not otherwise appropriated by the State, or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose,

shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds, and other property, County School funds. belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, Proviso. That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof, in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University. Election of Trustees, and provisions for maintenance of the University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University. Benefits of the University.

SEC. 8. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney General, shall constitute a State Board of Education. Board of Education.

SEC. 9. The Governor shall be President, and the Super- President and Secretary.

intendent of Public Instruction shall be Secretary of the Board of Education.

Power of Board.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board.

First session of Board.

SEC. 11. The first session of the Board of Education shall be held at the capitol of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the Board.

Quorum.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

Expenses.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.

Agricultural Department.

SEC. 14. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of Agriculture, of Mechanics, of Mining, and of Normal Instruction.

Children must attend school.

SEC. 15. The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

SECTION 1 The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution, or other final process of any Court, issued for the collection of any debt. Exemption.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process, obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises. Homestead.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any one of them. Homestead exempted from debt.

SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises. Laborer's lien.

SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right. Benefit of widow.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, Property of a married female secured to her.

real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Husband may insure his life for the benefit of wife and children.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her, or their own use, free from all the claims of the representatives of the husband, or any of his creditors.

How deed for homestead may be made.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments.

SECTION 1. The following punishments only shall be known to the laws of this State, viz: death, imprisonment, with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public

Convict Labor.

works, or highways, or other labor for public benefit, and the farming out thereof, where, and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson. *Pro-Provido.* *vided,* That no convict whose labor may be farmed out, shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board, or some officer of this State.

SEC. 2. The object of punishments being not only to Death punish-
ment. satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. The General Assembly shall, at its first meeting, Penitentiary. make provision for the erection and conduct of a State's Prison or Penitentiary, at some central and accessible point within the State.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons Houses of correc-
tion. guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. A House, or Houses of Refuge may be estab- Houses of refuge. lished whenever the public interest may require it, for the correction and instruction of other classes of offenders.

SEC. 6. It shall be required, by competent legislation, that The sexes to be
separated. the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

SEC. 7. Beneficent provision for the poor, the unfortunate Provision for the
poor and orphans and orphan, being one of the first duties of a civilized and a Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public

Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Orphan houses.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State, for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated, and taught some business or trade.

Inebriates and idiots.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Deaf mutes and insane.

SEC. 10. The General Assembly shall provide, that all the deaf mutes, the blind, and the insane of the State, shall be cared for at the charge of the State.

Self-supporting.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

Who are liable to militia duty.

SECTION 1. All able bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, That all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Organizing, &c.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

SEC. 3. The Governor shall be Commander-in-Chief, and Governor Com-
mander-in-Chief. have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

SEC. 4. The General Assembly shall have power to make Exemptions. such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No Convention of the people of this State Convention how
called. shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

SEC. 2. No part of the Constitution of this State shall be How the Constitu-
tion may be al-
tered. altered, unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV.

MISCELLANEOUS.

- Indictments.** SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.
- Penalty for fighting duel.** SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.
- Drawing money.** SEC. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.
- Mechanic's lien.** SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.
- Governor to make appointments.** SEC. 5. In the absence of any contrary provision, all officers in this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.
- Seat of government.** SEC. 6. The seat of government in this State shall remain at the City of Raleigh.
- Holding office.** SEC. 7. No person, who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State, or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly:

Provided, That nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or commissioners for special purposes.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.

Intermarriage of
whites and negroes
prohibited.

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TO THE

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1876-'77.

CHAPTER I.

AN ACT TO AMEND SECTION FOUR, CHAPTER TWENTY-TWO,
BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact,* That section four, chapter twenty-two, of Battle's Revisal, be amended by striking out in lines two and three the words "third Thursday of August," and insert the words "third Tuesday in November."

Chap. 22, Sec. 4,
Battle's Revisal
amended.

SEC. 2. This act is intended to apply to elections heretofore held under chapter two hundred and thirty-seven, acts of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, changing the elections in one thousand eight hundred and seventy-six, from August to November, and to supply an omission in said act respecting the time of comparison of polls, &c.

To apply to elections held under
Acts 1874-'75.

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

Ratified the 29th day of November, A. D. 1876.

CHAPTER II.

AN ACT TO VALIDATE ELECTION RETURNS.

Absence of seals shall not invalidate election returns.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where any election returns are required to be attested by the county seal, or seal of the sheriff, by any law of this State, the absence of such seals shall not have the effect to invalidate any such returns, and in all cases where any election returns, not attested by the county or sheriff's seal, shall have been heretofore counted, the same is hereby declared to be in all respects valid.

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

Ratified the 29th day of November, A. D. 1876.

CHAPTER III.

AN ACT TO REPEAL CHAPTER SEVENTY-NINE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, BEING AN ACT ENTITLED "AN ACT TO CHANGE SAMPSON COUNTY FROM THE FOURTH TO THE FIFTH JUDICIAL DISTRICT."

Chapter 79 of Laws of 1871-'72 repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter seventy-nine, of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, being an act entitled "An act to change Sampson county from the fourth to the fifth judicial district," be and the same is hereby repealed.

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

Ratified the 2d day of December, A. D. 1876.

CHAPTER IV.

AN ACT TO PREVENT THROWING OR SHOOTING INTO RAIL-ROAD CARS.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall cast, or throw, or shoot, any stone, rock, bullet, shot, pellet, or other missile, at, against, or into, any railroad car, locomotive, or train, while the said car or locomotive shall be in progress from one station to another, or while the said car, locomotive or train shall be stopped for any purpose, with intent to injure said car or locomotive, or any person therein or thereon, the person so offending shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the county jail, or the State prison, at the discretion of the Court.

Shooting or throwing at railroad cars a misdemeanor.

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

Ratified the 5th day of December, A. D. 1876.

CHAPTER V.

AN ACT TO PROVIDE FOR THE PRESERVATION OF THE RETURNS OF GOVERNOR, LIEUTENANT-GOVERNOR, AND OTHER OFFICERS MENTIONED IN SECTION TWENTY-SIX, CHAPTER FIFTY-TWO, OF BATTLE'S REVISAL, AND FOR ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the returns of the vote for Governor, Lieutenant-Governor, and other officers mentioned in section

Returns of the vote for Governor and other officers to be filed in Secretary's office.

twenty-six, chapter fifty-two, Battle's Revisal, and those for Electors of President and Vice-President shall, after they have been opened and published, as required by law, be delivered to the Secretary of State, who shall carefully file and preserve the same among the records of his office.

To apply to elections held Nov. 7th, 1876.

SEC. 2. This act shall also apply to the returns of the election held on the first Tuesday in November, Anno Domini one thousand eight hundred and seventy-six.

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

Ratified the 5th day of December, A. D. 1876.

CHAPTER VI.

AN ACT FOR THE RELIEF OF F. J. SATCHWELL, SHERIFF OF BEAUFORT COUNTY.

Preamble.

WHEREAS, Fenner J. Satchwell, sheriff of Beaufort county, by reason of his failure, through circumstances beyond his control, to settle the county taxes with the treasurer of said county for the year one thousand eight hundred and seventy-five, at the time prescribed by law; and whereas, for such failure, the treasurer of said county caused him to pay over into the county treasury two per centum per month forfeiture, as prescribed by law for such failure: Now, therefore,

Sheriff relieved from penalty.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said sheriff of Beaufort county be relieved from the payment of said penalty, and the said treasurer, J. F. Randolph, be authorized and instructed to refund said forfeiture, amounting to the sum of three hundred and fifty-six dollars and fifty cents, to said sheriff.

Forfeiture refunded.

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

Ratified the 5th day of December, A. D. 1876.

CHAPTER VII.

AN ACT TO AMEND CHAPTER SEVENTEEN, SECTION THREE
HUNDRED AND FORTY-THREE, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three hundred and forty-three, of chapter seventeen, Battle's Revisal, be amended as follows: Strike out in the fourteenth line all after the word "thereof" down to and including the word "county" in the fifteenth line. Strike out all after the word "clerk" in the sixteenth line down to and including the word "issue" in the seventeenth line.

Sec. 343, chap. 17,
Battle's Revisal,
amended.

Should be
Section 343

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

Ratified the 8th day of December, A. D. 1876.

CHAPTER VIII.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS
WITHIN TWO MILES OF JERUSALEM, LIBERTY, CONCORD
AND CHERRY HILL CHURCHES, DAVIE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to sell intoxicating liquors within two miles of Jerusalem, Cherry Hill, Concord and Liberty churches, of the county of Davie.

Prohibited.

SEC. 2. That if any one shall violate the provisions of this statute, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined at the discretion

Misdemeanor.

of the Court, not exceeding fifty dollars, or imprisoned not exceeding one month.

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

Ratified the 8th day of December, A. D. 1876.

CHAPTER IX.

ACT TO AMEND SECTION FOUR HUNDRED TWELVE CHAPTER SEVENTEEN, BATTLE'S REVISAL.

Section 412, chap.
17, Battle's Re-
visal, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four hundred and twelve (a), chapter seventeen, of Battle's Revisal, be amended by striking out, in line fourteen, the words, "Within twelve months from the ratification of this chapter," and that so amended, the said section is hereby re-enacted.

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

Ratified the 9th day of December, A. D. 1876.

CHAPTER X.

AN ACT TO RECEIVE CONVICTS IN THE PENITENTIARY FOR ONE YEAR.

Convicts to be re-
ceived for one
year.

SECTION 1. *The General Assembly of North Carolina do enact*, That until there shall be confined, within the State prison, at Raleigh, four hundred and fifty convicts, the

Board of Directors for the Penitentiary shall be required to receive all convicts sentenced for a term of one year or more.

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

Ratified the 9th day of December, A. D. 1876.

CHAPTER XI.

AN ACT SUPPLEMENTAL TO A SUPPLEMENTAL ACT TO LAY OFF AND ESTABLISH THE NEW COUNTY OF PAMLICO.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Pamlico county are hereby invested with the power to submit to the qualified voters of said county the question of removing the county site of said county of Pamlico, and that said election shall be held in accordance with and in conformity to the existing election laws; and those in favor of removing the county site shall vote a printed or written ticket, thus: "For Removal to ———," and those opposed to the removal shall vote a printed or written ticket, thus: "To remain at Vandemere;" and should a majority of all the votes cast be "For Removal," the county commissioners shall declare the county site removed to the place designated by the ballots; should a majority of the votes cast be "To remain at Vandemere," the county commissioners will so declare.

Removal of county site to be submitted to the qualified voters of Pamlico County.

County Commissioners shall declare the result of election.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county commissioners to receive by donation or purchase a tract of land not less than twenty acres, and for said purchase the commissioners of said county shall not pay to

Commissioners to receive by donation or purchase 20 acres of land.

Erection of Court House and Jail.

exceed forty (40) dollars; said lands to be conveyed to the county commissioners and their successors in office, in fee simple, for the said county of Pamlico, and upon which tract of land shall be erected the court-house and jail, allotting two (2) acres for the same, and the remainder of said tract of land shall be laid off in lots of an half acre each, and it shall be the duty of the county commissioners to expose said lots to public sale at such time as they may deem advisable, and the proceeds of such sales to be appropriated to the building of the court-house and jail; and if such proceeds are not sufficient for said purposes, then the commissioners may levy a special tax to supply the deficiency, and said tax shall be levied on the taxable property and polls of said county, and shall be collected in the same manner as other taxes are collected.

Public sale.

Proceeds arising from sale appropriated to build Court House and Jail.

Commissioners to levy a special tax.

Election.

SEC. 3. *Be it further enacted*, That the commissioners of said county of Pamlico shall order said election to be held on the first Thursday in March, eighteen hundred and seventy-seven, and should no place voted for receive a majority of all the votes cast, the following named persons, Benjamin F. Brinson, W. T. Paul, John B. Martin, Jesse W. Hardy and James Potter, special commissioners, shall meet at the court-house on the second Thursday of March, eighteen hundred and seventy-seven, and select a suitable place for said county site: *Provided*, The place so selected shall be agreed upon by a majority of said special commissioners present, and said commissioners shall make a report of their action to the board of county commissioners at their next meeting.

Proviso.

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

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XII.

AN ACT FOR THE RELIEF OF PURCHASERS OF CERTAIN
LANDS IN CLAY AND MACON COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases where any person or persons have entered lands in the counties of Clay and Macon, and filed bonds for the same, which lands have since been found to be, or to have been, covered by prior valid entry or purchase, the Board of Commissioners of said counties may, upon satisfactory proof, upon oath by the Surveyor of said counties, or otherwise, cancel the bonds of said purchaser or purchasers, or so much thereof only as a *pro rata* amount of lands proven to have been previously covered by other purchasers.

Commissioners of Clay and Macon Counties shall cancel bonds of purchasers of certain lands.

SEC. 2. It shall be the duty of all parties or persons making application for the relief mentioned in section one of this act, to pay all expense or expenses connected with the filing or canceling of said bonds.

Parties making application for relief.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XIII.

AN ACT TO PREVENT ATTEMPTS TO BURN DWELLING
HOUSES AND OTHER HOUSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall wilfully attempt to burn any dwelling house, uninhabited house, barn, stable, or

Any person convicted of burning houses to be deemed guilty of a misdemeanor.

out-house, or mill, manufacturing house, cotton gin, tobacco barn, granary or turpentine distillery, the property of another, the person so offending, on conviction thereof, shall be guilty of a misdemeanor, and shall be fined and imprisoned in the county jail or the State prison, in the discretion of the Court.

Fine and imprisonment.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XIV.

AN ACT TO INCORPORATE THE TOWN OF CAMERON, IN THE COUNTY OF MOORE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Cameron, in the county of Moore, be and the same is hereby incorporated by the name and style of the town of Cameron, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

The town of Cameron incorporated.

Corporate limits.

SEC. 2. That the corporate limits of said town be as follows: One half mile east, west, north and south from the centre of the warehouse of the Raleigh and Augusta Air-Line Rail Road Company, and shall run with the four cardinal points of the compass.

Officers of the incorporation.

SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a marshal, and the following named shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-seven, viz: Mayor, H. L. Muse; Commissioners, Moses Britton, Gideon McFadyea, Neill McDougal, John McDonald and Daniel McIntire; Marshal, Malcom Baker.

SEC. 4. There shall be an election held for officers men- Election.
tioned in this act on the first Monday in May, one thousand
eight hundred and seventy-seven, and each succeeding year
thereafter, under the same restrictions that county and
State elections are held ; and all citizens within said incor-
poration, who have resided twelve months within the State
and thirty days within the corporate limits, previous to the
day of election, shall be entitled to vote at said election. Qualifications of voters.

SEC. 5. That the said commissioners shall have power Laws, rules and regulations.
to pass all by-laws, rules and regulations, for the good gov-
ernment of the town, not inconsistent with the laws of the
State and the 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 collect the same.

SEC. 6. This act shall be in force from and after its rati-
fication.

Ratified the 12th day of December, A. D. 1876.

CHAPTER XV.

AN ACT TO EXEMPT THE CHERAW AND SALISBURY RAILROAD
FROM THE PROVISIONS OF AN ACT OF THE GENERAL AS-
SEMBLY, RATIFIED MARCH FIFTEENTH, ONE THOUSAND
EIGHT HUNDRED AND SEVENTY-FIVE, KNOWN AS CHAPTER
ONE HUNDRED AND FIFTY-NINE OF THE LAWS OF ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND
ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, EN-
TITLED AN ACT IN RELATION TO THE GAUGE OF RAIL-
ROADS.

SECTION 1. *The General Assembly of North Carolina do* In relation to
enact, That the act in relation to gauge of railroads, ratified gauge of railroads.
March fifteenth, one thousand eight hundred and seventy-

five, known as chapter one hundred and fifty-nine of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, shall not apply to the Cheraw and Salisbury Railroad Company, and that the said company be authorized to adopt any gauge the directors may decide upon before laying the track between Cheraw, South Carolina, and Wadesborough, North Carolina: *Provided*, That this act is passed and this authority given subject to the future control of the General Assembly.

Proviso.

Three years allowed to complete the road to Wadesboro'.

SEC. 2. That said company be allowed three years from the ratification of this act in which to complete the road to Wadesborough.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE DAN RIVER NAVIGATION COMPANY, RATIFIED THE TWENTIETH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

Chap. 152, Sec. 11,
Laws of 1874-'75,
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section eleven (11) of an act entitled an act to incorporate the Dan River Navigation Company, ratified the twentieth day of March, one thousand eight hundred and seventy-five, chapter one hundred and fifty-two, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended as to read as follows: That the president and directors of said company shall cause the works hereby required to be executed with diligence, and so soon as any portion of said river is

in a condition to be used for transportation of persons or property, by steamboat 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 that their net income shall not exceed twenty-five per cent. on their capital in any one year: *Provided*, That nothing herein shall interfere with the rafting of hewn or sawed lumber on said river by citizens of this State, nor with the unforfeited right of any other company heretofore authorized to navigate said river by the laws of this State.

Exclusive right of navigation.

Income not to exceed 25 per cent. on capital in any one year.

SEC. 2. That section thirteen of said act be so amended as to read as follows: *Be it further enacted*, That if the said company do not organize under this charter, and do not expend ten per cent. of the capital stock within four years from and after the first day of January, one thousand eight hundred and seventy-seven, then 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 productive of more than twenty-five per cent. net income on the capital stock.

Ten per cent. of capital to be expended.

The right to regulate freight and fare reserved.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XVII.

AN ACT IN FAVOR OF MADISON COUNTY.

WHEREAS, There was issued to the county of Madison an Auditor's warrant for one hundred dollars, (number ten) dated October seventeenth, one thousand eight hundred and seventy-six; and whereas, said warrant was assigned to Cowan McClung and Company, of Knoxville, Tennessee,

Preamble.

and sent by them by mail to their correspondents at Raleigh for collection; and whereas, said warrant failed to reach said correspondents and is mislaid or lost; therefore,

Auditor authorized to issue duplicate warrant.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Auditor of State is hereby authorized to issue a duplicate of said warrant, which the Treasurer shall pay, upon condition that a good and sufficient bond of indemnity be given to the State of North Carolina to protect the State against any liability in the matter.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XVIII.

AN ACT TO PREVENT MALICIOUS INJURY TO PERSONAL PROPERTY.

Malicious injury to personal property a misdemeanor.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall wilfully injure the personal property of another through malice to the owner, he shall be guilty of a misdemeanor, whether the property be destroyed or not, and, on conviction thereof, shall be punished by fine or imprisonment, or both, in the discretion of the Court.

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

Ratified the 13th day of December, A. D. 1876.

CHAPTER XIX.

AN ACT TO MAKE CAPE FEAR RIVER A LAWFUL FENCE.

SECTION 1. *The General Assembly of North Carolina do enact*, That Cape Fear river, for its entire length, shall be regarded, and is hereby declared, to be a lawful fence.

Cape Fear River a lawful fence.

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

Ratified the 13th day of December, A. D. 1876.

CHAPTER XX.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF CERTAIN ROADS IN BURKE, MCDOWELL, MITCHELL, YANCEY AND CALDWELL COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That Milton Young, R. C. Burgin, A. M. Erwin and W. F. Craige be appointed commissioners to lay off a turnpike from Marion to South Toe river, in Yancey county, and for other purposes hereinafter stated.

Turnpike from Marion to South Toe River.

SEC. 2. That Columbus Tate, Israel Beck, Mark Winters, Gabe Pearey and Ben Barrier, be appointed commissioners to lay off a turnpike from Morganton via Jonas's Ridge to the Asheville and Sparta turnpike, and for other purposes hereinafter stated.

Turnpike from Morganton via Jonas's Ridge to the Asheville and Sparta Turnpike.

SEC. 3. That D. J. Torney, Drury Coffee, Laborn Lindsay and J. M. Harshaw, be appointed commissioners on the turnpike from Morganton via John River Store and Grand Mother Gap to Asheville and Sparta turnpike.

Turnpike from Morganton via John River Store and Grandmother Gap to Asheville and Sparta Turnpike.

SEC. 4. That all persons who shall, in the Superior Court of Burke, McDowell, Mitchell and Yancey counties, be convicted of any criminal offence, and in consequence thereof be sentenced to the county jails for a period less

Persons sentenced to jail for less than one year to work on turnpike.

than one year, shall, on the application of these commissioners, be delivered by the sheriffs of said counties to said commissioners, or their agents or appointees, for the purpose of working on said roads, and the said persons so delivered as aforesaid shall be appointed first to the commissioners of the Buck Creek turnpike.

Prisoners to work on road one year unless their term of imprisonment expires sooner.

SEC. 5. That said commissioners of the Buck Creek turnpike shall place said persons on the road, and compel them to labor there for the space of twelve months, unless the term of imprisonment, for which they were sentenced, shall sooner expire, or said turnpike shall sooner be completed, or said commissioners have no further use for their labor.

Disposition of prisoners in event the work should cease.

SEC. 6. That on the completion of the Buck Creek turnpike, or in the event that the commissioners aforesaid shall cease their work, the said prisoners shall be delivered to the commissioners of the Jonas Ridge turnpike, to labor on it, and at the completion of the Jonas Ridge turnpike, shall be delivered to the commissioners of John's River turnpike, and on its completion, all prisoners, whose terms have not expired, shall be delivered to the sheriffs of the several counties from which they were received.

Maintenance of prisoners.

SEC. 7. That it shall be the duty of the county commissioners of the several counties aforesaid, to make the same allowance for the maintenance of these prisoners as if they were confined in the county jail; but all expenses for guarding, furnishing quarters and tools, shall be defrayed by the commissioners of the turnpike upon which they may be employed.

Conditions upon which sheriffs shall deliver prisoners to commissioners.

SEC. 8. That the sheriffs or jailors of the several counties aforesaid, shall not deliver to said commissioners any of said persons, until said commissioners shall have executed to said sheriffs or jailors, a receipt stating the name of said persons, the offence of which he was convicted, and the term of his sentence.

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

Ratified the 13th day of December, A. D. 1876.

CHAPTER XXI.

AN ACT TO BE ENTITLED AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY NINE, LAWS 1874-'75.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter two hundred and thirty-nine, laws 1874-'75, be, and the same is hereby amended, by striking out the words "Little Creek Church in Greene county," wherever they occur.

Chapter 239, Laws 1874-'75 amended.

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

Ratified the 13th day of December, A. D. 1876.

CHAPTER XXII.

AN ACT TO BE ENTITLED AN ACT TO AMEND CHAPTER EIGHTY-SEVEN, SECTION FORTY, BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter eighty-seven, section forty, of Battle's Revisal, be amended to read as follows: On the fourth line, after the word office, (or shall absent himself from the state for a period of ten days.)

Chapter 87, section 40, Battle's Revisal, amended.

SEC. 2. This act shall be in force from and after the first day of February, 1877.

Ratified the 13th day of December, A. D. 1876.

CHAPTER XXIII.

AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS OF WRITING, AND TO MAKE VALID THE REGISTRATION OF OTHERS :

Strike out all after the enacting clause and insert :

Registration of deeds.

SECTION 1. That all deeds and other instruments of writing, allowed or required to be registered, within or by a certain time, and which have not been proved and registered within or by such time, may be proved and registered at any time with two (2) years, from and after the ratification of this act, under the same rules and regulations as heretofore required by law.

All deeds and other instruments of writing allowed to be registered.

SEC. 2. That all deeds and other instruments of writing, allowed or required to be registered, which have been heretofore proved or acknowledged, and the private examination taken of *femmes covert*, if any, executing the same, and certified according to the then existing law, but not registered, shall, with such certificate, be registered by the register of the proper county, upon payment to the judge of probate of such county, or other officer authorized by law to admit such deed to probate for such register, the registration fees as prescribed by law, and presentation of such deeds or other instruments of writing, with such certificate to such register for registration, at any time within two (2) years, from and after the ratification of this act; and the registration of such deeds and other instruments of writing herein provided for, as well as the registration of all deeds, and other instruments of writing, allowed or required to be registered, which have been heretofore registered, but not by or within the time required by law, shall be as valid and effectual in law as if the same had been before duly registered in all respects according to law: *Provided*, That this act shall not apply to deeds of trust, mortgages, or marriage settlements.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER XXIV.

AN ACT TO INDEMNIFY GATES COUNTY FOR THE SUPPORT OF CERTAIN LUNATICS.

WHEREAS, The county of Gates expended for the support of lunatics during the year one thousand eight hundred and seventy-five, the sum of three hundred and sixty-nine dollars, the accounts for which have been refused to be audited by the auditor of the state, because the board of commissioners of said county omitted to apply for the admission of said lunatics into the insane asylum of North Carolina within the time prescribed by law, although in all respects the said accounts were regular and made out according to law; *and whereas*, the said board of commissioners have since that time applied to have the said lunatics admitted into the said asylum, and their application has been refused for want of room; now therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the public treasurer be and is hereby authorized and directed, out of any monies in the treasury not otherwise disposed of, to pay to the chairman of the said board of county commissioners or his order, the said sum of three hundred and sixty-nine dollars.

Money refunded.

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

Ratified the 13th day of December, A. D. 1876.

CHAPTER XXV.

AN ACT TO BE ENTITLED AN ACT TO REPEAL CHAPTER SEVENTY-SIX, LAWS OF 1870-'71.

Chapter 76 Laws
1870-'71, repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter seventy-six, of the public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, entitled an act in relation to vacancies in county offices, be, and the same is hereby repealed; and the proviso to section one, chapter four, laws of one thousand eight hundred and sixty-eight, as brought forward in Battle's Revisal, chapter twenty-seven, section twenty-nine, is hereby re-enacted.

Chapter 27, sec-
tion 29, Battle's
Revisal, re-en-
acted.

SEC. 2. This act shall be in force on and after the first day of January, one thousand eight hundred and seventy-seven.

Ratified the 1st day of January, A. D. 1877.

CHAPTER XXVI.

AN ACT FOR THE RELIEF OF DELINQUENT SHERIFFS, &C.

To relieve sher-
iffs and tax col-
lectors.

SECTION 1. *The General Assembly of North Carolina do enact*, That all sheriffs or tax-collectors who have paid, or may pay, on or before the first Monday in February next, to the public treasurer, all the taxes due the state from their respective counties for the year one thousand eight hundred and seventy-six, shall be released from the payment of all fines and penalties incurred by reason of failure to pay said taxes within the time required by law. *Provided*, that any sheriff or tax-collector, against whom judgment has been entered for his said default, shall not be relieved from the payment of the legal costs of said judgment.

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

Ratified the fifth day of January, A. D. 1877.

CHAPTER XXVI.

AN ACT TO BE ENTITLED "AN ACT TO SETTLE THE RIDINGS OF THE SEVERAL JUDICIAL DISTRICTS OF THIS STATE AMONGST THE JUDGES OF THE SUPERIOR COURT."

SECTION 1. *The General Assembly of North Carolina do enact*, The judges of the superior courts shall ride the circuits successively, commencing at the first district according to the following order and arrangement: The judge of the twelfth district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the first district; and successively thereafter the various districts in the order of their numbers in rotation.

Judges to ride the circuits successively.

First District.

SEC. 2. The judge of the first district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the second district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Second District.

SEC. 3. The judge of the second district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the third district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Third District

SEC. 4. The judge of the third district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the fourth district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Fourth District.

SEC. 5. The judge of the fourth district shall ride the spring circuit for the year one thousand eight hundred

Fifth District.

and seventy-seven of the fifth district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Sixth District.

SEC. 6. The judge of the fifth district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the sixth district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Seventh District.

SEC. 7. The judge of the sixth district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the seventh district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Eighth District.

SEC. 8. The judge of the seventh district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the eighth district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Ninth District.

SEC. 9. The judge of the eighth district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the ninth district; and successively thereafter he shall ride the circuits of the several districts in the order of their numbers in rotation.

Tenth District.

SEC. 10. The judge of the ninth district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the tenth district; and successively thereafter he shall ride the circuits of the several districts in their numerical order in rotation.

Eleventh District.

SEC. 11. The judge of the tenth district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the eleventh district; and successively thereafter he shall ride the circuits of the several districts in their numerical order in rotation.

Twelfth District.

SEC. 12. The judge of the eleventh district shall ride the spring circuit for the year one thousand eight hundred and seventy-seven of the twelfth [district]; and successively thereafter he shall ride the circuits of the several districts in their numerical order in rotation.

SEC. 13. The judges shall cause a notification of the ridings to be published in some newspaper by the first of January and the first of July preceding each circuit: *Provided*, that the notice for January, one thousand eight hundred and seventy-seven, shall be made within two days after the ratification of this act by the Secretary of State.

A notification of the ridings to be published.

SEC. 14. No judge shall ride the same circuit twice in succession; nor shall any judge exchange the riding of any district for the district in which he resides, and for which he was elected, but with these two exceptions, the judges may exchange with each other for any courts in their circuits, and, with the consent of the Governor of the State, may exchange their entire circuits: *Provided*, that no judge shall hold the courts in the same district oftener than once in four years.

Exceptions.

Proviso.

SEC. 15. That this act shall go into effect from and after its ratification.

Ratified the 5th day of January, A. D. 1877.

CHAPTER XXVIII.

AN ACT TO ALLOW CITIZENS OF JACKSON COUNTY TO PASS THROUGH THE TOLL GATES OF SWAIN COUNTY FREE OF CHARGE.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for any citizen of Jackson county to pass through any toll-gate or gates in the county of Swain free of charge.

Toll-gates.

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

Ratified the 5th day of January, 1877.

CHAPTER XXIX.

AN ACT TO BE ENTITLED AN ACT FOR THE RELIEF OF SHAD FISHERMEN IN ALBEMARLE, CURRITUCK AND PAMLICO SOUNDS.

Fishermen to draw net stakes every third year. SECTION 1. *The General Assembly of North Carolina do enact*, That the shad fishermen in Albemarle, Currituck and Pamlico sounds be required to draw their net stakes every third year.

Conflicting laws.

SEC. 2. That all laws heretofore passed from eighteen hundred and forty to eighteen hundred and seventy-six, coming in conflict with section one, be and the same is hereby repealed.

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

Ratified the 5th day of January, A. D. 1877.

CHAPTER XXX.

AN ACT TO AMEND SECTION TWO, CHAPTER FIFTY-SIX, OF BATTLE'S REVISAL.

Section 2, chapter 56, Battle's Revisal, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two, chapter fifty-six, of Battle's Revisal, be amended by striking out the word "January" in the third line of said section, and inserting instead thereof the word "February;" and by striking from the end of the third line and the beginning of the fourth line of said section the words, "first day of September," and inserting instead thereof the words, "fifteenth day of August."

SEC. 1. That this act shall be in force from and after its ratification.

Ratified the 9th day of January, A. D. 1877.

CHAPTER XXXI.

AN ACT TO INCORPORATE THE MILTON AND SUTHERLIN NARROW
GAUGE RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.
enact, That it shall be lawful for W. T. Sutherlin, James S. Cobbs, Gideon Morse, M. Bohannon, J. S. Walker, Jas. M. Burton, John E. Redd, Alfred Anderson, J. Hightower, C. W. Barksdale, John W. Lewis, Eustace Hunt, C. N. B. Evans, Chas. Watkins, John R. Winston, Chas. S. Winstead, J. Wilkins Bruce, R. H. Hester, A. J. Hester, Stephen Garrett, Giles Mebane, J. Morgan Smith, T. A. Donohoo, Jno. L. Irwin, Geo. W. Thompson, J. A. Craddock, F. L. Walker, Jas. Trior, J. W. Thaxton, Wm. Haynes, Henry R. Farmer, Peter Dodson, C. T. Sutherlin Thompson Hodges, William Slayton, Jackson Walters, M. T. Daniel, Richard Vernon, Talbot Barker, Geo. A. Featherston, Thos. P. Hoge, J. M. Bohannon, Wm. A. Farley, Geo. N. Thompson, Henry Connelly, Frank Warren, A. M. Fuller, W. C. Claiborne, L. T. Hunt, A. B. Newman, S. B. Holder, Chas. R. Dodson, Wm. L. Stamps, Sidney S. Lea, Gen. Wm. Lea, Joel B. Walters and N. M. Lewis, or any five of them, to open books of subscription to the capital stock of the Milton and Sutherlin Narrow Gauge Railroad Company, at such times and places as they may determine upon, and whenever ten thousand dollars shall have been subscribed by persons and corporations, the subscribers may organize the company, and thenceforth they, and such other persons as shall afterward be associated with them, shall be a corporation under the name of the Milton & Sutherlin Narrow Gauge Railroad Company (and by the said name and style of the Milton & Sutherlin Narrow Gauge Railroad Company, shall have power to sue and be sued, plead and be impleaded), for the purpose of constructing and operating a narrow gauge railroad from Milton, North Carolina, to Sutherlin Station, on the Richmond & Danville Railroad, and shall be sub-

ject to all the laws of North Carolina, applicable to railroad companies, and not inconsistent with the provisions of this act.

Capital stock.

SEC. 2. The capital stock of said company shall not be less than ten thousand dollars, nor more than two hundred thousand dollars, to be divided into shares of one hundred dollars each, and the stockholders shall be entitled to one vote for each share of stock owned by them, in all meetings of the stockholders. Subscriptions to the capital stock of said company may be made by individuals, railroad companies, counties, cities and towns, in money, credits, labor, material, machinery, or land; and said company may also acquire land, by gift or purchase, and shall have power to hold and sell the same for the construction or repair of their road, for depots or other necessary purposes.

Election of officers.

SEC. 3. The persons hereinbefore named, or any five of them, whenever ten thousand dollars has been subscribed, may, by publication for twenty days, in some newspaper, call a meeting of the subscribers, who shall, in general meeting, proceed to organize the company, by the election of a president and six directors, and the president and directors so elected shall have control of all the operations and business of the company, and appoint such officers and agents as they may deem necessary for the management of its affairs, subject to such by-laws as the company may adopt; but no subscriber shall vote at the organization of the company who has not paid ten per centum on his stock.

To value land.

SEC. 4. Whenever the company and the land owners cannot agree for the use of land along the line of the company's road, commissioners shall be appointed, as provided for by law, to ascertain the value of the same; said commissioners so appointed shall, on ascertaining the damages, take into consideration the advantages and benefits to accrue to such land owner by the construction of said road through his or her land.

SEC. 5. The company shall have the right in the construction of its bridge across Dan river, at or near Milton, to so construct the same as to furnish passage for persons, animals and vehicles, and shall have the right to collect tolls for the use of the same; but such tolls shall not exceed the following rates: For persons, six cents each; for vehicles, six cents for each wheel, for each animal attached thereto; for horses, mules and cattle, six cents each; for drove horses, mules and cattle, of not less than six in number, three cents each; for sheep and hogs, two cents each. And it shall not be lawful to construct or operate any other toll bridge or ferry over said river within one mile of said bridge when constructed.

Bridges.

Rate of tolls.

SEC. 6. It shall be lawful for any railroad company, contiguous to said narrow gauge railroad, to subscribe to, and own an amount of its stock, not exceeding one-third part thereof.

Railroads may
subscribe to
stock.

SEC. 7. Said company may borrow such sums of money as it may deem necessary for the construction and business of its road, and may execute liens on its property, franchises and revenues, to secure payment of the principal and interest of such loans, and may farm out or lease its road, rights and franchises to individuals or corporations; and it shall be lawful for the company organized under this charter, if necessary or expedient, to consolidate, merge and amalgamate, with any railroad company organized under the laws of this state, for the construction of said road, from Milton to the line separating North Carolina from Virginia, in such manner and upon such terms as may be agreed upon and accepted by both of said companies.

Company may
lease its road.

SEC. 8. This act shall be in force from its passage.

Ratified the 9th day of January, 1877.

CHAPTER XXXII.

AN ACT TO AUTHORIZE THE TOWN OF MILTON TO SUBSCRIBE TEN THOUSAND DOLLARS TO THE CAPITAL STOCK OF THE MILTON AND SUTHERLIN NARROW GAUGE RAILROAD.

SECTION 1. The General Assembly of North Carolina do
 Election ordered. *enact*, That the commissioners of the town of Milton are hereby authorized to cause an election to be held by the qualified voters of said town (who have resided therein for ninety days preceding said election), after due advertisement, for thirty days, and submit to the said voters the question of subscribing ten thousand dollars, in addition to any subscription heretofore made, to the capital stock of the Milton and Sutherlin Narrow Gauge Railroad. Those voting in favor of the proposition shall deposit their ballots "For Subscription;" and those opposed shall deposit their ballots "Against Subscription."

Bonds.

SEC. 2. If a majority of the qualified voters of said town shall vote "For Subscription," then the commissioners of said town are authorized to issue bonds of the corporation in sums of not less than one hundred dollars, and to amount not exceeding ten thousand dollars, and to run thirty (30) years, bearing interest at eight (8) per cent., payable semi-annually, and evidenced by coupons thereon.

Coupons to be received in payment of fines, &c.

SEC. 3. The said coupons shall be received in payment of all taxes, fines, and debts due the corporation of Milton, but the said bonds shall not be issued until the said road is graded and the rails laid from Sutherlin to Milton.

Interest on bonds

SEC. 4. The stock of the town of Milton, in said railroad, shall be pledged by the commissioners of said town for the redemption of the bonds at maturity, and any dividends of profit declared on the said stock shall be applied to the payment of the interest on said bonds.

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

Ratified the 9th day of January, A. D. 1877.

CHAPTER XXXIII.

AN ACT TO AMEND CHAPTER EIGHTY-THREE, SECTION FOUR,
BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter eighty-three, of Battle's Revisal, be amended as follows, to wit: Between the words "exportation" and "unless," in the third line of section four of said chapter, insert the words "or any tongs, or drags for the purpose of taking oysters;" and between the words "fish" and "nor," in the sixth line of said section, insert the words "or oysters;" and between the words "seine" and "in," in the eighth line of said section, insert the words "or any tongs or drags."

Section 4, chapter 83, Battle's Revisal, amended.

SEC. 2. This act shall take effect from and after the first day of March, A. D. eighteen hundred and seventy-seven.

Ratified the 10th day of January, A. D. 1877.

CHAPTER XXXIV.

AN ACT FOR THE RELIEF OF THE TAX-PAYERS OF NORTH
CAROLINA.

WHEREAS, a large number of tracts of land in the state of North Carolina have been sold for taxes and bought by the state, for the years one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three; *and whereas*, most of said tracts of land were bid off for the state, and the time for the redemption of the same has expired, or is about to expire; therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*: That the time for the redemption of the aforesaid land sold

Time extended for the redemption of land sold for taxes.

for taxes, and bought by the state, be, and the same is, hereby extended to the first day of January, one thousand eight hundred and seventy-eight, and that any person, whose property has been sold as aforesaid, who shall pay to the officer authorized to receive the same, the taxes due thereon and the per cent. as required by law, within the time above specified, shall be allowed to redeem the same as though the said tax and per cent. had been paid within the time prescribed by law: *Provided*, that the title to such land is still in the state.

Proviso.

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

Ratified the 10th day of January, A. D. 1877.

CHAPTER XXXV.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS
WITHIN THREE MILES OF SHOCCO CHAPEL AND OF THE
PEOPLE'S HALL, IN WARREN COUNTY.

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 dispose of, so as to evade the provisions of this act, any intoxicating liquors, or either directly, or indirectly, to receive any compensation for the same, within two miles of Shocco Chapel, or the People's Hall, in Warren county.

Prohibiting the
sale of liquor.

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

Penalty.

to prohibit the sale of spirituous liquors in certain localities.

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

Ratified the 11th day of January, A. D. 1877.

CHAPTER XXXVI.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX-COLLECTORS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all persons, who have been sheriffs or tax-collectors of the several counties, cities, and towns of this state, for the years one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, their bondsmen and legal representatives, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are, or may be, prescribed by law for the collection of taxes.

Tax Collectors authorized to collect taxes for the years 1872-73-74 and '75.

SEC. 2. That this act shall not apply to sheriffs, tax-collectors, their bondsmen or legal representatives, who have not, at the time he attempts to collect said arrearages of taxes, settled and paid said taxes to those authorized by law to receive them, but, on such failure to settle and pay said taxes, the county commissioners, or other authority, which may be established by law, to lay the county taxes, may appoint a tax-collector, who shall have the power given in section one of this act to sheriffs and tax-collectors, to collect arrears of taxes for the years one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four and one thousand eight hundred

Shall not apply to tax collectors who have failed to settle.

May appoint a tax-collector.

and seventy-five, and be subject to the rules and regulations as are, or may be, prescribed by law for the collection of taxes: *Provided*, this act shall not authorize any sheriff or tax-collector, who is not now in office, to collect any insolvent taxes, where the same has been credited to him; but that the county commissioners shall have power to place such insolvent tax lists in the hands of any sheriff or tax-collector who may now, or hereafter, be in office.

Proviso

SEC. 3. That nothing herein contained shall be construed to release said sheriffs, tax-collectors, their bondsmen or legal representatives, from liability to pay the state, county, and other taxes, at the times and places prescribed by law.

Tax-collectors
not released
from liability to
pay certain taxes

SEC. 4. That no person shall be compelled to pay any tax under the provisions of this act, who will make oath before any one authorized by law to administer oaths, that he or she has paid the same, or believes the same has been paid; nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

Persons not com-
pelled to pay
taxes.

SEC. 5. That the authority hereby given to collect arrears of taxes, shall cease and determine on the thirty-first day of December, one thousand eight hundred and seventy-seven.

Collection of
taxes shall cease

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

Ratified the 11th day of January, A. D. 1877.

CHAPTER XXXVII.

AN ACT TO PREVENT THE HAULING OF SEINES AND DRAG-NETS IN THE MOUTHS OF GOOSE AND BAIRD'S CREEK; ALSO DAWSON'S AND SMITH'S CREEKS, PAMLICO COUNTY, IN CERTAIN SEASONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful to fish with seines or drag-nets inside the mouths of upper Goose and Baird's Creeks, also Dawson and Smith's Creeks, in the county of Pamlico, from the fifteenth day of March to the first day of June in each year, in order not to disturb the fish in spawning season.

Fishing with seines during certain seasons prohibited.

SEC. 2. That any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and, upon conviction before a justice of the peace, shall be fined not less than ten, nor more than fifty dollars, or imprisoned not less than ten days, nor more than one month, at the discretion of the court.

Penalty.

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

Ratified the 11th day of January, A. D. 1877.

CHAPTER XXXVIII.

AN ACT TO PREVENT THE SALE OF MALT OR SPIRITUOUS LIQUORS ON SUNDAY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to sell spirituous, or malt, or other intoxicating liquors on Sunday, except on the prescription of a physician and for medical purposes.

The sale of liquor on Sunday prohibited.

Penalty.

SEC. 2. Any person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court.

Inconsistent law^s

SEC. 3. All acts, or parts of acts, inconsistent with this act, are hereby repealed.

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

Ratified the 11th day of January, A. D. 1877.

CHAPTER XXXIX.

AN ACT TO REPEAL AN ACT, CHAPTER ONE HUNDRED AND THIRTY-FIVE, PASSED AT THE SESSION ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AND RATIFIED TWELFTH OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONERS OF EDENTON TO SELL THE TOWN COMMONS AND OTHER PROPERTY.

Act authorizing
the sale of town
commons in
Edenton repealed

SECTION 1. *The General Assembly of North Carolina do enact*, That the act entitled an act to authorize the commissioners of Edenton to sell the town commons, and other property, passed at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified the twelfth day of April, one thousand eight hundred and sixty-nine, be, and the same is hereby repealed.

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

Ratified the 11th day of January, A. D. 1877.

CHAPTER XL.

AN ACT TO REGULATE THE HOLDING OF THE SPRING TERMS OF
THE SUPERIOR COURTS OF THE FIRST JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the spring terms, one thousand eight hundred and seventy-seven, of the superior courts of the first judicial district shall be begun and held as followe:

For the county of Currituck, on the third Monday in January

First Judicial District.

Currituck

For the county of Camden, on the fourth Monday in January.

Camden.

For Pasquotank, on the second Monday after the third Monday in January.

Pasquotank.

For Perquimans, on the third Monday after the third Monday in January.

Perquimans.

For Chowan, on the fourth Monday after the third Monday in January.

Chowan.

For Gates, on the fifth Monday after the third Monday in January.

Gates.

For Tyrrell, on the sixth Monday after the third Monday in January.

Tyrrell.

For Dare, on the seventh Monday after the third Monday in January.

Dare.

For Hyde, on the eighth Monday after the third Monday in January.

Hyde.

SEC. 2. That the clerks of the superior courts of the several counties in said district, issue subpoenas for jurors and witnesses to appear at the terms as herein declared; that all summons and other process heretofore issued, returnable [to] the spring terms of the superior courts of the several counties of the first judicial district, shall be returnable to the several terms at the term fixed by this act in the same manner as if the time for the return had been inserted in the summons and other process.

Subpoenas for jurors and witnesses to be issued.

Copies to be forwarded to Superior Court Clerks.

SEC. 3. That copies of this act be forwarded immediately to the clerks of the superior courts in said district by the clerk of this house.

Inconsistent laws repealed.

SEC. 4. That all parts of any laws in conflict with the provisions of this act are hereby repealed.

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

Ratified the 12th day of January, 1877.

CHAPTER XII.

AN ACT TO REPEAL SECTION THIRTEEN AND AMEND SECTION FOURTEEN, OF CHAPTER EIGHTY, OF BATTLE'S REVISAL, BEING SECTIONS THIRTEEN AND FOURTEEN, OF CHAPTER ONE HUNDRED AND SIXTY-NINE, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Section 13, chapter 80, Battle's Revisal, repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirteen, of chapter one hundred and sixty-nine, of the laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, being section thirteen, of chapter eighty, of Battle's Revisal, be repealed.

Stricken out.

SEC. 2. That section fourteen, of the said chapter, be amended by striking out the words "that exceeds two hundred dollars and the costs of the motion," in the seventh and eighth lines of said section.

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

Ratified the 13th day of January, A. D. 1877.

CHAPTER XLII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, ENTITLED AN ACT TO INCORPORATE THE TOWN OF SHOE HEEL, ROBESON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the words Shoe Heel, wherever they occur in an act entitled an act to incorporate the town of Shoe Heel, in Robeson county, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, chapter one hundred and twenty-one, be, and the same are hereby stricken out, and that said act be amended by inserting in the place of the words Shoe Heel the word "Tilden." Tilden.

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

Ratified the 13th day of January, A. D. 1877.

CHAPTER XLIII.

AN ACT TO INCORPORATE THE TOWN OF BEAUFORT, CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Beaufort, in the county of Carteret, be, and the same is hereby incorporated into a body politic and corporate, and shall be subject to all the provisions contained in the one hundred and eleventh chapter, of Battle's Revisal, of the laws of North Carolina, and not inconsistent with the laws of this state and the United States, except so much of section sixteen as allows the Body politic.

commissioners of said town to determine the amount of their salaries and compensation, and also the salary and compensation of the mayor, and so much of section nineteen as allows the commissioners of said town to impose assessments of labor on citizens of the town, and sections thirty-six and thirty-seven.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: Beginning on the north side of Taylor's creek, at the mouth of a gut or drain, which marks the eastern line of Jas. Mason's land, running thence northwardly with said Mason's line to the northeast corner thereof; thence to the southeast corner of the land claimed by the late James H. Taylor, by purchase from Valentine Mauney and others; thence northwardly with the eastern line of said land to James Ward's line; thence westwardly with James Ward's line to the eastern line of Gorton street to Town Creek; thence with the various courses of said creek to the thoroughfare; thence with the thoroughfare southwardly to the southern line of Water Lot number one hundred and thirty-two, New Town; and thence along the north side of Taylor's creek to the beginning.

Officers.

SEC. 3. The officers of said corporation shall consist of a mayor and five commissioners.

Tax on real and personal estate.

SEC. 4. The said commissioners shall have power to lay a tax annually on real and personal estate within the corporation, not exceeding twenty-five cents on each one hundred dollars valuation, and on each taxable poll seventy-five cents, and on no other subject whatever; and they shall only use the proceeds of this taxation to defray the necessary expenses of the corporation.

Commissioners of Navigation.

SEC. 5. The mayor and commissioners of the town of Beaufort shall elect three commissioners of navigation for the port of Beaufort, who shall perform the duties under the rules, regulations and penalties, prescribed in chapter eighty-seven, of Battle's Revisal, so far as said chapter relates to commissioners of navigation for the port of Beaufort.

SEC. 6. An election shall be held in the town of Beaufort to take the sense of the qualified voters of said town upon the question of ratification or rejection of this act of incorporation; each person voting in favor of ratification, shall vote with a ticket with the word "Ratification" written or printed thereon; each person voting for rejection, shall vote with a ticket with the word "Rejection" written or printed thereon; and at the same election a mayor and five commissioners shall be elected, and the said election shall be held at such time and place, within the corporate limits of said town, as may be designated by George W. Taylor, Thomas Thomas, William J. Bushall, Christopher F. Delamar, George W. Springle and Jacob L. Gibble, who shall act under such rules and regulations as are prescribed for state elections.

Election for "ratification" or "rejection."

SEC. 7. The town of Beaufort shall be divided into five wards, as follows: All that part of the town which lies south of Ann street and west of Orange street, shall constitute the first ward; that part which lies south of Broad street and between Orange and Pollock streets, shall constitute the second ward; that part which lies south of Broad street and east of Pollock street, shall constitute the third ward; that part which lies north of Broad street and west of Queen street, and west of Orange and Queen streets, and not included in the first ward, shall constitute the fourth ward; that part which lies north of Broad street and east of Queen street, shall constitute the fifth ward. Each of said wards shall elect one commissioner respectively, who shall be a resident of said ward.

Shall be divided into five wards.

SEC. 8. The votes for the commissioners of the several wards shall be deposited in separate boxes, and the persons receiving the highest number of votes cast in their several wards respectively, shall be declared duly elected as now provided for by law.

Election for Commissioners.

SEC. 9. This act shall go into effect from and after its ratification by the qualified voters of said town.

Ratified the 13th day of January, A. D. 1877.

CHAPTER XLIV.

AN ACT TO REPEAL CHAPTER FIFTEEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AND TO RE-ENACT AND AMEND SECTION ONE OF CHAPTER TWO HUNDRED AND SEVENTY-THREE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Chapter 15, laws
of 1871-'72, repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter fifteen (15), laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be, and the same is hereby repealed.

The Governor em-
powered to re-
quire a special
term of the Supe-
rior Court.

SEC. 2. That section one (1), of chapter two hundred and seventy-three (273), of laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be, and the same is hereby re-enacted, with the following amendment thereto, that is to-say: amend said section one (1), chapter two hundred and seventy-three, of laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, by inserting after the word "is," in the eighth line of said section, the words, "or to any other judge of the superior court of this state," so that the said section will read: "Whenever it shall appear to the Governor, by the certificate of any judge, a majority of the county commissioners, or otherwise, that there is such an accumulation of criminal or civil actions in the superior court of any county as to require the holding of a special term for its dispatch, he shall issue an order to the judge of the judicial district in which such county is, or to any other judge of the superior court of this state, requiring him to hold a special term of the superior court of such county, to begin on a certain Monday, not to interfere with any of the regular terms of the court of his district. The judge shall attend and hold such court.

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

Ratified the 16th day of January, A. D. 1877.

CHAPTER XLV.

AN ACT CONCERNING THE EXCHANGE OF PUBLIC DOCUMENTS OF THE STATE OF NORTH CAROLINA WITH OTHER STATES, TERRITORIES AND GOVERNMENTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for the Secretary of State, and said officer is hereby authorized and empowered, to exchange any surplus copies of the public documents of the state, now in his possession, or which may hereafter come into his possession, for the documents of any other state, territory or government, which he may deem of general interest and utility to the state of North Carolina.

Exchange of public documents by the Secretary of State.

SEC. 2. That such exchange shall be made in such a manner and upon such terms as the Secretary of State may deem most conducive to the interests of the State.

Terms of exchange.

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

Ratified the 16th day of January. A. D. 1877.

CHAPTER XLVI.

AN ACT PROVIDING FOR HOLDING THE JANUARY TERM, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, OF THE SUPERIOR COURT OF THE COUNTY OF NEW HANOVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That the January term, one thousand eight hundred

January term, 1877, of New Hanover county, to be

held by the judge
of the 4th district.

and seventy-seven, of the superior court of the county of New Hanover, as now provided by law, shall be held by the judge of the fourth judicial district, and all acts, judgments, orders and decrees, made or done by said judge during the term of said court, shall be considered as valid to all intents and purposes.

Compensation.

SEC. 2. That the judge holding said court, and the solicitor attending the same, shall be allowed the same additional compensation for their services, to be paid in like manner as they would be if said term of said court was a special term.

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

Ratified the 16th day of January, A. D. 1877.

CHAPTER XLVII.

AN ACT TO MAKE THE EMBEZZLEMENT OF TRUST FUNDS BY STATE OFFICERS A FELONY.

Embezzlement.

SECTION 1. *The General Assembly of North Carolina do enact,* That if any officer, agent, or employee of any city, county, or incorporated town, or of any penal, charitable, or educational institution of this state; or if any person having, or holding any moneys or property in trust for any city, county, incorporated town, penal, charitable, or educational institution, shall embezzle, or wilfully and corruptly use or misapply the same for any purpose other than that for which such moneys or property is held, such person shall be deemed guilty of felony, and, upon conviction thereof in the superior court, shall be fined and imprisoned at the discretion of the court.

Penalty.

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 22nd day of January, A. D. 1877.

CHAPTER XLVIII.

AN ACT TO CREATE THREE NEW TOWNSHIPS IN THE COUNTY OF
LENOIR, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be known as Falling Creek Township, is hereby created and established in the county of Lenoir, beginning at Pine Bush, on Neuse river, and runs with the road to Mrs. Annie Sutton's; then with the public passway by George Cable's to the public road above William Warters'; then a direct line to the mouth of Gum Swamp, where it empties into Falling creek; then with Gum Swamp to the Hull road; then down Hull road to the river road, near Joseph Williams'; then a direct line to Desmond's landing on Neuse river. then up the river to the beginning.

Falling Creek
township.

SEC. 2. That a new township, to be known as the "Institute" township, is hereby created and established in the county of Lenoir, beginning at the mouth of Gum Swamp where it empties into Falling creek, and runs with the line of Falling creek township to the public road above William Warters'; then with the public road by the Council Wooten plantation to the Greene county line near Jesse Hardie's; then with the Greene county line to Wheat Swamp; then down Wheat Swamp to Sugg's mill; then with the mill road to the Wheat Swamp road, near William R. Hill's; then a direct line to the head of Gum Swamp to the beginning.

Institute town-
ship.

Vance township. SEC. 3. That a new township, to be known as Vance township, is hereby created and established in the county of Lenoir, beginning at Sugg's mill on Wheat Swamp, and running down Wheat Swamp to the bridge near Daniel Taylor's house; then with the Green county line down to the road leading from Hookerton *via* Richard Wiggins' to William Fields'; then along the Kinston road to Loosen Swamp; then down Loosen Swamp to its junction with the Briery; then up the Briery to the Hull road; then up said road to Gum Swamp; then up said swamp to its head; then with the line of the Institute township to Sugg's mill, the beginning.

School fund. SEC. 4. That said townships shall have all the rights, powers, and privileges now granted to other townships by law, and shall be entitled to their lawful proportion of the school fund; and the permanent places of voting in said townships shall be: For Falling Creek township, at Falling Creek Station; for Institute township, at Lenoir Institute; and for Vance township, at Fairfield School House.

Voting place in Neck township. SEC. 5. That the permanent place of voting in "Neck Township," in Lenoir county, hereafter, shall be at "Rose of Sharon Church."

Penalty. SEC. 6. That any officer failing to carry out the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars, and imprisoned not less than six months.

Conflicting laws. SEC. 7. That all laws, or clauses of laws, in conflict with this act, be, and the same are hereby, repealed.

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

Ratified the 22nd day of January, A. D. 1877.

CHAPTER XLIX.

AN ACT TO AUTHORIZE M. L. AREY, TAX-COLLECTOR OF THE TOWN OF SALISBURY, TO COLLECT ARREARS OF TAXES DUE FROM THE TAX-PAYERS OF SAID TOWN FOR THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That M. L. Arey, tax-collector of the town of Salisbury, be, and he is hereby, authorized and empowered to collect all arrears of taxes due from the tax-payers of said town for the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, under such rules and regulations as are now prescribed by law for the regular collection of the taxes of said town, and the power and authority hereby granted shall cease on the first day of May, one thousand eight hundred and seventy-seven.

Tax-collector authorized to collect arrears of taxes for 1874-'75.

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

Ratified the 23d day of January, A. D. 1877.

CHAPTER L.

AN ACT TO INCORPORATE THE TOWN OF RINGWOOD, IN THE COUNTY OF HALIFAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Ringwood, in the county of Halifax, be, and the same is hereby, incorporated by the name and style of the town of Ringwood, and shall be subject to the provisions of the general law in relation to incorporations.

Ringwood.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the north-west corner of J. H. Miller's and Benj. Johnson's line; and thence along Johnson's line east, the distance of one half of a mile to a corner on Rev. A. S. Smith's land; thence from Smith's corner, running half mile in a straight line in a southerly direction to a corner near Johnson's and Garrett's line, not far from the south-east corner; thence running west, the distance of half a mile, to about Jones' old orchard; thence running north half a mile from Jones' corner to the beginning.

SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a constable, to be chosen at the next regular election in May. It shall be the duty of the sheriff of the county of Halifax, after giving the usual notice, to open the polls, on the first Monday in May, Anno Domini 1877, for the election of the above-named officers, under the same restrictions that county and state elections are held.

SEC. 4. That all resident citizens, within said corporation, that have resided the constitutional term previous to the election, shall be entitled to vote at said election.

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 the said commissioners shall have all powers given to similar corporations.

SEC. 7. That this act shall take effect from and after its ratification.

Ratified the 23d day of January, A. D. 1877.

CHAPTER LI.

AN ACT TO CHARTER THE RUTHERFORD AND SPARTANBURG
RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That a company may be formed, with a capital stock of not more than five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be known as the Rutherford and Spartanburg Railroad Company, for the purpose of constructing a railroad of any gauge, from the town of Rutherfordton to a point on the South Carolina line in the direction of Spartanburg, South Carolina: and said company, when formed as hereinafter provided, shall have power to receive, own, and transfer real and personal property, 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 objects of the corporation, and shall have power and capability to sue and be sued, plead and be impleaded, 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: *Provided*, That the General Assembly shall have power hereafter to change the gauge of said railroad as they may deem necessary for the interest of the state.

SEC. 2. That for the purpose of raising the capital stock of said company, G. M. Whiteside, Franklin Cox, John B. Blanton, Burwell Byres, G. E. Young, L. P. Erwin, J. L. Rucker, Nathan Young, B. W. Andrews, T. B. Twitty, A. G. Thompson, J. L. Hampton, J. A. Forney, James Andrews, J. M. Toms, A. W. Haynes, J. W. Morgan, G. W. Logan, J. W. Bean, A. B. Long, L. A. Mills, A. L. Rucker, A. A. Lynch, Robert Simpson, Martin Walker, E. M. Lynch, Henry Portrum, R. E. Rollins, V. J. Palmer, W. H. Logan, H. G. Weaver and T. R. Egerton are hereby

appointed commissioners, any three of whom may act, whose duty it shall be to appoint 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 land, stock, or valuable credits of any kind, in such manner and on such terms as shall be agreed upon between said company and such subscribers.

Whenever \$10,000 shall have been subscribed, a general meeting shall be called.

SEC. 3. That whenever ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners above named, or any three of them, to call a general meeting of the stockholders, after giving reasonable notice of such meeting, and at such time and place 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 seven (7) directors for said company, whose term of office shall be for one year, and until their successors are chosen. In the election of such officers and the enacting of such laws for the company as may be necessary, the stockholders shall be entitled to one vote for each share owned by him or them.

Election of officers

Payment of stock

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

Officers—their powers and duties.

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 fixed 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 any 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 to fill his place for the time.

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.

President to report condition of road.

SEC. 7. That whenever lands shall be required for the location or construction of the said road, warehouses, water stations, work-shops, or other building purposes, and if, for any cause, the same cannot be bought from the owner, the directors may condemn the same at a valuation to be ascertained by five free-holders, to be summoned by the sheriff of the county, which free-holders shall be disinterested; said free-holders shall ascertain the value of the lands, first deducting the enhanced value of the land caused by said road, 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*, either party may appeal to the superior court upon the question of assessment; and, *Provided further*, that not more than one hundred feet from the centre of the road shall be allowed so condemned.

Lands required for construction, location, &c.

Proviso.

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 or any of its franchises.

Power mortgage or lease.

SEC. 9. That said company shall, upon the consent of the stockholders, be consolidated with and form one and the same body corporate, with any company having, or which may hereafter obtain, a charter for a railroad from Spartanburg, South Carolina, to the North Carolina line, in the direction of Rutherfordton, under such corporate name as may be agreed upon by the stockholders of said companies, and the affairs of said consolidated company, in case such consolidation is effected, shall be managed by a president and general board of seven directors, to be elected by the stockholders from among their number.

Consolidation.

SEC. 10. That the question of approving the consolida-

Stockholders of each company to approve the consolidation.

tion 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 charter for the decision of matters upon which it is necessary for the stockholders to act as a company.

This charter granted conditionally.

SEC. 11. 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 agreed terms.

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

Ratified the 23rd day of January, A. D. 1877.

CHAPTER LIII.

AN ACT TO INCORPORATE THE TOWN OF GASTONIA, IN THE COUNTY OF GASTON.

Gastonia incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Gastonia, in the county of Gaston, be, and the same is hereby incorporated under the name and style of the town of Gastonia, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, as brought forward in the one hundred and eleventh (111), of Battle's Revisal, and not inconsistent with the provisions of this act.

Corporate limits.

SEC. 2. The corporate limits of said town shall be one mile square, to be determined by closing in lines running one-half mile north, south, east and west from the centre of the crossing, of the Richmond and Atlanta Air-Line Railway, and the Chester and Lenoir Narrow Gauge Railroad.

SEC. 3. Until the regular election on the first Monday

of May next, the government of the town shall be vested in the following officers: Mayor, R. E. Waddill; Commissioners, F. S. Hanna, J. H. Faysroux, R. M. Martin, T. G. Chalk and J. E. Page, who, upon taking and subscribing an oath to support the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, shall be entitled to enter upon the discharge of their duties. They shall hold their offices until their successors are elected and qualified, and shall have power to appoint a constable, secretary and treasurer, who shall hold their respective offices until their successors are appointed.

Officers *pro tem.*

SEC. 4. That the officers of said incorporation shall consist of a mayor and five commissioners. The mayor, when present, shall preside at the meeting of said board of commissioners, but shall not be entitled to vote, except in case of a tie. In the absence of the mayor, the board may appoint one of their number to act as mayor *pro tem.*

Officers.

SEC. 5. The commissioners of said town, when organized, shall have power to appoint a secretary, whose duty it shall be to record the proceedings of said board, in a book to be kept for that purpose. The said board shall also appoint a treasurer, who shall enter into bond to be approved by them. They shall also appoint a town constable, who shall enter into a bond of five hundred dollars, to be approved by them, who shall have the powers of township constables, besides those given by this act. The secretary, treasurer and constable, must be residents of said town, and before entering upon their respective duties, must take and subscribe an oath for the faithful discharge of their duties.

Commissioners,
and their powers

SEC. 6. That it shall be the duty of the commissioners of said town to provide for an election on the first Monday in May, one thousand eight hundred and seventy-seven, and annually thereafter, according to the laws of the State; and the officers elected shall hold their offices until their successors are elected and qualified.

Election of officers.

SEC. 7. That all qualified electors of the state, who have

Qualifications of voters.

been residents of the town for ninety days prior to any election in said town, shall be entitled to vote.

By-laws, taxes
and fines.

SEC. 8. The commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town, not inconsistent with the laws of the United States, or of this State. They shall have power to levy and collect a tax not exceeding sixty cents on the poll, and not to exceed twenty cents on the one hundred dollars valuation of property; and also shall have power to tax all other subjects of state taxation, not to exceed 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.

Unlawful to grant
license to sell
liquors.

SEC. 9. That it shall not be lawful for the commissioners of Gaston county to order the granting of a license to any person to sell or dispose of spirituous or malt liquors within said town, until said person or persons shall have presented a license for said purpose or purposes from the board of commissioners of said town properly authenticated.

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

Ratified the 26th day of January, A. D. 1877.

CHAPTER LIII.

AN ACT TO AMEND CHAPTER SIXTY-FIVE, OF BATTLE'S REVISAL.

Claims of \$200 or
less may be filed
with a magistrate

SECTION 1. *The General Assembly of North Carolina do enact:* That chapter sixty-five, of Battle's Revisal, be amended to wit: Amend section four to read as follows: All claims against personal property, of two hundred dollars and under, may be filed in the office of the nearest magistrate; if over two hundred dollars, or against any

real estate or interest therein, in the office of the superior court clerk, in any county where the labor has been performed, or the materials furnished, said claims shall be in detail, specifying the materials furnished, or labor performed, and the time thereof.

Claims for over \$200 to be filed in the superior court clerk's office.

SEC. 2. Amend section nine to read as follows: Notice of the lien shall be filed, as hereinbefore provided, at any time within sixty days of the completion of the labor, or the final furnishing the materials, or the gathering of the crops: *Provided*, That in cases of liens on real estate, or any interest therein, given by section one of this chapter, the notice shall be filed in the office of the superior court clerk within sixty days after the completion of the labor or the final furnishing of the materials. Amend by adding the following:

Notice of lien.

Proviso.

SEC. 3. The clerk of the superior court shall keep a book in which he shall enter all notices of liens filed in his office. He shall provide an index thereto of the names of the claimant and the party against whom it is filed; and for his services, the clerk's fee shall be ten cents in each case.

A book to be kept for notice of liens

Clerk's fee.

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

Ratified the 26th day of January, A. D. 1877

CHAPTER LIV.

AN ACT TO INCORPORATE THE TOWN OF CONOVER, IN THE COUNTY OF CATAWBA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Conover, in the county of Catawba, be, and the same is hereby incorporated by the name and style of Conover, and shall be subject to, and have all

Conover incorporated

the benefit of all the provisions contained in the one hundred and eleventh chapter, Battle's Revisal, of this State, not inconsistent with this act.

Corporate limits. SEC. 2. The corporate limits of said town shall extend one-half mile north, south, east and west of the Western North Carolina Railroad Depot, so as to make said limits and forming a square around it.

Election. SEC. 3. Until the regular election on the first Monday in May, 1877, the government of this town shall be vested in the following officers: Mayor, P. F. Smith; commissioners, G. A. Brady, J. P. Cline, J. F. Hunsucker, J. P. Spencer and Jonas Hunsucker; for constable, C. S. Simmons; and at said regular election, a mayor and five commissioners, and a constable, shall be elected according to the provisions of said chapter one hundred and eleven of Battle's Revisal.

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

Ratified the 26th day of January, A. D. 1877.

CHAPTER LV.

AN ACT TO INCORPORATE THE TOWN OF HOLLY SPRINGS, IN THE COUNTY OF WAKE.

Holly Springs incorporated. SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Holly Springs, in the county of Wake, be, and the same is hereby, incorporated by the name and style of the town of Holly Springs, and be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal, and the act amending said chapter.

Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point two hundred and twenty-

seven rods southwest of J. P. Goodwin's residence; thence running north three hundred and twenty rods; thence east three hundred and twenty rods; thence south three hundred and twenty rods; thence west three hundred and twenty rods to the first station.

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

Ratified the 26th day of January, A. D. 1877.

CHAPTER LVI.

AN ACT PROVIDING FOR THE HOLDING OF THE JANUARY TERM, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, OF THE SUPERIOR COURT OF WAYNE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the January term, one thousand eight hundred and seventy-seven, of the superior court of the county of Wayne, as now provided by law, shall be held by the judge of the third judicial district; and all acts, judgments, orders and decrees, made or done by said judge during the term of said court, shall be considered as valid to all intents and purposes.

Judge of the third district shall hold January term of Wayne superior court.

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

Ratified the 26th day of January, A. D. 1877.

CHAPTER LVII.

AN ACT TO AMEND SECTION FIFTY-TWO, CHAPTER ~~SIXTY-THREE~~,
BATTLE'S REVISAL IN REFERENCE TO JUSTICES JUDGMENTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section fifty-two, chapter fifty-three, Battle's Revisal, be amended by striking out the word "two," in the fourth line of said section, and inserting the word "ten," so that it will read: "At least ten days," instead of "two days." *Provided*, That this act shall not apply to actions commenced and pending before its ratification.

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

Ratified this 26th day of January, A. D. 1877.

Chapter 63, section 52, Battle's Revisal, amended

Proviso.

CHAPTER LVIII.

AN ACT TO ABOLISH THE JULY TERM OF THE SUPERIOR COURT
OF WAYNE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the July term of the superior court for Wayne county, provided for by the act of the General Assembly at the session of one thousand eight hundred and seventy-four and seventy-five, chapter fifty-seven, ratified January twenty-fifth, one thousand eight hundred and seventy-five, is abolished.

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

Ratified the 26th day of January, A. D. 1877.

Abolished.

CHAPTER LIX.

AN ACT TO CHANGE THE TIME FOR HOLDING THE SUPERIOR COURTS OF PAMLICO COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact:*

That after the first day of February, eighteen hundred and seventy-seven, the superior courts for Pamlico county shall be held on the third Monday after the second Monday in March and September of each year.

Time for holding the superior court of Pamlico county.

SEC. 2. That all process, recognizance, and other legal proceedings, in civil and criminal actions, which have already been issued, or may be issued hereafter, and had returnable to the Spring term, eighteen hundred and seventy-seven, of said court, shall be deemed and held returnable to the term of said court, as now fixed by this act: and all persons who have been recognized or bound, or summoned to appear at the Spring term of said court for the year eighteen hundred and seventy-seven, are hereby required to appear at the term thereof as prescribed in this act, and the Secretary of State shall forthwith cause this act to be published, and furnish the sheriff and clerk of the superior court of Pamlico county with a copy.

That all process, recognizance &c. shall be returnable to the superior court as fixed by this act.

SEC. 3. The regular term of the superior court of Jones county shall be for one week only.

Secretary of State to cause the publication of this act

Jones.

SEC. 4. That the act of the general assembly, requiring courts to be held in the county of Pamlico, on the twelfth Monday after the second Monday in March and September, be, and the same is hereby, repealed.

Repealed

SEC. 5. That all laws, and parts of laws, inconsistent with this act, are hereby repealed.

Conflicting laws.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LX.

AN ACT TO ESTABLISH AN ADDITIONAL TOWNSHIP IN THE COUNTY OF CHOWAN.

Yeopim town-
ship and its bound-
aries.

SECTION 1. *The General Assembly of North Carolina do enact*, That an additional township, in and for the county of Chowan, to be called "Yeopim Township," be established with, and included in the following boundaries: Beginning on Albemarle Sound, at the line between the Montpelier and Belvidere plantations, and running a line due north to the three-mile post on the Edenton and Hertford main stage road; thence by the main road to the line of Perquimans county; thence by that line to Albemarle Sound; thence by Albemarle Sound to the beginning.

Voting precinct.

SEC. 2. That a voting precinct be established within said township, at Willis Jordan's, near Yeopim Chapel, at which, all elections prescribed by law, shall be held.

Commissioners
to appoint a reg-
istrar.

SEC. 3. That the board of commissioners of said county appoint a registrar of said township, and that they cause to be transcribed, upon the books of said registrar, the names of all voters registered and residing within the limits of said township.

Township trust-
ees and justices
of the peace.

SEC. 4. That the township trustees, and justices of the peace, heretofore elected in the township embracing the township hereby established, shall exercise the duties of their office, until otherwise provided by law.

SEC. 5. That this act shall take effect from its ratification.

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXI.

AN ACT TO DRAIN LOWER CREEK, IN BURKE AND CALDWELL COUNTIES.

WHEREAS, by an accumulation of drift wood at various points, along Lower Creek, by reason of trees having been felled or allowed to fall into and remain in the channel of said creek, by reason of the brushwood growing along the banks of said creek, and the many crooks and turns therein, sand has accumulated in the channel of said creek until its bed in many places is higher than the adjacent bottom land, making the draining of said lands impossible, and rendering a large quantity of rich land worthless for purposes of agriculture, both in Burke and Caldwell counties; and

Preamble.

WHEREAS, The said difficulties can be obviated by straightening the course of said creek, and the said lands made available for cultivation; Now, therefore,

SECTION 1. *The General Assembly of North Carolina do enact:* That the Judge of the superior court of Burke and Caldwell counties, upon the motion of two or more owners of lands in either of said counties through which Lower Creek runs, made in term time, shall, upon proof satisfactory to him, that said lands cannot be drained unless by a ditch or other work through lands not owned by the parties making said motion, appoint at said time, when said motion is heard, a competent engineer and surveyor to lay off and stake out the course and dimensions of a ditch within the boundaries of said Burke and Caldwell counties, large enough to contain the volume of Lower creek, and so located as to give the greatest possible fall of water, and to communicate with Lower Creek at not less than two points, and finally emptying into said creek at or near Erwin's old mill, and at such point between said mill and the mouth of the said creek, as will best subserve the purposes of this act: *Provided,* That written notice of

Proof that lands cannot be drained unless by a ditch.

Judge to appoint a surveyor to lay off the course.

Proviso.

said motion shall have been served upon every party owning lands along Lower Creek below the commencement of said proposed ditch, at least ten (10) days before the term of the court at which said motion is made; and in case said owner be a non-resident, said notice may be served upon the occupant of his land. Said notice may be served by any of the parties who make said motion, or by any lawful officer of the county in which said land owner lives.

Judge to require bond of \$1,000.

SEC. 2. Before making said order of appointment, said judge shall require bond, with at least two sufficient sureties, in the sum of one thousand dollars, payable to the State of North Carolina, conditioned that the parties making said motion, shall pay to any party, whose lands may be taken for the making of said ditch, such a sum as may be assessed by a jury, under the direction of the said judge, as the value of the land so taken.

Surveyor to report to the judge.

SEC. 3. That within ten days after making his said survey, the engineer and surveyor shall report in writing the length, width and location of the ditch as laid off by him, to the judge of the court by which he was appointed, and that thereupon the said judge shall direct him to employ and work a sufficient number of hands to cut said ditch according to the said survey, and turn the waters of Lower Creek into the same.

Surveyor empowered to enter upon any lands, &c.

SEC. 4. That after his said appointment, the said engineer and surveyor shall have full power and authority to enter into and upon any lands through which the said proposed ditch shall run, with the hands employed by him in order to carry out the purpose of this act.

Surveyor to report the entire cost of the work.

SEC. 5. That, on the completion of his said work, the said engineer and surveyor shall report to the judge of the court by which he was appointed, the entire cost of said work, and thereupon said costs, together with all other expenses or assessments consequent upon said work, shall be taxed by the clerk of said court against the parties making said application, and borne by them, and execution for said costs shall issue as in other cases.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXII.

AN ACT TO SUBMIT THE QUESTION OF THE SALE OF SPIRITUOUS LIQUORS TO THE QUALIFIED VOTERS OF CARTHAGE TOWNSHIP, IN THE COUNTY OF MOORE, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact:* That it shall be the duty of the county commissioners of the county of Moore, to order an election to be held on the first Monday in April, one thousand eight hundred and seventy-seven, in Carthage township, in said county, whether or not spirituous liquors shall or may be sold in said township.

Election to be ordered.

SEC. 2: That it shall be the duty of the sheriff of said county to hold said election under the same rules and regulation as are prescribed by law for holding elections for members of the General Assembly, so far as the same may be applicable, except as herein modified.

Election to be held under the same rules, &c.

SEC. 3. That any person allowed by law to vote in said township for members of the General Assembly, shall have the right to vote at said elections, and every voter who favors the prohibition of the sale of spirituous liquors in said township, shall vote a ticket on which shall be written or printed the word "Prohibition;" and every such voter who favors such sale, shall vote a ticket on which shall be written or printed the word "License."

Qualifications of voters.

SEC. 4. That on the day next after said election, the inspectors of said election, and one or more of the justices of the peace of said township shall compare the votes polled at the said election and certify the number of votes cast in favor of "Prohibition;" and the number in favor

Inspectors shall declare the result of the election.

of "License," and the result of said election to the register of deeds of said county, who shall file the same among the papers of his office, and a certified copy thereof, under the hand of the register of deeds, and the seal of the county, shall be sufficient evidence, in all cases, of the result of said election.

If a majority of votes cast be in favor of "Prohibition," it shall be unlawful to sell spirituous liquors

SEC. 5. That if a majority of the votes cast at said election be in favor of "Prohibition," then and in that case it shall not be lawful for the county commissioners to license the sale of, or for any person to sell any spirituous liquors within said township, and any person so offending shall be guilty of a misdemeanor, and, upon conviction of such offence, shall be fined not exceeding fifty dollars. or imprisoned not exceeding thirty days.

If a majority of votes cast be in favor of "License," liquor may be sold as now provided by law.

SEC. 6. That if a majority of the votes cast at said election shall be in favor of "License," then, and in that case, spirituous liquors may be sold in said township as now provided by law; and chapter one hundred and seventy-one, laws of one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three, shall be, and the same is hereby repealed, so far as it relates to Carthage, in the county of Moore.

Sheriff to designate the justice of the peace.

SEC. 7. That the sheriff of Moore county shall designate the justice of the peace to aid in comparing and certifying the vote cast at such election, and the register of deeds of said county shall designate inspectors of said election, and if any officer or other person shall fail to discharge any duty imposed by this act, such person so offending shall be guilty of a misdemeanor, and upon conviction in the superior court, shall be fined at the discretion of the court.

Registrar of deeds to designate inspectors.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXIII.

AN ACT TO AMEND CHAPTER SIXTY-THREE, SECTION FIFTEEN,
OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four hundred and ninety-nine, of the Code of Civil Procedure, and section three, of chapter one hundred and fifty-nine, of the laws of one thousand eight hundred and sixty-eight, and one thousand eight hundred sixty-nine, as brought forward in section fifteen, of chapter sixty-three, of Battle's Revisal, be amended so as to read as follows: "Where it appears, in any action brought before a justice, that the principal sum demanded exceeds two hundred dollars, the justice shall dismiss the action and render judgment against the plaintiff for the costs, unless the plaintiff shall remit the excess of principal, above two hundred dollars, with the interest on said excess, and shall, at the time of filing his complaint, direct the justice to make this entry: "The plaintiff, in this action, forgives and remits to the defendant so much of the principal of this claim as, in excess of two hundred dollars, together with the interest on said excess."

Justices of the peace to dismiss action when the principal sum demanded exceeds \$200

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXIV.

AN ACT TO AMEND SECTION THREE HUNDRED AND FORTY-NINE, CHAPTER ELEVEN, TITLE FOURTEEN, OF THE CODE OF CIVIL PROCEDURE.

Service may be made by publication of notice.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three hundred and forty-nine, chapter eleven, title fourteen (14), of the Code of Civil Procedure, be amended by adding to paragraph two thereof as follows: (2*a*). "If upon a person who cannot be found, after due diligence, or who is not a resident of this state, the service thereof may be made by the publication of the notice, once a week, for four (4) successive weeks, in some newspaper published in the county from which the notice is issued; and if there be no newspaper published therein, then in some newspaper published within the judicial district, and a copy of the notice must be deposited in the post-office, directed to the person to be served, at his usual place of residence, if it be known, and the postage paid, and the proof of service shall be as is now required by law in the case of the service of a summons by publication."

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXV.

AN ACT FOR THE REMOVAL OF ROAD EXEMPTIONS IN THE COUNTY OF CLAY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all male persons, living in the county of Clay,

between the ages of eighteen and forty-five, shall be liable to work on the public roads and highways of said county, and shall be subject to such laws and regulations, fines and penalties, as, or may be, prescribed by law: *Provided*, any person so liable, upon obtaining from the township board of trustees of the township in which he resides, or the county commissioners of said county, a certificate of exemption, not to exceed one year from the time it is issued, such person shall not be liable to fine or penalty during the time for which such certificate is issued.

Persons liable to
work on public
roads

Proviso.

SEC. 2. All laws, and clauses of laws, in conflict with this statute, so far as relates to the county of Clay, be, and the same are hereby repealed.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REGULATE THE TIMES OF HOLDING THE TERMS OF THE SUPERIOR COURT OF CUMBERLAND COUNTY, RATIFIED TWELFTH DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the extra term, directed to be held for Cumberland county, by the act to which this is an amendment, shall be held by the judge residing in the district, unless otherwise directed by the Governor.

Extra term of the
Superior Court.

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

Ratified this 31st day of January, A. D. 1877.

CHAPTER LXVII.

AN ACT TO PROTECT FISH IN WACAMAW LAKE AND THE ADJACENT WATERS.

Protection of fish

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful to set a fish net, ware or fish trap of any description in the waters of Wacamaw Lake, or in the waters of any stream emptying into or flowing from the same, within four miles of the margin of said lake.

Penalty.

SEC. 2. Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and, upon conviction before any justice of the peace, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

SEC. 3. This act shall be in force from its ratification. Ratified the 31st day of January, A. D. 1877.

CHAPTER LXVIII.

AN ACT IN RELATION TO LARCENY OF MONEY.

Only necessary to describe treasury or bank notes simply as money

SECTION 1. *The General Assembly of North Carolina do enact*, That in every indictment in which it shall be necessary to make any averment as to the larceny of any money, or United States treasury note, or any note of any bank whatsoever, it shall be sufficient to describe such money, or treasury note, or bank note, simply as money, without specifying any particular coin, or treasury note, or bank note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin, or treasury note, or bank note, although

the particular species of coin, of which such amount was composed, or the particular nature of the treasury note, or bank note, shall not be proven.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER LXIX.

AN ACT TO PREVENT WILFUL INTERFERENCE WITH THE WATER SUPPLY OF THE WESTERN NORTH CAROLINA INSANE ASYLUM.

SECTION 1. *The General Assembly of North Carolina do enact*, That whosoever shall wilfully remove, or otherwise interfere, with the stop cocks, air cocks, valves or pipes, for supplying water to the Western North Carolina Insane Asylum, or in any manner injure the dam for collecting the water supply, shall be guilty of a misdemeanor, and, on conviction thereof, be fined not exceeding one hundred dollars, and imprisoned not exceeding six months.

Water supply of
Western Insane
Asylum.

Penalty.

SEC. 2. That it shall be the duty of the Board of Directors of the Asylum, to have a copy of this act posted along the water line wherever a valve or cock is placed.

Copy of this act to
be posted.

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

Ratified the 31st day of January, A. D. 1877

CHAPTER LXX.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS NEAR SALEM AND WINSTON, IN FORSYTHE COUNTY, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact.* That any person who shall sell distilled spirits, gin, rum, or other intoxicating liquors, composed in part of distilled spirits, gin or rum, in less quantity than three gallons, within two miles of the Salem Female Academy, in the town of Salem, in the county of Forsythe, or within two miles of any church in the town of Winston, in said county, shall be guilty of a misdemeanor, and shall be fined not more than ten dollars, or imprisoned not more than thirty days, at the discretion of the court.

Trade of spirituous liquors prohibited.

SEC. 2. That any person, who shall resort to any trick, shift or artifice, in disposing of any of said intoxicating liquors, within the space set forth in the preceding section, with the intent to evade the penalties of the same, shall be guilty of a misdemeanor, and shall be fined not more than ten dollars, or imprisoned not more than thirty days, at the discretion of the court.

Evading the law by trickery a misdemeanor

SEC. 3. That any person, who shall erect, keep, use, or maintain any billiard table, ten-pin alley, or any gaming table or place, by whatsoever name known or called, at which any game of chance, hazard, or skill, shall be played, within the space described in section one of this act, shall be guilty of a misdemeanor, and shall be fined not more than ten dollars, or imprisoned not more than thirty days, at the discretion of the court: and each day, or part of a day, on which such persons shall suffer such game of chance, hazard, or skill, to be played, shall constitute a separate offence within the meaning of this section.

Games of skill, &c., prohibited.

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

Ratified the 3rd day of February, A. D. 1877.

CHAPTER LXXI.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of Pasquotank county are hereby authorized to levy a special tax, not to exceed five thousand dollars, to meet the current expenses of the county, and to pay its indebtedness, such tax to be collected and accounted for as other taxes.

Commissioners to levy a tax not to exceed \$5,000.

SEC. 2. That the constitutional equation between the poll and property, be observed.

Constitutional equation.

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

Ratified the 3rd day of February, A. D. 1877.

CHAPTER LXXII.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN THE COUNTIES OF BRUNSWICK AND COLUMBUS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the dividing line between the counties of Brunswick and Columbus, be, and the same is hereby changed and is located as follows: Commencing at the point where the counties of Bladen, Brunswick and Co-

The dividing line

lumbus now join; running thence with the said Bladen line to north west Cape Fear river; thence down the said river to the point where Hood's Creek empties in the same; thence with the run of said creek up to its source in Little Greene Swamp; thence a direct line to the source of Clear Branch and to the present Brunswick and Columbus line; thence with the line of said counties to the beginning; and all that portion of Brunswick county, embraced within the boundary above described, shall be, and is hereby transferred to, and constituted a part of the county of Columbus.

Ransom township.

SEC. 2. That the territory herein transferred from the said Brunswick county, shall constitute a township in the county of Columbus, to be known as "Ransom Township," and is hereby vested with all the powers and privileges now belonging to townships.

Treasurer of Brunswick county shall pay to treasurer of Columbus county the pro rata part of school money.

SEC. 3. That the county treasurer of Brunswick county shall distribute and pay to the county treasurer of Columbus, the pro rata part of any school money now levied and collected, to which the citizens of the transferred territory would have been entitled if this act had not passed: *Provided*, The citizens of said "Ransom Township" shall not be entitled to a distributive share of any school money now in the hands of the county treasurer of Columbus.

Proviso.

SEC. 4. That the county commissioners of Columbus county shall establish one or more voting precincts for said township, having due regard for convenience and accessibility.

Shall establish voting precincts.

SEC. 5. That until the next apportionment of representation, the citizens of said township shall vote in all elections with the county of Columbus, except in the election of state senator, when they shall vote with the thirteenth senatorial district, as now constituted with Brunswick and Bladen counties.

Citizens of Ransom township, how they shall vote.

SEC. 6. That the judge of probate of Columbus county shall appoint two magistrates of said township, who shall serve until next regular election for justices of the peace;

Officers to be appointed.

and the commissioners of said county shall appoint a clerk and three school committeemen for said township, in whom shall be vested all the powers and rights now exercised by such officers.

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

Ratified the 3rd day of February, A. D. 1877.

CHAPTER LXXIII.

AN ACT TO PROTECT THE FISHING INTERESTS IN CONTENTNEA AND BLACK CREEKS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to use any drift nets of any kind, except bow-nets, known as seine nets, in the waters of Contentnea Creek, from its mouth to Barefoot's Mills, in Wilson county, or in the waters of Black Creek, in Wilson county.

Contentnea and Black Creek.

SEC. 2. It shall be unlawful for any person or persons to use more than one seine in the same seine hole in said creeks.

Not to use more than one seine in the same seine hole.

SEC. 3. It shall not be lawful for any person or persons to obstruct, by hedges or otherwise, the passage of fish up said waters of said creeks, by stopping the main channel.

Obstructing the passage of fish.

SEC. 4. It shall not be lawful for any person or persons to use any seine, or nets of any kind, except bow-nets, in the waters of said Contentnea and Black Creeks, from Friday evening sunset, until Monday morning at sunrise, from February first to June 1st.

Unlawful to use any nets except bow-nets.

SEC. 5. Any person or persons violating this act shall be deemed guilty of a misdemeanor, and, on conviction,

Penalty.

shall be fined not more than fifty dollars, and imprisoned not more than thirty days, and, in addition thereto, shall forfeit all the fishing tackle used in violating this act.

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

Ratified the 3rd day of February, A. D. 1877.

CHAPTER LXXIV.

AN ACT TO AID IN THE CONSTRUCTION OF THE CHESTER AND LENOIR NARROW GAUGE RAILROAD, AND IN THE CONSTRUCTION OF THE WATAUGA AND CALDWELL NARROW GAUGE RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sheriffs and jailors of the counties of Caldwell, Watauga, Ashe, Wilkes, Alexander, Alleghany, Catawba, Gaston and Lincoln, shall, on demand of the president of the Chester and Lenoir Narrow Gauge Railroad Company, and the president of the Watauga and Caldwell Narrow Gauge Railroad Company, or either of them, deliver to said presidents, or either of them, or to their agents, all persons convicted in the superior courts of said counties of any criminal offence, who may be sentenced to imprisonment in the state prison for a term not less than one year, other than those convicted of the offences of murder, arson, rape, burglary, manslaughter, or attempt to commit rape, to be worked by said presidents, or either of them, their agents or employees on the said roads, or either of them, until the said roads are completed, or their sentences expire.

SEC. 2. The board of directors of the penitentiary shall, on application of the presidents of said roads, or either of them, employ on said roads, or either of them, under the

Persons convicted in the Superior Court to be delivered, on demand, to the Presidents of C. & L. N. G. R. R. Co., and W. & C. N. G. R. R. Co.

Exceptions

Penitentiary convicts employed on said road shall not exceed fifty.

direction of the authorities of said roads, and under such guards as may be necessary, as many convicts as in the opinion of the presidents of said roads, or either of them, as may be required, not to exceed fifty; but the number assigned said road directly from the courts of the above-mentioned counties and from the penitentiary, shall not exceed seventy-five, said convicts to be governed by and according to prison rules and regulations, and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided however,* Proviso, That the authorities of the road upon which said convicts may work, shall pay the hire of the said superintendent, and guard, feed, clothe, and properly care for the convicts while employed upon the said road.

SEC. 3. The Watauga and Caldwell Narrow Gauge Railroad Company is hereby authorized to organize the said Authorized to organize, corporation forthwith by the election of its president and directors, any clause or provision in its charter to the contrary notwithstanding, so as to enable said corporation to obtain the benefits of this act.

SEC. 4. The convicts obtained under this act shall be worked upon the Chester and Lenoir Narrow Gauge Railroad until the completion of the grading of said road to Lenoir, then upon the application of the president of the Caldwell and Watauga Narrow Gauge Railroad Company, all said convicts shall be put to work upon the said Caldwell and Watauga Narrow Gauge Railroad. Disposition of convicts,

SEC. 5. That said presidents, upon demanding any of said convicts, shall, before receiving the same from the sheriff's or jailors aforesaid, or the directors of the penitentiary aforesaid, execute a receipt, stating the name of said convict, the county where, and the offence of which he was convicted, and the term of his sentence, and at the expiration of his said sentence, or the completion of the road, the said president shall deliver the said convicts to the sheriff or jailors aforesaid, or the directors of the penitentiary, as the case may be. Sheriff shall take receipt for convicts.

SEC. 6. That section one, of chapter one hundred and

Sec. 1, chap. 134,
Laws 1871-'75
amended.

thirty-four, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended by striking out the words "thirty thousand," in lines eleven and twelve, and inserting the words "twenty thousand" in lieu thereof.

SEC. 7. All laws, and clauses of laws, in conflict with this act, are hereby repealed.

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

Ratified the 3rd day of February, A. D. 1877.

CHAPTER LXXV.

AN ACT TO ALLOW MILTON TOWNSHIP, IN THE COUNTY OF CASWELL, TO SUBSCRIBE FIFTEEN THOUSAND DOLLARS IN PAYMENT OF STOCK IN THE MILTON AND SUTHERLIN NARROW GAUGE RAILROAD COMPANY.

Election to be held in Milton township.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Caswell county are authorized and directed to cause an election to be held at the different precincts, in the Milton township, of said county, after due notice and publication in the usual manner of said election, and to submit to the qualified voters of said township the question of subscribing fifteen thousand dollars to the capital stock of the Milton and Sutherlin Narrow Gauge Railroad Company, at which election those in favor of said proposition shall deposit their ballots "For subscription," and those opposed shall deposit ballots "Against subscription."

County Commissioners to declare the result of election.

SEC. 2. That the commissioners of said county shall examine the returns made by the inspectors of said election, and declare the result; and if three-fifths of all the votes cast at said election shall be "For subscription"

(the same being a majority of all the qualified voters of said township, as appears on the registration books thereof), then the said township may subscribe the sum of fifteen thousand dollars to the capital stock of the Milton and Sutherlin Narrow Gauge Railroad Company.

SEC. 3. That in payment of said subscription the Milton township may issue bonds to an amount not exceeding fifteen thousand dollars, and in sums of one hundred dollars, and in multiples thereof to one thousand dollars, running thirty years from date, and bearing interest at the rate of eight per cent., payable semi-annually, evidenced by coupons on said bonds. *Provided, however,* That one-third of said bonds shall be issued when the road is graded, and an additional one-third when the pillars of the bridge over Dan river are built, and the remaining third shall only be issued on the completion of the entire road.

May issue bonds to an extent not to exceed \$15,000.

Proviso.

SEC. 4. That to provide for the interest on said bonds, and their redemption at maturity, the board of commissioners of Caswell shall, in addition to the other taxes, each year compute and levy upon all property in Milton township a sufficient tax to pay said interest, and to provide the sum of five hundred dollars for a sinking fund, which amount shall be annually paid over to the county treasurer, and invested by him in said bonds at par; and the amount of taxes collected for interest shall be paid to the county treasurer, and used by him in the prompt and regular payment of the coupons upon said bonds.

Interest on bonds and how paid.

SEC. 5. That the capital stock held by said Milton township, in the Milton and Sutherlin Narrow Gauge Railroad Company, shall be pledged for the redemption of said bonds at maturity; and all dividends declared upon such stock shall be faithfully applied to the payment of the coupons on such bonds, and be paid by said corporation directly to the county treasurer, and by him used for such purposes.

Capital stock shall be pledged for the redemption of the bonds at maturity.

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

Ratified the 3rd day of February, A. D. 1877.

CHAPTER LXXVI.

AN ACT TO LEGALIZE THE REEDDIE'S RIVER TOWNSHIP, IN
WILKES COUNTY.Reddie's River
township legal-
ized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the township in the county of Wilkes, known as the Reddie's River township, established sometime since, by the county commissioners, is hereby declared legal and lawful to all intents and purposes.

Official acts.

SEC. 2. That all official acts, heretofore done by the different officers in and for such township, are hereby legalized and confirmed.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXVII.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR
COURTS IN THE TENTH JUDICIAL DISTRICT.Superior court of
10th judicial dis-
trict

SECTION 1. *The General Assembly of North Carolina do enact*, That the regular terms of the superior courts for the tenth judicial district shall be held at the following times, to-wit :

Alexander.

Alexander county, on the first Mondays in April and September, and continue one week.

Catawba.

Catawba county, on the second Mondays in April and September, and continue one week.

Caldwell.

Caldwell county, on the third Mondays in April and September, and continue one week.

Watauga.

Watauga county, on the fourth Mondays in April and September, and continue one week.

Ashe county, on the first Mondays after the fourth Mondays in April and September, and continue one week.

Ashe.

Alleghany county, on the second Mondays after the fourth Mondays in April and September and continue two weeks.

Alleghany.

Wilkes county, on the fourth Mondays after the fourth Mondays in April and September, and continue two weeks.

Wilkes.

Iredell county, on the sixth Mondays after the fourth Mondays in April and September, and continue two weeks.

Iredell.

SEC. 2. That all process, mesne or final, civil or criminal, issued and returnable to the spring terms of the superior courts in this district, shall be returnable to the terms as regulated in this bill.

Process, &c.

SEC. 3. That all laws, and clauses of laws, in conflict with this act, be, and the same are hereby repealed; and this act shall go into effect from and after its ratification.

Conflicting laws.

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXVIII.

AN ACT TO REQUIRE SHERIFFS AND TAX-COLLECTORS TO MAKE PUBLICATION OF LISTS OF DELINQUENT TAX-PAYERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever any sheriff or tax-collector shall be credited on settlement with any tax or taxes, by him returned as insolvent, dead or removed, he shall forthwith make publication at the court-house door, and at least one public place in each and every township in his county, of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of the tax due from each, and the sum total so credited.

Publication of delinquent tax-payers.

May be published
in a newspaper.

SEC. 2. That such list may, by order of the proper county authorities, be published also in any newspaper published in the county, and, in that case, the expense of advertisements for such time as may be directed, shall be paid by the county.

Non-compliance
with this act.

SEC. 3. That any sheriff or tax-collector who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten, nor more than one hundred dollars.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXIX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-ONE (131), LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, RELATIVE TO THE CHARTER OF KINSTON.

No person al-
lowed to a vote
who is not a *bona*
fide resident.

SECTION 1. *The General Assembly of North Carolina do enact,* That no person shall be entitled to vote in the election of officers for the government of the town of Kinston, unless such person shall have been a *bona-fide* resident of the state of North Carolina for twelve months, and for ninety days in the corporate limits of said town, next preceding the day of election.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXX.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN TWO MILES OF WAYNESVILLE ACADEMY, IN THE COUNTY OF HAYWOOD.

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 of any sort, including what is commonly known as Bitters, (directly or indirectly to include any composition for the same), within two miles of Waynesville Academy, in the county of Haywood, and any person so offending, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine or imprisonment, at the discretion of the court.

Sale of liquor prohibited.

Penalty.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXXI.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

SECTION 1. *The General Assembly of North Carolina do enact,* That the municipal affairs of the city of Newbern shall, (on and after the first Monday in May, 1877,) be controlled by a mayor and five councilmen, to be elected as follows: That portion of the city of Newbern, now known as the first ward, shall elect one; that portion, now known as the second ward, shall elect one; that the block bounded by Hancock, near Metcalf and Broad streets, shall be included in the third ward, and said third ward

Mayor and councilmen, and the manner in which they are to be elected.

shall elect one; that the portion of the city north of Queen street, and east of George street, shall be included in the fourth ward, and said fourth ward shall elect one; that the portion of the city north of Queen street, and west of George street, shall be included in the fifth ward, and said fifth ward shall elect one. That the councilmen so elected shall elect from outside their number a mayor, who shall preside at the meetings of the board, but shall not be entitled to a vote, except in case of a tie, when he shall give the casting vote. In case of the absence of the mayor, the board shall elect one of their own number mayor *pro tem.*, who shall be allowed to vote as a councilman, and also to cast his vote in case of a tie.

Present board of councilmen. SEC. 2. The present board of councilmen shall hold their office until the first Monday in May, 1877, and until their successors are elected and qualified.

Qualifications of voters. SEC. 3. That at the municipal election no one shall be allowed to vote unless he has resided in the state for twelve months, and in the ward in which he offers to vote, for ninety days immediately preceding the day of election.

Shall appoint registrars and inspectors. SEC. 4. That the present board of councilmen shall appoint registrars and inspectors of the election to be held in May, 1877, and the registrars so appointed shall open their registration books on Thursday, Friday and Saturday immediately preceding the day of election (in some convenient place in each of the wards), between the hours of eight A. M. and five P. M. of each day, when all persons legally entitled to register may do so. And the registrars may transfer from the old registration books such names only as they know are legally entitled to be transferred: and the registrars shall each receive six dollars for performing said service; and at all future registrations and elections the board of councilmen shall appoint registrars and inspectors, who shall be governed as above prescribed.

Compensation. Conflicting laws. SEC. 5. That all laws coming in conflict with the above are hereby repealed.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXXII.

AN ACT FOR THE COMPLETION OF THE RAILROAD FROM PAINT ROCK TO WARM SPRINGS, IN MADISON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the company known as the East Tennessee, Virginia and Georgia Railroad Company, shall have full, complete and absolute right and power to extend, finish, equip and run what is known as the Morristown branch of said road, running from Morristown to Wolf Creek, Tennessee, to and from the North Carolina line, near Paint Rock, to the Warm Springs, in the county of Madison, and that said company may use and own the present survey, road-bed and franchise of the French Broad branch of the Western North Carolina Railroad between the points designated.

E. T. V. & G. R. Co. shall have the right to complete the road to Warm Springs.

SEC. 2. That said railroad company shall have all the rights, benefits, powers, immunities and privileges in constructing, running and owning said road, as is granted them in the charter by the State of Tennessee relative to the East Tennessee, Virginia and Georgia Railroad and the amendments thereto, and when said road is completed, it shall, in all respects, be a part and parcel of the said Morristown branch of railroad, governed by the charter, rules and regulations of said road: *Provided*, That if said company shall fail to complete the said road to Warm Springs within two years from the ratification of this act, then this act shall be void and of no effect.

Rights, privileges

Proviso.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXXIII.

AN ACT TO EMPOWER THE COMMISSIONERS OF CHATHAM COUNTY TO APPOINT A TAX COLLECTOR TO COLLECT ARREARS OF TAXES.

Preamble.

WHEREAS, a large amount of taxes are due and owing to the county of Chatham, for the years one thousand eight hundred and sixty-nine, 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, the same being uncollected taxes turned over to the said county by G. J. Williams, late sheriff:

Commissioners shall appoint a tax collector.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of said county are hereby authorized and empowered to appoint a tax-collector, who shall have the same powers, and be subject to the same penalties, as sheriffs and tax-collectors of this state, whose duty it shall be to collect and account for the taxes for the years aforesaid: *Provided*, That executors and administrators shall not be compelled to pay any taxes on account of the estates of deceased persons in their hands, nor persons who will make affidavit before any person qualified to administer oaths, that he has paid the same.

Proviso.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXXIV.

AN ACT FOR THE RELIEF OF TAX-PAYERS OF WAKE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the tax-payers of Wake county, whose real property has been sold by the sheriff or tax-collector of said county, for the taxes due for the years of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and bid off by the State, be, and they are hereby, allowed until July 1st, 1877, to redeem the same. That any tax-payer, whose property has been sold as aforesaid, who shall pay to the officers of the State authorized to receive the same, the amount of the tax due thereon, the twenty-five per cent. as required by law, and the cost accumulated thereon, shall be allowed to redeem the same and have it reconveyed to him in fee simple.

Time extended for the redemption of lands sold for taxes to 1877.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXXV.

AN ACT TO AMEND SECTION TWO, CHAPTER EIGHTEEN, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two, of chapter eighteen, Battle's Revisal, be amended so as to read as follows:

To amend section 2, chapter 18 of Battle's Revisal in regard to summons.

“The summons shall run in the name of the state, be signed by the clerk of the superior court having jurisdiction to try the action, and shall be directed to the sheriff or other proper officer of the county in which the defen-

Form of summons.

dant, or one or more of the defendants reside or may be found. It shall be returnable to the regular term of the superior court of the county where the plaintiff, or one or more of them, or the defendant, or one or more of them, reside, and from which it issued; and shall command the sheriff, or other proper officer, to summon the defendant, or defendants, to appear at the next ensuing term of the superior court and answer the complaint of the plaintiff, and shall be dated on the day of its issue. The officer to whom the summons is addressed, shall note on it the day of its delivery to him, and shall execute it at least ten days before the beginning of the term to which it shall be returnable, and shall return it on the first day of the term."

Summons returnable.

SEC. 2. That if any summons shall be issued within less than ten days of the beginning of the next term of the superior court for the county in which it is issued, it shall be made returnable to the second term of said court next after the date of its issuing, and shall be executed and returned by the proper officer accordingly.

When the summons is issued more than ten days before the next succeeding term.

SEC. 3. That when the summons shall be issued more than ten days before the next succeeding term of the superior court of the county to which it is returnable, and shall be executed by the proper officer within less than ten days of said term, it shall be returned as if executed in proper time, and the cause placed on the summons docket and continued to the next succeeding terms at which next succeeding term, it shall be treated in all respects as if said next succeeding term had been the return term thereof: *Provided*, That the parties to the action may, by agreement, make up the pleadings at the term to which the summons is returnable; and, *Provided further*, That nothing herein contained shall be construed to release or discharge the sheriff or other officer from any liability he may incur by failing to execute the summons in due time.

Proviso.

Summons to be attested.

SEC. 4. That every summons issued to the sheriff or other officer of any county, other than that from which it

issued, shall be attested by the seal of the court, but when it shall be addressed to the sheriff or other officer of the county in which it issued, it shall not be attested by the seal of the court.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER LXXXVI.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW LANDS OF THE SOUTH YADKIN, IN THE COUNTY OF ALEXANDER, BETWEEN DEAL'S MILL AND MEHAFFEY'S SAW-MILL.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. C. Linney, G. W. Sharp, A. T. Marsh, J. S. McLain and John A. Gwaltney, be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off the South Yadkin river, in the county of Alexander, from N. J. Deal's mill to Mehaffey's saw-mill, into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for a term of two years, and who shall be a land owner in the section for which he is appointed an overseer.

Commissioners appointed to lay off the South Yadkin into sections.

SEC. 2. That a majority of said commissioners shall have power to elect one of their own number chairman, and may fill vacancies in their own number, or that of overseers; and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said county shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Duty of the commissioners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land

Shall estimate the number of acres of bottom

land belonging to each person in Alexander county.

owner in Alexander county, on the South Yadkin river, between the points mentioned in section first of this act, and lying within one-fourth of a mile of the main channel of said river, whether said bottom land be immediately on said river, or on the tributaries running into it; and shall furnish each overseer with a copy of the estimate of his section, and said land owners, when required by the overseer of the section in which their bottom lands lie, and upon a notice of five days by the said overseer, shall each furnish one efficient hand, with appropriate tool, such as he shall be notified by the overseer to furnish, for every ten (10) acres of bottom land owned by him and so estimated, and in that proportion for any number of acres less than ten, and, on failing so to do, shall forfeit and pay two dollars per day for failure on each hand, which may be recovered by said overseer by warrant, as in case of failure to work on public roads.

Labor to be distributed among the land owners.

SEC. 4. It shall be the duty of the commissioners, in laying off the river into sections, as provided for in section first of this act, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them, within the estimate provided for in the last section, as equally as may be, and to allot to the overseer of each section the hands required of the owners of the bottom lands embraced in his section.

Overseer and hands to work each year, a certain time.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work, in each and every year, within the bounds of their respective sections, not less than four, nor more than twenty-four days, at the discretion of the commissioners, on the channel of said river, with power to straighten the same when necessary, to remove obstructions, and to improve the banks thereof when necessary, under such direction as said commissioners may prescribe.

Obstructing the river.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber, or otherwise obstruct the waters in the channel of said river, between said points of said boundary in said county, and shall permit the same

to remain therein for the space of twenty days, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be fined not less than five, nor more than ten dollars. *Penalty.*
Provided, That if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed, before a presentment is made of the same, he or they shall not be liable to indictment for said offence. *Proviso.*

SEC. 7. That all moneys arising from failure to work on said river, and all penalties collected under the provisions of said act, shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said river, and any overseer, failing or neglecting to perform the duties required by this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten, nor more than twenty dollars. *Money arising from penalties and failure to work.*
Provided, That no person shall be required, without his consent, to serve more than one term of two years at one time. *Penalty for neglect of duty.*

SEC. 8. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream, or private bridges, or water gates, by the land-owners for their own convenience.

SEC. 9. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public roads.

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

Ratified the 10th day of February, A. D. 1877.

CHAPTER LXXXVII.

AN ACT TO AUTHORIZI THE TOWN OF WARRENTON TO SUBSCRIBE TO THE STOCK OF THE WARRENTON RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Commissioners may subscribe to capital stock.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of the town of Warrenton shall have authority to subscribe to the capital stock of the Warrenton Railroad Company, to the amount of three thousand dollars, and, in addition thereto, to endorse the bonds of said company to the amount of three thousand dollars, in the manner, and on the conditions, hereinafter mentioned.

Election to be held sixty days after the ratification of this act.

SEC. 2. A majority of said board of commissioners shall, within sixty days after the ratification of this act, cause an election to be held by the qualified voters of said town; and it shall be the duty of the sheriff of Warren county, at the court-house in Warrenton, and at three other public places in said town, to advertise the object, and the day of the election, for at least twenty days prior thereto, and on the said day to open, and keep open, the polls agreeably to the acts regulating the election of members of the General Assembly, and all qualified voters for members of the General Assembly in said town, who have resided therein ninety days before the election, favoring the subscription to the stock and endorsement of the bonds of said company, as provided in section one, may vote "Subscription and Endorsement;" and those opposing the same, may vote "Against Subscription or Endorsement;" and the sheriff of the county shall certify to the board of commissioners, at their first meeting thereafter, the result of said election.

Result of election

SEC. 3. If the result of said election shall show that a majority of the qualified voters of said town have voted in favor of subscription to the stock and endorsing the

bonds of said railroad company, then it shall be the duty of the mayor of said town to subscribe the amount of three thousand dollars to the capital stock of said road, and the certificates of said stock shall be issued to the board of commissioners of said town, and said board shall be entitled to appoint one of the directors of said company, and also to appoint one or more to cast the votes of said town at all the meetings of the stockholders of the said company, and the town shall be entitled to a number of votes proportionate to its number of shares of stock.

SEC. 4. The said railroad company may issue its bonds payable to the board of commissioners of the town of Warrenton for the amount of three thousand dollars, in such sums as it may think property, and redeemable at a period not exceeding twenty years from the date thereof, the interest to be paid semi-annually at a rate not to exceed eight per cent. per annum; and it shall be the duty of the mayor of said town to endorse the same, and thereby bind said town as security for the payment thereof.

Railroad company may issue bonds.

SEC. 5. The board of commissioners of said town shall issue the bonds of the town for an amount sufficient to realize the sum of three thousand dollars, and pay the same into the treasury of said company for the stock subscribed by said town in said company, said bonds to be of such sums as they may deem proper, and redeemable at a period not exceeding twenty years from the date thereof, interest to be paid semi-annually at a rate not exceeding eight per cent. per annum. The bonds to be issued as aforesaid are to be under the seal of the town of Warrenton and signed by the mayor, and witnessed by one of the board of commissioners, and the bonds to be endorsed as aforesaid are to be under the seal of said railroad company, and signed by the president, to be payable to said board of commissioners, and endorsed by the mayor of said town, and said endorsement is to be witnessed by one of the commissioners, and a record shall be made by said commissioners of all bonds so issued and endorsed.

Town commissioners may issue bonds.

SEC. 6. None of said bonds are to be issued by the board

No bonds to be issued unless they bring 90 cts. on the dollar.

of commissioners, or endorsed as aforesaid, unless they shall bring at least ninety cents in the dollar in currency, and the mayor of said town is to make a report to the commissioners from time to time, of the amount realized from the sale of the bonds to be issued as aforesaid; and the president of said company is likewise to report to said commissioners the amount realized from the sale of the bonds endorsed as aforesaid, or any of them.

To provide for meeting the interest.

SEC. 7. It shall be the duty of the board of commissioners of said town, regularly to provide the means of meeting the interest of the bonds issued by said town and the bonds endorsed by said town, as the same shall become due, and also the principal of said bonds when it shall become due, by laying such taxes on persons, lands and other property, sufficient for this purpose: *Provided*, That the provisions of this section shall not apply to the bonds of the company, endorsed by the town, unless the company shall fail to pay the same.

Proviso.

To indemnify Warrenton against loss.

SEC. 8. For the purpose of indemnifying and saving harmless the town of Warrenton against loss or damage, by reason of the endorsement of the bonds of said company, the said railroad company shall execute a mortgage in favor of the board of commissioners of said town upon all its property, real and personal, and its franchises, with the power of sale authorizing a sale thereof for cash, at the court-house door in Warrenton, after an advertisement for sixty days at the court-house aforesaid, and at three or more public places in Warren county, and in some newspaper to be selected by said commissioners, upon default of said company in the payment of principal and interest, or both, due upon said bonds, or either of them, at the several times when they shall become due as aforesaid; and the said commissioners, in the event of a sale, are to have a right to retain, out of the proceeds, the whole amount for which said town is responsible by virtue of the endorsement of said bonds, though the whole amount may not be then demandable by the creditors, and the surplus, if any, to be paid to said company within a reasonable

time: *Provided nevertheless*, That no sale shall take place until the expiration of three years from the issue of said bonds, or any of them. If a sale shall take place under said mortgage, it shall be lawful for the mayor of said town to bid at the sale, and, in the event of purchase by him, to make title to the board of commissioners. Proviso.

SEC. 9. It shall be the duty of the mayor of said town, ten days before said election, to open books of registration and advertise at the court-house door, in Warrenton, and at three or more public places in said town, that he will open the same at his office in Warrenton, ten days before said election, and to register the names of all persons who may have become entitled to vote in said election since the last election of town officers. To open books of registration.

SEC. 10. It shall be lawful for the said railroad company to run their line through said town, and to have a depot within said town, with the rights and privileges usually granted railroad companies.

SEC. 11. The said railroad company is to have the right and privilege of operating either by steam or by horses or mules, or both, as they may deem expedient.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 10th day of February, A. D. 1877.

CHAPTER LXXXVIII.

AN ACT TO AMEND CHAPTER SEVENTY-TWO, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter seventy-two, of the laws of one thousand eight hundred and seventy-four and one thousand Commissioners.

eight hundred and seventy-five, be and the same is hereby amended so as to read as follows: That William M. Rhein, W. B. Noland, A. J. Ferguson, Samuel Ferguson, W. C. Hill, D. M. Killian, W. H. Hargrove, T. S. Lenoir, Jonas Guinn, T. L. Gash, E. B. Clayton and J. H. Cayle, be and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the amount of one thousand dollars, which sum shall constitute the capital stock of the company incorporated, for the purpose of making and keeping in repair a turnpike, commencing at the Tennessee line, at or near a point known as Mack's Patch, on the Campletrail, in the county of Haywood, running thence the nearest and most practicable way to intersect the western turnpike road in said county, and thence through Cathey's Gap, by way of the east fork of Pigeon river and the Pink Beds, in Transylvania county, to Davidson river, near the mouth of Avery's creek, 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 rise more than one foot in sixteen.

Capital stock.

Dimensions.

Five divisions.

SEC. 2. The above-named road shall consist of five divisions: From the Tennessee line to Fine's creek shall compose the first division; from Fine's creek to Crabtree creek shall compose the second division; from Crabtree creek to the Western turnpike road shall compose the third division. from the Western turnpike road to the Rock House, on the east fork of Pigeon river, shall compose the fourth division; from the Rock House, on the east fork of Pigeon river, to Davidson's river, in Transylvania county, near the mouth of Avery's creek, shall compose the fifth division.

shares of stock.

SEC. 3. 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 advertise-

ment, and 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 them to appoint a president, treasurer and five directors, for the term of one year, and until the next general meeting of the stockholders. The president and directors 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, Haywood and Transylvania Turnpike Company; may sue and be sued, plead and be impleaded, before any court of record, or any justice of the peace, in either of said counties of Haywood and Transylvania, and, as such, shall have perpetual succession, and have a common seal, and have all other powers and rights of incorporate companies, which may be necessary to carry into effect the object of this incorporation.

Stockholders
may appoint officers

Body politic.

SEC. 4. The said company shall have power to increase their capital stock from time to time, as they may desire, to any sum not exceeding ten thousand dollars.

May increase the
capital stock.

SEC. 5. That at all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share of stock held by him.

One vote for
every share of
stock.

SEC. 6. 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 regulation 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 others in their stead, and shall, from time to time, in general meeting, make all necessary rules and regulations that may be 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 stock-

Commissioners
to lay off, &c.

By-laws

holders, unless otherwise ordered, and employ such agents and officers as the company may require.

Treasurer.

SEC. 7. That it shall be the duty of the treasurer to receive all moneys due the company, and keep a fair account of the same, and perform all such duties as may, from time to time, be assigned to him by the stockholders.

Stock.

SEC. 8. That the stockholders, at their first general meeting, shall fix the terms and proportions in which stock subscribed shall be paid, and shall have the power to declare the stock of delinquent stockholders forfeited.

Toll-gates, &c.

SEC. 9. 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 the 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; and 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 two-horse buggy or carriage, forty 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.

Fifth division.

SEC. 10. That the company may, at their option, complete the fifth section of said road, from the Rock House, on the east fork of Pigeon river, in Haywood county, to Davidson's river, in Transylvania county, near the mouth of Avery's creek, and when completed, shall have the right to establish a gate at some convenient point on said division, and may demand and receive the same toll as is provided for the first division by section nine of this act.

Commissioners to receive road.

SEC. 11. That before the tolls shall be collected, as aforesaid in the first division of said road, the commissioners of Haywood county shall appoint three commissioners for the purpose of viewing and receiving, and

seeing that the said road is made in accordance with the above-named act, and if the commissioners so appointed shall, after traveling over said road, report to the county commissioners of said county that said road is finished in accordance with this act, then the commissioners shall cause a license to issue to the said company, authorizing the erection of the gate herein provided, and before the said company shall erect the gate herein provided for the fifth division of said road, the commissioners of the county of Haywood shall appoint three commissioners, and the commissioners of the county of Transylvania shall appoint three commissioners, and these six shall choose a seventh to act as umpire, and the seven so appointed and selected shall travel over said fifth division, and report to the commissioners of Haywood county whether said fifth division shall be completed in accordance with the provisions of this act; and if they shall so report, then the commissioners of Haywood county shall issue a license to said company to erect the gate as provided by this act.

SEC. 12. That if any person or persons shall go around said gates, or either of them, for the purpose of avoiding payment of toll on said road, or shall pass through either of said gates and refuse to pay toll, such person or persons shall forfeit and pay the sum of five dollars, to be recovered before any acting justice of the peace of either of said counties, and when so collected, shall be paid into the treasury of said company.

Avoiding pay,
ment of toll.

SEC. 13. That sections two, three and four of said road shall be completed at the option of said company, and any delay in the completion of said sections shall not hinder the said company from charging and collecting toll on sections one and five, or either of them, when completed, as provided by this act.

Collection of tolls

SEC. 14. This act shall take effect from and after its ratification.

Ratified the 10th day of February, A. D. 1877.

CHAPTER LXXXIX.

AN ACT TO PREVENT AND PUNISH THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF THE COURT-HOUSE IN THE TOWN OF WEBSTER.

Unlawful to sell
spirituous
liquors.

SECTION 1. *The General Assembly of North Carolina do enact,* That it shall be unlawful for any person or persons to sell or give away any, and take pay therefor, either directly or indirectly, any spirituous liquors, or bitters, containing spirituous liquors, within two miles of the court-house in the town of Webster, in the county of Jackson.

Penalty.

SEC. 2. Should any person be found guilty of selling, or giving away any spirituous liquors, as provided against in section one of this act, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction in any superior court, shall be fined or imprisoned, or both, at the discretion of the court.

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

Ratified the 10th day of February, A. D. 1877.

CHAPTER XC.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER ONE HUNDRED AND FOUR, SECTION TWENTY-SIX.

chap 211
no case

To amend section 26, chapter 104, Battle's Revisal, in regard to bridges.

SECTION 1. *The General Assembly of North Carolina do enact,* That section twenty-six, of chapter one hundred and four, of Battle's Revisal, entitled Roads, Ferries and Bridges, be so amended as to read as follows:

“Every person who shall neglect to do his duty, as directed by the preceding section, or shall let remain out

of repair any such bridge for the space of ten days, unless prevented by unavoidable circumstances, shall be liable for such damages as may be sustained, and moreover shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding fifty dollars."

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCI.

AN ACT TO REPEAL CHAPTER EIGHTY-FOUR, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND TO REGULATE THE RATE OF INTEREST.

WHEREAS, The supreme court of North Carolina, on the authority of a decision of the supreme court of the United States, has decided that the penalties imposed by the present usury law cannot be enforced against national banks; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter eighty-four (84), public laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be and the same is hereby repealed, and the following substituted in its stead:

SEC. 2. That the legal rate of interest shall be six per cent. per annum 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 by his agent, so great a rate as eight per cent. may be allowed.

SEC. 3. That the taking, receiving, reserving, or charging a rate of interest greater than is allowed by the pre-

Preamble.

Repealed

Six per cent. the legal rate of interest.

Proviso.

Charging a greater rate of interest than allowed by

law is a forfeiture
of the entire in-
terest

ceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, or other evidence of debt, carries with it, or which has been agreed to be paid thereon; and in case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representative, may recover back, in an action in the nature of an action of debt, twice the amount of interest paid: *Provided*, Such action shall be commenced within two years from the time the usurious transaction occurred.

Proviso

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCII.

AN ACT TO INCORPORATE THE TOWN OF LAURENBURG, IN THE COUNTY OF RICHMOND.

Laurenburg in-
corporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Laurenburg, in the county of Richmond, be, and the same is hereby incorporated by the name and style of Laurenburg, and shall be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal, except as herein otherwise provided.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows, to-wit: Beginning at the centre of the Carolina Central Railway, on front street, and running from said point five-eighths of a mile north, south, east and west, so as to form a square with said beginning point as the centre.

SEC. 3. It shall be the duty of the justices of the peace, or either of them, in the township in which said town is situated, within forty days from the ratification of this act, upon giving ten days' notice by advertisement, at four public places in said township, to open the polls for an election of a mayor, five commissioners, secretary, treasurer, and constable, who, when elected, shall be the officers of the corporation. and said election shall be held and conducted under such regulations and restrictions as are prescribed by law for municipal elections.

Election.

SEC. 4. That said officers shall continue in office until the time prescribed by law for the election of officers of incorporated towns, and then the annual elections of officers of said town shall be as prescribed by law.

Officers and their terms of office.

SEC. 5. That the mayor and commissioners shall have all the powers and authorities which are prescribed in Battle's Revisal, in relation to municipal corporations, and which may hereafter be prescribed by law, and the secretary, treasurer and constable, shall each give a bond in such sum, and with such sureties as the said commissioners may direct, before entering upon the performance of their duties, and shall have the same powers which usually appertain to such offices, or as are prescribed by law.

The powers of the mayor and commissioners

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCIII.

AN ACT TO REQUIRE CLERKS AND REGISTERS OF DEEDS TO PROVIDE AND KEEP INDEXES AND CROSS-INDEXES OF THE NAMES OF ALL PARTIES TO SUITS, DEEDS AND OTHER CONVEYANCES, FILED AND REGISTERED IN THEIR RESPECTIVE OFFICES.

SECTION 1. *The General Assembly of North Carolina do enact*, The clerks of all courts of record in this state, now established, or which may hereafter be established, and all registers of deeds, shall provide and keep in their respective offices full and complete alphabetical indexes of the names of the parties to all judgments, liens, grants, deeds, mortgages, bonds and other conveyances, heretofore and hereafter recorded or registered in their respective offices; said indexes shall be kept in well-bound books, and shall state in full the names of all the parties, whether plaintiffs or defendants, grantors, grantees, vendors, vendees, obligors, or obligees, and shall be indexed and cross-indexed, so as to show the name of each party under the appropriate letter of the alphabet; and reference shall be made opposite each name to the page title, or number of the book, in which is entered, docketed, or registered any such judgment, lien, deed, bond, conveyance, or other instrument; but this section shall not be construed to apply to any judgments which are now satisfied and discharged.

SEC. 2. Any clerk or register of deeds failing to comply with the provisions of this act, by the first day of September, in the year of our Lord one thousand eight hundred and seventy-seven, shall, upon conviction therefor, in the superior court, be fined not less than fifty, nor more than one hundred dollars, for each offence.

SEC. 3. The commissioners of the several counties, or the county authorities, established by law, shall fix the compensation to be made to the said clerks and registers of deeds for the performance of the duties required by

Clerks and registers to keep indexes.

Penalty for failure.

Compensation.

this act, to be paid out of the county treasury; but no allowance or payment shall be made to any clerk or register of deeds for indexing judgments, liens, grants, deeds, bonds, conveyances, or other instruments filed in their respective offices any time after the passage of this act.

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCIV.

AN ACT TO INCORPORATE THE TOWN OF GRIFFINSVILLE, IN THE COUNTY OF UNION.

SECTION 1. *The General Assembly of North Carolina do enact*, That the railroad station, in Union county, known as Beaverdam, be, and the same is hereby incorporated by the name of Griffinsville, 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.

Griffinsville incorporated.

SEC. 2. The corporate limits of said town shall be as follows: One mile square, including the Carolina Central Railway and ware-house at that place, the boundaries of which shall be of equal distance, east, west, north and south, from the centre of said ware-house.

Corporate 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, T. W. Griffin; commissioners, John L. James, W. C. Fergus and H. S. Liles.

Until officers are elected.

SEC. 4. An election shall be held the first Monday in May, one thousand eight hundred and seventy-seven, on the same day in each successive year, for mayor and three commissioners. All persons who have lived within the

Election

corporate limits of said town for ninety (90) days preceding the election, and qualified to vote for members of the General Assembly, shall vote in the election for officers of said town.

Government of
the town

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 shall be governed by all the rules, regulations and restrictions conferred upon, and to which mayors and commissioners of incorporated towns are subject, by chapter one hundred and eleven, Battle's Revised Code, as brought forward in Battle's Revision, chapter one hundred and eleven.

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCV.

AN ACT TO CHANGE THE TIMES OF HOLDING THE SUPERIOR COURTS IN THE ELEVENTH AND TWELFTH JUDICIAL DISTRICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the terms of the several superior courts of this state shall begin in each year, in the eleventh and twelfth judicial districts, at the times herein stated, and shall continue to be held for one week in each of the counties, except Buncombe county, in which the term shall continue for two weeks, unless the business be sooner disposed of viz:

Court shall continue one week in all the counties of the 11th and 12th districts except Buncombe.

ELEVENTH JUDICIAL DISTRICT.

Burke.

Burke county, on the second Monday in March and August.

McDowell county, on the third Monday in March and August.	McDowell
Henderson county, on the fourth Monday in March and August.	Henderson.
Buncombe county, on the first Monday after the fourth Monday in March and August.	Buncombe.
Madison county, on the third Monday after the fourth Monday in March and August.	Madison.
Yancey county, on the fourth Monday after the fourth Monday in March and August.	Yancey.
Mitchell county, on the fifth Monday after the fourth Monday in March and August.	Mitchell

TWELFTH JUDICIAL DISTRICT.

Graham county, on the second Monday in April and September.	Graham.
Cherokee county, on the third Monday in April and September.	Cherokee.
Clay county, on the fourth Monday in April and September.	Clay.
Macon county, on the first Monday after the fourth Monday in April and September.	Macon.
Swain county, on the second Monday after the fourth Monday in April and September.	Swain.
Jackson county, on the third Monday after the fourth Monday in April and September.	Jackson.
Haywood county, on the fourth Monday after the fourth Monday in April and September.	Haywood.
Transylvania county, on the fifth Monday after the fourth Monday in April and September.	Transylvania.

SEC. 2. That all process, mesne or final, civil or criminal, issued and returnable, or which may be issued and returnable to the spring terms of the superior courts in the said districts, shall be returnable to the next terms of said courts as regulated by this act, and all persons who have been recognized, bound or summoned to appear at the

Process returnable to spring term.

next superior courts in said districts are hereby required to appear at the times 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 from and after its ratification.

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCVI.

AN ACT TO ESTABLISH BOARDS OF HEALTH IN THE STATE OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact,* That the State Medical Society of North Carolina, organized in one thousand eight hundred and forty-nine, and subsequently recognized by the legislature of the state by an act establishing the State Board of Medical Examiners, is hereby constituted the Board of Health of the State of North Carolina.

SEC. 2. That the Board of Health of the State of North Carolina shall take cognizance of the interests of health and life among the citizens of this State. They shall make sanitary investigations and inquiries in respect to the people, the causes of disease, especially of epidemics, and the sources of mortality, and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to those matters, as they may deem proper, for diffusion among the people. They shall be considered the medical advisers of the state, and shall advise the government in regard to the location and sanitary management of any public institutions, and shall call its attention to such sanitary matters as, in their judgment, affect the industry, prosperity, happiness, health and lives of the citizens of

the state. They shall make to each regular session of the General Assembly, through the Governor, and in the month of _____ of such session, a report of their doings, investigations and discoveries, accompanied with such suggestions in regard to legislative action as they may deem just and necessary.

Shall make report.

SEC. 3. That the reports thus made of the Board of Health of the state shall be published, as are other regular reports through the Governor to the General Assembly, for distribution among the members of the General Assembly, and for the use of the members of the Board of Health of the state, and such additional number of copies as may be deemed advisable for circulation among the people of the state, and for the purpose of exchanging for the reports of similar associations in other states.

Reports to be published.

SEC. 4. That for the purpose of defraying the necessary expenses of the Board of Health of the state, in the discharge of their official duties, there shall be paid annually, out of the treasury of the state, to the treasurer of the said Board of Health of the state, upon the requisition of the president and secretary thereof, the sum of one hundred dollars.

\$100 appropriated to defray expenses.

SEC. 5. That county medical societies, in affiliation with the medical society of the state of North Carolina, and organized in accordance with the constitution of said state medical association, are hereby constituted boards of health for their respective counties, and shall be under the general direction of the Board of Health of the state of North Carolina, created by the first section of this act.

County medical societies constituted county boards of health.

SEC. 6. That the competent legal authorities of any county in this state, or of any incorporated town or city, shall, whenever in their judgment it becomes expedient to do so invest the board of health, thus created, of any county with such executive duties and powers for the public health, and under such rules and stipulations as shall be agreed upon between the two parties, and that all questions relating to salaries and expenditures shall be

Questions relating to salaries and expenditures

reserved to the legal authorities of the county, town or city, as the case may be.

No boards of health to be established in any towns except those contemplated by this act.

SEC. 7. That no board of health, or advisory or executive medical body for the exercise of public health functions, shall be established by authority of law in any county, town or city of this state, except such as are contemplated by the provisions of this act, the object of this prohibition being to secure a uniform system of sanitary supervision throughout the state; but nothing in this article shall be so construed as to prevent the State Board of Health, or any county Board of Health, established in accordance with the provisions of this act, from accepting and executing any special powers that may be granted them by the General Assembly of the state.

SEC. 8. This act shall take effect from its ratification.

Ratified the 12th day of February, A. D. 1877.

CHAPTER XCVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HYDE COUNTY TO LEVY A SPECIAL TAX.

Shall levy a special tax not exceeding \$3,500

SECTION 1. *The General Assembly of North Carolina do enact,* That the county commissioners of Hyde county are hereby authorized to levy a special tax, not exceeding thirty-five hundred dollars, on the taxable property of said county, on all subjects of taxation, including polls, observing the constitutional equation of taxation between the poll and property, for the purpose of paying the outstanding debt of the county, contracted previous to the month of May, 1868.

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

Ratified the 13th day of February, A. D. 1877.

CHAPTER XCVIII.

AN ACT TO INCORPORATE THE TOWN OF CLEVELAND MILLS, IN THE COUNTY OF CLEVELAND.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Cleveland Mills, in the county of Cleveland, be, and the same is hereby, incorporated by the name and style of the town of Cleveland Mills, and it shall be subject to all the provisions of laws now existing in reference to incorporated towns, not contrary to the provisions of this act.

SEC. 2. That the corporate limits of said town shall be as follows: One half a mile in every direction from the centre of the cotton factory.

SEC. 3. That the officers of said corporation shall consist of a mayor, four commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-seven, or until their successors are elected, viz: Mayor, E. G. Ramseur; commissioners, D. D. Lattimore, H. F. Schenek, James McDonald and Dr. S. E. McBrayer; marshal, J. E. Rollins.

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-seven, and every 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 ninety days within the corporation limits previous to the day of election, shall be entitled to vote at said election.

By-laws.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the state and United States. They shall have no right to levy or collect any incorporation tax or taxes, but shall have power to impose fines for the violation of town ordinances, and to collect the same.

Violation of town ordinance.

SEC. 6. That any person violating any ordinances of said town, shall be deemed guilty of a misdemeanor, but the punishment therefor shall not exceed a fine of fifty dollars, or imprisonment for thirty days, or both.

Jurisdiction of the mayor.

SEC. 7. That the mayor of said town of Cleveland Mills shall have jurisdiction to hear and determine said offence without requiring a complaint or oath in writing from the party injured, but may exercise said jurisdiction on the complaint of any other person, or when the offence committed is in his own knowledge.

The mayor empowered to commit persons to prison.

SEC. 8. That the mayor of said town shall have power to commit any person or persons convicted for violation of any ordinances of said town to the calaboose, or some other place of confinement, until the fine and costs are paid; and such persons can only be released as provided by law in other cases.

Fees.

SEC. 9. That the mayor and marshal shall have the same fees as a justice of the peace and constable, respectively.

Unlawful to sell liquor within two miles of the corporation.

SEC. 10. That it shall be unlawful for any person to sell or dispose of any spirituous liquors or intoxicating liquors within one mile of said town; and any person so doing, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both, at the discretion of the court.

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

Ratified the 13th day of February, A. D. 1877.

CHAPTER XCIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GRAHAM
COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Graham county are hereby authorized to levy a special tax on the property and polls of said county, for the purpose of paying the cost of building the county jail and court-house in said county, said taxes to be collected as other taxes: *Provided*, The amount so levied shall not exceed fifteen hundred dollars.

Special tax to build the jail and court-house.

Proviso.

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

Ratified the 16th day of February, A. D. 1877.

CHAPTER C.

AN ACT TO LEVY A SPECIAL TAX IN THE COUNTY OF TYRRELL.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to liquidate and settle the outstanding debt of the county of Tyrrell, the board of county commissioners are hereby authorized and empowered to levy a special tax on all subjects of taxations, for each of the years one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, for the purpose of paying the indebtedness of the aforesaid county.

Special tax for 1877 and 1878, to pay the indebtedness of Tyrrell county.

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

One half of the whole amount to be levied in each year.

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

Ratified the 16th day of February, A. D. 1877.

CHAPTER CI.

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

Special tax not to
exceed \$14,000.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Beaufort county be, and they are hereby authorized to levy a special tax, not to exceed the sum of fourteen thousand dollars, one-half to be levied for the year one thousand eight hundred and seventy-seven, and the other half to be levied for the year one thousand eight hundred and seventy-eight, for the purpose of paying the indebtedness of said county already incurred.

SEC. 2. In the levying of said tax the equation provided by the constitution in relation to property and capitation tax, shall be observed and adhered to.

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

Ratified the 16th day of February, A. D. 1877.

CHAPTER CII.

AN ACT TO PROVIDE A FUND FOR THE PAYMENT OF JURORS
OF ALLEGHANY AND CLAY COUNTIES.

To pay jurors.

SECTION 1. *The General Assembly of North Carolina do enact*, On every indictment or civil suit, tried or otherwise

disposed of in the superior court, or such other courts as may hereafter be established by law, in which trial by jury is provided for, of the counties of Alleghany and Clay, the party convicted or cast shall pay a tax of three dollars, which amount shall be taxed by the clerk and collected by the sheriff, and paid into the county treasury, and the funds thus raised shall be set apart as a fund for the payment of the jurors of said county.

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

Ratified the 16th day of February, A. D. 1877.

CHAPTER CIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF SWAIN TO LEVY A TAX TO BUILD A BRIDGE ACROSS THE TUCKASEEGEE RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of the county of Swain are hereby empowered to submit the question of tax or no tax to the qualified voters of the county of Swain, for the purpose of building a bridge across the Tuckaseegee river, at or near the town of Charleston, in said county. The election for voting upon the question of tax or no tax shall be held at such time as a majority of said commissioners shall determine, and in the manner now prescribed by law for holding elections for members of the General Assembly. Those voting for the tax shall have written or printed on their scroll the word "Tax," and those voting against the tax, shall have written or printed on their scroll the words "No tax," and if a majority of those voting shall vote "tax," then it shall be the

An election for "Tax" or "No Tax" to be submitted to the voters of Swain county.

Bids to be received.

duty of the commissioners to draft a plan and specifications for said bridge, and advertise at the court-house, in the town of Charleston, and one place in each township in said county, giving notice of the time and place they will receive bids for the building of said bridge; and it shall be the duty of the commissioners to award the contract to the lowest responsible bidder. The commissioners shall, when said bridge is completed, according to the term of the contract, execute and deliver to the contractor, bonds on the county of Swain to an amount sufficient to pay for the same, in instalments of one, two, three and four years, with or without interest, as they may have determined before letting said bridge to contract; and it shall be the duty of said commissioners, at the time of letting said bridge to contract, to make known the terms thereof.

The terms of the contract shall be made known.

Manner in which taxes are to be collected.

SEC. 2. The commissioners shall have power to levy and collect a special tax, in the same manner as other taxes are levied and collected, for the payment of said bonds as they shall become due, or at any time thereafter.

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

Ratified the 16th day of February, A. D. 1877.

CHAPTER CIV.

AN ACT TO MAKE THE CARRYING OF CONCEALED WEAPONS A MISDEMEANOR.

SECTION 1. *The General Assembly of North Carolina do enact*, If any person shall be found off of his own premises, within the county of Alleghany, having concealed

To prevent carrying concealed weapons in Alleghany county.

about his person a pistol, bowie-knife, dirk, dagger, slung-shot, loaded cane, or brass or iron knuckles, or other deadly weapon of a like kind, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned at the discretion of the court.

SEC. 2. The following persons shall be exempt from the provisions of section one of this act: officers and soldiers of the United States army; civil officers of the United States while in the discharge of their official duties; officers and soldiers of the militia of this state, when called into actual service; officers of this state or of any county, city or town of this state, charged with the execution of the laws of the state, or such county, city, or town, while in the discharge of their official duties.

Exemptions. .

SEC. 3. This act shall go into effect on the first day of September, Anno Domini, 1877.

Ratified the 16th day of February, A. D. 1877.

CHAPTER CV.

AN ACT FOR THE BENEFIT OF THE FARMERS IN MURPHY'S SWAMP AND CARVER'S NECK, ROCKFISH, IN CUMBERLAND COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That a good and sufficient fence, at least five feet high, shall be run from the mouth of Rockfish, on the Cape Fear river, to Wallace's store, including the Kirkpatrick plantation, on Rockfish; then with the fence around the swamp to a ditch, near Duncan Henderson's; then with said ditch to John L. Smith's; then again with the swamp fence to the run of Ashby's creek; then down said creek to Robt. Gilmore's line to his corner; then with the swamp fence to a point near Sam Toomer's; then to

A fence to be run from the mouth of Rockfish, &c.

Daniel Butler's fence by Byrne's mills and the Cape Fear Baptist Church; then to the Cape Fear river, on or near the dividing line between Jno. F. Byrne's and the said Daniel Butler; said points to be determined by the overseer of said fence.

Cape Fear River
a lawful fence.

SEC. 2. That said fence and the Cape Fear river from the mouth of Rockfish to where the said fence comes to the river, shall be the only fence required by law for the protection of crops in the district enclosed; and all owners of stock of any kind in said districts, shall prevent said stock from running at large, by keeping good and sufficient pastures, or otherwise, as they may choose. Owners of stock at large in the district, shall be liable for all damages done by said stock, and shall, for knowingly or negligently permitting any stock to go at large, be deemed guilty of a misdemeanor for each and every offence, and, upon conviction thereof, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Land owners to
pay the cost.

SEC. 3. The commissioners for Cumberland county, shall, at their first sitting in March, one thousand eight hundred and seventy-seven, appoint some land owner of said district overseer of said fence for one year, and he shall have said fence put up by the first of April, one thousand eight hundred and seventy-seven, and shall apportion the cost of putting it up among the land owners of said district according to their land tax in the district. Should any one refuse or fail to pay, the overseer shall deliver the amount to the sheriff, who shall collect it with their other tax, together with two per cent. penalty on the amount.

Commissioners
to appoint an
overseer.

SEC. 4. The said commissioners, at their first meeting, each and every year, shall appoint some land owner of said district, overseer of said fence, whose duty it shall be to keep it in good repair, at the expense of said land owners and by the means aforesaid. For neglect of duty, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than fifty dollars, or imprisonment not more than thirty days. He shall be entitled to no compensation for superintendence,

Neglect of duty.

but shall not be compelled to serve more than one year in five. It shall not be lawful for the owner or manager of any horses, mules, swine, sheep, goats, or neat cattle of any description, to permit the same to run at large beyond the limits of their own land; and if any of the animals enumerated in this section shall hereafter be found going at large or upon the lands of any person, other than the owner, the owner of such stock, wilfully permitting the same, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days; and when any animal is found upon the premises of another, in violation of the provisions of this act, such person or persons may take the same and confine it upon the premises, and he shall be allowed to plead by way of counter claim to any action brought for the recovery of said animal, or damages for its detention, the damages done by the animal while on his land in violation of the provisions of this act, and shall have like remedy for expenses incurred in taking, keeping and caring for the same.

SEC. 5. The said overseer shall have power to take the necessary timber from the land owners of said district, to construct and repair said fence. The owner of said timber may receive for it what may be agreed upon, or, if there be disagreement, what two men may say it is worth, one of said persons to be selected by the overseer, and the other by the owner of the timber; and if the two do not agree, they shall select a third person as umpire.

Overseer empowered to take timber from the land owners.

SEC. 6. Said fence shall be finished by the first of April, one thousand eight hundred and seventy-seven, and all stock shall be kept up by the owners from and after that date.

The fence to be finished by April 1st, 1877.

SEC. 7. It shall be lawful to erect a gate where said fence crosses the public road; and any person leaving said gate open, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding ten dollars.

Lawful to erect a gate.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 16th day of February, A. D. 1877.

CHAPTER CVI.

AN ACT TO PROVIDE FOR THE SPEEDY COMPLETION OF THE WESTERN NORTH CAROLINA RAILROAD, AND TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO THE WESTERN NORTH CAROLINA RAILROAD, RATIFIED THIRTEENTH OF MARCH, A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Western North Carolina Railroad Company, created by virtue of an act entitled "An act in relation to the Western North Carolina Railroad," ratified the thirteenth day of March, A. D. one thousand eight hundred and seventy-five, shall be deemed and held to be a corporation, and to have all the franchises, powers, rights and advantages conferred by the act entitled "An act to incorporate the Western North Carolina Railroad Company," ratified the fifteenth day of February, A. D. one thousand eight hundred and fifty-five, and all acts amendatory thereof, except as the same may be modified, abridged, enlarged, or repealed by this act, and the act of which it is amendatory; but in no contingency shall the state be liable for any money, or to make any appropriation of money, or extend any credit to or for the company, provided for by this act, save only as provided by this act, and the act of which it is amendatory; and this act, and that of which it is amendatory, shall not be so construed as to create any liability of the present company

The State not liable for any money except that provided by this act.

for or on account of any debt of any kind, nor as a continuation of the said the late "The Western North Carolina Railroad Company," and the capital stock of the company, provided for by this act, shall be eight hundred and fifty thousand dollars (\$850,000), divided into shares of one hundred dollars each, three-fourths of which stock shall belong to the state of North Carolina, and the other one-fourth to the stockholders other than the State, each to have a certificate for his *pro-rata* share of such stock, according to the number of shares owned by him, as provided in the act entitled an act in relation to the Western North Carolina Railroad, ratified the thirteenth day of March, A. D. one thousand eight hundred and seventy-five; and a certificate for the state stock shall be issued to the state and deposited in the Treasury.

Capital stock.

Individual stockholders to have a certificate for their *pro rata* share.

SEC. 2. That the company provided for by this act, shall be governed by a board of directors, composed of nine, who shall be appointed biennially by the Governor, by and with the consent of a majority of the Senators elect, and that one director shall be appointed from each of the congressional districts, and one from the state at large, and that the private stockholders shall have the appointment of three directors. The board of directors shall, at their first meeting, elect or appoint one of their number to be president of the company, who shall have a general supervision and direction of the business of the company, under the direction and control of the board of directors. And he may have an annual salary not exceeding twenty-five hundred dollars; and they shall likewise elect or appoint one person who shall be secretary and treasurer of the company, with an annual salary not exceeding twelve hundred dollars, who shall file a good and sufficient bond in solvency and amount, to secure a faithful discharge of his duty as such officer, said bond to be approved by the Governor; and no other officer shall be appointed, unless as provided by this act; and no director, other than the president, shall receive for his services any compensation, except ten cents per mile for

Officers of the company—Governor to appoint.

Salaries

the distance traveled from and to his home by the most direct usual route of travel, to the place of meeting of the board of directors.

Private stock.

SEC. 3. That the directors, on the part of the State, shall provide for the apportionment of the private stock to the *bona fide* stockholders, who shall be entitled to the same under the provisions of the act, ratified March thirteenth, one thousand eight hundred and seventy-five; and no private stockholder shall be entitled to vote in any meeting of said company until such apportionment is made; and neither shall any directors, on the part of the individual stockholders, participate in the meetings of said directory, until they shall be legally appointed after the distribution of stock as above provided.

Management and control of the road.

SEC. 4. The president and board of directors shall have supervision, direction and control of said railroad, and the directors on the part of the state shall have supervision, control and management of all convicts which may be sent to labor on said railroad, under the laws regulating the treatment and management of convicts. They shall likewise have authority to employ an engineer, and such subordinates as they may deem necessary, to expedite the work, and to pay them reasonable compensation. They shall make quarterly reports to the Governor, showing the number of convicts placed under their charge, how they have been secured and managed; what has been the measure of the labor performed by them during the quarter next preceding each report, and stating what may be a fair estimate of the value of the labor done by such convicts, which labor shall be charged against said road by the state treasurer, after deducting the average cost of maintaining them; and in no case shall be at less amount than is provided for in section eight of this act; what money may have passed through their hands, and how they have expended the same, and on what account, and all such other information about the work under their charge as they may think necessary; and also such as the Governor may require of them from time to time.

Quarterly report, convict labor.

They shall also have the power, from time to time, to purchase all necessary tools, machinery and materials, and to pay for such laborers and employees as they may reasonably require.

SEC. 5. The warden of the penitentiary shall, from time to time, as the Governor may direct, send to the president of said company all convicts who have not been farmed out, and who are not specially required by the constitution or laws of the state to be retained in the penitentiary, and such other convicts as have not been assigned, or may not hereafter be assigned, to other roads by law, to labor on said railroad: *Provided*, The convicts assigned shall be at least five hundred; and the number so assigned shall not exceed five hundred, until other roads and public works, to which convicts are, or shall be allowed to be used, shall have been supplied, and shall take from him a receipt for the same, setting forth the name and term of service of each, and the date when the term of each began; and the convicts so placed under the charge of said president shall be secured and cared for according to law, and required to do reasonable service each day or night, when and where such labor may be required. Any judge of the superior court may sentence and order, at his discretion, any convict other than prohibited by the constitution or public laws, directly to work upon said railroad, and report shall be made by the superintendent of all such convicts to the warden of the penitentiary, and he shall receipt for them to said warden, as above provided in this section.

Warden of penitentiary to furnish convicts to the president of the road.

Proviso.

Superior Court Judge may sentence convicts directly to work on the road.

SEC. 6. The treasurer shall pay to the treasurer of said company, from time to time, upon the warrant of the Governor, duly audited, such sums of money from the funds provided by law for the support and management of convicts in the penitentiary, as may be needed to guard, support and clothe the convicts under charge of the company: *Provided, nevertheless*, That the sum of money so paid shall not exceed the proportion of said fund required

Treasurer directed to pay, &c.

Proviso.

for the support, guarding and clothing of the convicts so under the charge of said company.

The governor to contract for and purchase iron.

SEC. 7. The Governor may contract for, and purchase, in his discretion, such iron and steel rails and other material as he may from time to time find expedient, to lay the track of said railroad from its terminus, near Old Fort, as the same may be placed in readiness, as the directors of the company may, in their discretion, require; and to pay for such purchases and expenses (including the iron already furnished by the citizens of Wilmington,) he is hereby authorized to draw upon the treasurer his warrants for such sums as may be needful, which the treasurer is hereby authorized and directed to pay out of any moneys in the treasury not otherwise appropriated: *Provided*, The amount does not exceed seventy thousand dollars (\$70,000) per annum.

Proviso.

Superintendent of penitentiary to furnish convicts with supplies.

SEC. 8. The superintendent of the state penitentiary shall be required to furnish all supplies, such as guarding, feeding, clothing, and doctor's bills, which, together with the hire of said convicts, at a price not less than fifty dollars each per annum, with the maintenance of and hire of all such convicts as have heretofore been employed on said road, together with all sums of money heretofore paid, or may hereafter be paid, for the purchase of iron, or any other material whatever, used in connection with the said road, including such interest as heretofore has been, or may hereafter be paid by the state on the mortgage bonds of said company, and any and all expenses of whatever character incurred heretofore or hereafter, in the completion and stocking of said road and paid by the state, shall be charged against the said road by the public treasurer, in a book kept for that purpose, and all expenditures and appropriations thus made shall, in addition to the lien already created, constitute a lien upon the franchises and all other property of the said company whatever, and which it may hereafter acquire, to secure the re-payment to the state of all such sums of money and value of labor expended and used on said road, and which may here-

Expenditures.

after be expended and used under this act or any act of the general assembly, hereafter passed: *Provided*, That no sum shall be expended for the purchase of iron, nor any further work done upon this railroad by convict labor, after the first day of May, one thousand eight hundred and seventy-seven, until this act shall be accepted by the stockholders of said railroad company as a part of its charter.

Proviso.

SEC. 9. That when the grading, culverts, trestles, bridges and road-bed of said road shall be completed to the French Broad river, near Asheville, in the county of Buncombe, the convicts so employed, except such as may be necessary to iron the unfinished part of said road so graded, shall be divided into two corps of equal numbers, as near as practicable, one of which shall be employed on the branch of the road in the direction of the terminus in Cherokee county, and the other on the branch leading to Paint Rock, in Madison county; and when said French Broad branch shall be completed to Paint Rock, all of said convicts shall be put to work on the branch of the road leading in the direction of Cherokee county, and kept at work continuously thereon until the same is completed to its terminus on the Georgia or Tennessee line at or near Ducktown.

Division of the convicts into two corps.

SEC. 10. The governor shall have power, for cause satisfactory to himself, to remove any officer or director of said company, as herein provided for, and appoint in his stead any other competent person, until a successor shall be appointed according to law, and in case of a vacancy in said offices, by reason of death, resignation or otherwise, the governor shall fill such vacancy as above prescribed in cases of removal, except in case of president of said company.

Governor may remove any officer.

Vacancy

SEC. 11. In order to avoid the double running on the branch to the town of Newton, the said company shall, before the first day of January, one thousand eight hundred and seventy-nine, change the main line of said road so as to run along the line surveyed by T. H. Allen, in the year one thousand eight hundred and seventy-six,

To avoid double running on branch track to Newton.

from the main line to the branch at M. M. Rowe's, at which point they shall build a depot whenever the present depot at Newton shall be abandoned; and from this point the said company shall use the branch as far as may be practicable, as a part of the main trunk line. For the purposes of this section, the said company shall have power and authority to use the labor of convicts under such rules and regulations as have been, or may hereafter be, prescribed by law for the use of such labor on said railroad, and such part of the net earnings of said road as may be necessary, or any other means at their command.

Depot at Conover The citizens of Conover shall be allowed a depot at their own expense at said place.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 19th day of February, A. D. 1877.

CHAPTER CVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALEM, IN FORSYTHE COUNTY.

Jurisdiction of the mayor. SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor of the town of Salem shall, as occasion may arise, hold a special court for the trial of misdemeanors cognizable before a justice of the peace, committed within the corporate limits of the town.

Taxes. SEC. 2. The commissioners of the town of Salem may, not oftener than annually, lay and collect taxes on all subjects of taxation, taxed by the General Assembly for public purposes, on all polls taxed by the state, and also a commutation tax on all persons liable to work on the public roads.

SEC. 3. The commissioners shall have power to make, from time to time, ordinances concerning the firing and carrying of fire-arms, and all explosions of the town; the speed at which horses may be ridden and driven through the streets; the arrangement of stove-pipes, fire-places and flues in buildings; the mode in which fire shall be kept and carried; the manner in which powder and other inflammable and explosive substances may be kept and sold; the manner in which hogs and dogs may be kept, and to prevent them and other beasts from running at large; to provide for periodical inspection of any and all houses by fire commissioners, and to enforce such orders as may be necessary for security against fire; and any violation of said ordinances shall be a misdemeanor, punishable by fine not to exceed twenty-five dollars, or imprisonment in the county jail not to exceed ten days.

Commissioners
may make ordi-
nances.

Penalty.

SEC. 4. In addition to the general powers concerning streets, given in chapter one hundred and eleven, Battle's Revisal, the commissioners shall have entire control of the sidewalks; shall determine when, where and by whom new ones shall be constructed, or old ones repaired; shall fix the width and grade and material to be used; shall regulate or prohibit the obstruction of side-walks by steps in said walks, by porches or entrance steps to buildings or otherwise, and have and exercise any and all other powers over said walks for the public safety, comfort and convenience. When the commissioners determine that any side-walk shall be constructed or repaired, they shall notify the owner or occupant of the lot, lots, or land abutting on said walk, in writing, stating distinctly what they require, and if said owner or occupant fail to comply with said order within thirty days, then the commissioners shall have the work done, and the expense thereof shall be a lien on said lot, lots, or land, to be collected as provided in cases of delinquent tax-payers.

Streets and side-
walks.

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

Ratified the 19th day of February, A. D. 1877.

CHAPTER CVIII.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF
BLADEN COUNTY TO APPOINT A TAX-COLLECTOR TO COLLECT
ARREARS OF TAXES.

Taxes for 1874

SECTION 1. *The General Assembly of North Carolina do enact*, That the Board of Commissioners of the county of Bladen are hereby authorized and empowered to appoint some suitable person to collect the uncollected taxes for the county of Bladen, for the year one thousand eight hundred and seventy-four, who shall give bond in the sum of five thousand dollars, with sufficient securities to be approved by the board of commissioners, conditional to collect and pay over to treasurer of said county, on or before the first Monday in January, one thousand eight hundred and seventy-eight, the uncollected taxes aforesaid.

Tax collector
may have until
Dec. 30th, 1877, to
collect the taxes.

SEC. 2. That the tax-collector, so appointed, shall have until the thirtieth day of December. A. D. one thousand eight hundred and seventy-seven, to collect said taxes, with the same power to collect as are now by law given to tax-collectors.

Tax collector
may demand the
tax list.

SEC. 3. That on demand of said tax-collector, appointed as aforesaid, that the tax lists for the year one thousand eight hundred and seventy-four, shall be turned over to him; and any person having said books in his or her possession, who shall neglect or refuse to deliver said tax lists as aforesaid shall be guilty of a misdemeanor

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

Ratified the 19th day of February, A. D. 1877.

CHAPTER CIX.

AN ACT TO AMEND AN ACT, ENTITLED 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 section one, chapter sixty-eight, public laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended so as to read as follows: "That there shall be laid out and established a public road, commencing at or near the Blowing Rock, on the Caldwell and Watauga Turnpike, and running thence the most practicable route to the town of Boone; thence to Sugar Grove; and thence crossing Beaver Dam ridge, and through Beaver Dam township, to the Tennessee line, at or near Bakin Gap, on the Stone Mountain.

Section 1, chapter
68, laws of 1874-75
amended.

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

Ratified the 19th day of February, A. D. 1877.

CHAPTER CX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO LAY OUT
AND CONSTRUCT A PUBLIC ROAD THROUGH THE COUNTIES
OF WILKES AND WATAUGA.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three, chapter two hundred and fifty-four, public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be amended so as to read as follows: That Lindsey Ferguson, Wilson F. Hendrix and Phineas Horton, of the

Section 3, chapter
254, laws of
1870-71, amended.

county of Wilkes, and John R. Hodges, Daniel Wheeler and John Elrod, of the county of Watauga, are hereby appointed to engineer and locate said road, who shall take an oath before the chairman of the board of county commissioners of their county, to faithfully discharge the duties for the best interests of the county.

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

Ratified the 19th day of February, A. D. 1877.

CHAPTER CXI.

AN ACT TO LEGALIZE IVEY HILL TOWNSHIP, IN THE COUNTY OF HAYWOOD.

Ivey Hill Town
ship-

SECTION 1. *The General Assembly of North Carolina do enact*, That the township in the county of Haywood, known as the Ivey Hill township, established some time since, by the commissioners of said county, is hereby declared legal and lawful to all intents and purposes.

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

Ratified the 21st day of February, A. D. 1877.

CHAPTER CXII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GREENE COUNTY TO LEVY A SPECIAL TAX.

Preamble.

WHEREAS, The county of Greene has, for the purpose of building a court-house at Snow Hill—the same having

been burned by an incendiary, or otherwise, contracted a debt of seven thousand dollars; and

Whereas, The regular taxes of the said county are not more than sufficient to pay the current expenses of said county; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Greene county be, and they are hereby authorized to levy and collect a special tax of five thousand dollars, on the polls and taxable property thereof, to pay off the debt contracted as aforesaid: *Provided*, The equation on polls and property shall be observed.

Special tax of \$5,000 to build a court-house

Proviso.

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

Ratified the 21st day of February, A. D. 1877.

CHAPTER CXIII.

AN ACT TO AMEND CHAPTER THIRTY, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, BEING AN ACT IN RELATION TO FOREIGN INSURANCE COMPANIES.

WHEREAS, There is now no provision of law whereby foreign insurance companies, upon retiring from business, can withdraw their bonds deposited in the office of the treasurer under the provisions of chapter thirty, acts one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four:

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever any foreign insurance company, that has deposited bonds with the treasurer, under chapter

A Affidavit to be filed with the Secretary of State

thirty, acts one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, desires to retire from business in this state and withdraw its bonds deposited as aforesaid, then

First. It may file the affidavit of its president, managing agent, or other chief officer, with the secretary of state, to the effect that it has no policies outstanding, nor has any losses unpaid in this state; and thereupon the secretary of state shall give an order to such company, its agents or assigns, upon the treasurer for the delivery of such bonds; and the said bonds shall be accordingly delivered to said company or its assigns: *Provided*, That if the secretary of state has good reason for believing that such affidavit is untrue, he shall cause a satisfactory investigation to be made, the cost of which shall be payable by said company, and be a lien upon the bonds in the hands of the treasurer.

Secondly. Such company, so desiring to withdraw its bonds, may file with the secretary of state a duly executed contract of re-insurance, whereby some other insurance company, in good standing, doing business in this state, shall undertake to pay all losses on policies heretofore issued by the company so retiring; whereupon the secretary of state shall give an order on the treasurer as above required, for the bonds of the retiring company as aforesaid: *Provided*, That such company so making the re-insurance, shall have on deposit with the public treasurer bonds of equal value with those sought to be withdrawn; and *Provided further*, That the policy-holders in said company, resident in this state, shall assent in writing to the transfer of their policies to the company so making the re-insurance.

SEC. 2. That the secretary of state shall be entitled to twenty-five dollars for his services in performing any duty imposed upon him under this act.

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

Ratified the 21st day of February, A. D. 1877.

Bonds to be delivered.

Proviso.

Withdrawal of bonds—contract of re-insurance to be filed with the Secretary of State

Proviso.

Secretary's fee.

CHAPTER CXIV.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That all the provisions of chapter one hundred and ninety-five, of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, shall also apply to the county of Cabarrus.

Shall apply to
Cabarrus county

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

Ratified the 21st day of February, A. D. 1877.

CHAPTER CXV.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF THE TOWN OF SHELBY, CLEVELAND COUNTY, THE QUESTION OF THE PROHIBITION OR NO PROHIBITION OF INTOXICATING LIQUORS WITHIN TWO MILES OF SAID TOWN.

SECTION 1. *The General Assembly of North Carolina do enact*, An election shall be held on the first Monday of May, one thousand eight hundred and seventy-seven, in the town of Shelby, Cleveland county, for the purpose of determining whether intoxicating liquors shall be sold within the corporate limits of said town, or within two miles of the court-house in said town.

Election-

SEC. 2. Such election shall be held under the same rules and regulations, and subject to the same penalties pre-

Re-enacted.

scribed in an "Act to prohibit the sale of intoxicating drinks within two miles of the court-house in the town of Shelby, Cleveland county," ratified the sixteenth day of February, one thousand eight hundred and seventy-four, and all the provisions of said act, except as to the time of holding the election, are hereby re-enacted.

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

Ratified the 21st day of February, A. D. 1877.

CHAPTER CXVI.

AN ACT TO INCORPORATE THE TOWN OF DENVER, IN THE COUNTY OF LINCOLN.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Denver, in the county of Lincoln, be, and the same is hereby incorporated by the name and style of the town of Denver, and shall be subject to all the provisions contained in chapter one hundred and eleven, of Battle's Revisal, not inconsistent with the constitution and laws of this state, or of the United States.

Incorporated.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: Commencing at the granary of F. W. Howard; thence a northern course to the corner of Rock Spring Camp Ground land at the intersection of the Turbyfield and Barkley roads; thence with said Barkley road to the cross-roads north of Rock Spring Camp Ground; thence a western course to the ford of the brook below L. M. Shelton's house; thence a south-western course to the widow Isabella Killian's, including her residence; thence a

southern course to the old public school-house on the Turbyfield road; thence a south-eastern course to Samuel Wilkinson's, including his residence; thence an eastern course to the beginning, containing something more than a square mile.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and a town marshal, to be elected annually, on the first Monday in May, by the qualified voters of said corporation, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-seven: Mayor, D. Matt Thompson; commissioners, C. S. Rozzell, J. B. Shelton and J. A. Kids; marshal, W. A. Gilleland.

Officers.

SEC. 4. That it shall be the duty of the mayor and commissioners elected to meet within five days after their election, and take the oaths usual for such officers. The mayor shall be *ex-officio* chairman of the board of commissioners. The marshal, before entering on the discharge of his duty, shall take the oath usually taken by constables.

Duties of officers

SEC. 5. It shall not be lawful for the county commissioners of Lincoln county to grant license to any person to sell spirituous or malt liquors within the corporate limits of the town of Denver, so long as a school shall be maintained at Rock Spring Seminary, which is located within the corporate limits of said town; and any license so granted shall be void. Further, it shall not be lawful for any person to sell liquors, or drinks of any kind that will intoxicate, and any person violating this provision of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, for each offence.

Unlawful to grant license to sell liquor.

SEC. 6. The said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the incorporation, not inconsistent with the laws of this state, and of the United States.

By-laws.

SEC. 7. The commissioners shall have power to levy a tax,

May levy a tax.

not to exceed seventy-five cents on the poll, and not to exceed twenty-five cents on the one hundred dollars' valuation of property.

Nuisances.

SEC. 8. The commissioners shall have power to tax all other subjects of state taxation, within the corporate limits, to an amount not to exceed one-half the amount of state tax; and shall have power to abate all nuisances and to impose and collect such fines as may be necessary to abate them.

Streets and sidewalks to be kept in good repair.

SEC. 9. It shall be the duty of said commissioners to spend the tax so levied and collected, in putting and keeping the streets and sidewalks in good passable order, and for such other purposes as they may deem best for the good government of the town.

May open new streets.

SEC. 10. That the commissioners shall have power to lay out and open any new street or streets, and to widen, extend, or straighten any street or streets within the corporate limits of the town, whenever by them deemed necessary for the best interests of the town: *Provided*, That when lands are condemned for a street, three commissioners shall be appointed to assess the value thereof, one by the town, one by the owner, and a third by these two; or, in case the owner refuse to appoint one, the town may appoint. Either party may appeal from said assessment to the superior court, as provided for appeals from courts of justices of the peace.

Proviso.

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

Ratified the 21st day of February, A. D. 1877.

CHAPTER CXVII.

AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF WINSTON AND THE AMENDMENTS THERETO.

SECTION 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the town of Winston shall be, and continue as they heretofore have been, a body politic and corporate, and in the name of the board of commissioners of Winston, shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, and to hold and to convey real or personal property.

To continue a body politic.

SEC. 2. That the corporate boundaries of the town of Winston be extended as follows, to-wit : Beginning at the north-east corner of the corporate boundaries of the town of Salem, and south-east corner of the town of Winston ; thence running north, eighty degrees east, eighty poles ; thence north parallel with the Winston line, three hundred and forty-five poles ; thence west one and a half miles, or four hundred and eighty poles ; thence south parallel with the western boundary of Winston, three hundred and forty-five poles, more or less, to a point south, eighty degrees west of the north-west corner of the town of Salem ; thence north, eighty degrees east, eighty poles, to said north-west corner of Salem ; thence north eighty degrees east, along the boundary line between Salem and Winston to the place of beginning.

Corporate limits.

SEC. 3. That there shall annually, on the first Monday in May in each year, be elected a mayor and seven commissioners, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the town.

Election.

SEC. 4. That any qualified elector in this state shall be eligible as mayor and commissioner, provided he shall have resided in the corporation twelve months next preceding the day of election.

Ellegibility to office.
Proviso.

Qualifications.

SEC. 5. That all persons entitled to vote in the county of Forsythe for members of the General Assembly, and who shall have been *bona fide* residents of the town of Winston ninety days next preceding the election, shall be entitled to vote for the mayor and commissioners, or at any election held therein, for any municipal purpose.

Mayor to take oath.

SEC. 6. 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 Winston while I continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatever.”

Commissioners to take oath.

SEC. 7. 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.

Commissioners to fill vacancies.

SEC. 8. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office ; and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances, and by-laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their members a mayor *pro tempore*, to act as mayor in case of absence of the mayor or his inability to perform the duties of his office.

Jurisdiction of the mayor.

SEC. 9. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the powers, jurisdiction and authority of a justice of the peace to preserve and

keep the peace; to issue process, to hear and to determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if he shall find the accused guilty, he shall be fined at the discretion of the court, or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the common jail of the county. If the accused is dissatisfied with the judgment of the mayor, or court, he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

SEC. 10. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Forsythe county, or to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant, shall be authority for the officer to execute the same. The mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings.

Mayor may issue his precepts.

SEC. 11. That the board of commissioners shall have authority to put to and keep at work on the streets of the town, any person or persons who may fail to pay any tax, fine, penalty, or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law, or regulation of said town, and the said commissioners shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties, or forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

Work on streets

Policemen ar-
resting persons,
&c.

SEC. 12. That any town constable, policeman, watchman, or town officer arresting any person or persons for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the lock-up, or to the common jail of the county, for as early trial as possible.

May open new
streets.

SEC. 13. That the commissioners shall have power to lay out and open any new street or streets, within the corporate limits of the town, whenever by them deemed necessary, and shall have power, at any time, to widen, enlarge, change or extend, or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof.

In case of disa-
greement.

But in case the owners of the land and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a free holder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall, in his stead, select one for him; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned, and ascertain the damage sustained and the benefits accruing to the owner in consequence of the change; and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners, or awarded by the arbitrators, shall be paid as other town liabilities, by taxation: *Provided*, That either party may appeal to the superior court, as now provided by law.

Proviso.

May levy a tax

SEC. 14. That the board of commissioners of the town of Winston shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal estate, within the corporate limits of said town,

and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation, taxed by the General Assembly for public purposes, and the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Winston, that may be liable to work on the public roads, in lieu of requiring of them such personal services on the roads and streets.

SEC. 15. That the annual tax on property shall not exceed fifty cents on the one hundred dollars valuation thereof, nor shall the poll tax and commutation tax each exceed one dollar and a half, and the board of commissioners shall have no power to create a public debt upon the corporation.

Tax not to exceed
&c.

SEC. 16. That in addition to subjects liable to taxation for state purposes, the commissioners shall have power to lay and collect a specific or license tax on the following subjects, to-wit: All itinerant auctioneers, merchants or pedlers, vending or offering to vend in the town; each express company, each telegraph office, each railroad company having a depot, each photographic artist and persons taking likenesses of the human face, each broker or banker's office, dealer in patent rights, each sewing machine company or agent, each life or fire insurance agent, commission merchants and commercial brokers, each distiller of fruit or grain, each livery stable keeper, every non-resident huckster or trader, or agent of such, who buys produce on the streets for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray, each omnibus, every person wearing or carrying a deadly weapon concealed, unless he be a public officer, authorized to execute process issued by some court or officer.

Specific or license
tax.

SEC. 17. That the commissioners shall have power to declare all horses, cattle, dogs, and sheep, running at large within the corporate limits of the town, a nuisance, and the commissioners may, at their option, impose a fine upon the owner or owners of said animals running at

Nuisances.

large, or may treat the same as a nuisance and have it abated.

The selling of liquor in less quantities than three gallons.

SEC. 18. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous, or malt liquors, by a less measure or in less quantity than three gallons, within the corporate limits of Winston, without first having paid the tax and obtained a license therefor as herein required.

License on billiard tables, &c.

SEC. 19. That no person shall erect, put up, keep, use or maintain any billiard table, ten-pin alley, or any gaming table or place by whatever name known or called, at which games of chance, hazard or skill shall be played within the corporate limits of Winston, without first having paid the tax and obtained a license therefor as herein required.

Corporation tax.

SEC. 20. That the commissioners of the town of Winston shall impose, levy and collect a corporation tax of not less than five hundred dollars per annum upon every person obtaining a license for any one of the purposes specified in sections eighteen and nineteen, of this act, and said commissioners shall grant no license to any person for any one of the purposes herein enumerated, until he shall have paid all the taxes imposed for said license, and proven a good moral character by the oaths of not less than two citizens of said town; said commissioners shall have the power to grant or refuse a license to any person for any one of the aforesaid purposes, at their discretion.

No sheriff or other officer to grant license, &c.

SEC. 21. That no court, board of county commissioners, sheriff, or any other officer, shall grant a license to any person for any one of the purposes specified in sections eighteen and nineteen of this act, [and any person so offending] shall forfeit and pay to the commissioners of Winston, the sum of fifty dollars for each offence, to be sued for and recovered by said commissioners, and such violation shall be held and deemed a misdemeanor, and any one convicted thereof, shall be fined fifty dollars, or imprisoned thirty days, and each act of selling or retailing shall be deemed a separate offence,

Penalty.

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

SEC. 23. That the board of commissioners of the town of Winston may receive and hold by gift, devise, donation, or purchase any land, necessary for a public square, park, or for one or more schools, or for any other purpose, or within the corporation of the town, for the use of the town, and in case of a purchase, may levy a tax to pay for and improveth the same.

May receive by gift, devise, &c.

SEC. 24. That the board of commissioners shall have the power to require the owner or owners of lots, on such streets as they may desire, to construct and keep in proper repair the side-walks in front, and all side-walks adjoining said lots, in such manner as may be prescribed by said commissioners, and in case of failure of said lot owners so to do after thirty days notice thereof, said commissioners shall have the authority to do it, at the expense of said lot owner, which shall be a lien and charge upon said lot. *Provided*, The commissioners shall require the same to be done with earth, gravel or sand, but in case the commissioners shall require the side-walks to be paved with brick, stone, or other costly material, then the town shall defray one-half the expense of the same, and the other half to be paid by said lot owners, which shall also be a lien and charge upon said lots; and the foregoing liens may be enforced by the commissioners in such manner as they may direct in their ordinances.

May require streets to be kept in good repair.

Proviso.

SEC. 25. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fires, to make regulations to cause an observance of the Sabbath, appoint and regulate town watches, suppress and report nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder within town, to regulate the speed of riding and driving on the public

Duties of the commissioners.

streets, and to keep, or require to be kept, the side-walks clear of all obstructions, to cut and remove all boughs, branches or parts of trees or shrubbery extending upon or overhanging the side-walks or streets, at the expense of the owners of the adjacent lots, who may refuse to do the same on five days' notice from the mayor of the town.

Fire companies. SEC. 26. That the commissioners may provide for the organization, equipment and government of fire companies, and in all cases of fire, a majority of such commissioners as shall be present, may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Powers, rights, &c. SEC. 27. That the town of Winston shall be vested with all the powers, rights, privileges and immunities enumerated in chapter one hundred and eleven, Battle's Revisal, entitled "Towns," not inconsistent with any of the provisions of this act.

Conflicting laws. SEC. 28. That all laws, and clauses of laws, coming in conflict with this act, be, and the same are hereby repealed.

SEC. 29. That this act shall be in force from and after its ratification.

Ratified the 23d day of February, A. D. 1877.

CHAPTER CXVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DARE COUNTY TO HAVE TRANSCRIBED DEEDS AND OTHER PAPERS OR RECORDS IN THE COUNTIES OF HYDE, TYRRELL, &C.

WHEREAS, The county of Dare was created out of the territories of the counties of Hyde, Tyrrell and Currituck ; and
Preamble.
 Whereas, The title deeds to the lands of the said county of Dare are recorded only in the said counties of Hyde, Tyrrell and Currituck ; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Dare are hereby authorized to have transcribed from the deed books of the said counties of Hyde, Tyrrell and Currituck, all deeds of bargain and sale, deeds of trust, mortgages, bonds to make title, contracts to sell real estate, decrees or orders of court affecting the title of any real estate now lying in whole or in part, in the said county of Dare, and record the same, with all the certificates and probates thereto attached, in the regular deed books of the register's office for the county of Dare. All papers so transcribed and recorded shall be duly certified as a true copy of a deed recorded in the office of [the] register of deeds for the county of ————.
To transcribe deeds, &c.

SEC. 2. All deeds, deeds of trust, mortgages, or other instrument of writing, requiring registration, when so transcribed and recorded as above prescribed, shall, in all respects, have the same effect as if they had been originally registered in the county of Dare when said county of Dare was first created.
Deeds requiring registration.

SEC. 3. And said commissioners are hereby authorized to make reasonable compensation for the same.
Compensation.

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

Ratified the 23d day of February, A. D. 1877.

CHAPTER CXIX.

AN ACT TO MAKE ALL OUTSIDE AND DIVISION BANKS ON RICE PLANTATIONS, LYING UPON THE CAPE FEAR RIVER, FROM TEN MILES ABOVE WILMINGTON TO THE MOUTH OF THE RIVER LAWFUL FENCES.

Lawful fences.

SECTION 1. *The General Assembly of North Carolina do enact*, That all outside and division banks on rice plantations, lying upon the Cape Fear river, from ten miles above Wilmington to the mouth of the river be, and are hereby declared lawful fences, and shall be held as such for all purposes.

Conflicting laws.

SEC. 2. All laws, or parts of laws, are, so far only as they are in conflict with the special provisions of this act, hereby repealed.

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

Ratified the 23d day of February, A. D. 1877.

CHAPTER CXX.

AN ACT FOR THE RELIEF OF THE CITY CONSTABLE OF THE CITY OF CHARLOTTE.

May collect arrears of taxes for 1872-'73-'74 and '75.

SECTION 1. *The General Assembly of North Carolina do enact*, That Charles Alexander, city constable of the city of Charlotte for the years one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, his bondsmen or legal representative, is hereby authorized and empowered to collect arrears of taxes for the years one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-

three, one thousand eight hundred and seventy-four and one one thousand eight hundred and seventy-five, under such rules and regulations as are, or may be, prescribed by law, for the collection of the taxes of said city.

SEC. 2. That no person shall be compelled to pay any tax, under the provisions of this act, who will make oath before any one authorized by law to administer oaths, that he or she has paid the same, or believes the same has been paid; nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

Person not compelled to pay, &c.

SEC. 3. That nothing herein contained shall be construed to release said city constable, his bondsmen, or legal representatives from liability to pay the taxes to the city of Charlotte, at the times and places prescribed by law.

Constable not released from paying taxes to the city of Charlotte.

SEC. 4. That the authority herein given to collect arrears of taxes shall cease and determine on the thirty-first day of December, one thousand eight hundred and seventy-seven.

Authority to collect taxes to cease

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

Ratified the 23d day of February, A. D. 1877.

CHAPTER CXXI.

AN ACT INCREASING THE NUMBER OF TRUSTEES OF THE UNIVERSITY.

SECTION 1. *The General Assembly of North Carolina do enact*, There shall be elected, by joint ballot of the General Assembly, eight trustees of the University, from points conveniently accessible to the seat of government and of the University, in addition to the sixty-four now authorized by law, whose term shall com-

Eight additional trustees of the University.

mence with December first, one thousand eight hundred and seventy-seven. Two of said trustees shall hold office for two years ; two for four years ; two for six years, and two for eight years ; and, at the expiration of their terms of service, their places shall be filled, from time to time, in like manner, for eight years, so that one-fourth shall be elected every two years.

Vacancies.

SEC. 2. Vacancies in the office of the trustees to be elected under this act, shall be filled as prescribed in the "Act to provide for the election of trustees of the University," ratified twenty-eighth January, one thousand eight hundred and seventy-four, and such trustees shall have the same powers and duties.

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

Ratified the 23d day of February, A. D. 1877.

CHAPTER CXXII.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE WITHIN THE COUNTY OF MECKLENBURG, AND CERTAIN TOWNSHIPS IN CABARRUS COUNTY.

Mecklenburg.

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 county of Mecklenburg.

Penalty.

SEC. 2. That any person who shall wilfully permit his or her live stock to run at large within the county of Mecklenburg, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days.

Shall appoint a registrar.

SEC. 3. The board of commissioners of Mecklenburg county shall appoint, on the first Monday of April of each

year, or at the first regular meeting thereafter, one registrar for each township in said county, whose duty it shall be to register all descriptions of live stock, taken up or impounded, and shall receive twenty-five cents for each registration so made. Said registrar shall keep such register open for inspection at all times, Sundays excepted.

SEC. 4. The commissioners of said county shall have power to remove said registrar and to appoint his successor.

May remove the registrar.

SEC. 5. That it shall be lawful for any person to take up any live stock running at large in said county, and to impound the same in the township where said stock is thus taken up: *Provided, however,* that the person taking up the said stock shall file a description of said stock with the register of the township, and each person so taking up and impounding the said stock, may demand fifty cents for each animal so taken up, and twenty-five cents per head for each day that said stock is kept impounded, and also the registration fee, and may retain the said stock until all legal charges for impounding the same, and for damages caused by said stock are paid.

Live stock running at large.

Proviso.

SEC. 6. That if the owner of any livestock so impounded refuse or neglect to redeem said stock within twenty days after said description is filed with the register, then the impounded [stock] shall, after ten days' written notice, posted in three or more public places in said township, where said stock is impounded, describing the same, and stating place, day and hour of sale, sell said stock at public auction, and apply the proceeds to the payment of all costs, charges and registration fees, provided for in this act, and the balance he shall turn over to the owner, if known, and if the owner be not known to the township trustees of the township in which said stock is impounded, for the benefit of the public schools therein.

If not redeemed.

SEC. 7. That upon the written application, under oath, of any person, stating that he has suffered damages by reason of stock running at large, any justice of the peace in said township, where the said stock is impounded, shall ap-

Application for damages.

point three disinterested freeholders to estimate said damages, which shall be paid by the person claiming the said stock, before it is delivered, and in case of sale, before the owner shall be entitled to demand any part of the proceeds of said sale. Any person who may suffer damage by reason of said stock running at large therein, may recover double the amount of damage sustained by an action against the owner of said stock.

Misappropriation of money

SEC. 8. 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, and upon conviction, shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days.

Releasing impounded stock.

SEC. 9. That any person unlawfully rescuing or releasing any impounded stock, or attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days.

Stock.

SEC. 10. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats and all such cattle and swine.

Repealed.

SEC. 11. 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 said county.

A fence between Mecklenburg and Union.

SEC. 12. That whenever any justice of the peace in said county, and any two free holders resident therein, shall certify to the board of county commissioners that the citizens of said county of Mecklenburg have built a good and sufficient fence along the line dividing the counties of Mecklenburg and Union, and the counties of Mecklenburg and Iredell, with gates upon all the public highway leading into the said county of Mecklenburg from said counties of Union and Iredell, then, and in that case, the said board of county commissioners shall give public notice, by advertising in three public places in each township in said county, of the establishment of said fence

and from and after ten days from the date of such publication, the provisions of this act shall go into operation and take effect.

SEC. 13. That any person who shall wilfully impair or destroy any fence or gate, on the line of fence provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than fifty dollars, and imprisoned not exceeding thirty days. Penalty.

SEC. 14. That any citizen or citizens of the county of Mecklenburg are authorized, at their own expense, to construct the said fence along the line specified in this act, and also to erect gates across any highway on the said line of fence. Construction of fence and gates.

SEC. 15. That all the provisions of this act shall apply also to townships number one, number two, number three, number eleven, and a part of township number four, and a part of township number twelve, in the county of Cabarrus, which have already been fenced: *Provided, however,* That whereas the said townships, and parts of townships, in the said county, in pursuance of an act of Assembly, have held an election, and have voted for the adoption of enclosing said townships, and parts of said townships, under a common fence; and whereas a tax has been levied by said county commissioners for the erection of said common fence, and said fence erected; therefore be it further enacted, Shall apply to townships.

SEC. 16. That it shall be the duty of the county commissioners of Cabarrus to appoint annually a justice of the peace in each of said townships, to examine the fence and gates established around said township; and it shall be the duty of the justices so appointed (after having received written notice of their appointments), to examine said fence and gates carefully twice during the year for which they have been appointed, during the months of February and August, and report any repairs which may be necessary to be made to said fence and gates; each justice shall examine that part which encloses the township in which he resides, and as compensation for his services Examination of fence and gates.

he shall receive four dollars for each examination; and any person who shall wilfully neglect or refuse to discharge the duties imposed by this section, shall be guilty of a misdemeanor.

Taxes.

SEC. 17. That it shall be the duty of the county commissioners, each and every year, to levy and collect such taxes from the property and polls in said township, observing the equation prescribed by the constitution, as may be necessary to keep said fence and gates in good repair; and any person who shall wilfully refuse to pay such taxes shall be guilty of a misdemeanor.

Instructed to contract for building and repairing the fence.

SEC. 18. The county commissioners of said county are hereby instructed to contract for the building and repairing of said fence and gates, as may be necessary from time to time, and to pay for the same out of money collected from said township for that purpose.

To collect arrears of taxes.

SEC. 19. That the tax-collector, authorized by the said county commissioners to collect said taxes, after having given a good and sufficient bond, be, and the same is hereby authorized to collect all arrears of said taxes as may be due, under all the provisions and restrictions now provided by law for the collection of arrears of taxes by sheriffs.

Townships authorized to join under a common fence.

SEC. 20. That the said townships are hereby authorized to join under a common fence with the county of Mecklenburg, the said townships to build and repair that part of the fence which is in the county of Cabarrus, and the county of Mecklenburg to build and repair the remainder.

Ratified the 24th day of February, A. D. 1877.

CHAPTER CXXIII.

AN ACT TO FARM OUT CONVICTS TO LABOR ON A RAILROAD LEADING TO RUTHERFORDTON, IN THE COUNTY OF RUTHERFORD.

SECTION 1. *The General Assembly of North Carolina do enact*, That upon application of the president of the Rutherford and Spartanburg railroad company: *Provided*, said company shall complete its organization on or before the first day of September, one thousand eight hundred and seventy-seven, the proper authorities of the state penitentiary shall turn over to said president fifty convicts, who are allowed by law to be farmed to labor on said railroad, and in addition to those which may be sent from the penitentiary, said president shall have the right to employ such convicts as may be convicted in the counties of Mecklenburg, Cleveland and Rutherford, who are allowed by law to be farmed out until the whole number shall amount to seventy-five; but in no case is said president authorized to employ more than seventy-five at any one time. Said convicts are to be in charge of a superintendent, to be appointed by the board of directors of the penitentiary, who shall be subject to the control of said board; and in regard to the feeding, clothing, working, and government of said convicts, the same rules and regulations are to be observed as are required for their care and control in the state prison, so far as the same may be practicable. The said company to board and clothe said convicts, and to pay all the expenses of employing the superintendent and such guard as may be required, and doctor's bills: *Provided*, That said convicts shall not be carried beyond the limits of the state, and shall, at the end of two years, or before, if the road is sooner completed, be returned to the authorities of the penitentiary.

Application.

Proviso.

May employ convicts.

Proviso.

In case the company fails to complete its organization.

SEC. 2. In case said Rutherford and Spartanburg railroad company shall fail to complete its organization on or

before the first day of September, one thousand eight hundred and seventy-seven, then it shall be lawful for any company, which may have for its object the construction of a railroad from Shelby, North Carolina, to Rutherfordton, N. C., to employ such number of convicts as is mentioned in section one of this act, to labor on said railroad from Shelby to Rutherfordton, under the same rules, in the same manner, and on the same terms in all respects as are prescribed in section one for their employment by the Rutherford and Spartanburg railroad company; and in that case the Rutherford and Spartanburg railroad company shall forfeit its right to employ such convicts.

SEC. 3. It shall be lawful for the judges of the superior courts of North Carolina, holding the terms of the courts for the counties of Mecklenburg, Cleveland and Rutherford, upon application of the president of the Rutherford and Spartanburg Railroad Company, in case said company shall complete its organization, on or before September the first, one thousand eight hundred and seventy-seven; and in case said company fail to complete its organization by that time, then, upon application of the president of any company which has for its object the construction of a railroad from Shelby to Rutherfordton, to send all convicts, who shall be sentenced to the penitentiary, and who are allowed by law to be farmed out, sentenced for one year or more, direct to the president of such company, to labor on such railroad until the number shall reach seventy-five, including those sent direct from the penitentiary: *Provided*, That the said company shall appoint a person to represent the company; and the governor shall appoint a suitable person to represent the state, and the two persons thus selected shall make an equitable and just estimate of all the labor performed by such convicts, and the nett value of the labor so ascertained shall be a first lien upon all the property and franchise of the said company.

Judges of the Superior Courts may send convicts direct to the road.

Proviso.

After ratification

Proviso.

SEC. 4. This act shall be in force from and after its ratification: *Provided*, That this act shall not be of any effect

unless at least five hundred convicts are left to work on the Western North Carolina Railroad.

Ratified the 24th day of February, A. D. 1877.

CHAPTER CXXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ALEXANDER COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Alexander county be, and they are hereby authorized and empowered to levy a special tax for the payment of county indebtedness, of not more than fifteen hundred dollars, which tax shall be levied on all taxable property and polls of said county. The whole may be levied for the year one thousand eight hundred and seventy-seven, or a part may be levied for that year and a part for the year one thousand eight hundred and seventy-eight, at the option of said commissioners: *Provided*, That in levying said tax the constitutional equation between the poll and property shall be observed.

Special tax for 1877 to pay county indebtedness.

Proviso.

SEC. 2. That the said tax shall be collected under the same rules and regulations as other taxes are collected, and shall be applied as the said commissioners may direct in the payment of the indebtedness of the county.

May be collected under the same rules, &c.

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

Ratified the 24th day of February, A. D. 1877.

CHAPTER CXXV.

AN ACT TO AID IN THE COMPLETION OF THE CHERAW AND SALISBURY RAILROAD.

Convict labor for C. & S. R. R. SECTION 1. *The General Assembly of North Carolina do enact,* The board of directors of the penitentiary, on the application of the president of said road, shall furnish for labor on said road convicts not to exceed fifty in number; said convicts to be in all respects under such guards, laws and regulations, as provided for in other cases where convicts are furnished for public works; and that said company shall feed, clothe, guard and furnish all necessary medicinal aid to said convicts at the expense of the said corporation. The convicts herein provided for shall be furnished upon the same terms as convicts are furnished other roads in which the state has no interest.

In case application is not made within sixty days

SEC. 2. This act shall take effect on the third day of April next, and in case the president or proper authorities of said Cheraw and Salisbury road shall not, within sixty days from that date, apply for the convicts as specified in section one, and commence work on the road, then the provisions of this act shall cease and be void: *Provided,* That this act shall not be of any effect unless at least five hundred convicts are left at work on the Western North Carolina railroad, and that this act shall expire on the first day of April, A. D. one thousand eight hundred and seventy-eight. The work done upon said road by the convicts herein provided for, shall be estimated by the chief engineer of said road, and the state shall have a lien upon the road for such work, which lien shall be a first mortgage upon the road.

Proviso.

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXVI.

AN ACT TO SUPPORT THE INSANE ASYLUM OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of sixty thousand dollars (\$60,000) per annum be, and the same is hereby appropriated for the support 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.

\$60,000 appropriated.

SEC. 2. That the sum of three thousand dollars be, and the same is hereby appropriated, for the year one thousand eight hundred and seventy-seven, for the repair of the water-works and other necessary repairs, and the sum of two thousand dollars for the year one thousand eight hundred and seventy-eight, for necessary repairs.

Appropriations for necessary repairs.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXVII.

AN ACT TO PROVIDE FOR THE WORKING OF CONVICTS ON THE WESTERN RAILROAD.

WHEREAS, The state of North Carolina is the owner of a large portion of the capital stock of the Western railroad company, and its early completion from its present terminus at Egypt to the North Carolina railroad is of prime importance in order to develop the mineral re-

Preamble.

sources of the state, and to make available the state's investment in said road; *therefore,*

SECTION 1. *The General Assembly of North Carolina do enact,* That the warden or such other person as may be in charge of the convicts of the penitentiary, shall, upon the order of the governor, assign to work upon the Western railroad at least fifty (50) convicts, said number to be increased from time to time, as the wants of the road and the number of convicts not otherwise by law assigned will allow, until the number shall reach one hundred (100), said convicts shall be cared for and secured by the state according to law, and shall be required to do reasonable work upon said road in such manner as the president and directors thereof, by their chief engineer or others acting under them, may require. That for all work and labor thus done, the state of North Carolina shall have credit on the books of said company at a just and reasonable compensation, and the amount thereof reported monthly to the treasurer of the state. The order of such work and labor shall be determined by engineer's estimate, but shall not be for less than fifty (50) dollars *per annum* for each convict.

SEC. 2. For the amount of work done under the foregoing section, the state of North Carolina shall be paid in the first mortgage bonds of said company, authorized by the charter thereof to be issued, and until the making of such mortgage and issue of said bonds, the state shall, by this act, have a first lien upon all the property and effects of said company, to be discharged by the delivery to the treasurer of the state, the bonds aforesaid to the amount of said work.

SEC. 3. Any judge of the superior court, or presiding officer of any court, holding their courts in the counties of Cumberland, Harnett, Moore, Chatham and Randolph, may, after the convictions and sentences to the penitentiary of any convict, order, in his or their discretion, that such convict shall be directly sent to work on said rail-

Convict labor.

State to be paid in first mortgage bonds.

Judge of the Superior [Court] may sentence convicts to work on the road.

road, and report shall be made by the superintendent of all such convicts to the warden of the penitentiary, and receipt shall be given for them to said warden, and the state of North Carolina shall be entitled to compensation for the work done by such convicts, as is provided in sections one and two of this act: *Provided*, That neither this section, or section one of this act, shall have the effect of reducing the working force of convicts on the Western North Carolina Railroad below five hundred (500.)

Compensation.

Proviso.

SEC. 4. The board of directors of the penitentiary shall appoint and fix the salary of a superintendent, who shall care for and guard the convicts sent to work on said road, according to such rules and regulations as may be prescribed by law, or by the penitentiary authorities, [but] the work done by such convicts, shall be under the control of the president and directors of said company, or some person appointed by them.

Shall appoint and fix salary of a superintendent.

SEC. 5. The board of county commissioners of the several counties of the state are authorized to work on said railroad, or to hire to said company, upon such terms as may be agreed upon, the convicts in the jails of their several counties, and to make any and all contracts with said company that shall be necessary to carry out the provisions of this section.

Convicts in jail may be worked.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXVIII.

AN ACT TO ALLOW THE MILTON AND SOUTHERLIN NARROW GAUGE RAILROAD COMPANY TO USE FORTY (40) CONVICTS UNTIL THE FIFTEENTH OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the penitentiary board are authorized and directed to farm out to the president and directors of the Milton and Sutherlin Narrow Gauge Railroad Company forty (40) able-bodied convicts to work on the construction of said railroad, and the bridge over Dan river, and the said penitentiary board shall require a bond, with good security, that the said railroad company will feed, clothe and guard said convicts, and provide them with medicine and medical attendance and comfortable quarters, free from any expense to the state, and return said convicts on or before the fifteenth day of December, one thousand eight hundred and seventy-seven. But the said convicts shall be at all times under the supervision and control of the sheriff of Caswell county, as to their government and discipline under the rules and regulations established for the government of convicts: *Provided*, That said convicts shall in no case be worked beyond the limits of the state: *Provided*, That there shall be an estimate made of the nett value of the labor done by said convicts on the road of the said company, to be fixed on a just and equitable basis by the president of said company, and a person appointed by the Governor on the part of the state, and the nett value of said labor shall be a first lien on all the property and franchises of the said company.

SEC. 2. That this act shall be of no effect unless at least five hundred convicts are left to work on the Western North Carolina railroad.

Penitentiary Board authorized to farm out 40 convicts to M. & S. N. G. R. R. Co.

Convicts to be under the control of the sheriff of Caswell county

Proviso.

500 convicts must be left to work on the W. N. C. R. R.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXIX.

AN ACT TO CREATE A TOWNSHIP IN THE COUNTY OF PAMLICO,
TO BE KNOWN AS TOWNSHIP NUMBER FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be known as township number five, is hereby created and established in the county of Pamlico, and bounded as follows, to-wit: Beginning at the mouth of Whitaker's creek, in township number two, and running up and with Neuse river, to the mouth of Beard's creek, in township number one; then up with said creek to the north side of the John Miller place; then an eastwardly direction to Cypress run bridge, on the Smith's creek road; then eastwardly to the north-east corner of the McCleese land; then direct line to R. T. Midyett's road; thence with said road to a branch of Whitaker's creek; then with said creek to the beginning.

Township No. 5.

Boundaries

SEC. 2. The county commissioners of Pamlico county shall have power to establish such polling places in said township, as to them may seem right: *Provided*, That at the election, to be held on the first Monday in March, A. D. eighteen hundred and seventy-seven, on the question of locating the county site, the voters of said new township shall vote at their usual polling place, or if this new township had not been created.

May establish polling places

Providso.

SEC. 3. Said township shall have all the rights, powers and privileges now granted, or may hereafter be granted by law to other townships.

Rights, powers, &c.

SEC. 4. This act shall be in force from and after its ratification: *Provided*, That this section shall not be con-

This act shall be in force.

Providso.

strued so as to invalidate the election to be held on the first Thursday in March, on the question of locating the county site.

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXX.

AN ACT TO CREATE A NEW TOWNSHIP IN THE COUNTY OF COLUMBUS.

Lake Waccamaw
township.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be known as Lake Waccamaw township, is hereby created in the county of Columbus, and shall include all the territory now comprised within the boundary lines of a voting precinct in said county, known as Lower Bogue voting precinct, and the lines of said voting precinct are hereby declared to be the lines of the township created by this act.

Rights, powers,
&c.

SEC. 2. Said township shall have all the rights, powers and privileges now granted to other townships by law, and the place of voting therein shall be the same as heretofore established in said Lower Bogue voting precinct, until changed according to law.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXI.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Onslow county may levy and collect a special tax for the years one thousand eight hundred and seventy-seven, and one thousand eight hundred and seventy-eight, in the same manner as other taxes are levied, and collected, not to exceed the amount of three thousand dollars for both years, and to be applied under the directions of the said commissioners of said county of Onslow.

Special tax for
1877 and 1878.

SEC. 2. That no tax shall be collected under this act until the same shall have been ratified by a majority of the qualified voters of said county, voting at an election to be held under the directions of the county commissioners: *Provided*, That in levying said tax the constitutional equation between the poll and property shall be observed.

Election.

Proviso.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXII.

AN ACT TO AUTHORIZE THE DAN RIVER NAVIGATION COMPANY
TO EMPLOY CONVICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Dan River Navigation Company, when

Authorized to
employ convicts.

fully organized under the provisions of its charter, is hereby authorized and empowered to employ penitentiary convicts, not exceeding forty, whose terms of service shall not exceed two years, in such work as may be necessary for the improvement of the navigation of the river Dan, within the limits prescribed in its act of incorporation.

Board of Directors shall furnish convicts.

SEC. 2. That upon application of the president of said company, from time to time, as its necessities may require during a period of three years, the board of directors of the penitentiary shall furnish to him such convicts, upon his giving satisfactory guarantees that they will be suitably clothed, fed, guarded and supplied with medical attention, and cared for while in the employment of said company; and further, that said company shall pay the salary of the officer in charge of such convicts, and such convicts shall be at all times under the supervision and control, as to their government and discipline, of the board of directors of the penitentiary or some officer of this state:

Proviso.

Provided, That this act shall not be of any effect unless at least five hundred convicts are left to work on the Western North Carolina Railroad: *Provided*, That the said company shall appoint one person to represent the company, and the governor shall appoint one person to represent the state, and they shall ascertain the nett value of the convict labor after deducting the cost of feeding, clothing and guarding said convicts, on a just and equitable basis, which nett value shall be a first lien on all the property and franchise of said company.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXIII.

AN ACT TO ESTABLISH CASTALIA TOWNSHIP, IN NASH COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Castalia, in Nash county, be, and the same is hereby established a township, with all the rights, powers and privileges, that other townships now in existence have, with the following boundaries: Beginning at Big Peachtree creek, and running with Franklin county line to Swift creek; thence down said creek to B. L. Arrington's bridge; thence following road to Mrs. Battle's cross-roads; thence along the Peachtree road to Pig Basket creek; thence down Pig Basket creek to Nashville township line; thence along said line to Big Peachtree creek; thence up said creek to the beginning.

Castalia town-
ship.

Boundaries

SEC. 2. That the official acts of the officers of said Castalia township, are hereby declared to be legal to the same extent as if said township had been created by an act of the General Assembly.

Official acts.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ALLEGHANY COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of building a court-house in the county of Alleghany, the commissioners of said county

Special tax of
\$5,000 to build a
court-house

be, and they are hereby authorized to levy a tax of five thousand dollars, not more than one-half of which shall be levied in any one year. Said tax shall be levied at the same time and under the same rules and regulations, and upon the same subjects of taxation as taxes for other county purposes. The said tax shall be collected and accounted for in all respects under the same rules, regulations, and subject to the same provisions of law as govern the levying and collection of taxes for other county purposes, unless otherwise provided for in this act.

Notice of meeting.

Vote shall be taken on the question whether the tax shall be collected or not.

SEC. 2. That before the commissioners of said county shall levy the tax provided for in the first section of this act, they shall give to each justice of the peace in said county notice at what time they will meet at the court-house, for the purpose of determining the question as to levying said tax, and at the time specified in the notice the commissioners shall meet at the court-house such justices of the county as may appear, and, together with such justices, shall vote upon the question, whether or not the tax shall be levied. They shall cause the names of the commissioners and justices who shall be present, to be entered upon the record of the proceedings of the board of commissioners, and how they voted. If, upon the vote thus taken, a majority are in favor of levying the tax, then the board of commissioners may proceed to levy the taxes provided in the first section of this act. If a majority shall be against the levying of such tax, then it shall not be lawful for the tax to be levied until such time as a majority of votes taken, as above provided, shall be in favor of levying the tax.

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHATHAM COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Chatham 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 of the county for the year one thousand eight hundred and seventy-seven; the said special tax to be applied to rebuilding the jail of said county. The said tax shall not exceed five thousand dollars, and shall be collected and accounted for by the sheriff or the collecting officer in the same manner, under the same penalties, and within the same time as the other taxes levied in said county: *Provided*, The constitutional equation between polls and property shall be observed in the levy of said tax.

Special tax for
1877 to rebuild the
jail.

Not to exceed
\$5,000.

Proviso.

SEC. 2. That instead of levying the tax provided for in the preceding section, the commissioners of said county shall have power to issue bonds for the sum of five thousand dollars, of the denomination of one hundred dollars each, and bearing interest at six per cent., and to run for twenty years, for the purposes set forth in said preceding section.

Commissioners
may issue bonds.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXVI.

AN ACT TO INCORPORATE THE TOWN OF BURNT CHIMNEY, IN
THE COUNTY OF RUTHERFORD.

Burnt Chimney
Incorporated

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Burnt Chimney, in the county of Rutherford, be, and the same is hereby incorporated by the name and style of Burnt Chimney, and shall be subject to all the provisions contained in chapter one hundred and eleven (111) of Battle's Revisal, not inconsistent with this act

Corporate limits

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the junction of the Island Ford road with the Shelby road in said town, and running one-half mile in each direction, north, south, east and west, making said point the center of a square mile, and making the limits of said town one mile square.

Until officers are
elected.

SEC. 3. Until officers shall be elected, as hereinafter provided, the government of said town shall be vested in the following named mayor and commissioners, to-wit: Mayor, G. E. Young; commissioners, R. W. Harrill, J. B. Blanton and I. H. McDaniel; marshal, W. W. Jackson.

Election.

SEC. 4. An election shall be held on the first Monday in May, one thousand eight hundred and seventy-seven, and each successive year thereafter, for a mayor, five commissioners and a marshal, and persons living within the corporate limits of said town, and qualified to vote for members of the General Assembly, shall be deemed electors for said town, said election to be held by the authorities in the manner prescribed in chapter one hundred and eleven (111) Battle's Revisal.

Officers.

SEC. 5. For the good government of said town the said officers, and their successors, shall have all the powers, rights and privileges, and exercise the jurisdiction, and be governed by the rules, and subject to the same pains

and penalties for neglect of duty, conferred or inflicted upon mayors, commissioners and marshals of incorporated towns, by chapter one hundred and eleven, Battle's Re-
 vival.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXVII.

AN ACT AUTHORIZING THE COMMISSIONERS OF WAYNE TO APPOINT A FINANCE COMMITTEE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Wayne county are empowered to appoint annually three persons as a finance committee to investigate the finances of said county.

To appoint a
 finance committee.

SEC. 2. That the committee which shall be first appointed, shall have power to investigate the finances of said county from and including the year 1868, to the present time.

To investigate
 the finances.

SEC. 3. That said committee shall have power, by summons, to compel the attendance of any person before them to give evidence.

May compel.

SEC. 4. That persons so summoned, failing to attend, without lawful excuse, shall be liable to a penalty of one hundred dollars, to be sued for and recovered by the commissioners of said county, and shall also be guilty of misdemeanor.

Failing to attend

SEC. 5. That said committee shall have power to administer oaths, and any person swearing falsely before them, shall be liable to indictment for perjury.

May administer
 oaths.

Compensation.

SEC. 6. That said commissioners may allow each of said committee not exceeding two dollars and fifty cents per day for their services, to be paid out of the county funds.

SEC. 7. This act shall take effect from its ratification.
Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXVIII.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SALISBURY, AND TO AMEND THE CHARTER OF SAID TOWN.

Corporate limits.

SECTION 1. *The General Assembly of North Carolina do enact,* That the corporate limits of the town of Salisbury shall hereafter be as follows: Begin at the centre of the site of the old court-house and run four lines, one north of west along and upon the extension of Inness street, three thousand six hundred and fifty-five feet; another south of east along and upon the extension of Inness [street], two thousand seven hundred and twenty feet; another south of west along and upon the extension of Main street, three thousand one hundred and sixty-five (3,165) feet; another north of east along and upon the extension of Main street, three thousand six hundred and fifty-five (3,655) feet. And the corporate limits of said town shall be compressed within a parallelogram included within four lines, run at right angles to said lines at the termination thereof, and extending each way until they intersect each other respectively.

Election

SEC. 2. That hereafter the board of commissioners for the town of Salisbury shall be composed of a mayor and eight commissioners, who shall be annually elected on the

first Monday in May, by the qualified voters who have resided in said town for ninety days, under the rules and regulations now prescribed for the election of mayors and commissioners of incorporated towns by chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

SEC. 3. That the mayor of the town shall discharge all the duties and exercise all the powers and authority which by said charter are conferred and enjoined upon the intendant of police, except where the same may be in conflict with the constitution of the state.

Duties of mayor.

SEC. 4. That the mayor of the town shall be constituted an inferior court, and as such court, shall have jurisdiction and authority to hear, try and determine, within the corporate limits, all misdemeanors committed therein where the punishment fixed by law shall not exceed a fine of fifty dollars or imprisonment for thirty days, and shall also have within the same limits the judicial powers of a justice of the peace, to hear, try and determine all causes of action which may arise for the recovery of penalties incurred by violations of the ordinances of the town.

Jurisdiction of mayor.

SEC. 5. That the mayor, when acting as a judicial officer, shall be allowed, and shall receive the same fees as are now allowed by law to justices of the peace.

Fees.

SEC. 6. That the board of commissioners of said town may allow the mayor of the town an annual salary not exceeding the sum of five hundred dollars, to be paid out of the town treasury.

Salary.

SEC. 7. That in all cases where a defendant shall be convicted before the mayor, of any misdemeanor, and shall be sentenced to pay a fine and costs, and such defendant shall refuse or shall be unable to pay the same, it may and shall be lawful for the mayor to order and require such defendant to work on the streets or other public work until, at a fair rate of wages, such person will have worked out the full amount of the fine and costs of the prosecution.

May sentence prisoners to work on the streets.

SEC. 8. That said board of commissioners shall have

Tax s.

power annually to levy and collect, in the manner herein-after prescribed, an *ad valorem* tax, not exceeding fifty cents on the one hundred dollars of the assessed valuation of all real and personal property, and a like tax upon the real value of all bonds, stocks, or other investments in banks, railroads, or other incorporated companies, and a like tax on cash on hand or deposit, and on solvent credits, and also a tax on all taxable polls not exceeding one dollar and fifty cents: *Provided*, That in levying a poll tax the constitutional equation between the tax on property and the tax on the poll shall always be observed.

Proviso.

Notice to tax payers to be published in one or more newspapers.

SEC. 9. That the town clerk shall, within the first seven days of the month of June in each and every year, advertise for four weeks, in one or more papers published in said town, and also in three or more public places therein, notifying all persons subject to pay a poll tax to the state, who resided within the limits of the town on the first day of April next preceding, and all persons who own, or were possessed of taxable property, within said town on the said first day of April, to give to him, before the last day of said month of June, a list of their said polls and taxable property, and also the valuation of said taxable property, as assessed for taxation to the state, and it shall be the duty of such persons to give in, under oath, said list within the time specified, the said list shall be filed, and from the same the said town clerk shall, within twenty days from the said last day of June in each and every year, make on a book to be kept for that purpose, an alphabetical list of the persons and owners of property liable to taxation, and complete the said list by computing the tax payable by each person, and affixing the same opposite his name.

Alphabetical list.

Town clerk to make a list of persons failing to list

SEC. 10. The said clerk shall within the same time make out to the best of his knowledge in the same book a list of taxable polls and of the owners of taxable property within said town, who have failed to give in a list in the manner and within the time above prescribed, and shall state in said list the value at which said property

was assessed for taxation by the State. That all persons who shall fail to list their polls and taxable property within the time above prescribed, shall pay a double tax for that year, the amount of which said double tax shall be stated by said clerk in his said list.

SEC. 11. That on before the first day of August, in each and every year, the said board of commissioners shall cause the said town clerk to make a fair copy of said list, made by him as aforesaid, and they shall deliver the said copy to the tax-collector, together with a warrant under their hands and seals, or under the hands and seals of a majority of them, authorizing and directing the tax-collector to collect said taxes on said list mentioned, and to make return thereof, and of said warrant, on a certain day therein mentioned, and the said tax-collector is hereby vested with all the powers and rights for the collection of said taxes which sheriffs have for the collection of state taxes, and said tax list and warrant shall have the force and effect of a judgment and execution for the taxes therein mentioned.

Tax-collector to collect taxes.

SEC. 12. That said taxes shall be due the first Monday in August of each and every year, but the tax-collector shall have no power to enforce collection of the same, by sale, before the first day of October next ensuing.

Taxes not to be collected by sale until October 1st.

SEC. 13. That whenever the taxes shall be due, and unpaid on the said first day of October, the tax-collector shall proceed to collect the same, in the manner prescribed by law for the collection of state taxes by the sheriffs of the state.

When taxes become due.

SEC. 14. That the board of commissioners shall have power to change the time for levying and collecting the town taxes.

May change the time for collecting axes.

SEC. 15. That in addition to the *ad valorem* tax on property, the board of commissioners shall have power to levy and collect the following taxes for the privilege of carrying on the business or doing the act named, to-wit:
1. On all licensed retailers of spirituous, alcoholic or malt

Taxes in addition to the *ad valorem* tax.

liquors, a tax not exceeding two hundred dollars. 2. On all vendors of wine, cordials, or other spirituous, alcoholic or malt liquors, of the measure of a quart or more, a tax not exceeding one hundred dollars. 3. On all ten-pin alleys or bowling alleys, a tax not exceeding one hundred dollars. 4. On all hotels, a tax not exceeding twenty-five dollars. 5. On all banks or banking agencies, a tax not exceeding two hundred dollars. 6. On all billiard and bagatelle tables, a tax not exceeding fifty dollars. 7. On all public drays, carts and omnibuses, a tax not exceeding ten dollars. 8. On all peddlers or patent, soap, medicine, ink, varnish, or any goods, wares or merchandise of any kind whatsoever, which are not the products or manufacture of this state, a tax not exceeding ten dollars. 9. On all insurance companies or their agents, whether resident or itinerant, a tax not exceeding twenty-five dollars. 10. On all brokers, money, exchange dealers, a tax not exceeding fifty dollars. 11. On all lecturers for a reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not exceeding five dollars. 12. On all photographic artists, or picture-takers of any sort, a tax not exceeding ten dollars. 13. On every auctioneer a tax not exceeding ten dollars. 14. On every commission merchant a tax not exceeding twenty-five dollars. 15. On every public eating house or restaurant not connected with the retail liquor shop, a tax not exceeding twenty-five dollars. 16. On every express company having an office or resident agent, or officer doing business within the corporate limits of the town, a tax not exceeding fifty dollars. 17. On all telegraph companies having an office or resident agent, or officer doing business within the corporate limits of the town, a tax not exceeding twenty dollars. 18. On all traveling theatrical companies, a tax not exceeding twenty dollars. 19. On every concert or musical entertainment, a tax not exceeding five dollars, unless such concert or musical entertainment be given for religious or charitable purposes. 20. On museums, wax-work or curiosities of any kind, a tax not

exceeding five dollars. 21. On every exhibition of a circus or menagerie, a tax not exceeding fifty dollars, and for each side show or concert accompanying a circus or menagerie, for which extra charge is made, a tax not exceeding ten dollars. 22. On all itinerant companies, or persons who exhibit for the amusement of the public, otherwise than especially mentioned in this act, a tax not exceeding ten dollars. 23. On all gift enterprises, or any person or establishment offering to present the purchaser with any gift or prize as an inducement to purchase, a tax not exceeding twenty-five dollars. 24. On every itinerant dealer in lightning rods, a tax not exceeding five dollars. 25. On every itinerant physician, surgeon, dentist, chiropodist, a tax not exceeding twenty dollars. 26. On every company of gypsies or strolling companies of persons who make a support by fortune-telling and horse jockeying, a tax not exceeding twenty-five dollars, and the said board of commissioners shall have power to make all necessary rules, regulations or ordinances, laying and collecting the aforesaid taxes for the privilege of doing the act named or carrying on the business specified.

SEC. 16. That the provisions of the charter of the town of Salisbury, and of the several acts amendatory thereof, Repeated. levying a tax upon subjects not mentioned in this act, or in a manner not prescribed by this act be, and the same are hereby repealed.

SEC. 17. This act shall be in force from and after its ratification

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXXXIX.

AN ACT CONCERNING THE TOWN OF GOLDSBORO.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Goldsboro, in the county of Wayne, is hereby divided into five wards, denominated the first, second, third, fourth and fifth wards. The first ward bounded as follows: Beginning at the intersection of Oak and East Centre streets, and running thence with Oak street east to John street; thence with John street south to Ash street; thence with Ash street east to a stake on the eastern boundary line of the corporate limits of the said town, opposite to said Ash street; thence with said boundary line north to the northern boundary line of the corporate limits; thence with said boundary line west to the western boundary line of the corporate limits; thence with said boundary line south to a stake on said line, opposite to Oak street; thence to and with Oak street to the beginning.

Divided into five
wards.

First ward.

The second ward bounded as follows: Beginning at the intersection of Oak and West Centre streets, and runs thence with said Oak street west to a stake on the western boundary line of the corporate limits of said town, opposite to Oak street; thence with said boundary line south to a stake on said line, opposite to Spruce street; thence to and with Spruce street east to James' street; thence with James' street south to Elm street; thence with Elm street east to West Centre street; thence with the West Centre street north to the beginning.

Second ward.

The third ward bounded as follows: Beginning at the intersection of Elm and West Centre streets, and runs west with Elm street to James' street; thence with James' street north to Spruce street; thence west with Spruce street to a stake on the western boundary line of the corporate limits, opposite to Spruce street; thence with said boundary line south to the southern boundary line of the

Third ward.

corporate limits; thence with said boundary line east to a stake on said line, opposite to West Centre street; thence north to and with West centre street to the beginning.

The fourth ward bounded as follows: Beginning at the intersection of Oak and East Centre streets, and runs Fourth ward. thence with Oak street east to John street; thence with John street south to Ash street; thence with Ash street east to a stake on the eastern boundary line of the corporate limits, opposite to Ash street, and three hundred (300) feet east of William street; thence south in a line parallel to and three hundred (300) feet east of William street, to the southern boundary line of the corporate limits; thence west with said boundary line to a stake on said line, opposite to East Centre street; thence north to and with East Centre street to the beginning.

The fifth ward bounded as follows: Beginning at a stake in the town cemetery, the corner of the old corporate limits, and runs 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 to Mulberry street; thence north, seventy and one-half degrees west, one hundred and six poles, to the old corporate limits, near William T. Dortch's line. Fifth ward.

SEC. 2. There shall annually, on the first Mouday in May of each year, be elected nine (9) commissioners for Election. said town, who shall hold thair offices until their successors are qualified. The first and second wards shall have two (2) commissioners each; the third and fifth wards one (1) each; and the fourth ward shall have three (3) commissioners. Such commissioners 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 Wayne county Registrar. shall appoint, at or before their meeting, in March, one

thousand eight hundred and seventy-seven, and annually thereafter, a registrar of voters for said town; said registrar shall give ten (10) days' notice, at the court-house door of said town, of a registration of voters in and for said town, specifying time and place. In case of vacancy in the position of registrar from any cause, the chairman of the board of commissioners of Wayne county shall fill the vacancy.

Registrar to open books.

SEC. 4. Said registrar shall be furnished by said county commissioners with registration books at the expense of the town; and it shall be the duty of said registrar to open his books at the court-house in said town at least ten (10) days before the day of election, herein provided for, and to register therein the names of all persons applying for registration and entitled to register and vote. It shall be the duty of the registrar to keep the names of the white voters separate and apart from those of colored voters; and he shall designate on the registration books, opposite the name of each person registering, the ward in which he resides, and his place of residence in such ward; and if any applicant for registration shall not disclose his place of residence in his ward, his wilful failure so to do, shall be *prima facie* evidence that he is not entitled to register in such ward.

Judges and inspectors of election.

SEC. 5. The board of commissioners of Wayne county, at or before their meeting in April, one thousand eight hundred and seventy-seven, and annually thereafter, shall appoint four judges or inspectors of election for said town, who, with the registrar, shall open the polls and superintend the same on the day of election herein specified, and the polls shall be opened at the court-house in said town. The registrar and 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.

Qualified voters.

SEC. 6. All electors, who shall have resided in the state twelve months, and in the town of Goldsboro ninety days,

and in the ward for which they offer to register, ninety days next preceding the election, shall be entitled to register.

SEC. 7. That the board of commissioners of said town, at their first meeting after each annual election, shall choose some person, without reference to his being one of the board of commissioners, to be mayor of said town for twelve months, and to hold his office until his successor shall qualify. He shall preside at the meetings of the board of commissioners, and shall have the rights and powers and perform all the duties heretofore prescribed by law for such officers.

Commissioners to appoint a mayor.

SEC. 8. All laws and parts of laws in conflict with this act, are hereby repealed.

Conflicting laws.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXL.

AN ACT TO CREATE A TOWNSHIP IN THE COUNTY OF WAYNE, TO BE KNOWN AS STONY CREEK TOWNSHIP.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be known as Stony Creek Township, is hereby created and established in the county of Wayne, with the following boundaries, viz: Beginning at the mouth of Sasser Mill Branch, in Little River, and runs thence up said branch to the lines of John Robinson and B. A. Scott; thence east with said line to the county road leading from Salem to Goldsboro'; thence with said road south to Lewis' Branch; thence down said Lewis' Branch to Howell's Swamp; thence down Howell's Swamp to Stony Creek; thence down Stony Creek to the Atlantic

Boundaries

and North Carolina Railroad; thence east with said railroad to the county road that leads to John R. Smith's Mill; thence with said road to said mill; thence up said mill branch with the Goldsboro and Saulston township line to the Grassy Branch; thence up said branch to its head; thence a direct line to the head of D. H. Hook's mill pond; thence down said mill run to the mouth of said run, where it empties into Little River; thence down Little River to the beginning.

Rights, powers,
&c.

SEC. 2. That said township shall have all the rights, powers and privileges granted to townships by law, and the place of voting therein shall be Stony Creek Meeting House.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXLI.

AN ACT TO ESTABLISH COUNTY GOVERNMENTS.

SECTION 1. *The General Assembly of North Carolina do enact,* Every county is a body politic and corporate, and shall have the powers prescribed by statute and those necessarily implied by law, and no other.

Every county is a
body politic.

Election.

SEC. 2. In each county there shall be elected biennially, by the qualified voters thereof, as provided for the election of members of the general assembly, a treasurer, register of deeds and surveyor: *Provided, however,* That a majority of the justices may abolish the office of treasurer, and thereupon the duties and liabilities now attached to the office shall devolve upon the sheriff.

Proviso.

Townships may
be altered and
created.

SEC. 3. The townships heretofore created or hereafter established shall be distinguished by well defined boundaries, and may be altered, and additional townships

created by the board of county commissioners, but no township shall have or exercise any corporate powers whatever, unless allowed by act of general assembly, to be exercised under the supervision of the board of county commissioners.

SEC. 4. The justices of the peace shall be elected by the general assembly. The general assembly at its present session shall elect three justices of the peace for each township in the several counties of the state, who shall be divided into three classes, and hold their offices for the terms of two, four and six years respectively, but the successors of each class, as its term expires, shall be elected by the general assembly for the term of six years. In addition to the justices of the peace above provided for, there shall be elected by the general assembly, for each township in which any city or incorporated town is situated, one justice of the peace, and also one for every one thousand inhabitants in such city or town, who shall hold their office for the term of six years. The Secretary of State shall certify the clerks of the superior courts of the several counties in the state a list of all justices of the peace elected for their several counties, with the terms for which they shall have been appointed, and this shall be their commission, and the clerk of the superior court shall notify said justices of their appointment, who shall thereupon be entitled to enter upon the duties of their office, upon taking before the said clerk the oath of office now prescribed by law for justices of the peace. But the terms of those elected at the present session of the general assembly shall begin at the expiration of the terms for which the justices of the peace now in office have been elected, and not before.

When new townships shall be established, if the general assembly shall not be in session, the Governor shall appoint the justices of the peace therein, and they shall hold their office until the next meeting of the general assembly; and until their successors shall be elected and qualified.

Justices of the Peace to be elected by the General Assembly
Justices divided into three classes.

Additional Justices for cities and towns.

Secretary of State to give certificate.

Governor to appoint.

Commissioners.

SEC. 5. The justices of the peace for each county, on the first Monday in August, one thousand eight hundred and seventy-eight, and on the first Monday in August every two years thereafter, shall assemble at the courthouse of their respective counties, and a majority being present, shall proceed to the election of not less than three nor more than five persons, to be chosen from the body of the county (including the justices of the peace), who shall be styled the board of commissioners for the county of ———, and shall hold their offices for two years from the date of their qualification, and until their successors shall be elected and qualified. But those elected on the first Monday in August, one thousand eight hundred and seventy-eight, shall enter upon the duties of their office immediately upon the expiration of the term for which the board of county commissioners now in office have been elected, and not before. They shall be qualified by taking the oath of office before the clerk of the superior court, or some judge or justice of the peace, as now prescribed by law, and the register of deeds shall be, *ex officio*, clerk of the board of commissioners; *Provided, however*, That the board of commissioners shall not have power to levy taxes, to purchase real property, to remove or designate new sites for county buildings, to construct or repair bridges, the cost whereof may exceed five hundred dollars, or to borrow money for the county, nor alter or make additional townships, without the concurrence of a majority of the justices of the peace sitting with them; and for the purposes embraced in this proviso the justices of the peace of the county shall meet with the board of commissioners on the first Monday in August, one thousand eight hundred and seventy-eight, and annually thereafter, unless oftener convened by the board of commissioners, who are hereby empowered to call together the justices of the peace when necessary, not oftener than once in three months, but for such services the justices of the peace shall receive no compensation.

Proviso.

Jurisdiction of
Commissioners.

SEC. 6. The board of commissioners so elected shall have

and exercise the jurisdiction and powers vested in the board of commissioners now existing, and also those vested in and exercised by the board of trustees of the several townships, except as may hereafter be prescribed by law; and they shall hold their sessions as may be prescribed by law.

SEC. 7. All the provisions of article seven of the constitution inconsistent with this act, except those contained in sections seven, nine and thirteen, are hereby abrogated, and the provisions of this act substituted in their place: *Subject, however,* to the power of the general assembly to alter, amend or abrogate the provisions of this act, and to substitute others in their stead, as provided for in section fourteen of article seven of the constitution. Abrogated.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER CXLII.

AN ACT TO REPEAL CHAPTER THIRTY-NINE OF BATTLE'S REVISAL, AND CHAPTER ONE HUNDRED AND TWELVE OF ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, RATIFIED MARCH FIRST, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND TO RE-ENACT CHAPTER FORTY OF THE REVISED CODE, AS AMENDED BY CHAPTER ONE HUNDRED AND SIXTY-FOUR, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, RATIFIED APRIL TENTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact,* That chapter thirty-nine of Battle's Revisal, and Repeated.

chapter one hundred and twelve of the acts of the general assembly of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, ratified March first, one thousand eight hundred and seventy-five, are repealed.

Re-enacted.

SEC. 2. That chapter forty of the Revised Code, as amended by chapter one hundred and sixty-four of the acts of the general assembly of the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, ratified April tenth, one thousand eight hundred and sixty-nine, is re-enacted.

SEC. 3. This act shall be in force from its ratification. Ratified the 27th day of February, A. D. 1877.

CHAPTER CXLIII.

AN ACT TO ESTABLISH A BOARD OF AUDIT AND FINANCE, FOR THE CITY OF WILMINGTON.

Governor to appoint five persons to constitute a Board of Audit and Finance.

SECTION 1. *The General Assembly of North Carolina do enact*, That in the month of March, A. D. one thousand eight hundred and seventy-seven, and biennially thereafter, the Governor of this state shall appoint five discreet and proper persons, among the electors of the city of Wilmington, one from each of the five wards of said city, who shall constitute and be styled "the board of audit and finance, of the city of Wilmington," and the persons so appointed shall continue in office for two years, and until their successors are duly appointed and qualified. No person holding an office or appointment under the board of aldermen of said city, or under any law in reference to said city, or who may be a contractor for any work, materials, supplies or other things whatever for the use of said city, shall be eligible as a member

Who are eligible.

of said board, or qualified to act as one of its members. Any vacancy occurring among the members of said board during their term of office, shall be filled by the remaining members

How vacancies to be filled.

SEC. 2. Said board shall, from their body, elect a chairman, who, with the clerk hereinafter provided for, shall sign and certify all orders of the board; and in case such chairman shall be absent at any meeting of the board, a temporary chairman shall be chosen, who, during such meeting, shall exercise the powers of the regular chairman. The chairman of said board shall have power to administer oaths, and issue subpoenas for witnesses to appear before the board, who shall be required to appear and testify, under like pains and penalties as if summoned to any superior court. Before the entering on their duties, the members of said board shall, before some justice of the peace, take and subscribe the oath of office, prescribed in section four of article six of the constitution and cause the same to be filed in the office of the clerk and treasurer of said city.

Election of chairman.

Powers of chairman.

SEC. 3. The board shall appoint a clerk, prescribe his duties, and require him to give bond, payable to the city of Wilmington, in such sum as said board may consider sufficient, secured by two or more good sureties, and conditioned for the faithful performance of the duties of his office. The said clerk shall hold office at the pleasure of said board, shall have power to administer oaths, and shall receive such compensation, not exceeding six hundred dollars *per annum*, as said board may establish.

Shall appoint a clerk.

SEC. 4. Said board shall hold regular meetings twice every month, and oftener if necessary, in some room in the city hall, at such times as the board may determine, and of which due notice shall be given by advertisements to be posted at the court house door, and ten other public places in the city. Said meetings shall be opened to the public, and the times of holding the regular semi-monthly meetings shall not be changed, unless ten days notice of such change shall be given as aforesaid. The

Shall hold meetings.

clerk shall, in proper books, keep a minute record of the proceedings of said meetings, recording the names of the members present, the character and amount of all claims and demands against the city, and the names of the claimants. All such claims and demands shall be made out in distinct items, verified by the affidavit of the claimant or his agent, stating that the claim is just and due, that the articles were furnished or services rendered, as the case may be, and that no part of the same has been satisfied. Notwithstanding such affidavit, the said board may require further proof as to the validity of any claim; and any person who shall knowingly or wilfully offer or cause to be offered for audit by said board, any false or fraudulent claim or demand against the city of Wilmington, shall be deemed guilty of a misdemeanor; and any person who shall wilfully swear to any false statement before said board, shall be guilty of perjury.

The board to
audit all claims
before being paid.

SEC. 5. It shall be the duty of said board to audit and pass upon the validity of all claims and demands against the city of Wilmington, and no claim or demand against said city shall be paid by the treasurer of said city, or by any other person, out of any funds belonging to said city, until the same has been duly audited and approved by said board, and a warrant signed by the chairman and clerk, given for the payment of the same. All claims, demands and accounts presented to said board to be audited, shall be treated and proceeded with in all respects as is provided in section twelve, chapter twenty-seven, of Battle's Revisal, in reference to claims or accounts against counties. Any member of said board who shall knowingly vote to allow any false, fraudulent or untrue claim or demand against said city, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not less than five hundred dollars, and by imprisonment for not less than one year.

Penalty.

Levying tax.

SEC. 6. No ordinance of the board of aldermen of said city, levying any tax whatever, shall be valid or of any

effect, unless an estimate and the rate of assessment of the taxes so to be levied, shall be first submitted to said board of audit and finance, and approved by at least three of its members. The estimates aforesaid shall specify the amount required during the next coming fiscal year to pay interest on the debt of said city, and to provide a sinking fund for its ultimate payment, and the amount which will be required, as nearly as can be ascertained, to meet the necessary expenditures for the several departments of the city government, and the amounts to be expended under said estimates shall be apportioned by said board of audit and finance, according to the specifications accompanying the same, among the several departments of the city, of which apportionment a copy shall be delivered to the clerk and treasurer of said city. All warrants which may be drawn on account of any duly audited claim or demand, shall specify the particular fund from which the same is to be paid, and no such warrant shall be paid from any other fund, than the one designated therein; and if any such warrant shall be paid, in violation of this provision, or if any claim against said city shall be paid or be received on account of any indebtedness to said city, before a proper warrant for the same has been issued, the treasurer of said city, or any other person paying the same out of any funds belonging to said city, shall be liable for the amount so paid, and shall be deemed guilty of a misdemeanor.

Warrants to specify the particular fund.

SEC. 7. The said board of audit and finance shall, once in every three months, cause to be posted at the courthouse, and ten other public places in said city, a statement of all claims and demands against said city, audited by said board, giving the respective amounts claimed and allowed, the character of said claim and the name of the claimant.

Statement of claims to be posted.

SEC. 8. It shall be the duty of said board of audit and finance, and it shall have the exclusive power to fix the salaries or other compensation of all officers and em-

Salaries, compensation, &c.

ployees of said city, and to pass upon and approve the official bonds of all such officers; and no contract, even for the necessary expenses of said city, nor any bond, note or other obligation in behalf of said city, shall be valid or of any effect, unless the same be approved by said board, and such approval be endorsed thereon. Any officer of said city who is required to give a bond for the faithful performance of his duties, who shall enter upon the discharge of the duties of his office, or in any way intermeddle therewith, before the official bond shall be duly approved as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five hundred dollars, and imprisoned not less than six months, and shall further forfeit his office.

Accounts of the
city treasurer.

SEC. 9. Said board shall, at such times during each year as may be deemed judicious, and at the end of each fiscal year, audit and cause to be settled the accounts of the city treasurer, and of all other persons holding any funds belonging to said city; and on all such settlements, all interest, benefit, advantage received or to be received, directly or indirectly, from the use, disposal or deposit of any funds belonging to said city, by any officer or agent of the city, shall be duly accounted for. Such officers or agents upon making any such settlements shall be required to make and file with said board an affidavit, declaring as the fact may be, whether he has or has not received, or is not to receive directly or indirectly, any interest, benefit or advantage from the use, deposit, or any disposal of said funds, and shall also be examined orally on the matters referred to. In the event that any officer of said city, upon the investigation of his accounts as aforesaid, shall be found to be in default, said board of audit and finance is hereby authorized and empowered to declare his office vacant.

Proposals.

SEC. 10. The board of aldermen of the said city shall, annually, at least one month before the time of the annual assessment of taxes by said board, and at such other times as may be necessary, advertise for proposals for all labor and for all materials required by said city for the opening,

guttering, grading and cleaning or paving, or otherwise improving the streets, alleys or sidewalks of said city; for lighting and repairing the lamps of the city; for all labor and materials for the repair or construction of all buildings belonging to the city; for all printing or advertising required by the city; for all supplies of any kind required for the use of the city, or any department thereof; and shall contract for the same with the lowest bidder, who may be considered fit and competent; but no such contract shall be binding on the city till approved by the said board of audit and finance, by which all such contractors shall be required to enter into bonds secured to its satisfaction, for the faithful performance of their several contracts.

SEC. 11. The chairman of the board of audit and finance shall be "the commissioner of the sinking fund of the city of Wilmington," and shall have all the powers and perform all the duties incident to that office by any and all acts of the general assembly authorizing or requiring the appointment of such an officer. He shall enter into bond, with two or more good and sufficient sureties, to be approved of by the board of aldermen of said city in such sum as said board of aldermen shall fix, and payable to the city of Wilmington, and conditioned for the faithful performance of all the duties incident to said office, or which may be hereafter imposed on such officers. The chairman of said board, as commissioner of the sinking fund of the city of Wilmington, shall in the months of January and July of each year cause to be published, in one or more of the newspapers published in said city, a statement showing the true condition of said sinking fund, giving the amount and character of the investments of the same, and the place of deposit of the securities belonging to it.

Commissioner of
the Sinking Fund

SEC. 12. The treasurer of the said city, upon a proper warrant to be drawn on him as is hereinbefore provided, shall pay over to the said commissioner of the sinking fund the amounts which may from time to time be collected from taxes assessed and levied for the sinking fund of said city, and also all sums which may have been assessed and

Sinking fund.

collected for any other department of the city government, and which may be remaining in his hands unexpended and unappropriated at the end of any fiscal year. The sums of money which may be paid as aforesaid to the commissioner of the sinking fund, shall be invested and managed as required by law; and in making investments of the same, and of all sums accruing from the securities in which the same may be invested, preference shall be given to such of the bonds of said city which will yield the largest income on the amount invested; all of such bonds of the city of Wilmington which may be purchased for the purpose aforesaid, and all the coupons thereto, shall be immediately and indelibly stamped with the words: "the sinking fund of the city of Wilmington;" and the number, amount and date of issue of every such bond shall be recorded by said commissioner in a proper book kept by said board of audit and finance for that purpose; and a duly certified copy of such record shall from time to time, as additional investments for said fund shall be made, be furnished by said commissioner to the board of aldermen of said city, who shall cause the same to be filed by the clerk and treasurer of said city, and recorded in a proper book in his office. All bonds as aforesaid, and all other securities purchased as investment of any fund belonging to said sinking fund, and all interest accruing thereon, shall be held exclusively for the use of and as part of said sinking fund, and shall not be disposed of or transferred, or in any way used for any other purpose whatever. The chairman of said board of audit and finance, as compensation for his services as commissioner of the sinking fund of the city of Wilmington, shall be entitled to a salary of four hundred dollars per annum; and the treasurer of said city, upon the proper warrant as aforesaid, signed by the chairman and clerk of said board of audit and finance, shall pay the necessary expenses of said board, the salary of their clerk, and the salary as aforesaid of its chairman.

SEC. 13. The treasurer of the city of Wilmington shall, at the end of every month, cause to be posted at the court

house and at ten other public places in said city, a statement duly verified by his oath, in which shall be set forth the names of all persons to whom he has paid any amount during that month, the amount so paid to each person, the particular fund from which such payment has been made, and the whole amount of money belonging to the city then remaining in his hands.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall be in force from and after the ratification of the same. When in force

Ratified the 28th day of February, A. D. 1877.

CHAPTER CXLIV.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTEEN,
ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY
AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE,
ENTITLED AN ACT TO INCORPORATE THE MOUNT AIRY AND
CENTRAL RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That section two of chapter two hundred and eighteen of the public laws, enacted at the session of the general assembly of North Carolina for the year one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be amended so it shall read as follows: When the sum of seventeen thousand dollars shall be subscribed, the subscribers, their associates and assigns shall be and are hereby created a body politic and corporate by the name and style of the Mount Airy Railroad Company, and by that name shall be capable of purchasing, holding, selling, leasing and conveying estates real, personal and mixed so far as shall be necessary, as specified in this charter, and no further; and Body politic

shall have perpetual succession, and by said corporate name may have and use a common seal, and shall have all the powers, rights and privileges which other corporate bodies lawfully have, for the purposes herein mentioned; and may make all such by-laws, rules and regulations consistent with the constitution and laws of the United States and of this State as shall be necessary for the well ordering and conducting of the affairs of said company. The said road to be located and run from Mount Airy, in Surry county, to Greensboro, in Guilford county.

Powers, &c.

SEC. 2. That section five of said act be amended so that it shall read as follows: The said corporation shall be vested with all the powers, rights and privileges conferred upon the Raleigh and Gaston Railroad Company by its charter granted in the year one thousand eight hundred and thirty-five: *Provided*, That nothing in this act shall be construed to exempt said railroad, or the property or franchise thereof, from taxation, and shall be subject to all the rules, regulations and restrictions so far as the same are applicable to a narrow gauge railroad, and consistent with the provisions of this act: *Provided*, That the superior courts of the counties through which the said railroad may pass shall exercise the powers conferred by said charter on the court of pleas and quarter sessions, for the purposes of condemning land and securing the right of way for the use of the company by this act incorporated.

Proviso.

Repealed.

SEC. 3. That section six of said act, entitled an act to incorporate the Mount Airy and Central Railroad Company, be repealed and stricken out, and the following inserted in lieu thereof: That any city, town, county, or other municipal corporation of this State, shall have power and authority to subscribe for and take any number of shares of the capital stock of the said company, that a majority of the legal voters of such city, town, county or other municipal corporation may elect to take therein; that upon the request of twenty residents and

tax payers of any such city, town, county or other municipal corporation of the State, the municipal authorities of such city, town, county or other municipal corporation shall determine the number of shares in the said company proposed to be taken by such city, town, county or other municipal corporation, and shall appoint a day on which an election shall be held in such city, town, county or other municipal corporation in the manner prescribed by law for holding other elections, at which said election the legally qualified voters of such city, town, county or other municipal corporation shall be entitled to vote for or against such subscription, the legally qualified voters favoring such subscription to vote ballots, written or printed, "railroad;" those opposing such subscription to vote ballots, "no railroad." The election herein provided for shall be held at the usual voting places for such cities, towns, counties or other municipal corporations, by persons appointed by the authorities of such cities, towns, counties or other municipal corporations in the same manner that persons are appointed for holding other elections in such cities, towns, counties or other municipal corporations; and the returns thereof shall be made, and the result thereof announced, as in other elections prescribed by law. If the result of every such election shall show that the majority of the qualified voters of any city, town, county or other municipal corporation favor taking the amount of stock voted for in such election, then the proper authorities of such city, town, county or other municipal corporation shall subscribe the amount of stock so voted for in the said company, and shall have power to levy and collect taxes to be levied for that special purpose to pay for the said stock in installments as the same may become due; or, in case it shall not be deemed best to collect taxes to pay by taxation such subscription for stock, then such city, town, county or other municipal corporation shall have power to issue bonds for the purpose of raising money to pay for such subscription, and shall provide for the pay-

ment of interest upon said bonds, and also for the payment of said bonds when they become due.

May construct
branches.

SEC. 4. That the said company shall have authority from time to time, as it may deem prudent, to construct branches to such points as the said company may determine; and it shall have the same rights and privileges for the construction of branches as that have been or may be granted for the construction of the main line; and that it shall have the right to consolidate with or make suitable arrangements with any company that now is or may hereafter be incorporated for the improvement of the navigation of the Yadkin river; and it shall have power and authority to extend its main line from Mount Airy through the counties of Surry, Wilkes, Caldwell, Alleghany, Ashe and Watauga, so as to make connection with other routes in this State under the same rights that have been or may hereafter be granted for the construction of the main line; and that any city, town, county or municipal corporation of the State may take stock in the branches of the railroad, or the extension of the railroad of said company upon the terms and conditions and in the manner herein provided for taking stock in the main line: *Provided*, That this section (except so far as it relates to the Yadkin river, and any arrangements made by said company with any other company or companies for the improvement of its navigation) shall be of no force and effect, until the main line from Mount Airy to Greensboro shall have been first completed.

Proviso.

Convict labor.

SEC. 5. *The General Assembly of North Carolina do further enact*, That in order to make the labor of criminals convicted of crimes, useful, and to diminish the cost of the confinement of such criminals, upon the application of the president of said company, there shall be farmed out to said company one hundred convicts from the penitentiary, to work upon the road of said company, on the same terms and conditions as to the management and guarding as convicts are farmed out to other railroad

companies in which the State has no interest. The said railroad company shall bear all expense in feeding, guarding, clothing, doctors' bills, and for the pay of superintendent and overseers, so that the State shall be at no expense whatever in regard thereto, and the said convicts shall not be taken beyond the limits of the State; *Provided*, That there shall be an estimate of the net value of all the work done by the convicts' labor furnished by the State on the said railroad of the said company, and that the net value of such labor shall be a first mortgage in favor of the State upon the property and franchises of the said company. The value of the labor of said convicts shall be ascertained by two commissioners, one to be appointed by the Governor, and one to be selected by the said railroad company.

Prov so

SEC. 6. This act shall not be construed to reduce the working force of convicts on the Western North Carolina Railroad below five hundred.

W. N. C. Railroad
company.

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

Ratified the 28th day of February, A. D. 1877.

CHAPTER CXLV.

AN ACT TO ESTABLISH AN ADDITIONAL TOWNSHIP IN THE COUNTY OF ROCKINGHAM, OUT OF PORTIONS OF HUNTSVILLE AND SIMPSONVILLE TOWNSHIPS, TO BE CALLED NEW BETHEL.

SECTION 1. *The General Assembly of North Carolina do enact*, That the line run by E. W. Hancock, county surveyor, and approved by the county commissioners of Rockingham county, and on file in the office of Secretary of State, to-wit: Beginning at a sassafras in Dr. Raine's plantation, the corner of Wentworth township, east

Boundaries

with that line two miles and ninety six poles, to a grub : south by Sallie Jones', east of Henry Southard's, east of Cynthia Froth's, east of Robert Small's, east of George W. Purcell's old place, east of Robert Brown's (Sen.) old place to the road leading from Smith's cross-roads to Michael Cumming's, a red oak on the west side of said road ; thence with said road, by Lemmonds' ford, to said Cummings', to a post-oak in the forks of the road south, to Guilford line ; west with the Guilford line to baggage road, near Ogburn's mills ; thence with the baggage road to the forks of the Prices' mill road, half a mile north of R. B. Henderson's, leaving Wilson and R. B. Henderson's residences on the west side of said line ; thence leaving said baggage road and with the Prices' mill road to the creek where said road crosses the same ; thence down Hogau's creek to Dan river ; (all west of said creek to remain in Huntsville township, and all east to be a part of New Bethel township, with the exceptions before recited ;) thence down the river as it meanders to Wentworth township, near an island in Gov. D. S. Reid's plantation ; thence south with Wentworth township line to the beginning, shall hereafter constitute an additional township ; and that all the territory comprised within said boundaries shall compose a new and separate township, to be known as New Bethel, with all the rights, powers and privileges pertaining to other townships ;

Provided, That nothing in this act shall be construed to affect Huntsville and Simpsonville townships, except as to the territory included in the boundary lines of New Bethel, as herein mentioned.

Proviso.

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

Ratified the 28th day of February, A. D. 1877.

CHAPTER CXLVI.

AN ACT TO AMEND THE CHARTER OF THE GEORGIA AND NORTH CAROLINA RAILROAD COMPANY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, CHAPTER ONE HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Georgia and North Carolina Railroad Company, created by act of the general assembly of North Carolina, chapter (167) one hundred and sixty-seven, laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be, and they are hereby empowered to turn over and transfer at any time all their right, title and claim to that part of their said road between Murphy, in the county of Cherokee, and the Georgia State line, in said county, to the Western North Carolina Railroad Company, who are hereby authorized and empowered to obtain such transfer on such terms as shall be agreed upon by the said companies, which transfer, if any, shall be subject to the approval of the Governor of the State of North Carolina.

May transfer title

SEC. 2. When such transfer, as in the preceding section provided for, shall have been fully completed, signed by the president of the Georgia and North Carolina Railroad Company and the president of the Western North Carolina Railroad Company, and be approved by the directors of the said companies, (and the Governor as aforesaid,) it shall be deemed valid and sufficient for the purposes herein provided for.

When the transfer is completed.

SEC. 3. It shall be the duty of the Governor to cause a convict force of not less than fifty in number to be placed on said road at, or near, the Georgia line, near Ducktown, Tennessee, and that such force shall be worked on said road in the direction of Murphy until the said road shall be completed to that place, which road

Convict labor.

shall form a part of the Western North Carolina Railroad; and that the said convict force shall be worked on the said road from thence in the direction of Asheville, until the said road shall be fully completed.

Refusal to accept the provisions of sections 1 and 2.

SEC. 4. That should the Georgia and North Carolina Railroad Company fail or refuse to accept the provisions of the first and second sections of this act, providing for the transfer of said road, then in that case it shall be the duty of the Governor, so soon as the said company shall grade the said Georgia and North Carolina Railroad to Murphy, as aforesaid, to place a convict force at or near the end of the said grading on the Western North Carolina Railroad, which force shall not be reduced below fifty in number, and shall be worked from thence on the last mentioned road in the direction of Asheville, until the said road is completed.

Welfare of convicts.

SEC. 5. That the convicts provided for by this act shall be worked, clothed, fed, guarded, and superintended in the same manner, and under the same rules, regulations and laws, and that the expense shall be provided for and paid, in the same manner that govern and control the works on the Western North Carolina Railroad.

Expenditures.

SEC. 6. The authorities in charge of said works shall keep an accurate account of all sums paid for guards and supplies and clothing of said convicts, and for labor done, and shall furnish such statement to the Treasurer of the State, who shall, in a book provided for that purpose, make an accurate copy of such account, and the State shall have a lien, and the same is by this act created and provided, upon franchises and other property of any kind whatever of said Western North Carolina Railroad Company, and which it may hereafter acquire, to secure the payment to the State of all such sums of money and value of labor so expended and used on said road, and which may hereafter be expended and used under this act, or any act of the general assembly hereafter passed.

SEC. 7. That all laws and clauses of laws coming in

conflict with the provisions of this act be and the same are hereby repealed. Conflicting laws.

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

Ratified the 28th day of February, A. D. 1877.

CHAPTER CXLVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO LAY OFF
AND ESTABLISH A PUBLIC ROAD IN THE COUNTIES OF DA-
VIDSON AND DAVIE, AND TO ESTABLISH A FERRY ACROSS
THE YADKIN RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That section five, chapter ninety-two of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out the words, "at their first meeting after the ratification of this act," in lines seven and eight in said section, and insert in lieu thereof the words, "within sixty days from the date of their appointment: *Provided*, That in laying off said road the jury shall assess no damages against Davidson county."

Sec. 5, chapter 92,
Laws of 1873 and
1874, amended.

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

Ratified the 28th day of February, A. D. 1877.

CHAPTER CXLVIII.

AN ACT TO ESTABLISH A NEW TOWNSHIP IN THE COUNTY OF ROCKINGHAM, TO BE STYLED MADISON TOWNSHIP.

Boundaries

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be styled Madison, be and the same is hereby erected out of May's township, in the county of Rockingham, bounded as follows: Beginning at the confluence of Dan and May's rivers; thence up Dan river as it meanders to the Stokes county line; thence with the Stokes line to the Virginia State line; thence east with the Virginia line to the May's river; thence down said May's river in the beginning.

Rights, privileges, &c.

SEC. 2. That said Madison township, hereby created, shall have all the rights and privileges as such that pertains to other townships.

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

Ratified the 28th day of February, A. D. 1877.

CHAPTER CXLIX.

AN ACT DECLARING TRANTER'S CREEK A LAWFUL FENCE.

Lawful fence.

SECTION 1. *The General Assembly of North Carolina do enact*, That Tranter's creek, from its junction with Tar river to the public bridge over said creek, on the Washington and Greenville public road, be, and is hereby declared, a lawful fence, and shall be held as such for all purposes.

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

Ratified the 1st day of March, A. D. 1877.

CHAPTER CL.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HAYWOOD COUNTY TO ASCERTAIN THE BOUNDARY LINE OF CERTAIN VACANT LANDS IN THE COUNTY OF HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Haywood county shall have authority to employ a surveyor, and such competent assistants as they shall see proper, to survey the boundary line, or so much thereof as they shall deem necessary, of the Allison speculation, in the counties of Haywood, Buncombe and Transylvania.

Boundary line of the Allison speculation.

SEC. 2. The surveyor so appointed is hereby authorized to make such surveys as he may be directed by the commissioners, and shall report to the commissioners of the county the result of such survey, and the true beginning corner of said speculation, and the lines, or so many of such lines as he may be ordered to survey.

Surveyor.

SEC. 3. The surveyor and assistants shall receive such compensation as the commissioners may allow.

Compensation.

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

Ratified the 1st day of March, A. D. 1877.

CHAPTER CLII.

AN ACT FOR THE RELIEF OF ALBERT MURRAY, FORMER SHERIFF OF ALAMANCE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Albert Murray, former sheriff of Alamance county, is hereby authorized and empowered to collect

Arrears of taxes for 1871 and 1872.

arrears of taxes for each of the years of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, under such rules and regulations as are now or may be prescribed by law for the collection of taxes.

Exceptions.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make oath, before any one authorized by law to administer oaths, that he or she has paid the same; nor shall any executor, guardian or administrator be compelled to pay any arrears of taxes under this act.

Insolvent taxes.

SEC. 3. The said Albert Murray, former sheriff of Alamance county, shall not be allowed by the provisions of this act to collect any insolvent taxes where the same have been credited to him, but that the county commissioners shall have power to place such insolvent tax list in the hands of any sheriff or tax-collector who may now or hereafter be in office.

To cease.

SEC. 4. That the authority hereby given to collect arrears of taxes, shall cease and determine on the 31st day of December, 1877.

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

Ratified the 1st day of March, A. D. 1877.

CHAPTER CLII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LENOIR COUNTY TO LEVY A SPECIAL TAX, AND FOR OTHER PURPOSES.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Lenoir [county] be, and they are hereby, authorized and empowered to levy a special tax at the same time with other levies, on all the taxable property, for the years one thousand eight hun-

dred and seventy-seven, and one thousand eight hundred and seventy-eight, said special tax not to exceed eight and one-third cents on the one hundred dollars' worth of property, and twenty-five cents on the poll—said tax to be applied to the support of the poor, and other necessary county expenses; and shall be collected and accounted for by the sheriff or other collecting officer in the same manner, under the same penalties, and within the same time as the other taxes levied in said county: *Provided*,^{Proviso.} The constitutional equation between polls and property shall be observed in the levy of said tax.

SEC. 2. *Be it further enacted*, That the county commissioners of said county be authorized and empowered to purchase lands for a poor-house,^{Poor-house.} and have buildings erected thereon for the use of the purposes of said county.

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

Ratified the 1st day of March, A. D. 1877.

CHAPTER CLIII.

AN ACT TO CHANGE THE LINE BETWEEN WILKES AND ASHE COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the dividing line between the counties of Wilkes and Ashe be changed so as to run from a point twenty rods south of Phillip's Gap, on the Blue Ridge; north sixty degrees; east to the top of the Blue Ridge, near the widow Callaway's, so as to include in Ashe county the dwellings of James Burge and Rufus Holdaway.^{To change the dividing line.}

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

Ratified the 1st day of March, A. D. 1877.

CHAPTER CLIV.

AN ACT TO ESTABLISH COURTS INFERIOR TO THE SUPREME COURT, TO BE STYLED INFERIOR COURTS.

Inferior courts

SECTION 1. *The General Assembly of North Carolina do enact*, That courts of record inferior to the supreme court shall be established in the several counties of the State for the trial of criminal actions, and such courts shall have all the rights and powers incident to a court of record, and shall have such jurisdiction as shall be conferred and prescribed by law. The court herein provided for shall be holden by three persons, to be chosen by the justices of the peace, or a majority of them, from the body of the county, the justices included; such persons shall be of good moral character, of fair ability, and men of integrity, and when so elected shall be the justices of said inferior court. They shall hold their offices for two years, and until their successors are elected and qualified.

They decline to elect justices of the inferior courts.

SEC. 2 If, in the opinion of the justices of the peace of any county, or a majority of them, it will not promote the best interests of the people for such court to be holden in such county, it shall be lawful for the said justices of the peace, or a majority of them, to decline to elect the justices of such inferior courts, and in that event there shall be no inferior court holden in such county: but if, in the opinion of the justices of the peace, or a majority of them, the general good of the county would be promoted, then, and in that event, the said justices of the peace, or a majority of them, shall provide that said inferior court shall be holden for the trial of criminal actions only; and in such case such inferior court shall exercise only the criminal jurisdiction hereinafter conferred.

Terms.

SEC. 3. That said courts shall be held for their respective counties four times in each year, unless otherwise determined, on such days as may be determined on and fixed by a majority of the justices of the peace; but no term of said court shall

be held within less than three months, from and after the first of the preceding term, and whenever the justices of the peace of any county shall have elected the justices of the said inferior court, the said inferior court shall continue to be holden; but after three months' notice to that effect, to be posted at the court house door and at one or more public places in each township in the county, the justices of the peace of any county, or a majority of them, shall, at a regular term of said court, in the presence of the justices of said court, determine to discontinue the holding of said court; then the said court shall be discontinued, and the records, books and papers of said court shall be filed in the office of the clerk of the superior court of said county, and all causes and matters and things then depending shall be transferred to the said superior court, to be therein proceeded in and tried as if the same had been therein docketed upon appeal from courts of justices of the peace: *Provided*, That no case herein transferred shall be

Proviso.

SEC. 4. If the business of the said courts cannot be determined on the first day of the term, the court may adjourn from day to day not exceeding six days, except in the counties of Wake, New Hanover and Mecklenburg. The court may be held for two weeks, at the end of which time the causes and matters which may be depending before them, and not finally determined, shall be continued to the next succeeding term.

If the business can not be determined.

SEC. 5. If, for any cause, a majority of the court shall not meet for holding the term on a day appointed, any one of the court, and, in the absence of all the members of the court then the sheriff, may adjourn the court from day to day not exceeding three days, until a sufficient number of the justices of the peace of the court can attend.

Majority of the court failing to meet.

SEC. 6. None of the inferior courts, nor any process in any of them depending, shall be discontinued by reason of its justices failing to hold court upon the day appointed, or of any alteration of the day appointed for holding it; but in every such case, all process, matters and things depend-

Process continued.

ing, shall stand continued; and all appearances, upon returns of process, shall be made to the next succeeding term in course, in the same manner as if such succeeding term had been the term to which such process had been continued, or such returns or appearances had been made; and all recognizances, bonds and obligations for appearances, and all returns, shall be of the same force and validity for the appearance of any person at such succeeding term, and all subpoenas for witnesses as effectual as if the next succeeding term had been expressly mentioned therein.

Jurisdiction.

SEC. 7. Said inferior court shall have jurisdiction to inquire of, try, hear and determine all proceedings in bastardy, and all crimes and misdemeanors, excepting those whereof exclusive original jurisdiction is given to courts of justices of the peace, and except the crimes of murder, manslaughter, arson, rape, assault with intent to commit rape, burglary, horse-stealing, libel, perjury, forgery and highway robbery.

Appeals.

SEC. 8. The said court shall hear all appeals of a criminal nature, brought before it for the court of the justices of the peace, under the same rules and practices which govern the superior courts. Parties may, at their election, appeal from the courts of the justices of the peace to this court or the superior court, as is now provided by law for appeals to the superior court.

Practice, pleading, &c.

SEC. 9. The practice, pleading, process and procedure in such courts, shall be, in all respects, as provided for the superior courts.

Conviction for criminal offences.

SEC. 10. In all cases of conviction in this court for any criminal offence, the defendant or defendants so convicted shall have the right to an appeal to the superior courts in term time, without giving security for costs and jail fees, upon filing an affidavit that he is wholly unable to give security for such costs and jail fees; and he is advised by counsel that he has reasonable cause for the appeal prayed for, and that his application is made in good

faith; and such appeal, when granted, shall be heard *de novo* in the superior court.

SEC. 11. In all issues of fact, founded upon trials of Issues of fact. petit misdemeanors, the parties may, by a written stipulation, filed in the cause, waive their right to have the same determined by a jury, and submit it to a decision of the justices of said inferior court, and the finding of such justices, or a majority of them, upon the facts, shall have the force and effect of a verdict of a jury.

SEC. 12 Thirty jurors shall be provided for each term of said court in the same manner that jurors are provided Jurors. for the superior courts, of which jurors, fifteen, drawn and sworn in the same manner that grand jurors are drawn and sworn in the superior courts, shall constitute the grand jury, with the same powers and duties with grand juries in the superior court; the other fifteen shall be petit jurors for the trial of causes, and when the regular panel shall be exhausted, talesmen may be summoned and sworn under the same rules as govern such cases in the superior courts.

SEC. 13. In each county in which the said court shall be holden, a majority of the justices of the peace may Justices may elect a clerk. elect a clerk of said inferior court, who shall enter into a good and sufficient bond in a sum not less than five thousand dollars, to be fixed, and with the sureties thereto, to be approved by the justices of the county, for the faithful discharge of all the duties of his office, who shall keep the records of his court in suitable manner, in books to be furnished by the Secretary of State, and shall receive the same fees for services by him rendered as are provided by law to the clerk of the superior courts for similar services, and shall hold his office for two years, and until his successor is chosen and qualified, and shall be subject to the same laws and regulations as are provided for the qualifications, duties, responsibilities and liabilities of clerks of the superior courts: Provido. *Provided, nevertheless,* That if the justices of the peace of any county, or a majority of them, shall fail or decline to elect a clerk, as is herein

provided for, then and in that event, the clerk of the superior court shall be *ex officio* clerk of said inferior court, and shall give like bond, and be subject to the same duties and be liable in the same manner and to the same extent as if he had been elected by the justices of the peace.

Notices, summons, executions and other process

SEC. 14. That it shall be the duty of the clerk of said inferior courts to issue all notices, summons, executions, and other process that may be required by such court. And it shall be the duty of the sheriffs, deputy sheriffs or coroner, as the case may be, to execute the same, and make due returns thereon, as now required in the superior court, and be entitled to like fees as in the superior court, and shall be liable to the same fines and penalties as in the superior courts.

Justices shall elect an attorney

SEC. 15. The justices of the peace of such county, a majority being present, shall elect an attorney, properly qualified to act for and in behalf of the State, in the county, who shall hold his office for the term of two years, and until his successor is chosen and qualified, and shall prosecute all matters cognizable in such court, in behalf of the State, and he shall receive the same fees on conviction as are allowed solicitors in the superior court.

Presiding Justice

SEC. 16. The court shall elect one of their own number presiding justice, who shall hold his office until his successor is appointed. The compensation of each member of the court shall be fixed by a majority of the justices of the peace of the county, not to exceed the sum of three dollars per day each: *Provided, however,* In counties where the business of the court would be thereby facilitated, a majority of the justices of the peace may allow the presiding justice such compensation as they may deem proper and necessary.

Proviso.

Vacancies.

SEC. 17. The justices of the peace of any county, or a majority of them, shall fill all vacancies occurring in any of the offices herein provided.

May enforce its orders, &c.

SEC. 18. The said court shall have the same power and authority to enforce its orders, judgments, and decrees,

punish contempts, and the general conduct of its business, as conferred upon the superior courts, and its orders, judgments and decrees as in the superior court. It shall have a seal with the proper device, and stamped with the words, "inferior court," ——— county ———, and the clerk of the court shall affix the same to his official acts and signatures when necessary.

SEC. 19. All laws and clauses of laws in conflict with this act, are hereby repealed. Conflicting laws.

SEC. 20. This act shall go into effect on and after the first Monday in September, A. D. 1877. When in force..

Ratified the third day of March, A. D. 1877.

CHAPTER CLV.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES BY
THE STATE, KNOWN AS THE MACHINERY ACT.

Valuation of lands, when to be made.

SECTION 1. *The General Assembly of North Carolina do enact,* That a justice of the peace in each township, be appointed by the commissioners, shall list the lands at the valuation of the same for the year one thousand eight hundred and seventy-six, subject to the provisions of sections eighteen and twenty-six, and to the exceptions hereafter made, and shall assess all the personal property in their townships, at the cash value, on the first day of June, one thousand eight hundred and seventy-seven, and on the same day annually thereafter, and for such services shall be allowed reasonable compensation, to be fixed by the board of commissioners, not to exceed one dollar and a half per day. Whenever there is no competent justice in any township, the county Valuation of
lands, when
made.

commissioners of such county shall appoint a freeholder in every such township for the purpose of performing all the duties of an assessor required to be performed by this act.

Meaning of the words, "lands and real property," in this act:

Meaning of lands and real property.

SEC. 2. 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 and minerals on or under the surface.

Assessors shall be notified:

Clerk to notify assessors.

SEC. 3. The county commissioners, by their clerk, shall give to the assessor, previous to the fifteenth day of May, 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 justice or freeholder, from each township 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 personal property of their county, which uniform scale shall be furnished to said assessor and adhered to, as near as practicable, by the assessors, and for such services said freeholder shall receive not to exceed two dollars per day as a compensation, to be paid by the county.

Assessors to advertise in their townships:

Advertisement.

SEC. 4. The assessor shall advertise in three or more public places within his township within ten days after

he has been notified by the county commissioners as provided for in section three.

When the list is to be given in :

SEC. 5. 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.

When list given in.

Real property and farming stock, etc., shall be given in where situated on the first day of June :

SEC. 6. 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 first day of June, 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.

All other property and polls to be given in where tax payers reside on the first day of June :

SEC. 7. All other personal property whatever, including money on hand, or on deposit, credits, investment in bonds, stocks, stocks in National, State and private banks, joint stock companies, railroad, canal company 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 June. 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

When polls and other property given in.

situated; if, however, the corporation, partnership or association have separate places of business in more than one township, it shall give in in each township 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.

Tax-payer to give in list of his property :

Tax-payers to give in lists.

SEC. 8. At the time and place appointed by the assessors the tax-payers shall attend, and the assessor shall read over to each one giving in his list, all the articles and subjects of taxation, and thereupon he or she shall render to the assessor 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, railroad and all other stocks, according to my best knowledge, information and belief. So help me God."

What the list shall contain :

What list to contain.

SEC. 9. The list shall state the taxable property of the person giving in, and shall refer to the first day of June in that year.

1. The quantity of land owned 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 as herein prescribed.

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.

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, including all funds invested within thirty days before, in United States bonds, any stocks or non-paying property whatever, with the intent to evade the payment of State, county or other taxes.

5. The amount of solvent credits owing to the party, and all deposits in any bank, 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 from taxable property. Any certificate of deposit in any foreign bank, certificate of stock in any foreign corporation or trust company, and the value of 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, railroad or canal company, and their estimated value. And every cashier or treasurer of any bank, corporation or association, shall furnish a list of its stockholders resident in the several counties of this State, on the first day of June in each year, to the county commissioners of the county in which such 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 June in the current year, with a statement of the source or sources from which it was derived. From the amount of the income shall be deducted the amount derived from property taxed. That the property mentioned in sub-divisions two, three and seven of this section shall be valued at a fair cash value, estimated at what it would bring at a voluntary sale.

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.

Guardians, executors, &c., to give in separately :

Guardians, &c., to give in separately.

Banks.

SEC. 10. 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; and the cashier of each bank or banking association (whether State or National) in the State shall give in to the assessor 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.

Valuation of franchise.

Railroads, &c.

SEC. 11. The value of the 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 June 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 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. In fixing the valuation of 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. The franchise of the Albemarle and Chesapeake Canal Company shall be assessed by a board of five persons to be appointed by the county commissioners of Currituck county, at their meeting in June, one thousand eight hundred and seventy-seven, 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.

What property exempt from taxation :

SEC. 12. 1. The property belonging to the United States or this State, or to any county or incorporated town. Exemptions.

2. The property belonging to and set apart and exclusively used for the University, colleges, institutions, academies, the Masonic fraternity, order of Odd Fellows, Knights of Pythias, Independent Order of Mechanics, 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 of personal property of each individual tax-payer.

The list to refer to first day of June :

SEC. 13. The list shall refer to the first day of June 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.

Lists to refer to the first day of June.

How the property shall be valued :

SEC. 14. In the valuation of the lands, the assessors shall affix to the description of each piece of land its value at the last assessment, as hereinbefore prescribed, and this value, unless altered as herein prescribed, shall be annually fixed to that land until 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 not exceeding fifty dollars, or imprisoned not exceeding thirty days, and it shall be the duty of the assessor to have the offender prosecuted.

How property valued.

Auditor to provide forms and sheriffs to distribute to boards of trustees :

SEC. 15. 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 May, with a sufficient number of printed copies, bound in book form, with paste-board backs, and the sheriff shall deliver to the assessor of each township a sufficient number of such forms for use.

Auditor to provide forms.

Assessors to make an abstract of their tax lists :

SEC. 16. The assessor shall make an abstract of the tax lists given in to him, according to form, to be furnished by the Auditor of the State, and shall, on or before the third Monday in July in each year, return such abstract and the tax lists to the clerk of the commissioners. He 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 assessor, and the names of the occupant and 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.

Abstract of tax lists.

County commissioners to revise lists, when :

SEC. 17. The county commissioners of each county, after notice in one newspaper, or by posters put up, shall meet on the first Monday in August, 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

Commissioners to revise lists.

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 assessors 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 September upon his paying the clerk twenty-five cents for recording the same. The commissioners shall ascertain the value of his 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 centum on the regular amount of his tax for that year.

The complaints of excess proceeded with :

Complaint

SEC. 18. 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 rendered to the Auditor, who shall credit the sheriff with the overcharge in his settlement for that year.

Application after settlement :

SEC. 19. If the application for relief be made to the commissioners after the Sheriff shall have settled the accounts with the county, 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 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.

Persons not giving in to be charged with double tax and be deemed guilty of a misdemeanor :

SEC. 20. 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 the list-taker and the county commissioners, shall be deemed guilty of a misdemeanor and, on conviction therefor, shall be

Double tax.

fined not more than fifty dollars or imprisoned not more than thirty days.

The county commissioners may exempt from poll tax :

Exemptions from
poll tax.

SEC. 21. 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.

Copies of revised tax list, how distributed :

Copies of revised
tax lists.

SEC. 22. 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 tax-payer 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 September 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 the 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 a bond as prescribed. Said order shall be in the following, or substantially similar, form :

STATE OF NORTH CAROLINA, } OFFICE BOARD OF COMM'RS, 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.

Clerk to transmit abstract of tax list to the auditor :

SEC. 23. The clerk of the commissioners, on or before the first Monday in November, 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.

Clerk to transmit abstract to Auditor.

Penalty on clerk for default :

SEC. 24. 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 Penalty.

the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake county, before the clerk thereof, on motion of the State Solicitor, and it shall be the duty of the Auditor to inform the Solicitor of such default.

In case land be divided, how tax may be apportioned :

Apportionment
of taxes.

SEC. 25. In case, within the interval between the regular periods for the valuation of lands or real property, any piece of land or reserve property shall become divided in ownership, either by partition or sale of a portion thereof, or otherwise, either of the past owners may, at any time upon five days' notice to the other past owners, apply to the commissioners 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 assessment 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.

Valuation altered, when :

Valuation altered,
when.

SEC. 26. If any real or personal property has been, or after listing shall be, destroyed or depreciated over twenty-five per centum 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 commissioners shall make the proper order in relation thereto. In like manner, if property shall have increased twenty-five per centum over the value at which it has been heretofore assessed, the assessor, upon ten days' notice to the owner, may apply to the board of commissioners to alter the valuation of the property, and upon proper proof they shall do so.

When taxes may be paid, when due :

SEC. 27. All taxes shall be due on the first Monday of September 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 ; and for failure to give such receipt stating the State and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the court. *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,) and given the bonds required by law. Before receiving the tax lists he shall produce the receipts of the State and county treasurers (if he was the sheriff or tax collector for the previous year) to the clerk of the county commissioners, and in the event the sheriff fails to produce the aforesaid receipt, or give the required bonds, 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 such other 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 the same. Said oath shall be filed with the clerk and kept in the office of the county commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor.

Payment of taxes

Proviso.

When and where sheriff to attend to receive taxes :

Sheriff to receive taxes.

SEC. 28. The sheriff or his deputy, or tax collector, shall attend at the court house or his office, in the county town, during the months of October and December, for the purpose of receiving taxes; he shall also in like manner attend at least one day during the months of September and November, 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 collecting officer from levying and settling after the first day of November, but he shall not sell before that day.

How sheriff to collect :

How sheriff to collect.

SEC. 29. 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, and his fees for such sale shall be fifty cents

2. And before the sale of land no insolvent's taxables shall be credited to the sheriff in the settlement with the Auditor, except such as shall be allowed by the county commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the county commissioners, 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 list were insolvent at and during the time when, by law, he ought to have en-

deavored 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 book to be kept for that 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, post-paid, 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 four 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 of real estate under execution, and shall be conducted in all respects as sales under executions 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 soliciting 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 endorsed 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 three per centum 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 estate 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:

Form.

STATE OF NORTH CAROLINA, }
 On relation of }
 _____, Sheriff of }
 _____ County, }
 vs.
 _____.

Levy on lands of _____, adjoining the lands of _____, for default in payment of taxes.

Who is to be purchaser, and what he shall pay :

SEC. 30. 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. Purchaser..

When bid in for the State :

SEC. 31. If no one will, on sale, offer to pay the amount of taxes 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 fee paid for registration. The deed shall be deposited without delay, by the auditor, with the secretary of state, and recorded by him. The property so purchased by the state shall be under the control of the board of education, but may be redeemed as hereinafter prescribed. When sheriff to bid off.

The delinquent, his agent or attorney, may redeem the property within twelve months :

SEC 32. The delinquent, his agent or attorney, may retain the possession of the property for twelve months after 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, or cannot be found in the county, 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 delin-

Redemption of
lands sold for tax
es.

quent, 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, all rights 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.

If the delinquent, his agent or attorney, shall fail to redeem :

Failure to redeem.

SEC. 33. 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 purchaser 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.

Redemption, reconveyance :

Reconveyance

SEC. 34. In case the state becomes the purchaser, under section thirty-one, then, within two months after the sale, the delinquent may pay to the county treasurer the tax due, with twenty-five per centum added thereto, and to the public treasurer of the state tax due, and twenty-five per centum added thereto, together with the cost allowed the sheriff 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 twenty-five (25) 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 record 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 January, one thousand eight hundred and seventy-eight; that whenever the word "delinquent" is used in this act, it shall be taken to mean delinquent, or his heirs or assigns.

Sheriff to keep a record of unlisted articles :

SEC. 35. 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 November in each year shall deliver, on oath, to 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 receipts have 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

Unlisted taxables

in December, send an abstract of said statements with the affidavit to the auditor of the state, on a blank to be furnished by the auditor, register the same on 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.

Settlement of sheriffs, when :

Settlements of
sheriffs.

SEC. 36. The sheriffs or other accounting officers shall, on or before the second Monday in January in each year, settle their state tax account with the commissioners of their county and pay the amount for which said sheriff or collector is liable, to the treasurer of the state in such manner or at such places as he shall direct. The commissioners shall forthwith report to the state treasurer the amount due from such 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 file with the commissioners 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 transmitted 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, 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 of the amount due from the sheriff or tax-collector as aforesaid, shall deduct from the lists returned :

1. Taxes on personal property, certified by the clerk of

the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable.

Deductions by auditor.

2. The amount of state tax on land bid off by the state 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 over by the sheriff.

3. All over-payments made in former settlements, by reason of any error in the clerk's abstract of taxables.

4. Five per centum commissions on the amount collected.

Compensation of sheriff on settlement :

SEC. 38. For his settlement of state taxes the sheriff or tax-collector shall be paid three dollars for each day he may be necessarily engaged in going to the points indicated by the treasurer, and traveling expenses to and from said point 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, allowed by him on the certificate of the county commissioners.

Compensation of sheriffs.

Penalty for failure to settle :

SEC. 39. 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 settlements, 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 centum of the amount of taxes with which said sheriff is charged, for the amount of taxes supposed not

Failure to settle.

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 October, 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 fail to account as aforesaid, or shall fraudulently make any deed to the state under section thirty-one of this act, he shall be deemed guilty of a misdemeanor, and, upon conviction 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.

Sheriffs to pay county taxes, when :

County taxes,
when paid.

SEC. 40. 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 hand over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the commissioners at their monthly meetings of the amount in his hands. On or before the first Monday of February 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 to so 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, three and four, 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 hand 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*, A majority of any board of county commissioners may extend the time for the collection and settlement of the county taxes in their respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following that in which the taxes were levied.

County commissioners to appoint a committee to assist in settlement :

SEC. 41. The county commissioners, at the last regular or other subsequent meeting 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 next 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 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.

Committee to assist in settlement

Proviso.

Penalty of sheriff for failure to account :

Failure of sheriff
to account.

SEC. 42. 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, 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.

Other county officers, when to account, and penalties for failure :

When to account,
penalty for failure.

SEC. 43. In each year the county treasurer or other proper officer shall give five days' notice to all the county officers (except the sheriff,) authorized to receive and disburse the county funds, to appear at the court house 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 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.

Tax collector :

SEC. 44. 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.

Tax collector.

Collection of taxes :

SEC. 45. 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.

Sureties may collect.

Peddlers :

SEC. 46. 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 peddler 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. *Provided,* That the county commissioners shall have power, at their discretion, to exempt from

Peddlers to exhibit license.

Proviso.

the operation of this section any poor, infirm person who has no other means of support.

Secretary of state to have printed and distributed.

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.

Copies for members of the general assembly.

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 7th day of March, A. D. 1877.

CHAPTER CLVI.

AN ACT TO RAISE REVENUE.

Assessment of taxes.

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.

Poll tax.

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty years, (except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption,) there shall be annually levied and collected, a tax of eighty-nine 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 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.

SEC. 3. The taxes hereinafter designated shall be applied to defray the expenses of the State government and to the appropriations to charitable and penal institutions.

Objects of taxation.

CLASS I.

SEC. 1. Upon the true value of all moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, and upon all real and personal property according to its true value in money required to be listed in section nine of an "Act to provide for the collection of taxes," passed during the present session of the General Assembly, subject to exemptions made by law, there shall be levied the following taxes:

Classification of taxes.

1. For the general fund, fourteen and two-third cents on every hundred dollars value.

General fund.

2. For the support of the asylum for the Insane, and the institution for the Deaf, Dumb and the Blind, nine cents on every hundred dollars value.

Insane, and deaf and dumb and blind.

3. For the support of convicts and prosecution of work connected with the penitentiary, six cents on every hundred dollars value.

Penitentiary tax.

SEC. 2. The taxes imposed in the preceding section upon the shares of stock in any bank or banking association (whether State or National) in this State, and also on the deposits of non-residents, shall be paid by the cashier of such bank or banking association directly to the public treasurer within thirty days after the first day of July in each year, and charged by such bank against

Banks.

the individual stockholders; and the assessors and board of commissioners in the county in which such stockholder resides shall assess against his share of stock only the tax imposed by the State for school purposes, and those imposed for county purposes. But the shares of stock belonging to non-residents of this State, and the deposits of such non-residents, shall be assessed for taxation for support of school and county purposes in the county in which such bank is located, and shall be paid by the cashier of such bank or banking association. The provisions of an "Act to provide for the collection of taxes by the State," passed at the present session of the General Assembly, are modified to conform to the requirements of this act, and the form furnished by the Auditor shall contain a separate column for "bank stock."

CLASS II.

The subjects and persons mentioned in the following second class shall be taxed as specially mentioned.

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 June in each year, there shall be a tax of one per centum. The income tax shall include interest on the securities of the United States, of this State or other States or government. In estimating the net income the only deduction by way of expense shall be:

1. Taxes other than the income tax due this State.

2. Rent for the use of buildings or other property, or interest on incumbrance on property and in the business from which the income is derived.

3. Usual or ordinary repairs of the buildings from which the income is derived.

4. Cost or value of the labor, except that of the taxpayer himself, raw material, food and all other necessary expenses incidental to the business from which the in-

Income tax.

Deduction.

come is derived, together with the necessary expenses of supporting the family, which shall in no instance exceed one thousand dollars.

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. Upon the valuation of the franchise of every railroad, canal, turnpike, plank road or transportation company, made or prescribed in section eleven of "An Act to provide for the collection of taxes," passed at the present session of the General Assembly, there shall be a tax of one-half of one per centum, which tax shall be paid directly to the public treasurer within thirty days after such valuation.

Tax on corporations.

SEC. 3. 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, or exemption 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, subject to the exemptions contained in the "Act to provide for the collection of taxes," passed during this session of the General Assembly.

Repeated.

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 in 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.

Ad valorem tax.

Proviso. *Provided*, That this act shall not apply to cities or towus where a rate of taxation is fixed in their charters.

Theatres. SEC. 1. Traveling theatrical companies shall pay five dollars on each exhibition. When the theatrical exhibitions are by the season of not less than one month, the tax shall be fifty dollars per month.

Concerts SEC. 2. On each concert for musical entertainment, for profit, shall be paid three dollars, unless such concert, musical entertainment or lecture be given for religious or charitable purposes; on each lecture for reward three dollars.

Museums. SEC. 3. On musicaus, 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 three dollars.

Circuses. SEC. 4. On every exhibition of a circus or menagerie, for each day or part of day, one hundred dollars.

Companies not mentioned in the four preceding sections. SEC. 5. On all companies or persons whatever, who exhibited for amusement of the public, or for reward or otherwise than is mentioned in the four preceding sections, five dollars for each exhibition or performance. Exhibitions given for the promotion of religious, educational or charitable objects, shall be exempt from taxation. *Provided*, No part or clause of this section shall be so construed as to exempt from taxation persons claiming to be spiritualists or mediums of communication between the material and immaterial worlds, and giving public exhibitions.

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 billard table is kept for hire is considered a billard 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 or table is kept for private amusement or exercise alone, and not prohibited by law, there shall be a license tax of twenty dollars. *Provided*, Every such alley or table, game or play used in connection with any place where spirituous or malt liquors are sold, shall be liable for said tax. Bowling alley.
Proviso.

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 liquors. *Provided*, 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.
Proviso.

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, file his petition stating the place and house in which he proposes to retail, and obtain an order to the sheriff from the board of commissioners of the county to grant him a license to retail at that place, which orders they may grant or re- Retailers.

fuse at their option, and if granted he may take out license, 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. *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.

Proviso.

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 as a privilege tax five dollars and one-tenth of one per centum on the total amount of purchases in or out of the State, for cash or on credit, but no retail merchant 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 the purchases for the preceding months. *Provided*, That the persons mentioned in this section may make out in writing a list of their purchases, 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 books for examination to him; and every merchant failing to render such

Exceptions.

Proviso.

Duty of register of deeds.

Duty of sheriff.

Power of register

list, or refusing, on demand, to submit his books for such examination, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. It shall further be the duty of the register of deeds to prosecute every merchant refusing as aforesaid, to the end of obtaining such information, 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, the same to be paid by the county commissioners.

Penalty

Register's fees.

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 centum.

Hotels. ✓

SEC. 14. The tax on public ferries, toll bridges and gates across highways shall be five dollars, and one-tenth of one per centum on gross receipts.

Ferries, &c.

SEC. 15. Every 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, 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, and shall

Brokers, &c.

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 centum on the gross amount of commissions on 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 fifty 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 person keeping such warehouse shall pay a license tax of fifty dollars. *Provided*, That if any tobacco and cotton warehousemen 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 centum on gross amount of his commission on said sales, subject to exemptions of the said charges.

Proviso.

Commission merchants.

Proviso.

SEC. 17. Every commission merchant or agent, or dealer, buying or selling for another, shall pay a tax of one per centum on his commissions. *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 per annum for every horse or mule 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 Proviso.
 apply to draymen.

SEC. 19. Every horse or mule drover, or person who Horses and mules
 buys and sells or drives horses and mules for sale, shall
 pay an annual tax of ten dollars, and in addition thereto
 shall pay one-half of one per cent. on each sale, or dif-
 ference received in exchange for other horse or mule, due
 as soon as the sale is made or the difference is received,
 and upon failure to pay such tax in every county in
 which he sells or exchanges for profit, he shall forfeit
 and pay one hundred dollars, which shall be collected by
 the sheriff by distress or otherwise, one-half of same to
 be divided between the party suing and the sheriff, the
 other half to the use of the state. *Provided*, The spe- Proviso.
 cific tax of ten dollars shall not be collected in more
 than one county in the state.

SEC. 20. Every itinerant dentist or medical practition- Itinerant dent-
 er, who has no fixed place of business in the state, or ists, &c.
 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 busi-
 ness. *Provided*, Any person who may obtain a license Proviso.
 from the treasurer, on payment of twenty-five dollars,
 shall not be liable to be taxed in any county. Every
 itinerant "dealer in prize photographs," or prizes of any
 kind, one hundred dollars for each county in which said
 business is carried on.

SEC. 21. Every person that peddles goods, wares or Peddlers.
 merchandise, except articles of his own growth or man-
 ufacture, either by land or water, or any drugs, nostrums
 or medicines, or spirituous, vinous or malt liquors, wheth-
 er such person shall travel on foot, or with a conveyance
 or otherwise, shall obtain from the commissioners an or-
 der to the sheriff to grant him peddlers' 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 : *Provided,*

(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 peddlers for bartering cotton, iron, earthenware, yarns, salt and heavy cotton domestics.

Lightning rods,
&c.

SEC. 22. Every itinerant who deals in or puts up lightning rods, ten dollars annually for each county in which he carries on business. Each itinerant person or company peddling stoves shall pay the annual tax of fifty dollars for each wagon, when wagons are used, for each county where he or they may peddle, and shall obtain the license as provided in section twenty-one of this act, except that the license shall expire at the end of twelve months.

Gypsies.

SEC. 23. 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 practise any of their craft, recoverable out of any property belonging to any of the company, but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Drummers.

SEC. 24. Every person acting as a drummer in his own behalf, or as agent for any other person, who shall sell, or attempt to sell goods, wares or merchandise not of his own manufacture, or any spirituous, vinous or malt

liquors, with or without samples, except agricultural implements or fruit trees, 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 by any county because of his sales. But any dealer shall pay, when such articles are sold by the retail in this state, the same taxes thereon as are now required by law to be paid by merchants of every class doing business in this state, said tax to be paid to the sheriff of the county. Any person violating the provisions of this paragraph shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, 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.

SEC. 25. Every insurance or assurance company doing business in this state shall pay an annual tax of two per centum to the secretary of state upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the governor, auditor and secretary of state 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 half of one per centum, said tax to be paid semi-annually within thirty days after the first day of July and January in each year. Each general agent shall be required on the above named days to make a statement to the secretary of state, under oath, that the amount by him returned is a full and correct

Insurance com-
panies.

statement of such six months. On failure to comply with the provisions of this section every 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 secretary of state before transacting any business therein, and, before such license is granted, the applicant shall show to the secretary of state 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 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 state the amount of such taxes. *Provided*, That no county or corporation shall be allowed to add any additional tax.

Provis.

Persons to list.

SEC. 26. 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 day of January and July in 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.

SEC. 27. 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. Trader's license.

SEC. 28. The form of the license shall be in substance as follows :

Received this _____ day of _____, 18 _____, of _____ 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 Form of 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.

Validity of license

SEC. 29. No license issued by the sheriff shall be valid until the same shall have been exhibited to and countersigned by the register of deeds of the county, who shall receive for the services imposed on 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.

Record of license.

SEC. 30. The register of deeds shall keep a book in which 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 November, 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 hundred dollars, to be recovered of him, and the sureties to his official bond, on motion in Superior Court for the county of Wake, and on such motion a certified copy of his official bond, and the certificate of the auditor of the state setting forth the failure to make the required return, shall be *prima facie* evidence entitling the state to judgment in the absence of any sufficient defense.

Penalty for failure to take out license

SEC. 31. Every person who shall practice any trade or profession, or use any franchise taxed by laws of North Carolina without having first paid the tax and obtained a license as herein required, shall be deemed guilty of a misdemeanor, 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 fines he may be imprisoned for not more than thirty days, 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 provided 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.

SEC. 32. 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 license required to be kept by him; the other fourth the sheriff may retain.

Duty of sheriff.

SEC. 33. 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.

Sheriff to issue license.

SCHEDULE C.

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.

Listed taxes.

SEC. 1. Every railroad or canal company incorporated under the laws of this state, and not liable to a tax upon the property of said company, or the shares therein, shall pay to the state a tax on the corporation equal

Railroads, &c.

to the sum of one per cent. upon the gross receipts of said company; the said tax shall be paid semi-annually, upon the first days of July and January, commencing upon the first day of July, 1877; and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer of said company to render to the treasurer of the state, under oath or affirmation, a statement of the amount of gross receipts of said company during the preceding six months; and if such company shall refuse or fail for a period of thirty days, after such tax becomes due, to make return or to pay the same, the amount thereof, as near as can be ascertained by the public treasurer with an addition of ten per centum thereto, shall be collected for the use of the state as other taxes are collected. *Provided*, That when a line of railroad or canal, belonging to any company liable to this tax, lies partly in this state and partly in an adjoining state or states, the part or share of such earnings of the company only shall be subject to the tax as will be in that proportion to the whole receipts which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal. Every railroad or canal company, incorporated under the laws, which is liable to a tax upon its franchise and personal property, but exempt from a tax upon its real estate, held for right of way, station places and workshop locations, shall, in addition to other taxes, pay as a tax upon said corporation a sum equal to one half of one per cent. upon the gross receipts of said company; said tax to be paid and collected as prescribed in the preceding section, and when such railroad or canal does not lie wholly in this state, the amount for which such company is liable shall be ascertained in the manner directed in said section. Every railroad and canal company incorporated under the laws of this state, and doing business herein, and not liable to

Troviso.

a tax upon the property of said company, or the tax before mentioned in this section, shall pay a tax of one per cent. upon the actual cash value of every share of its capital stock to the treasurer of the state, for its use, on the first day of July 1877, and each year thereafter; and for the purpose of ascertaining the value of said shares it shall be the duty of the treasurer of the company to render to the treasurer of the state, under oath or affirmation, a statement of the assets and liabilities of said company; and if such company shall refuse or fail, for a period of thirty days after such tax becomes due, to make return or pay the same, the amount thereof, or as near as can be ascertained by the public treasurer, with an addition of ten per centum thereto, shall be collected for the use of the state as other taxes are collected. *Provided*, That when the line of the railroad or canal belonging to a company liable to this tax lies partly in this state and partly in an adjoining state or states, the company shall only be required to pay the tax on such number of the shares of its capital stock as would be in that proportion to the whole number of shares which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal. *Provided*, Proviso. *however*, The tax required to be paid on July 1st, 1877, upon the said corporations under this section shall be a sum equal to the per cent. required on gross earnings from April 1st, 1877.

SEC. 2. Every express company shall make return to the public treasurer, on or before the first Monday in January, April, July and October in each year, of the entire gross earnings and receipts of each company within the State of North Carolina, during the three months next preceding. The said reports 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 Express companies.

said company shall, on or before the third Monday of each of the said months, pay on the gross receipts, two per centum for each three months, and for failure to make such report, or pay such tax, the company shall pay a penalty of two thousand dollars to be collected by such sheriff as the public treasurer may designate, by distress or otherwise.

Telegraph com-
panies.

SEC. 3. 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 centum for each three months, and in case of default of such report and payment, the company shall pay a penalty of one thousand dollars to be collected by such sheriff as the public treasurer shall designate, by distress or otherwise.

Tax on seals.

SEC. 4. Whenever the seal of the state, of the treasury department, of a notary public, or other public officer, required by law to keep a seal, shall be fixed to any paper, 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; 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 the scroll. Seals affixed for the use of any county, or state, or other government,

Exemptions.

or used on commissions of officers in the militia, justices of the peace, or 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 said taxes may retain as compensation five per centum. Any person receiving taxes under this section and willfully 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.

SEC. 5. On each marriage license, one dollar, and on each marriage contract, mortgage deed, and deeds 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 November, 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 centum 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, and no tax shall be collected by any clerk of a superior court as a tax on suits either for the state or county.

Marriage license,
&c.

Provided.

SEC. 6. On every charter of incorporation of any

Charters of Incorporation.

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.

Fines, penalties and forfeitures.

SEC. 7. Whenever any officer receives or collects a fine, penalty or forfeiture in behalf of the state, or any tax imposed on licenses to retailers of wines, cordials or spirituous liquors, and auctioneers, he shall, within thirty days after such reception or collection, pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for common schools in such county.

Misappropriation of money.

SEC. 8. Any officer convicted of violating the preceding section, or of appropriating to his own use any state, county, school, city or town taxes, shall be guilty of embezzlement and may be punished not exceeding five years in the state prison, at the discretion of the court.

Repealed. Proviso.

SEC. 9. All laws imposing taxes, the subjects of which are revised in this act, 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.

Repealed.

SEC. 10. All laws requiring taxes to be levied by the county commissioners on the first Monday in February of each year are hereby repealed.

Duty of auditor.

SEC. 11. 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 coun-

ties 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.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1877.

CHAPTER CLVII.

AN ACT CONCERNING INSURANCE.

SECTION 1. *The General Assembly of North Carolina do enact*, No insurance company, association or partnership, organized under the laws of any other state, and having a specific capital, shall, by its agent in this state, insure property therein or contract for insurance with any residents in this state unless its capital stock amounts to one hundred thousand dollars, all of which sum shall have been paid in cash and invested; nor unless the company is restricted by its charter or otherwise from incurring greater hazard in one risk than one-tenth of its unimpaired capital; nor unless the company has complied with the laws of this state.

Foreign stock
companies.
Amount of stock
required.

SEC. 2. Any mutual insurance company, association or partnership, located in any other state, possessed of one hundred thousand dollars in cash, or security invested in available assets, may be admitted to take risks and transact business in this state. *Provided*, It shall comply with

Foreign mutual
companies.
Amount of assets
required.

all the other requirements of the laws of this state relating to companies of other states.

Agent to accept service required.

SEC. 3. No insurance company, association or partnership, not incorporated by the laws of this state, shall directly or indirectly issue policies, take risks or transact business in this state, until it shall have appointed an agent residing in this state, who shall act in that capacity until a successor be duly appointed, and upon whom any civil process may be served, and such service shall be binding and shall be personal service upon the company appointing him; a certificate of such appointment under the seal of the company shall be filed with the secretary of state, and copies certified by him shall be sufficient evidence; and this certificate shall contain a stipulation that in case of the death, absence or removal from the state of such agent, the company shall forthwith appoint another agent in his stead, and failing to do so, the secretary of state shall make such appointment, notifying the company thereof; and if such company withdraw from or cease to do business in this state, service upon such agent shall nevertheless be binding and deemed a personal service upon such company so long as any liability remains outstanding against the company in this state.

Secretary of state to make appointment in certain cases.

SEC. 4. Every insurance company, association or partnership, not incorporated by the laws of this state, before being admitted to do business in this state, and on or before the first day of February in each year, shall transmit to the secretary of state, and file in his office in such form as he shall prescribe, a statement of its business standing and affairs on the preceding thirty-first day of December, signed and sworn to by the president, vice-president or secretary of the company before the secretary of state, or before a commissioner of affidavits for North Carolina, which statement shall set forth the liabilities and assets of said company, how and in what manner their assets are invested, and shall give the "reserve," if any, of said company as calculated by an ex-

Companies to make annual statement.

How attested.

What statement shall show,

port actuary, and the number of judgments, if any, not fully paid and satisfied against the company in this State, in what court and at what time they were obtained, the amount due on the same and to whom due, and whether or not an appeal has been craved by the said company and granted by the court from the said judgment or judgments, and also the total amount of insurance in the state, the losses incurred and the losses paid, the claims litigated and in process of litigation.

SEC. 5. Every such company, association or partnership, shall pay an annual tax of two per centum to the Secretary of State upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the Secretary of State a sworn statement of investments in real property, situated in this state, on 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 day of January and July of each year. Each general agent shall be required on the above named days to make a statement to the Secretary of State, under oath, that the amount by him returned is a full and correct statement of the year. *Provided*, That no county or corporation shall be allowed to add any additional tax. *Provided further*, That the tax required shall not be in addition to that prescribed in the revenue act.

SEC. 6. Every such company shall be required to appoint a general agent, who shall obtain license from the Secretary of State before transacting any business in this state; and before any such license is granted the applicant shall show to the Secretary of State his appointment as general agent under the seal 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 any agent or other person found soliciting insurance without such license shall be deemed guilty of a misdemeanor, and be

Annual tax.

When paid.

Exempt from county and corporation tax.

General agent.

License fee.

When paid.

fined not less than one thousand dollars and imprisoned not less than ninety days. The license herein provided for shall be paid on or before the first day of April of each year, and shall be for the next ensuing twelve months from the first day of April; and the Secretary of State is authorized to receive from companies after the first day of April so much of said license fee as may be due for the remainder of the year.

North Carolina
Stock Companies
—capital require-
d.

Mutual compa-
nies—assets re-
quired.

Annual state-
ments required.

SEC. 7. Every insurance company, association or partnership, having a specific capital, hereafter chartered by this state, shall have a capital stock of one hundred thousand dollars paid in and invested. *Provided*, That no purely mutual insurance company applying for charter from this state shall be granted a charter or license to do business, unless it has satisfied the Secretary of State that it has at least fifty thousand dollars in good and approved notes deposited in the hands of the treasurer of such company, subject to assessment by the officers of the company, if necessary to pay losses, or suit on the part of the policy holders in order to recover claims; the said notes of fifty thousand dollars are only to be assessed when the cash premiums in the hands of the company are inadequate to pay losses, and the same may be retired when the company shall show that it has a cash surplus on hand sufficient to replace the same; and all insurance companies, associations or partnerships chartered by this state shall, on or before the first day of March in each year, render to the Secretary of State a statement signed and sworn to by its president, or secretary, of its condition upon the preceding thirty-first day of December, which shall include a detailed statement of its assets and liabilities on that day, the amount and character of business transacted, moneys received and expended during the year, the total amount of insurance in this state, the losses incurred and the losses paid, the claims litigated and in process of litigation, and such other information as the Secretary of State may deem necessary. *Provided*, That the statements required of purely mutual companies,

Statements of
mutual compa-
nies.

taking notes in whole or in part for premiums, which notes are liable to assessments, shall be in such form as the Secretary of State may prescribe, adapted to the use of such companies. And any insurance company, association or partnership, incorporated or doing business, or which may hereafter be authorized to do business under the laws of this state, failing to make and file the statements required by this act for the space of thirty days after the expiration of the time fixed by this act, shall be deemed insolvent, and the license of such company shall be forthwith annulled.

SEC. 8. It shall be the duty of the Secretary of State to receive and thoroughly examine the statements required by this act, and fully investigate the business affairs and finances of such company, association or partnership making the same; and if, upon such examination, such company, association or partnership, shall appear to be doing business upon sound principles, and within the provisions of its charter, and in compliance with the laws of North Carolina, then the Secretary of State shall approve the report made aforesaid. *Provided*, That the said Secretary of State shall not approve the statement as aforesaid of any fire or marine companies doing business in this state, unless they show by the said statement a reserve of at least fifty per centum of the premiums; of any mutual life companies, unless they show by the said statement a re-insurance reserve calculated on a basis of four and one-half per centum; of any stock companies, unless they show by their statement a re-insurance reserve calculated on a basis of at least six per centum; and the said Secretary of State shall not approve the statement of any of said companies, associations or partnerships 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 companies, associations or partnerships, the sum of twenty-five dollars. When such statements shall have been approved, as aforesaid, the

Statements to be examined by Secretary of State.

When statements shall not be approved.

Publication of
statements.

Secretary of State shall publish the same in one of the newspapers published in the city of Raleigh, to be agreed upon by the Secretary of State and the general agent of the company, at the expense of the company. *Provided*, That the agent of any marine insurance company may select some newspaper published in this state, in which the report of such company shall be published; and it shall be the duty of the Secretary of State, at his own expense, to publish the names of all companies that refuse to send in their statements as required by this act; also the names of such companies as have failed in business, and the names of all companies that failed to pass an approved examination; and the Secretary of State is hereby required to give to all such companies as shall comply with the provisions of this act a certificate that they have complied with the provisions thereof, and such company, association or partnership, is hereby forbidden to do business without such certificate; and any agent or manager of such company, association or partnership, 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 Attorney General is 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, association or partnership, 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 of which he is an officer, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both,

Certificate to be
given to compa-
nies.

at the discretion of the court. And if, at any time during any year, the Secretary of State shall have cause to believe that any of the said companies, associations or partnerships, that have reported to him as aforesaid, and have passed an approved examination, could not at that time pass the said examination, the Secretary of State shall order the said company to make to him a new report; and when the Secretary of State shall become satisfied that the statement upon which a license was granted is fraudulent, or that the capital of the company since the granting of the license has become impaired, he shall have authority to revoke and cancel the same.

A new statement and examination required, when—

License revoked.

SEC. 9. 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 the reports received by him, and the Secretary of State, upon demand therefor, shall forward to the clerks of the Superior Courts of each and every county, under the seal of his office, a statement of each company that shall have passed an approved examination, and he shall also furnish to the said clerks a certified list of all such companies as may have failed in business, and the names of all such companies that have failed to pass an approved examination, and the names of all such companies as have failed to send in their statement as required by this act. It shall be the duty of the clerks aforesaid, upon the 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 Secretary of State.

Statements to be kept on file.

Companies failing to pass an approved examination.

SEC. 10. The Secretary of State shall furnish to the Auditor, on the first of each month, a statement in detail of the taxes and license fees received by him from insurance companies during the previous month, and shall pay to the Treasurer the amount in full of such taxes and fees.

Statement of taxes and licenses to be furnished to Auditor.

Paid to treasurer.

SEC. 11. That whenever existing or future laws of any other country or any state of the United States shall require of insurance companies, incorporated by this state, or

Reciprocal law.

of the agents thereof, any deposits of securities in such states for the protection of policy-holders or otherwise, or any payment for taxes, penalties, certificates of authority, license fees or otherwise, greater than the amount required for such purposes from similar companies of other states, by the then existing laws of this state, then, and in every such case, all companies of such states establishing or having heretofore established an agency or agencies in this state, shall be and are hereby required to make the same deposits for a like purpose with the Treasurer of this state, and to pay to the Secretary of State for taxes, fines, penalties, certificates of authority, license fees and otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such state upon companies of this state, and agents thereof. *Provided*, That such companies so depositing securities with the Treasurer shall pay him a fee of ten dollars.

When deposits
required.

SEC. 12. Any insurance company making deposit of bonds or other securities, in compliance with the foregoing section, shall be authorized to withdraw any part of such deposit upon application to the Secretary of State. *Provided*, That the same may be immediately replaced by other bonds or other securities possessing an equal market value.

How deposits
may be with-
drawn in part.

SEC. 13. That whenever any insurance company that has deposited bonds or other securities with the Treasurer, as required by this act, desires to retire from business in this state, and withdraw its bonds or other securities deposited as aforesaid, then

How deposits
may be with-
drawn altogether.

First. It may file the affidavit of its president, managing agent or other chief officer with the secretary of state, to the effect that it has no policies outstanding, nor has any losses unpaid in this state, and thereupon the Secretary of State shall give an order for such company, its agents or assigns, upon the Treasurer for the delivery of such bonds or other securities, and the said bonds or other securities shall be delivered to said company or its assigns. *Provided*, That if the Secretary of State has good reason for believing such affidavit is untrue, he shall cause a satisfac-

When no policies
are in force, and
all losses paid.

tory investigation to be made, the cost of which shall be payable by said company, and be a lien upon the bonds in the hands of the Treasurer.

Secondly. Such company so desiring to withdraw its bonds may file with the Secretary of State a duly executed contract of re-insurance, whereby some other insurance company in good standing, doing business in this state, shall undertake to pay all losses on policies heretofore issued by the company so retiring; whereupon the Secretary of State shall give an order on the treasurer as above required for the bonds or other securities of the retiring company as aforesaid. *Provided*, That such company so making the re-insurance shall have on deposit, with the treasurer, bonds or other securities of equal value with those sought to be withdrawn. *And provided, further*, That the policy-holders in said company resident in this state shall assent in writing to the transfer of their policies to the company so making the re-insurance, and the Secretary of State shall be entitled to twenty-five dollars for his services in performing any duty imposed upon him by this section.

By re-insurance.

SEC. 14. No insurance company, association or partnership doing business in this state, shall limit the term within which any suit shall be brought against such company to a period less than one year from the time when the loss insured against shall accrue.

Limit of actions
against insu-
rance companies.

SEC. 15. Any insurance agent doing business in this state who shall unlawfully withhold or expend the funds of any insurance company shall, upon conviction thereof, be deemed guilty of felony, and punished accordingly.

Action against
defaulting agents

SEC. 16. Every person who shall violate any provision of this act, for which no other penalty is provided or provision is made, shall be fined not less than one hundred dollars, nor more than five hundred dollars.

Penalties.

SEC. 17. All laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the twelfth day of March, A. D. 1877.

CHAPTER CLVIII.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE WITHIN THE COUNTIES OF ROWAN AND CABARRUS, AND A PORTION OF THE COUNTY OF IREDELL.

Boundaries. SECTION 1. *The General Assembly of North Carolina do enact:* It shall be unlawful for any live stock to run at large in the counties of Rowan, Cabarrus and Iredell, within the limits of the following boundaries, to-wit: Beginning at Sherrill's Ford on the Catawba river; thence in a straight line to the Rowan and Iredell line, near Amity Hill; with the Rowan and Iredell line to the South Yadkin river; thence with the South Yadkin river to the Yadkin river; thence with the Yadkin river to the Rowan and Stanly line; thence with the Rowan and Stanly line to the Cabarrus line; thence with the Cabarrus and Stanly line to the Union line; thence with the Cabarrus and Union line to the Mecklenburg line; thence with the Cabarrus and Mecklenburg line to the Iredell line; thence with the Iredell and Mecklenburg line to the Catawba river; thence up the Catawba river to the beginning, upon condition that the qualified voters of the counties embraced within the limits of said boundaries shall adopt the provisions of this act, as hereinafter provided.

Lawful fence. SEC. 2. This act shall not be in force within the limits of the district embraced within the boundaries aforesaid, until a good and lawful fence has been erected around the boundaries proposed to be enclosed, with gates on all the public roads passing into and going out of said district.

Proviso. *Provided, however,* that the South Yadkin, Yadkin and Catawba rivers bordering said district, shall be deemed a good and lawful fence.

Proviso. *And provided further,* that no fence shall be required to be erected adjoining any other county or district which shall have adopted a similar law.

SEC. 3. The commissioners of the counties of Rowan, Cabarrus and Iredell, shall order an election to be held at the several voting precincts within each of said counties embraced within the limits of the districts aforesaid, on the first Thursday in August, in the year of our Lord one thousand eight hundred and seventy-seven, after giving thirty days' notice of said election, at three or more public places in such voting precinct, at which election each qualified voter shall be entitled to vote a written or printed ticket with the words "Stock Law," or "No Stock Law," written upon it; and if the commissioners of either county—the returns having been made to and examined by them—shall ascertain that a majority of the votes cast at said election in said county were for the "Stock Law," then the provisions of this act shall be in full force and effect in the county, or that portion of the county embraced within the above named boundaries, which shall have voted, within twenty days after the gates and fences herein provided for shall be erected. *Provided*, the provisions of this act shall not be binding on any one county unless ratified by a majority of the voters voting in each of the counties of Rowan, Cabarrus and Iredell.

Election.

Proviso.

SEC. 4. Said election shall be conducted under the same rules and regulations, and according to the same penalties, provided by law for the election of members of the general assembly.

Election to be held under the same rules, &c.

SEC. 5. If the owner of any land shall object to the building of any fence herein allowed, his land not exceeding twenty feet in width shall be condemned for the fence way as land is now condemned for rail road purposes by the North Carolina Rail Road Company. *Provided*, that no fence shall divide a tract of land against the consent of the owner, but may follow the boundary lines thereof. *Provided, further*, 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

Shall condemn land.

Proviso.

constitutes such boundary, even against the consent of the owner of the land so divided.

Exclusive control
of erecting fences
and gates.

SEC. 6. The county commissioners shall have exclusive control of erecting and repairing fences and gates herein provided for, and the appointment of such keepers of the same as they may deem proper, and they are hereby granted plenary powers for that purpose, to be exercised according to their best discretion.

Taxes.

SEC. 7. For the purposes of the next preceding section, the county commissioners may levy and collect as other taxes, a special tax upon all property taxable by the state and county within the county or district which may adopt this act.

Wilfully permit-
ting his stock to
run at large.

SEC. 8. Any person wilfully permitting his live stock to run at large within any county or district adopting this act, shall be deemed guilty of a misdemeanor, and, on conviction, may be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Impounder.

SEC. 9. It shall be lawful for any person to take 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 each 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 the right to use it under proper care, until all legal charges for impounding said stock and for damages caused by the same are paid—said damages to be ascertained by two disinterested freeholders to be selected by the owner and said impounder; said freeholders to select an umpire if they cannot agree and their decision to be final.

Neglect to redeem
stock after due
notice.

SEC. 10. If the owner of said stock be known to such 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, after ten days written notice, posted at three or more public places

within the township where said stock is impounded, and 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, shall 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 county commissioners for the use of the school fund of the district wherein said stock was impounded, subject in their hands for six months to the call of the legally entitled owner.

SEC. 11. Any person who may suffer damages, by reason of said stock running at large, may recover the amount of damages sustained by an action at law against the owner of said stock. Damages.

SEC. 12. 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 imprisoned not exceeding thirty days. Misappropriation of money.

SEC. 13. Any person unlawfully receiving or releasing any impounded stock, or unlawfully attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Unlawfully releasing impounded stock.

SEC. 14. Any person wilfully tearing down, or in any manner breaking a fence or gate, or leaving open a gate established or erected pursuant to 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, and, upon conviction, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Wilfully breaking down fences, gates, &c.

SEC. 15. The word "Stock" in this act shall be con-

Live stock.

strued to mean horses, mules, colts, cows, calves, sheep, goats, jennets and all neat cattle and swine.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 3rd day of March, A. D. 1877.

CHAPTER CLIX.

AN ACT TO LEVY A SPECIAL TAX IN THE COUNTY OF CABARRUS,
AND FOR OTHER PURPOSES.

Preamble.

WHEREAS, The county of Cabarrus is now in debt to the amount of thirty thousand dollars, which amount has been expended by the commissioners of said county in purchasing lots and erecting a court house and jail on said lots for the use of said county; *and whereas*, The taxes which the said commissioners are allowed to levy, will not be sufficient to pay off the debt aforesaid: and

Whereas, The commissioners of the county of Cabarrus having sold the court house lot and the jail lot, in separate parcels and at different times:

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of paying off the indebtedness of the county of Cabarrus, contracted for the purposes aforesaid, the commissioners for said county are hereby authorized and empowered to levy a special tax, in such instalments as they may think proper, 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 polls. *Provided*, The special tax hereafter to be levied for the purposes aforesaid shall not exceed thirty thousand dollars.

Proviso.

SEC. 2. *Be it further enacted*, That the sales of the jail

lot and court house lot, belonging to the county of Cabarrus aforesaid, and sold by the county commissioners in separate lots, in parcels, and at different times, to wit: the jail lot, sold in three separate lots, as follows: one lot to the trustees of the Presbyterian Church of Concord town; one lot to M. M. Gillen, and one lot to Elam King; and the court house lot also sold in three separate lots, to wit: one lot sold to T. M. Morris; one lot to A. G. Lentz, and one lot to J. Reid, be, and the same is hereby, in all respects confirmed; and that the deeds, made by order of the board of commissioners and signed by the chairman of the board, shall be deemed and taken as sufficient in law to pass a fee simple title to the purchasers aforesaid; and that this act be in force from and after its ratification.

Sale of jail and court house lots.

Ratified the 3d day of March, A. D. 1877.

CHAPTER CLX.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LEXINGTON, IN THE COUNTY OF DAVIDSON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of incorporation of the town of Lexington, in the county of Davidson, be amended as follows:

Amended.

SEC. 2. The commissioners of said town shall have power to appoint a constable for said town, who shall give the bond, enjoy the emoluments, have the powers, and discharge the duties heretofore required of the person elected to fill said office.

Constable.

SEC. 3. It shall be the duty of the town constable to apprehend all disorderly persons whom he shall find disturbing the public peace, or exhibiting themselves drunk,

Duty of constable.

or whom he shall have reasonable cause to suspect of any intention to commit a felony, and he may imprison such persons until they can be brought before the mayor of said town, or before a justice of the peace for trial, or they may give bail for their appearance before said mayor or before a justice of the peace, the bond to be payable to the board of commissioners, and in case the persons bailed do not appear, such action shall be taken on the bond as is usual in courts of record, before the mayor or a justice of the peace. It shall be the duty of the constable to preserve the peace by the suppression of disturbances and the apprehension of all offenders, and to that end he is hereby clothed with all power now vested in sheriffs and constables, and also the same powers in the execution of process directed to him by the mayor or by a justice of the peace as those vested in sheriffs and constables.

SEC. 4. The said commissioners may use the county jail or build or rent a house for the confinement of those who disobey the law and ordinances of the town and are sentenced to imprisonment; and the commissioners shall have power, under such rules and regulations as they may adopt, to require any person imprisoned to work on the streets in said town until the prison fees and costs are paid.

SEC. 5. That the commissioners shall have power under such rules and regulations as they may adopt to require the arrest of vagrants and persons without any visible means of employment in said town, and upon their conviction of vagrancy, under the vagrant laws of this state, before the mayor or before a justice of the peace, may cause them to work on the streets from day to day for such period of time not exceeding thirty days as in the discretion of the commissioners shall be deemed proper.

SEC. 6. That the basis of taxation in said town shall be the same as that of the valuation of property for state and county taxes, and the commissioners of said town shall give ten days' notice previous to the levying of any

taxes, to all residents of said town, to give in their property according to said valuation; and should any person fail to do so then the commissioners shall proceed to levy the town or corporation tax upon said valuation: *Provided*, That any lot or tract of land lying partly in the corporate limits, such part so lying within said limits shall be valued only in proportion to that part lying without said limits: *Provided*, That the amount levied shall not exceed twenty cents on the hundred dollars worth of property and sixty cents on the poll.

SEC. 7. The commissioners shall have power to appropriate a portion of the corporation tax to the repairing and keeping up of a suitable enclosure around the grave yard in said town and to the keeping of the said grounds in proper order.

SEC. 8. That said board of commissioners shall have power to authorize and control the formation of a fire and hook and ladder company in said town, and make by-laws, impose penalties, and prescribe such rules not inconsistent to the constitution and laws of the state, for the government of the same as may be deemed proper and for this object may use a portion of the corporation tax annually collected, and also have power to impose if necessary, an additional tax equal to one-half the amount on all the subjects of taxation heretofore authorized.

SEC. 9. The said commissioners shall have power in addition to the powers heretofore granted, to levy a special tax not less than twenty-five dollars nor more than two hundred dollars on all retailers of wines, cordials, malt and spirituous liquors by the quart or less.

SEC. 10. The said commissioners shall have power to grant all license to retail wine, cordials, malt and spirituous liquors by the small measure within the said town, to any person or persons they may think proper: *Provided*, The party licensed shall first pay such taxes as may be imposed by the board and the said commissioners in their discretion may require the party licensed to give bond payable to the board of commissioners with approv-

ed security, in the sum of five hundred dollars, conditioned for the keeping of an orderly and lawful house; and no person shall be permitted to retail wine, cordials, malt or spirituous liquors within the limits of said town unless licensed by the board of commissioners; and in case any retail dealer fail to keep an orderly house the commissioners shall have power to revoke his license and prosecute a suit on his bond for the breach of the same for the use and benefit of the corporation.

SEC. 11. The commissioners shall have power to regulate and control the erection of wooden buildings within said town as to prevent loss, danger or damage by fire.

SEC. 12. That no person shall be qualified to vote in any municipal election in said town or corporation unless he shall have the qualifications of a state and county elector.

SEC. 13. That any violation of the rules, regulations and ordinances established by the board of commissioners for the good government of said town of Lexington shall be deemed a misdemeanor, and on conviction before the mayor or a justice of the peace, may be punished as such by said mayor or by a justice of the peace.

SEC. 14. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 15. That this act shall take effect on the first day of May, A. D. 1877.

Ratified the 3rd day of March, A. D. 1877.

CHAPTER CLXII.

AN ACT IN RELATION TO THE PROBATE OF DEEDS AND CONVEYANCES, AND THE PRIVY EXAMINATION OF MARRIED WOMEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That all deeds, mortgages, conveyances, re-

leases, powers of attorney, contracts, or other writings, required by law to be registered, and the privy examination of any married woman as to her due execution of any such instrument, may be acknowledged or proved, or taken by any one of the following courts or officers, namely: a superior court clerk or justice of the peace, or any court of record having a seal, or any judge, justice or clerk of any such court, (except the register of deeds and ex-officio clerk of the board of county commissioners).

SEC. 2. When such acknowledgement, proof, or privy examination shall be taken before a court, or the clerk thereof, the same shall be attested by the seal of such court, and when taken before a justice of the peace, the same shall, before registration, be adjudged to be correct and sufficient by the clerk of some court of record, (other than the register of deeds) in the county where such justice may reside; and when to be registered in any county, other than that in which taken, such clerk shall, in addition, certify that such justice was a justice of the peace in his county at the time when the proof, acknowledgement, or privy examination was taken.

Acknowledgment, proof and privy examination of married women.

SEC. 3. For the purposes of this act the certificates of probate or acknowledgment shall be substantially as follows:

Certificates.

STATE OF NORTH CAROLINA, }
 ----- County. }

I, A. B. (here give name of officer, clerk, judge, or justice of the peace, as the case may be,) do hereby certify that (here give name of grantor, and if acknowledged by wife, her name, and add *his wife*,) personally appeared before me this day and acknowledged the due execution of the foregoing (or annexed) deed of conveyance (or other instrument) and (if the wife is a signer) the said (here give wife's name) being by me privately examined, separate and apart from her said

husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband, or any other person, and that she doth still voluntarily assent thereto. Witness my hand and seal (private or official, as the case may be) this (day of month) day of (month) A. D. (year)

Signature of officer, [seal]

And when such proof or acknowledgment has been had or taken by a justice of the peace, the clerk of the court of record shall use substantially the following form of certificate :

STATE OF NORTH CAROLINA, }
 _____ County. }

The foregoing (or annexed) certificate of A. B., a justice of the peace of _____ county, is adjudged to be correct. Let the deed (or other instrument) with the certificates be registered.

Signature of the clerk, [seal]
 (of the court.)

Fees.

SEC. 4. For the probate or acknowledgement of a chattel mortgage, the fee of a justice of the peace shall be ten cents, and for other instrument, twenty cents, and the fee of any clerk of a court of record for passing upon the certificate of a justice of the peace, as in this act provided, shall be ten cents for a chattel mortgage and twenty cents for other instrument.

Conflicting laws.

SEC. 5. That all laws or parts of laws inconsistent herewith, be, and the same are hereby repealed.

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

Ratified the 3rd day of March, A. D. 1877.

CHAPTER CLXII.

AN ACT TO REVISE AND CONSOLIDATE THE PUBLIC SCHOOL
LAW.

SECTION 1. *The General Assembly of North Carolina do enact*, That all funds now belonging to the irreducible educational funds, shall continue to be held as such; and all funds arising under the operation of section four, article nine, of the constitution, except the "ordinary revenue," shall be paid to the state treasurer as a part of said fund.

Irreducible fund to remain as such.

Funds arising under section four, article nine, of constitution, to be paid to state treasurer.

SEC. 2. That all funds arising under section five, article nine, of the constitution, shall be paid to the county treasurer of the county in which the same may arise, and the officer who may collect such funds shall, when he pays the same to the county treasurer, take his receipt and make report to the county board of education, itemizing, according to the sources mentioned in said section; and the county treasurer shall, on or before the first Monday in September, annually, report all such funds received by him during the past year to the county board of education, and as often as said board may require.

Funds arising under section five, article nine, of the constitution, to be paid to county treasurer.

County treasurer to report to the county board of education.

SEC. 3. That the state board of education shall meet at such times as a majority of the members may appoint. *Provided*, That the governor may call a meeting at any time.

Meetings of state board of education.

SEC. 4. The state board of education may, from time to time, as the same shall accumulate, invest the public school funds in United States bonds.

Board of education may invest funds in United States bonds.

SEC. 5. The state auditor shall keep a separate and distinct account of the public school funds, and of the interest and income thereof, and also of such moneys as may be raised by state, county and capitation tax, or otherwise, for school purposes. He shall draw his warrants on the state treasurer in favor of any county treasurer, when such county treasurer shall present an order from the state board of education.

Auditor to keep separate accounts

Shall draw his warrants on state treasurer.

SEC. 6. The state treasurer shall be the treasurer of the state board of education.

SEC. 7. The state treasurer shall receive and hold as a special deposit all school funds paid into the treasury, and pay them out only on the warrant of the state auditor, issued on the order of the state board of education in favor of a county treasurer, duly endorsed by the county treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the state treasurer for the disbursement of school funds.

SEC. 8. The county commissioners of each county shall constitute a board of education for the county. The chairman of the county commissioners shall be the chairman, the register of deeds the secretary, and the county treasurer the treasurer of the county board of education.

SEC. 9. The county board of education shall have supervision of the public schools in their respective counties, shall decide all controversies relating to the boundaries of school districts, or which may arise upon the construction of the school law, and shall see that the school law is enforced.

SEC. 10. The county treasurer of each county shall receive and disburse all public school funds. But before entering upon the duties of his office he shall execute a bond, with sufficient security, in double the amount of money which may come into his possession during any year of his official term, for the faithful performance of his duties as treasurer of the county board of education. The county commissioners shall, from time to time, if necessary, require the county treasurer to give bond and sufficient security by additional bond or bonds, so as to secure the faithful administration of the school funds, and in default thereof the commissioners shall be guilty of a misdemeanor.

SEC. 11. All orders upon the county treasurer for school money for the payment of teachers, for the purchase of sites for school houses, and for half the cost of building, repairing and furnishing school houses, shall be signed by the school committee of the district in which the school is taught, or in which the site or school house is situated,

Treasurer of state board of education.

Shall receive funds and pay them out on auditor's warrant.

Valid voucher.

County board of education.

Chairman, secretary and Treasurer.

Have supervision of public schools. Shall decide controversies

Treasurer shall receive and disburse school funds.

Treasurer's bond to be double the amount of funds.

Commissioners may require additional security when necessary.

For failure to do so, shall be guilty of a misdemeanor

Orders on treasurer signed by the school committee of the district for which they may have been used.

which orders, duly indorsed by the person to whom the same are payable, shall be the only valid vouchers in the hands of the county treasurer for disbursements of school money.

Only valid voucher.

SEC. 12. The secretary shall record all of the proceedings of the county board of education, issue all notices and orders pertaining to the public schools, school houses, sites or districts, (which notices or orders it shall be the duty of the sheriff to serve,) and record all school statistics, which shall be reported to him by school committees or the county examiner, in a book to be furnished by the county commissioners for the purpose.

Duties of secretary of county board of education.

Sheriff to serve notices.

SEC. 13. The county board of education of each county shall hold two regular meetings every year, on the first Mondays of March and September, for the purpose of looking after the interest of the public schools. *Provided*, That the chairman may call a meeting of the board at any time. At each regular meeting it shall be the duty of the board to examine the books and vouchers of the county treasurer, and audit his accounts, and report to the superintendent of public instruction a full account of all school funds received and disbursed by the county treasurer.

County board of education shall hold two regular meetings every year.

Proviso.

Report to the superintendent of public instruction.

SEC. 14. The county board of education of each county shall appoint one resident of their county of good moral character and of suitable attainments, who shall be styled "the county examiner." He shall hold his office one year, and until his successor is appointed. If a vacancy should at any time occur, the same shall be filled by the county board of education.

Shall appoint an examiner for the county.

Term of office.

SEC. 15. The county examiner of each county shall examine all applicants for teachers' certificates at the court house of the county, on the second Thursday of August and October of every year, and continue the examination from day to day during the remainder of the week, if necessary, till all applicants are examined. He shall grant certificates to all applicants of sufficient moral and mental qualification, and shall give certificates in

Duties of examiner.

Time of examinations.

Certificates three grades.

three grades, as follows: If applicants are qualified to teach classes in the higher branches of English, they shall receive certificates of the first grade; if qualified to teach only in the ordinary branches of English they shall be given a certificate of the second grade, and all applicants qualified to teach primary classes, only, shall be given certificates of the third grade. If any person shall apply for an examination and certificate at any other time, applicants shall pay the examiner a fee of one dollar. If the county examiner should become satisfied that any person to whom a teacher's certificate has been granted is guilty of any immoral or disreputable conduct, or is neglectful of or in any way incompetent to the discharge of the duties of a teacher, he shall notify the board of education, who may revoke the certificate.

Applicant shall pay the examiner a fee, when.

Board of education may revoke certificates.

Examiner to report to the secretary of county board. Names of teachers.

Report to superintendent public instruction

SEC. 16. The county examiner shall deliver to the secretary of the county board of education, on or before the first day of September of every year, a catalogue of all the teachers to whom he gave certificates during the year, also an abstract statement of the number, grade, race and sex of the teachers, and report the same to the superintendent of public instruction.

Three committeemen for each school district to be elected by county board of education.

SEC. 17. For each school district there shall be biennially elected, by the county board of education of the respective counties, a school committee of three persons, whose duties shall be as prescribed in this act. If a vacancy should at any time occur, it shall be the duty of the county board of education to appoint suitable residents of the school districts to fill the vacancy, and the persons thus appointed shall exercise all the powers and duties of a school committee until their successors are elected and qualified.

District committees the successors of township committees.

SEC. 18. On and after the expiration of the term of office for which the present township school committees have been elected, that office shall be abrogated, and the district school committees provided for in this act shall be held to be the legal successors of the township school

committees as to the school property of their respective districts.

SEC. 19. The school committee of each school district shall be a body corporate by the name and style of "The School Committee of District No. —, in the County of —," (as the case may be,) and in that name shall be capable of purchasing and holding real and personal estate, and of selling and transferring the same for school purposes, and of prosecuting and defending suit for or against the corporation. All conveyances to school committees shall be to them and their successors in office.

Shall be a body corporate.

SEC. 20. The school committee of each school district, within fifteen days after their election or appointment, shall meet at some convenient point within the school district, and organize by electing one of their number chairman, and another of their number clerk of the school committee.

Shall organize, when and how.

SEC. 21. The county board of education shall lay off their respective counties into convenient school districts, consulting, as far as practicable, the convenience of the neighborhood, and the wishes of persons interested, and disregarding the township boundaries where convenience requires it. They shall designate the districts by number, as school district No. 1, school district No. 2, in the — of —, as the case may be, and the county board of education of adjoining counties shall have power, in case of great inconvenience, to arrange for the sending of pupils to schools across the lines of such counties and provide for their payment from the fund of their school district.

County board of education, lay off their counties into convenient school districts.

Boards of adjoining counties may arrange for sending pupils across the lines.

SEC. 22. The county board of education shall consult the convenience of the white residents in settling the boundaries of districts for white schools, and of colored residents in settling boundaries for colored schools. The schools of the two races shall be separate; the districts the same or not, according to the convenience of the parties concerned. In cases where there are two sets of districts in a county they shall be designated as school

Districts for the white and colored may be the same or not, as commissioner may require.

Two sets of districts in the same county, how designated.

districts number one, two, three, &c., for white schools, or school districts number one, two, three, &c., for colored schools. (as the case may be,) in the county of ———.

SEC. 23. The school committee may receive any gift, grant, donation or devise, made for the use of any school or schools within their jurisdiction, and in their corporate capacity they shall be and are hereby entrusted with the care and custody of all school houses, school house sites, grounds, books, apparatus, or other public school property belonging to their respective jurisdictions, with full power to control the same as they may deem best for the interest of the public schools, and the cause of education.

When, in the opinion of the committee, any school house, school house sites or other public property, has become unnecessary for public school purposes, they shall return the land to the original owner, his heirs or assigns, if he or they so desire, on the payment of first cost, and remove or sell the building after advertisement for twenty days at three public places in the township. The deed for the property thus sold shall be executed by the chairman and clerk of the committee, and the proceeds of the sale shall be paid to the county treasurer for the school expenses in the school districts. The board of education shall adjust all differences that may arise in the division of districts, as herein provided, as to ownership of school houses or other property belonging to school districts or townships as now constituted.

SEC. 24. The school committee may receive suitable sites for school houses by donation or purchase. In the latter case they shall report the price to the chairman and secretary of the county board of education. If the latter are satisfied that the price is not excessive, they shall approve the order of the committee on the county treasurer for the purchase money, and upon payment of the order, the title to said site shall rest in the committee and their successors in office. Whenever the committee are unable to obtain a suitable site for a school by gift or purchase, they shall report to the county commissioners,

School houses, sites, &c, when unnecessary, how disposed of.

Sale must be advertised.

Proceeds paid to county treasurer.

Board to adjust differences.

School committee may receive sites by donation or purchase.

May condemn land for sites, when and how.

and the latter shall thereupon appoint three disinterested citizens, who shall lay off not more than one acre, and assess the cash value thereof, and report their proceedings to the county commissioners. If said report is confirmed by the commissioners, the chairman and secretary of the board of education for the county shall approve the order which the district school committee shall give on the county treasurer in favor of the owner of the land thus laid off, and upon payment or offer of payment of this order, the title to said land shall rest in the school committee and their successors in office. *Provided*, That improved land shall not be condemned under the provisions of this section. *And provided further*, That any person aggrieved by the action of said commissioners, may appeal to the superior court of the county in which said land is situate, upon giving bond to secure said commissioners against such costs as they may incur on account of said appeal not being prosecuted with effect.

Proviso.

Provided further that party aggrieved may appeal to the superior court.

SEC. 25. Every school to which aid shall be given under the provisions of this act, shall be a public school to which children between the ages of six and twenty-one years only shall be admitted, subject to the restrictions contained in section twenty-two.

Public school.

SEC. 26. If the tax levied in this act for the support of the public schools shall be insufficient to maintain one or more schools in each school district, for the period of four months, then the county commissioners of each county may levy, annually, a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months. The said taxes shall be collected by the sheriff, in money, and he shall be subject to the same liabilities for the collection and accounting for said tax as he is or may be by law in regard to other county taxes. The said tax shall be levied on all property, credits and polls of the county, and in the assessment of the amount upon each, the commissioners shall observe the constitutional equation of taxation; and the fund thus raised shall be appropriated in

County commissioners may levy, annually, a special tax.

×

Sheriff to collect tax in money.

Constitutional equation to be observed.

Provided the question of levy and collection shall be submitted to the vote of the qualified voters of the county.

+ the county in which it is collected, as provided in section thirty-one of this act. Provided, That the question of the levy and collection of said tax shall have first been submitted to the vote of the qualified voters of the county, at an election to be held at the different election precincts of the county, under rules and regulations to be fixed by the commissioners, and conforming, as near as may be, to the rules and regulations for conducting other elections, except that no new registration need be made, but the registration books of the next preceding general election may be used. And all persons whose names are not on such books, who are qualified, shall be allowed to register as provided in elections for members of the general assembly. The penalties for illegal and fraudulent voting shall be the same as now provided by law in other elections.

School committee to employ and dismiss teachers, and to determine the pay per month Proviso.

SEC. 27. The school committees shall have the authority to employ and dismiss teachers of the schools within their respective districts, and shall determine the pay per month to be paid the same. *Provided, however*, that teachers of the first grade shall not receive out of the school fund more than two dollars per day; of the second grade not more than one dollar and fifty cents per day; and of the third grade not more than one dollar per day, but no teacher shall receive any compensation for a less term than one school month, which shall be twenty days.

X No committeeman shall be a teacher. Nor shall any committeeman in any way be interested, by contract or otherwise, in the erection or repairing of any school house in his district.

School year.

SEC. 28. The school year begins on the first Monday in September.

Teachers shall keep a daily record.

SEC. 29. Every teacher or principal of a school to which aid shall be given under the provisions of this act, shall keep a daily record of all absences of pupils and of the grade in scholarship and department of each. The grade in scholarship shall be indicated by the numbers 1, 2, 3,

4, and 5; 1 representing the highest or first grade, and 5 the lowest and the three intermediate numbers the three intermediate grades. The grades in department shall be represented by the same numbers and in the same order. At the end of every term every teacher of a public school shall deliver to the county treasurer a statement of the length of the term of the school, of the race, number, sex and average attendance of pupils, and the name of the district in which the school was taught.

SEC. 30. At the end of every term of a public school, the teacher or principal of the school shall exhibit to the school committee of the district a statement of the number of pupils, their average attendance, the length of the term and the time taught. He shall also exhibit a teacher's certificate, dated within one year of the time. If the committee are satisfied that the provisions of this act are complied with, they shall give an order on the county treasurer, payable to the teacher for the sum due his school for the time taught. But they shall in no case give such an order unless the teacher produce a certificate of mental and moral qualifications from the county examiner, dated within one year of the time.

SEC. 31. The county board of education of every county shall, on the first Monday of September of each year, or as soon thereafter as practicable, apportion among the several districts in the county, according to the number of children in each, between the ages of six and twenty-one years, (which number shall be ascertained by a census to be taken by the school committees and reported to the county board of education) all school funds, specifying how much thereof is apportioned to the children of each race, and give notice thereof to the school committees of the several districts of the county, and shall publish the same by an advertisement posted on the courthouse door of each county, and furnish the county treasurer with the amounts thus apportioned among the several school districts and the amount that each district

Teacher shall at the end of term exhibit to school committee a statement,

Committee shall give an order on county treasurer in favor of the teacher.

County board of education shall apportion the fund, when.

Shall give notice thereof to the committee of the several school districts and publish the same by advertisement at the court house door.

is entitled to. The sums thus apportioned to the several districts shall be subject to the orders of the school committees thereof for payment of the school expenses mentioned in this act. *Provided, however,* that in no case shall the school fund thus apportioned to either race be expended for the education of the other race. *And provided further,* that so much of said school fund as shall not be expended in any school district for the education of the race for which it was apportioned in any year, shall be added to the final apportionment to said race in said school districts for the succeeding year.

✓ Provided the fund for either race cannot be expended for the other.

✓ Apportionment, on what based.

SEC. 32. The apportionment required by section thirty-one of this act shall be based upon the amount levied and due upon the tax book for the current year, together with the sum due from the State board of education, or paid, as the case may be, and also the balance on hand from the former year, and the amount in the hands of the county treasurer under the operation of section 5, article 9 of the constitution. The sheriff of each county shall pay, *in money*, to the treasurer thereof, on or before the first day of December of each year, the whole amount levied for the current year, both state and county, for school purposes; and on failure so to do shall be guilty of a misdemeanor, and on conviction, shall be fined not less than two hundred dollars, and shall also be liable to an action on his official bond for his default in such sum as will fully cover such default, said action to be brought to the next ensuing term of the superior court, and upon the relation of the county board of education for and in behalf of the state.

Sheriff to pay in money to county treasurer on or before the first day of December of each year.

On failure to do shall be guilty of a misdemeanor.

SEC. 33. The county treasurer of each county shall report to the Superintendent of Public Instruction on the first day of September of each year, the entire amount of school money received by him during the preceding school year, the several sources from which it was derived and the disbursements thereof made by him, designating the sums paid for the white and colored children respectively for school house sites in the several districts. At

County treasurer shall report to the superintendent of public instruction.

the same time he shall report to the Superintendent of Public Instruction the number of public schools taught in the county during the year for each race, the number of pupils of each race, their average attendance, the number of males, and the number of females, according to the reports made to him by the provisions of this act.

SEC. 34. It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools, to encourage morality, industry and neatness in all their pupils, and to teach thoroughly all branches which they profess to teach. If any pupil should wilfully and persistently violate the rules of school, such pupil may be dismissed by the teacher for the current term.

Duty of teachers.

Pupils may be dismissed.

SEC. 35. That the state board of education may recommend the course of study to be pursued, the text books and other means of instruction to be used in the public schools. *Provided*, that no sectarian or political text books or influences shall be used in any public school.

State board of education may recommend course of study, &c.

Proviso.

SEC. 36 The superintendent of public instruction shall have the school laws of the State published in pamphlet form and distributed on or before the first day of April of this year; shall have printed all the forms necessary and proper for the purposes of this Act, and shall look after the school interest of the state at large, and report to the governor of the state on or before the first Monday of January of every year, which report shall give information and statistics of the public schools, and recommend such improvement in the school law as may occur to him; he shall keep his office at the seat of government, and shall sign all requisitions on the auditor for the payment of money out of the State treasury for school purposes; copies of his acts and decisions, and of all papers kept in his office and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall be furnished with such room, fuel, and stationery as shall be necessary for

Superintendent public instruction shall have school laws published in pamphlet form.

Shall report to the governor on or before the first Monday of January.

the efficient discharge of the duties of his office as heretofore.

Collecting officers to take duplicate receipts.

SEC. 37. The sheriff or other collecting officer shall take the duplicate receipts of the county treasurer for such payment as he may make under section 32, one copy of which shall be transmitted to the auditor of the state. *Provided*, that in his settlement with the sheriff for the taxes mentioned in this section, the county treasurer shall only receive money.

Provided. The county treasurer shall only receive money.

Unexpended school fund added to the next year.

SEC. 38. The school fund for any year which may not be required for the school expenses of that year, shall be added to the school fund for the following year.

Taxes additional to state and county capitation taxes.

SEC. 39. In addition to the state and county capitation taxes, appropriated by the constitution, and other revenues heretofore provided by law for the support of the public schools, there shall be levied and collected every year for the maintenance and support of the public schools, eight and one third cents, on every one hundred dollars worth of property and credits in the State, and 25 cents on every poll in addition to the taxes in the revenue law.

Secretary of county board of education shall report to superintendent public instruction.

SEC. 40. It shall be the duty of the secretary of the board of education for each county to report to the superintendent of public instruction on or before the first day of October of every year, full and accurate statistics, showing the race, sex and number of teachers as reported to him under the provisions of this act; and also the number of school children in the county, as reported to the county board of education under the provisions of this act. And if any secretary of a county board of education shall fail to comply with the provisions of this section at the time above stated, he shall be guilty of a misdemeanor, and upon conviction thereof in the superior court of his county, he shall be fined not less than fifty dollars and not more than two hundred dollars, or imprisoned not less than one month or more than six months, in the discretion of the court.

Penalty for failure to do so.

SEC. 41. Before entering upon the duties of their office, the school committeemen shall take an oath before a justice of the peace for the faithful discharge of the duties of that office.

School commit-
teemen to take
oath.

SEC. 42. The share of the public school fund arising from the increase thereof by investment or otherwise to which each county may be entitled, shall be paid to the county treasurer or his lawful attorney, upon the order of the board of education and the warrant of the auditor.

Share of public
school fund to be
paid to county
treasurer.

SEC. 43. It shall be the duty of the state board of education on the first day of August of every year, to apportion among the several counties of the state all the school funds which may then be in the treasury of the state board of education and order a warrant for the full appointment to each county, upon the requisition of each county treasurer, approved by the chairman and secretary of the county board of education.

State board of
education to ap-
portion school
funds to counties.

SEC. 44. Each examiner who shall comply with the provisions of this act, shall receive as compensation for his services, three dollars a day for every day he may be actually engaged in the examination of teachers at the times mentioned in this act. It shall be the duty of the chairman and secretary of the county board of education to draw an order on the county treasurer for the amount due the examiner by virtue of this section. This order shall be paid by the county treasurer out of the school fund.

Day of exami-
ners.

SEC. 45. Every person who shall wilfully interrupt or disturb any public or private school, or any meeting lawfully and peaceably held for the purpose of literary or scientific improvement, either within or without the place where such meeting or school is held, or injure any school building, or deface any school furniture, apparatus or other school property, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days at the discretion of the court.

Penalty for dis-
turbing schools.

School committee to take census of children.

SEC. 46. It shall be the duty of the school committee of each district to take and return to the county board of education, on or before the first day of September in every year, a full and accurate census of the children between the ages of six and twenty-one, giving the number in public schools, and the number who attend no school, designating the race and sex in all cases.

Laws in conflict, repealed.

SEC. 47. All laws and clauses of laws, and all provisions of article seven of the constitution, inconsistent with this act, are hereby abrogated and repealed.

When in force.

SEC. 48. This act shall be in force from and after its ratification.

Ratified the ninth day of March, A. D. 1877.

CHAPTER CLXIII.

AN ACT TO AUTHORIZE RUTHERFORD COUNTY AND OTHER MUNICIPAL CORPORATIONS TO SUBSCRIBE TO RAILROAD STOCK.

Capital stock.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for the county of Rutherford or for any county or incorporated town or city to subscribe to the capital stock of any railroad company having for its object the completion of a railroad from Shelby, in the county of Cleaveland, to Rutherfordton, in the county of Rutherford, or to the capital stock of the Rutherford and Spartanburg railroad, the proper authorities of said corporation first submitting the question to the qualified voters in each county, city or town in pursuance of law: *Provided*, That the county of Rutherford shall not subscribe an amount greater than fifty thousand dollars, and shall not be allowed to subscribe to more than one of said companies, and any such subscription shall be

Proviso.

made in accordance with the provisions of that section of the constitution of the state requiring such question to be submitted to the qualified voters of the corporation.

SEC. 2. That in order to test the sense of the inhabitants of such county, city or town the board of commissioners of such county, the board of aldermen of such city or the commissioners of such town respectively, each within and for the county, city or town in which its jurisdiction and corporate powers may severally and respectively be lawfully exercised are hereby authorized to cause to be held the necessary election or elections required to carry into effect or comply with the same provision of the constitution in relation to any such subscription, and in relation to the levy and collection of the amount of taxes necessary for the payment of any such subscription or in relation to the issuing of bonds or other evidences of indebtedness to secure the payment of such subscription. For the payment of any such subscription to the capital stock of the company, or to provide for the payment of the bonds or other evidences of indebtedness, (and the interests which may accrue thereon,) which may be issued as hereinafter provided, said boards are hereby severally and respectively authorized and empowered to levy and collect within their several and respective jurisdictions, the necessary amount of taxes and to issue bonds or other evidences of indebtedness in such sums, payable at such time or times and at such rate of interest not exceeding seven per centum per annum, payable annually or semi-annually, as they may severally and respectively deem best, for an amount in the aggregate not exceeding the amount authorized to be subscribed to said capital stock at any election or elections held for the purposes aforesaid. And any one of said boards, if it shall deem it expedient so to do, is hereby authorized and empowered to sell and dispose of its bonds or any number of its bonds duly made for the purposes aforesaid, and apply the proceeds of any

Election.

such sale towards the payment of any subscription made by such board to the capital stock of said company.

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

Ratified the 3rd day of March, A. D. 1877.

CHAPTER CLXIV.

AN ACT TO PROVIDE FOR THE PUBLICATION AND SALE OF THE SUPREME COURT REPORTS, AMENDATORY OF SECTION TEN, CHAPTER ONE HUNDRED AND FIVE, OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact:* That section ten, of chapter one hundred and five, of Battle's Revisal, be amended as follows:

Strike out after the word "Law," in the third line of said section, and insert "As reporter of the decisions of the supreme court he shall receive, as a compensation for his services, the sum of seven hundred and fifty dollars for reporting the decisions of each term of said court, which shall be paid upon satisfactory evidence to the treasurer that he has had printed and distributed the number of copies of the reports reserved for the use of the state."

SEC. 2. Besides the copies aforesaid, there shall be printed as many additional copies of said reports as, in the opinion of the attorney general and secretary of state, may be sufficient to supply the demand, (said number not to be less than six hundred) to be sold by the secretary of state, at the cash price of three dollars per volume, and the secretary of state shall pay to the treasurer, monthly, the money arising from said sale, less five per cent., which he may retain for his services.

SEC. 3. That said reports shall be prepared and distri-

Amended.

Number to be
printed, and price
per volume.

buted within eighty days after the adjournment of the supreme court. Distribution.

SEC. 4. That the attorney general shall have power to contract, in behalf of the state, with any responsible party or parties, for the publication and binding of said reports upon the best terms he can obtain. Publication and binding.

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

Ratified the 3d day of March, A. D. 1877.

CHAPTER CLXV.

AN ACT TO CHANGE A PORTION OF THE DIVIDING LINE BETWEEN HERTFORD AND BERTIE COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact,* That the dividing lines between the counties of Hertford and Bertie be changed as follows: Beginning at the point where roads leading from Pich Landing to Powell's cross-roads intersects the present line dividing said counties; thence along said road to Powell's cross-roads; thence along said road to Loving Swamp, near J. W. Mitchell's farm; thence along said road to Harris' cross-roads; thence along a straight line from Harris' cross-roads to Jenkins' cross-roads; thence along the Winston road to a fork of said roads, known as "Roads Place;" thence along the Winston road about two miles, to the bend of said road, near Asa F. Earley's farm, and thence along a straight line in a north-westerly course to the Hertford line. Dividing line changed.

SEC. 2. That in the separation herein provided, that portion of the county of Bertie shall not be relieved from its proportion of the public debt of said county. Public debt.

SEC. 3. The provisions of the foregoing sections shall

Election.

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 affected by this act for ninety days next preceding the election hereinafter mentioned, and then only in case a majority of such voters shall cast their votes in favor of "annexation."

SEC. 4. In order to carry out the provisions of this act, any magistrate or magistrates living in said section, and if there are no magistrates or magistrate to act, then the sheriff of Bertie county shall order an election, to be held within thirty days after the passage of this act, at the various precincts in the territory to be affected hereby, and make due returns of the same within five days thereafter. *Provided*, That said election shall be advertised fifteen days prior to said election.

SEC. 5. That T. J. White and Joseph J. Perry are hereby appointed registrars to receive the registration of voters in said territory prior to the day of said election, and they be authorized and empowered to appoint judges to hold said election, who shall be governed by the general election law; and said judges of election are hereby required to make duplicate accounts of such election, one copy shall be sent to the county commissioners of each of said counties, there to be filed as records of their office.

SEC. 6. That if the change herein proposed shall be made, then that portion of the county of Bertie herein attached to Hertford, shall constitute and be known as "Tilden Township."

SEC. 7. That James Martin, of Bertie, and John F. Newsom, of Hertford, be, and they are hereby, appointed surveyors to lay off and establish the lines herein provided, for which service they shall be entitled to the usual fees for such service, the same to be paid by the county of Hertford.

SEC. 8. That this act shall take effect from and after its ratification.

Ratified the 3d day of March, A. D. 1877.

CHAPTER CLXVI.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That section twelve, of chapter one hundred and five, of Battle's Revisal, entitled "Salaries and Fees," be amended to read as follows: All annual salaries allowed by this chapter shall be paid quarterly out of any money in the public treasury, except such as is allowed to the clerks in the several departments, which shall be paid monthly.

Clerks' salaries to be paid monthly.

SEC. 2. This act shall be in force from and after the first day of April, one thousand eight hundred and seventy-seven.

Ratified the 3rd day of March, A. D. 1877.

CHAPTER CLXVII.

AN ACT TO CHANGE THE COUNTY LINE BETWEEN THE COUNTIES OF WATAUGA, WILKES AND ASHE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the line between the counties of Watauga, Wilkes and Ashe be changed to run as follows: Beginning on the top of the Wolf Knob near the widow Tempy Dividing line.

Mikels where the Watauga and Wilkes county line intersects, running a north course to the top of the Blue Ridge at the dividing line between the lands of Leander Robbins and Enoch Treplits, and thence a north course to the top of Huson's Ridge, then a north course to the ford of Gap creek near the mouth of Alexander Green's lane, thence a north-west course to the top of the Big Ridge to the Ashe county line.

Stony Fork town-
ship.

SEC. 2. All that portion of Wilkes and Ashe counties included within the boundary described in section one of this act shall constitute a part of the county of Watauga and be incorporated with the township known as Stony Fork.

Ratified the 3rd day of March, A. D. 1877.

CHAPTER CLXVIII.

AN ACT REGULATING THE MODE OF MAKING ENTRIES OF VACANT LANDS IN THE COUNTY OF BLADEN.

Mode of making
entries.

SECTION 1. *The General Assembly of North Carolina do enact:* That when any person, desiring to make an entry of any of the public lands within the county of Bladen, and shall have filed the written statement, signed by him as provided in section sixteen, chapter forty-one, of Battle's Revisal, it shall be the duty of the entry taker of said county to cause to be posted at the nearest post office to where the land described in the statement is situated, and at two other public places within the township, a copy of the written statement filed with him for ten days before issuing his warrant to the surveyor of said county, for which service he shall be entitled to a fee of fifty cents, to be paid by the applicant.

SEC. 2. That if the entry-taker of said county shall is-

sue any warrant for the survey of land before giving the notice required in the first section of this act, he shall forfeit and pay two hundred dollars to any person who may sue for the same.

If warrant is issued contrary to this act.

SEC. 3. That all laws, and clauses of laws, coming in conflict with the provisions of this act, are hereby repealed.

Conflicting laws.

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXIX.

AN ACT TO INCORPORATE THE TOWN OF SPARTA, IN EDGECOMBE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Sparta, in the county of Edgecombe, be and the same is hereby incorporated under the name and style of the "Town of Sparta," and shall be subject to all the provisions contained in the one hundred and eleventh (111) chapter of Battle's Revisal.

Sparta incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Town creek, running along Tar river in a southerly direction the distance of one mile to a corner, thence in a westerly direction a distance of one mile to a corner, thence in a northerly direction a distance of one mile to Town creek, thence in an easterly direction along Town creek to a given point two hundred yards below Moore and Lawrance's mills, leaving the creek at that point and running direct to the beginning a distance of one mile.

Corporate limits.

SEC. 3. The officers of said town shall consist of four commissioners, a constable and a treasurer, who shall be *ex-officio* clerk of the board of commissioners, said four

Officers.

commissioners shall choose one other member mayor, and also their constable and treasurer.

Until others are elected.

SEC. 4. That until the next regular election under the general law concerning corporate towns, E. L. Moore, Leonedas Little, M. B. Pitt and J. J. Harrell are appointed commissioners of said town with power to appoint their constable and treasurer to serve until the time prescribed by law for the next election of officers for corporate towns.

May condemn land.

SEC. 5. The commissioners have power to condemn land for streets and lay off and open streets in any part of the aforesaid described limits and shall have power to make all necessary by-laws, rules and regulations for the good government of the town not inconsistent with the constitution and laws of this state or of the United States: *Provided*, That when land is condemned under this act either party will have a right of appeal to the superior court of the county.

Proviso.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXX.

AN ACT TO AMEND SECTION THREE HUNDRED AND SIXTY-ONE, OF THE CODE OF CIVIL PROCEDURE.

Section 361, Code of Civil Procedure, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three hundred and sixty-one, of the code of civil procedure, be amended by inserting after the word "property," in fifth line, the words "or in which the plaintiffs, or any one of them, reside."

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXI.

AN ACT TO CHARTER THE PIEDMONT NARROW GAUGE RAIL ROAD
COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact:* That a company may be formed with a capital stock not to exceed one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as the Piedmont Narrow Gauge Rail Road Company, for the purpose of constructing a narrow gauge rail road from, at or near Reidsville to some point in the Virginia line by the way of Leaksville. The company when formed as herein-after directed shall have power to receive, possess, own and transfer real and personal property and estate, 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 objects of this 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 and have the exclusive right to transfer and carry persons, produce and merchandize at such prices as they may fix.

SEC. 2. That for the purpose of creating the capital stock of such company, John H. Dillard, James D. Glenn, William Moore, Alexander Smith, John M. Walker, D. F. King, Alexander Moir, J. W. Burton, William Garrett, Philip Pratt, be appointed commissioners, whose duty it shall be, as soon after the passage of this act as may be practicable to appoint such commissioners to open books of subscription at such times and places, under such rules and regulations as they may prescribe. Such subscriptions or any part thereof may be received payable in money, lands, labor, or material necessary in the construction of said road.

When \$10,000 shall have been subscribed.

SEC. 3. Whenever the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners above named to call a general meeting of the stockholders, after giving sufficient notice at such time and place as they shall determine, and at all general meetings of said stockholders, a majority of the stock shall be represented and shall constitute a quorum for the transaction of business, and said stockholders, at a general meeting, shall have power to elect a president and four directors of said company, whose terms of office shall be one year and until others are chosen. In the election of president and directors and enacting such laws as may be necessary, the stockholders shall be entitled to one vote for each share of stock.

President and directors.

Payment of stock.

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

May appoint officers and fill vacancies.

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 a length of time as the company may determine. The president and directors, shall have a general direction and management of the affairs of said company, shall appoint a suitable engineer, whose duty it shall be to locate the road and furnish the directors with reports of said surveys and estimates of costs. The directors shall have power to fill any vacancy that may occur in their board until their next meeting and in absence of the president, may elect one for the time; they shall also appoint a secretary, whose duty it shall be to keep a correct record of the proceedings of the stockholders at their general meetings.

Report.

SEC. 6. The president of board of directors shall once a year make a full report of the affairs of the company and oftener if required by the law of the company; also call a general meeting of the stockholders, whenever they may deem it expedient.

SEC. 7. That whenever land shall be required for the construction of the road or for warehouses, water-stations, turn-outs, workshops or other buildings or purposes, and for any cause the same cannot be purchased from the owner, the same may be taken by the directors, at a valuation to be ascertained as follows: The sheriff of the county at the request of the president, shall summon five (5) disinterested freeholders, to ascertain the value under oath of said land. *Provided*, That either party may appeal to the superior court of the county, upon the question of the amount assessed. *Provided, further*, That not more than one hundred feet of land shall be allowable to be so condemned, measuring from the centre of the road.

Valuation of land.

Proviso.

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

May mortgage, sell or lease.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXII.

AN ACT TO REPEAL SO MUCH OF AN ACT ENTITLED AN ACT PROVIDING FOR AEDITIONAL TERMS OF THE SUPERIOR COURTS OF NORTHAMPTON AND HALIFAX COUNTIES, AS APPLIES TO THE COUNTY OF HALIFAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of the act entitled "an act providing for additional terms of the superior courts of Northampton and Halifax counties," ratified the seventeenth day of March, one thousand eight hundred and seventy-five, as provides additional term of said court to be held in

An act providing an additional term of superior court in Halifax, repealed.

the county of Halifax, be and the same is hereby repealed.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXIII.

AN ACT TO PROVIDE FOR THE COMFORT OF JURORS IN CERTAIN CASES.

When under
charge of officers.

SECTION 1. *The General Assembly of North Carolina do enact*, That when any jury, empaneled to try any cause, shall fail to agree upon a verdict, and shall be put in charge of an officer of the court, the said officer shall furnish said jurors with such accommodation as the court may order, and shall be paid for under the order and in the discretion of the judge of said court.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXIV.

AN ACT TO APPOINT A SPECIAL COMMISSION FOR COUNTY OF NEW HANOVER.

Special commis-
sioners.

SECTION 1. *The General Assembly of North Carolina do enact*, That Fred. D. Poisson, Esq., Hon. R. S. French and Eugene S. Martin be, and they are hereby appointed, special commissioners for the county of New Hanover,

for the purpose of investigating the books and accounts of all the county officers of said county, together with the dockets of all the magistrates of said county, with a view to ascertain what amount of money has been collected by such magistrates or other officers, as *fines*, *forfeitures* and *penalties*, as well as to ascertain the condition of all financial transactions connected with the offices of the respective county officers; and in such investigation, said commissioners are authorized to send for persons and papers, and to administer oaths, and to require all of said officers and magistrates to submit their books and dockets for inspection; and any such officer failing or refusing to comply, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned at the discretion of the court, but not less than one hundred dollars, or imprisoned not less than six months.

SEC. 2. That the said commissioners shall be entitled to such compensation as the board of commissioners of New Hanover may, in their discretion, allow. Compensation.

SEC. 3. This act shall be in force when ratified.

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXV.

AN ACT TO INCORPORATE THE TOWN OF LITTLETON, IN THE COUNTIES OF HALIFAX AND WARREN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Littleton, in the counties of Halifax and Warren, be and the same is hereby incorporated by the name and style of "Littleton," with the following named persons as commissioners, viz: B. R. Browning, W. A. Johnson, J. L. Shaw, E. W. Furgerson, and N. E. Commissioners.

Jenkins, who shall serve until their successors shall have been duly elected and qualified.

SEC. 2. *Be it further enacted*, That the corporate limits of the town shall be six hundred yards in every direction from a stone on the south side of the Raleigh and Gaston railroad and immediately on the Warren and Halifax county line. The stone to be the center of the chartered limits of said corporation.

SEC. 3. *Be it further enacted*, That every man of the age of twenty-one years, being a native or naturalized citizen of the United States who shall have resided in the state twelve months next preceding the election, and ninety days in said town, shall be deemed an elector.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXVI.

AN ACT FOR THE BETTER GOVERNMENT OF THE TOWN OF THOMASVILLE, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor or peace officer of the town of Thomasville shall have, within the incorporate limits of the town, all powers 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 cases arising upon the ordinance of the board of commissioners, to enforce penalties upon any adjudged violation thereof, by fine not exceeding fifty dollars, or imprisonment not exceeding thirty days, in either the town prison, that may be designated by the town commissioners, for that purpose, or the common

jail of the county of Davidson, and to execute the laws and ordinances made by the commissioners for the government and regulation of the town. *Provided*, That in all cases any person dissatisfied with his judgment, may appeal to the superior court of Davidson county, upon recognizance, with security for his appearance at the next term thereof. Proviso.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXVII.

AN ACT TO INCORPORATE THE TOWN OF CONTENTNEA, IN GREENE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Contentnea, in the county of Greene, be and the same is hereby incorporated by the name and style of the "Town of Contentnea, 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. Incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at Fool's bridge, at the end thereof, situate on the western side of Contentnea creek; runs thence south-eastwardly along the course of said Contentnea creek four hundred and fifty yards to a stake; thence south sixty-seven west four hundred and forty-five yards; thence north twenty-three west eight hundred and ninety yards; thence north sixty-seven east eight hundred and thirty yards to said creek; thence down the meanderings of the creek to the beginning. Corporate limits.

SEC. 3. On the first Monday in May, in the year

Election.

eighteen hundred and seventy-seven, and annually thereafter, an election shall be held in said town for a mayor and three commissioners for the same, who shall be elected by the qualified voters resident within said corporate limits.

SEC. 4. For the good government of said town the officers aforesaid, and their successors in office, shall have all the powers, rights and privileges conferred upon mayors and commissioners of incorporated towns by the provisions of chapter one hundred and eleven of Battle's Revisal, and shall be governed by the rules, regulations and restrictions in said chapter prescribed.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXVIII.

AN ACT CONCERNING BURNT RECORDS IN THE COUNTY OF GREENE.

Preamble.

WHEREAS, On the second day of March, one thousand eight hundred and seventy-six, all the records of deeds within or belonging to the office of register of deeds, for the county of Greene, were destroyed by fire; therefore

When deeds are presented for registration.

SECTION 1. *The General Assembly of North Carolina do enact:* That when a deed, whereof the record has been burned as aforesaid, shall be presented for registration, and it shall appear that the same had been duly probated and ordered to be registered, and had been recorded in the register's office aforesaid, the same shall be recorded anew by said register, upon payment to him of the sum of fifty cents for not more than three copy sheets,

Deeds on which taxes were due.

SEC. 2. That whenever such deed shall be a marriage contract, mortgage deed, or deed in trust to secure credit-

ors, or any other instrument, whereon at the time when the same was registered, any taxes were required to be paid, under and by authority of the revenue laws of this state, in such case it shall be presumed and taken, in the absence of proof to the contrary, that such taxes (both that due the state and that due the county,) were paid prior to such former registration, and no further payment of such taxes shall thereon be required.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXIX.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the city of Charlotte be amended by adding the following sections, to wit: Amended.

SEC. —. Any person violating any ordinance of this city, shall be deemed guilty of a misdemeanor, but the punishment therefor shall not exceed a fine of fifty dollars or imprisonment for thirty days. Violation of any ordinance.

SEC. —. That the mayor of said city shall have jurisdiction to hear and determine said violations 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 within his own knowledge. Jurisdiction of the mayor.

SEC. —. That the mayor shall have power to commit any person convicted of a violation of said ordinances 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. Mayor may commit persons to prison.

SEC. —. That an acquittal or conviction in any proceeding had or instituted under the provisions of this act, shall Any acquittal or conviction shall be a com-

plete bar to prosecution in other courts.

be a complete bar to any and every criminal prosecution for the same offence in any other court of this state.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXX.

AN ACT TO REPEAL CHAPTER SIXTY-SIX, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter sixty-six, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, is hereby repealed, and that all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 2. That this act shall be in force from and after the twentieth day of March, one thousand eight hundred and seventy-seven.

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXXI.

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

SECTION 1. *The General Assembly of North Carolina do enact*: That the portions of the act entitled an act to incorporate the town of Reidsville, Rockingham county, ratified on the twenty-second day of December, A. D.

Repealed.

Repealed.

one thousand eight hundred and seventy-three, 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. In addition to all the privileges and rights conferred upon towns and to which mayors and commissioners of incorporated towns are subject by the provisions of chapter one hundred and eleven of the revised code as brought forward in Battle's Revisal chapter one hundred and eleven, the board of commissioners of the town of Reidsville 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 they may deem expedient and proper. *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 disturbance 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.

Special ordinan-
ces.

Proviso.

SEC. 3. The mayor as a peace officer 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, try 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 the common jail of the county; and generally to execute the provisions of chapter one hundred and eleven of Battle's Revisal together with the provisions of this act, and the laws and ordinances of the commissioners. *Provided, however*, That in no case shall the mayor impose any penalty

Jurisdiction of
Mayor.

Proviso.

greater than fifty dollars fine or thirty days' imprisonment; but in all cases when a defendant shall fail to pay or secure to the satisfaction of the mayor, the fine and costs imposed for any offense, it shall be competent for the mayor to adjudge also that the said defendant work, until the fine and costs are paid, on the public streets or other public works of the town, and that he be kept in close custody during the time he is so working out said fine and costs. *Provided further*, That in all cases any defendant dissatisfied with the judgment of the mayor may appeal to the superior court of Rockingham county upon bond or recognizance as required with security for his appearance at the next term thereof.

Proviso.

Special court

SEC. 4. That the mayor shall have jurisdiction to hear, try and determine all such cases as come within his jurisdiction by the provisions of this act without requiring a complaint or oath in writing from the party injured; but may exercise said jurisdiction on the complaint of any other person, or when the offense committed is within his own knowledge; and for all the purposes of this act the mayor of said town is hereby constituted a special court.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXXII.

AN ACT TO ENFORCE THE COLLECTION OF UNPAID TAXES IN NEW HANOVER COUNTY.

WHEREAS, It appears that, by reason of an injunction from the courts restraining the collection of a part of the county tax of New Hanover county for the year one thou-

Preamble.

sand eight hundred and seventy-five, said tax was not collected at the time required for collection of state taxes for that year; and

WHEREAS, Said injunction was vacated after the state taxes for that year had been collected and paid into the treasury; and

WHEREAS, Much of the tax so enjoined not being paid, after the dissolution of said injunction, the tax-collector sold the property for said unpaid taxes, and in all cases where there was no bidder at the sale, the property was bid in for the county of New Hanover, and a deed made for the same to said county, which deed the county now holds. Therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That any delinquent tax-payer, whose property has been so conveyed, may pay the amount of his tax, with twenty-five per centum additional, within twelve months from the date of such deed, to the sheriff of New Hanover county, and thereupon the deed shall be delivered up to him by the county officers, in whose possession it may be.

Delinquent tax payers.

SEC. 2. The chairman of the board of commissioners of New Hanover county shall cause a demand for such unpaid taxes, to be made on such persons or corporation who may owe taxes as aforesaid; and any person or corporation who shall fail to pay the taxes on or before June first, one thousand eight hundred and seventy-eight, shall forfeit all right, claim, or title to such property, and the absolute title to the same shall be vested in the county of New Hanover, which shall be entitled to the possession of the same, and the commissioners of said county may maintain any appropriate action in any court of competent jurisdiction to recover possession.

Commissioners shall cause a demand to be made for unpaid taxes.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXXIII.

AN ACT TO INCORPORATE THE TOWN OF STONEVILLE, IN THE
COUNTY OF ROCKINGHAM.

Incorporated. SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Stoneville, in the county of Rockingham, be and the same is hereby incorporated by the name and style of the "Town of Stoneville," 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.

Corporate limits SEC. 2. That the corporate limits of said town shall include all the territory within one half mile of P. M. Stone's brick store house in said town.

Election. SEC. 3. The officers of said corporation shall consist of a mayor, three commissioners and a constable. It shall be the duty of the sheriff of Rockingham county, or any justice of the peace of Mayo township, within thirty days after the ratification of this act, after giving ten days' notice by advertising at three public places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that govern other elections.

License to sell liquor. SEC. 4. It shall not be lawful for the county commissioners of Rockingham county to grant license to any person to retail spirituous liquors within the corporate limits of the said town without his having first presented a recommendation in writing from the mayor and a majority of its commissioners, and any license otherwise granted shall be void.

By-Laws. SEC. 5. The said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this state, or the United States.

SEC. 6. The commissioners shall have power to levy a tax not to exceed sixty cents on the poll, and not to exceed twenty cents on the one hundred dollars valuation of property. May levy a tax.

SEC. 7. The commissioners shall have power to tax all subjects of state taxation within the corporate limits to an amount not to exceed one half of the amount of state tax, and shall have power to abate all nuisances, and may impose such fines as may be necessary to abate them. Nuisances.

SEC. 8. It shall be the duty of the commissioners to spend the tax so levied and collected in repairing and improving the streets and sidewalks of said town. Streets.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXXIV.

AN ACT TO ENABLE THE BOARD OF COUNTY COMMISSIONERS OF HENDERSON COUNTY TO APPLY THE SURPLUS OF MONEY IN THE TREASURY, RECEIVED FROM THE LEVY OF A SPECIAL TAX, TO PAY CERTAIN RAILROAD BONDS, WHICH SAID INDEBTEDNESS HAS BEEN SETTLED IN FULL BY COMPROMISE WITH THE HOLDERS OF SAID BONDS, TO APPLY SAID SURPLUS, AMOUNTING TO THE SUM OF ABOUT TWO THOUSAND DOLLARS, TO THE LIQUIDATION OF THE GENERAL INDEBTEDNESS OF THE COUNTY OF HENDERSON.

WHEREAS, By act of the general assembly of North Carolina, heretofore passed, the board of county commissioners of the county of Henderson were authorized and empowered to levy a special tax amounting to seven thousand dollars, (\$7000,) for the purpose of paying off certain railroad bonds for which said county was responsible; and Preamble.

whereas, by reason of a compromise effected between the holders of said bonds and the board of county commissioners of Henderson county, said indebtedness had been settled and discharged in full, leaving a balance of eighteen hundred and sixty-two dollars (\$1862) in the treasury of said county; and *whereas*, the commissioners of said county are desirous of applying said sum of money aforementioned to the liquidation of the general indebtedness of the county of Henderson; therefore

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of county commissioners of the county of Henderson be and they are hereby authorized and empowered to use the said sum of eighteen hundred and sixty-two dollars (\$1862) received from the levy of the special tax heretofore collected to pay off certain railroad bonds, which said indebtedness has been compromised and settled in full by the county commissioners, for the purpose of liquidating the general indebtedness of the county of Henderson.

Commissioners authorized to use the \$1,862 to pay off certain railroad bonds.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER CLXXXV.

AN ACT TO INCORPORATE THE TOWN OF ENOCHVILLE, ROWAN COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, Enochville, in the county of Rowan, is hereby incorporated by the name of the "Town of Enochville," and shall be subject to all the provisions of chapter one hundred and eleven of the Revised Code and Battle's Revisal.

Incorporated.

SEC. 2. The corporate limits of said town shall be one-half of a mile north, south, east and west from St. Enoch's Evangelical Lutheran church, forming a square around it. Corporate limits.

SEC. 3. An election shall be held on the first Monday in May, anno domini one thousand eight hundred and seventy-seven, and each successive year, for a mayor and three commissioners, and persons living for ninety days within the corporate limits of said town, and qualified to vote for members of the general assembly, shall vote at said election. Election.

SEC. 4. It shall be unlawful for any person, either directly or indirectly, to sell or give away, within two miles of St. Enoch's Evangelical Lutheran church, any spirituous or intoxicating liquors, and any person offending against the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days. Spirituous liquors.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXXXVI

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE REINCORPORATION AND BETTER GOVERNMENT OF THE TOWN OF MURFREESBORO, IN THE COUNTY OF HERTFORD," RATIFIED THE SIXTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, of chapter two hundred and forty-three, of the laws of one thousand eight hundred and Section 1, chapter 243, laws of 1854-'55, amended.

Election.

fifty-four and one thousand eight hundred and fifty-five, be so amended as to read as follows: That an election shall be held in the town of Murfreesboro on the first Monday in May, one thousand eight hundred and seventy-seven, and annually thereafter on the same day, for the election by the qualified voters thereof, of a mayor and five commissioners, who shall hold their office for the term of one year, and until their successors shall be duly elected and qualified: *Provided*, That no one shall be eligible to the said offices of mayor or commissioner who has not been a resident of the state for one year and a resident of the said town for the period of ninety days.

Proviso.

Registrars and inspectors of elections.

SEC. 2. That section three of said chapter be so amended as to read as follows: The board of town commissioners now in office shall appoint registrars and inspectors of the election to be held in May, one thousand eight hundred and seventy-seven, and the registrars so appointed shall open their registration book on the Thursday, Friday and Saturday next preceding the day of election, in some convenient place in said town, between the hours of eight o'clock, a. m. and five o'clock p. m. of each day, when all persons legally entitled to register may do so. The registrar so appointed may transfer from the old registration books such names only as they know are legally entitled to be transferred. At all future registrations and elections the board of commissioners elected under this act shall appoint registrars and inspectors who shall be governed by the provisions of this act.

Amended.

SEC. 3. That section four of said act be amended by striking out all after the word "ability," in the sixth line, and insert in lieu thereof, "the said justice of the peace shall certify the same to the clerk of the said board of town commissioners who shall record the same on the record of said town." That after the word "commissioners," in the first line, insert the words, "and mayor."

SEC. 4. That section five of said act be amended by

striking out all after the word "commissioner," in the eighth line thereof Amended.

SEC. 5. That section six of said act be amended so as to read as follows: "The board of commissioners so elected shall meet once every month. The mayor shall preside at the meetings of the board of commissioners, but shall not be entitled to a vote except in case of a tie, when he shall give the casting vote. In case of the absence of the mayor the board of commissioners shall elect one of their own number mayor *pro tempore*, who shall be allowed to vote as a commissioner, and also to cast his vote in case of a tie. All the contracts and other official acts of the board shall be assigned by the clerk and authenticated by the signature of the mayor. In case of vacancy by death, resignation or otherwise occurring in the said board of commissioners, the said vacancy shall be filled by election by the said board of commissioners.

SEC. 6. That section eight of said act be amended by inserting after the word "of," in line eight, the words Section 8 amend-
ed. "the mayor or," and by striking out of the last line of said section all after the word "town," and insert "to be used under direction of said board of commissioners exclusively for the benefit of said town."

SEC. 7. That sections seventeen and nineteen of said act be and the same are hereby repealed. Repealed.

SEC. 8. That all laws or parts of laws in conflict with this act are hereby repealed. Conflicting laws.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXXXVII.

AN ACT TO DIVIDE THE TOWNSHIPS OF AVERASBORO AND BUCKHORN, IN THE COUNTY OF HARNETT.

Averasboro
and Buckhorn
townships.

SECTION 1. *The General Assembly of North Carolina do enact:* That the townships of Averasboro and Buckhorn, in the county of Harnett, be divided so as to restore the township of the Grove in Averasboro and Hector's creek in Buckhorn—the lines of division to be the same as those dividing these townships prior to one thousand eight hundred and sixty-eight.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXXXVIII.

AN ACT TO REPEAL SECTION FORTY-SIX, CHAPTER SEVENTY-EIGHT, BATTLE'S REVISAL.

Section 46, chapter 78 of Battle's Revisal repealed.

SECTION 1. *The General Assembly of North Carolina do enact:* That section forty-six, of chapter seventy-eight, of Battle's Revisal, be and the same is hereby repealed.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXXXIX.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD FROM PHINEAS HORTON'S STORE, IN WILKES COUNTY, TO THE DEEP GAP OF THE BLUE RIDGE, IN WATAUGA COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a public road, commencing at or near Phineas Horton's store, in Wilkes county, by amending the Stoney Fork road to John Key's; thence the most practicable route up Stoney Fork creek to Larkin Bishop's mill; thence to amend the said Stoney Fork and Deep Gap road to the Deep Gap of the Blue Ridge, in Watauga county.

Public road.

SEC. 2. That the said road shall be made 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 James Horton and Willis Warters, of Wilkes county, and Wm. E. Greene, of Watauga county be, and they are hereby appointed to engineer and locate said road, who shall, before entering upon their duties, take an oath before some justice of the peace of one of the said counties to faithfully discharge their duties for the best interest of the two counties.

Persons appointed to locate the road.

SEC. 4. That if the owners of any lands through which said road shall pass, shall consider themselves injured thereby, it shall be competent for each person so injured, by petition to the county commissioners of the county where the land lies, praying for a jury to view the premises and assess the damages sustained; and it shall be the duty of the said commissioners to order said jury to be summoned by the sheriff of said 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 the report of the jury made to, and con-

Damages.

firmed by the county commissioners, the damages shall be paid by the county in which the lands are situated.

Expenses.

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

Commissioners to supply a sufficient force.

Proviso.

SEC. 6. That the county commissioners of each county named in this act, are hereby required to order out a sufficient number of the hands of their county liable to work on public roads to construct the road. *Provided*, That the county commissioners shall be the judges as to the number of hands sufficient to construct said road. *And provided, further*, That the citizens of Watauga to work down to Willis Waters' house. *Provided*, That each county shall be required to make that portion of said road which passes through its territory.

To be kept in order.

SEC. 7. That when said road has been constructed as herein provided, it shall be kept in order in the same manner as other public roads.

Per diem.

SEC. 8. That the per diem of said engineers be fixed by the county commissioners, and paid by the county in which they reside.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXL.

AN ACT TO INCORPORATE THE POLK COUNTY NARROW GAUGE RAILROAD COMPANY.

Capital stock.

SECTION 1. *The General Assembly of North Carolina do enact*: That a company may be formed with a capital stock not to exceed three hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars

each, to be known as the Polk County Narrow Gauge Rail Road Company, for the purpose of constructing a narrow gauge rail road from some point on the Spartanburg and Asheville rail road at or near the Block House in Polk county by way of Columbus to Mills Springs in said county of Polk, which road may be extended at the discretion of the company to Rutherfordton, in Rutherford county, and Shelby, in Cleaveland county, and said company when formed and organized as herein after provided, shall have power and capacity to sue and be sued, to plead and be impleaded, to receive, own and transfer real and personal property, to have a common seal, and to pass by-laws, not inconsistent with the laws of the state and have the right to transfer or carry any persons or articles of commerce on such road, and at such rates as they may fix.

By-laws.

SEC. 2. That for the purpose of creating the capital stock of said company, J. C. McFarland, John Garrison, L. R. McAboy, James Morris, R. S. Abrams, T. C. Ridings, D. V. Rhodes, O. J. Nelson, N. B. Hampton, W. M. Justice, James Carpenter, J. M. Hamilton, James Jackson, N. Dinsdale, John Arledge, Geo. J. Mills and T. L. Smith are hereby appointed commissioners, a majority of whom may appoint a committee whose duty it shall be to open books for subscription at such times and places as they shall deem best, and under such rules as they shall prescribe, such subscriptions or any part thereof may be received payable in land, money, labor, or material necessary for the construction of said road or in-lands, stock or valuable credits in such manner, and on such terms as may be agreed upon.

Commissioners.

Subscriptions.

SEC. 3. That it shall be lawful for any county, city or incorporated town to subscribe to the capital stock of said rail road company, in such amount and on such terms as they may be authorized to do by a majority of the qualified voters of such county, city or town, and for the purposes of ascertaining the sense of the citizens of such county, city or town the authorities thereof shall cause

Election.

an election to be held, first giving three months' notice thereof at the court house door, and in case of a county, at two public places in each township of said county, at which election all persons qualified to vote for members of the general assembly shall vote, and said election shall be conducted under the rules and regulations governing elections for members of the general assembly.

To open the polls.

SEC. 4. The county commissioners of any county, a majority of such commissioners concurring, are empowered to order the sheriff of such county, at such time and on the notice in this act prescribed, to open the polls and take the sense of the voters of such county, qualified to vote for members of the general assembly, whether the commissioners of such county 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 commissioners.

Result of election

SEC. 5. That if upon the return of the sheriff it shall appear that a majority of the qualified voters 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 February in each and every year. The said county commissioners are hereby vested with full

power and authority to raise money by taxation on 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.

SEC. 6. 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.

Profits to be divided among the stockholders.

SEC. 7. That 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 receive 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.

Right of transportation.

SEC. 8. That the said company may purchase, have and hold in fee simple or for a term of years, any lands, tenements or hereditaments.

May purchase, &c.

SEC. 9. 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.

The right to cross-roads.

Proviso.

SEC. 10. 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 on the party or parties owning the said land. In making the said valuation the said commissioners shall take into considera-

Right of way.

tion 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 for 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 valuation: *Provided nevertheless*, That the company or land owner 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 judgments 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 hand 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 purpose 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.

Proviso.

Proviso.

May condemn lands.

SEC. 11. That the right of said rail road company to condemn in the manner described in the tenth 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 center 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. 12. That no county bonds shall be sold or hypothecated for less than ninety per centum net in money of the par value thereof. County bonds.

SEC. 13. The said commissioners mentioned in section two of this act, or a majority of them, at any time after the sum of five thousand dollars has been subscribed to the capital stock of said company, and five per centum paid thereon, shall have power to call together the subscribers to the said stock of said company after ten days' notice being posted at the court house door of said county of Polk, and if the road is extended the same notice to be given in the other counties and at one or more public places, in each township of said county or counties 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 "Polk County Narrow Gauge Rail Road Company," with all the rights, powers, franchises and privileges herein granted. Incorporated.

SEC. 14. 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 offices for one year or until their successors shall be elected. *Provided*, That no person shall be elected a director unless he 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 only use and benefit, in all such meetings of stockholders 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. Election of directors.

The board of directors may fill all vacancies that may oc- Proviso. Vacancies.

cur 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. In the event any county subscribes stock, said stock shall be entitled to one vote for each share subscribed, and to representation in the board of directors in proportion to its stock as compared with other stock; that is to say if the county subscription of stock exceeds the individual stock in said company, the said county stock will be entitled to a majority of the directors in said board. The commissioners of the county may elect four persons annually to represent by proxy, the shares of stock taken by said county in said railroad company.

Proviso.

SEC. 15. 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. 16. 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.

Elections at the general meetings of the stockholders.

SEC. 17. That after the 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 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.

Exclusive right of conveyance and transportation.

SEC. 18. That the president shall, under the direction of the board of directors, issue certificates of stock to the

Certificates of stock transferable.

stockholders, which shall be transferable in manner as may be prescribed by the by-laws of the company.

SEC. 19. That contracts made and entered into by the president, for and in behalf of the company, by order of a majority of the board of directors, with or without seal, shall be binding on the company. *Provided*, That nothing in this section shall be construed 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 three-fifths vote in value of the stockholders.

SEC. 20. That the board of directors may call for the sum subscribed as stock in said company in such installments as the interest of said company may require. The call for each payment shall be given by notice being posted on the court house door, and at three more public places in said counties of Polk, Rutherford and Cleveland, if extended for fifteen days before the day of payment; and on failure of any stockholder to pay the installment, 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 said stockholder to the company for such subscription of 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 of such stockholders, or their executors, or administrators or assigns, at the suit of said company in any court of competent jurisdiction, or a warrant before a justice of the peace, where the demand does not exceed his jurisdiction, 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

(Contract's.

Provided.

Directors may call for the sum subscribed as stock.

the company, and the same may be recovered as above described.

May issue bonds.

SEC. 21. That it may be and shall be lawful for said company to make and issue bonds to any amount not to exceed seventy-five thousand dollars, unless the road be extended to Rutherfordton, when it may be increased to one hundred and fifty thousand dollars, and if to Shelby, two hundred and fifty 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 hundred dollars each, bearing interest at the rate of not more than eight per centum per annum, to be paid annually, at their option, and redeemable at any time fixed and agreed upon by the company.

To secure the payment of the bonds.

SEC. 22. 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 the 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.

Charter to continue fifty years.

SEC. 23. That the charter, powers and privileges herein granted shall continue for fifty years after the date of the ratification of this act, and no longer.

SEC. 24. That this act shall take effect from and after the fifteenth day of March, one thousand eight hundred and seventy-seven.

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXLI.

AN ACT TO AMEND THE CHARTER OF LINCOLNTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the fifth section of the charter of said town be amended by adding to the said section the following clause: "The intendant's court shall be an inferior court, in the town of Lincolnton, and the intendant shall be clothed with all the powers of judges or presiding officers of inferior courts for the purpose of executing the laws and ordinances of said town; and in all cases of appeal the person appealing shall give a bond and security for the payment of all charges, costs, fines and penalties which may be assessed against him in the superior court before appeal is granted."

Jurisdiction of
Intendant.

SEC. 2. That section thirteen, sub-division thirteen, be amended so as to read as follows: "That the board of commissioners shall have power to grant or refuse license to sell spirituous or malt liquors, or wines, in said town, and it shall not be lawful for any person to sell spirituous or malt liquors, or wine, within the corporate limits of said town, in quantities less than five gallons, without a license therefor; and in case a license to sell in measures of a quart or less be granted by the commissioners, a tax of not less than one hundred dollars shall be imposed and collected for such license; and for all license to sell in measures more than a quart, there shall be charged and collected a tax of not less than seventy-five dollars.

Commissioners
may grant or re-
fuse license to
sell liquor.

SEC. 3. That the following additional sections be added to the charter of said town:

1. In cases of imprisonment for the violation of any of the ordinances of the town, or for a contempt of the court of the intendant, the county jail shall be used for that purpose, and the sheriff or jailor shall receive such person, and shall charge the same fees as in cases of other

Imprisonment
for violating
town ordinances.

prisoners, and in case the person so convicted is insolvent, the board of commissioners of Lincolnton shall pay the jail fees and charges.

2. That the violation of such ordinances as may be passed under said charter and are not inconsistent with the constitution and laws of the state of North Carolina, shall be a misdemeanor, and as such shall be punishable by any court of the state having jurisdiction.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CLXLII.

AN ACT TO ORGANIZE A GOVERNMENT FOR THE CITY OF WILMINGTON.

Preamble. WHEREAS, The regular term of office of the persons now acting as mayor and aldermen of the city of Wilmington expired on the second Monday in May, one thousand eight hundred and seventy-four, and it is necessary that provision be made for the due organization of the municipal government of said city :

To be divided in- to five wards. SECTION 1. *The General Assembly of North Carolina do enact*, That section four of the act ratified the third day of February, A. D. one thousand eight hundred and seventy-five, entitled "An Act to amend the charter of the city of Wilmington," be repealed, and the following substituted in its stead, viz: The city of Wilmington shall be divided into five divisions or wards, denominated, first, second, third, fourth and fifth wards respectively, and said wards shall be severally bounded as follows, viz: The first ward shall include all that part of said city which lies north and east of the following lines, viz:

First Ward.

Beginning at the centre of Campbell street at its western end on the river, thence running eastwardly with the center of said street to the middle of Fourth street, thence southwardly with the middle of Fourth street to the middle of Red Cross street, thence eastwardly with the middle of Red Cross street to the middle of Fifth street, thence southwardly with the middle of Fifth street to the middle of Walnut street, thence eastwardly with the middle of Walnut street to the middle of McRae street, thence southwardly with the middle of McRae street to the middle of the street running eastwardly from or near to the eastern end of Mulberry street on McRae street, thence eastwardly with the middle of the street last referred to and designated on the present plan of said city as Mulberry street to the center of Tenth street at its northern terminus; thence southwardly with the center of Tenth street to the center of Dock street, and thence eastwardly with the center of Dock street to the eastern boundaries of the city. The second ward shall include

Second Ward.

all that part of said city within the following lines, viz: Beginning in the centre of Campbell street at its western end on the river, thence running eastwardly with the center of said street to the middle of Fourth street, thence southwardly with the middle of Fourth street to the middle of Dock street, thence westwardly with the middle of Dock street to the river, and thence northwardly up the river to the beginning; and so much of said city as lies on Eagle's island, and also on Point Peter, shall be a part of said second ward. The third ward shall include

Third Ward.

all that part of said city within the following lines, viz: Beginning at a point in the intersection of Fourth street, and Red Cross street which is the common centre of said two streets, thence running eastwardly with the centre of Red Cross street to the centre of Fifth street, thence southwardly with the centre of Fifth street to the centre of Walnut street, thence eastwardly with the centre of Walnut street to the centre of McRae street, thence southwardly with the centre of McRae street to the middle of

the street running eastwardly from or near to the eastern end of Mulberry street on McRae street, thence eastwardly with the middle of the street last referred to and designated on the present plan of said city as Mulberry street to the centre of Tenth street at its northern terminus, thence southwardly with the centre of Tenth street to the centre of Dock street, thence westwardly with the centre of Dock street to the centre of Fourth street, and thence northwardly with the centre of Fourth street to the centre of Red Cross street, the beginning. The fourth ward shall include all that part of said city which is bounded on the north by the middle of Dock street, on the east by the middle of Seventh street, on the south by the middle of Church street, and on the west by the river. The fifth ward shall include all that part of said city within the following lines, viz: Beginning on the river in the centre of Church street, thence running eastwardly with the centre of Church street to the centre of Seventh street, thence northwardly with the centre of Seventh street to the centre of Dock street, thence eastwardly with the centre of Dock street to the eastern limits of said city, thence southwardly with the eastern line of the city to its southeastern corner, thence westwardly with the southern line of said city to the river, and thence northwardly with the eastern line of the river to the beginning in the the centre of Church street.

Fourth Ward.

Fifth Ward.

Eligibility of aldermen.

SEC. 2. The corporate powers and authority granted to the city of Wilmington shall be exercised by, and vested in a board of aldermen, two of whom shall be elected by the voters of each of the following wards of said city. No person shall be eligible as an alderman of any one of said wards unless he be duly qualified as a voter in such ward, as is hereinafter provided, shall have resided in said city one year next preceding the day of election for aldermen, and shall be on that day, and have been for ninety days prior to that day a resident of the particular ward for which he shall be elected an alderman. Before entering upon their duties the aldermen shall before some one of

the judges of this state, or some justice of the peace of the county of New Hanover severally take and subscribe an oath that he will, well and faithfully discharge the duties of alderman of the city of Wilmington, which oath duly certified by the judge or justice of the peace before whom it may have been made, shall be deposited in the office of the clerk and treasurer of said city. Whenever a vacancy shall occur in the board of aldermen from any cause whatever, the other members of said board shall fill such vacancy by the election of some person duly eligible as provided above.

SEC. 3. That before the first election of aldermen to be held under the provisions of this act, and biennially thereafter, before every such election, there shall be a new registration in each of said wards, of the persons qualified to vote in the same; and the first election for aldermen shall be held on the fourth Thursday in March, one thousand eight hundred and seventy-seven, and subsequent elections therefor shall be held biennially thereafter on the fourth Thursday of March, of the respective years on which the same occurs. The aldermen elected under the provisions of this act, shall continue in office for two years from the day of their election, and until their successors shall be duly elected and qualified according to law. *Provided, however,* That the aldermen elected in March, A. D. one thousand eight hundred and seventy-seven, shall not enter upon the discharge of their duties as such aldermen until the first day of June next thereafter and shall continue in office until the fourth Thursday in March, one thousand eight hundred and seventy-nine, and until their successors shall be duly elected and qualified.

SEC. 4. Every male citizen twenty-one years old shall be entitled to registration, who shall have resided in this state for one year, and has been a resident *bona fide* in the particular ward in which he applies to be registered, ninety days next preceding any such election, and no other person shall be so entitled. Any elector may, and

Election.

Proviso.

Eligibility of voters.

it shall be the duty of the registrar, to challenge the right to register of any person known or suspected not to be lawfully entitled to register; and when any such challenge shall be made, it shall be the duty of the registrar to inquire into and decide as to the right of the person so challenged to registration, and if it shall appear that such person is not so entitled, he shall be excluded from registration.

May challenge voters.

SEC. 5. Every duly registered person in any ward, continuing to be a resident *bona fide* of such ward up to and on the day of any such election, shall be entitled to vote in such ward, at any election therein, and no other person shall be so entitled. On the day of any such election, however, any elector may, and it shall be the duty of the judges of such election, to challenge the vote of any person known or suspected not to be a duly qualified voter; and when any such challenge shall be made, the judges of such election shall inquire into and decide as to the right of the person so challenged to vote at such election, and if it shall appear that such person is not so entitled, he shall not be permitted to vote. J

Registrars, &c.

SEC. 6. That in order to carry into effect the preceding sections of this act, the following named persons are empowered and authorized to act as registrars—that is to say: L. J. Thornton, in the upper division of the First Ward; William H. Yopp, in the lower division of the First Ward; Theodore C. James, in the Second Ward; James W. King, in the Third Ward; William F. Oldham, in the Fourth Ward, and John C. Millis, in the Fifth Ward. The upper division of the First Ward shall include all that portion of said ward which lies north of Bladen street and Moore street, and the lower division of said First Ward shall include all that portion of the same which is south of Bladen street and Moore street; and each of said divisions of said wards shall constitute a separate voting and registration precinct; and the provisions of this act, and of all other acts in reference to

the registration of voters, and to the voting at any election in the said city, shall apply severally to said two divisions of said First Ward as though the same were different wards of said city. The Second, Third, Fourth and Fifth Wards shall each constitute a separate registration and voting precinct. The said registrars shall, on the fifth day of March, A. D., one thousand eight hundred and seventy-seven, or so soon after the ratification of this act as may be practicable, open books for the registration of voters at the following named places in their respective wards and precincts: That is to say—in the upper division of the First Ward, at the store house of John Thornton, at the southeast corner of Harnett and Fourth streets; in the lower division of the First Ward, at the stables of the street-car company, at the corner of Red Cross and Seventh streets; in the Second Ward, at the court house; in the Third Ward, at Giblem Lodge, at the corner of Eighth and Princess streets; in the Fourth Ward, at the engine house, on the south side of Ann street, between Front and Second streets; and in the Fifth Ward, at the store house of Isaac N. Sharpe, on the south side of Queen street, between Fourth and Fifth streets. Said registrars shall keep said registration books open from nine o'clock in the morning until six o'clock in the afternoon, on each and every day from the day on which they are opened as aforesaid, until the third Wednesday in March, one thousand eight hundred and seventy-seven, inclusive, when the same shall be closed, and no registration shall be valid unless made within the hours in this section prescribed. Before entering on the discharge of their respective duties, the registrars, and also the inspectors of election, hereinafter referred to, shall severally take and subscribe, before some justice of the peace, on oath, that they will well, and faithfully discharge their respective duties as registrars and inspectors of electors of election, and the oaths so taken, duly certified by the justice before whom the same may be taken, shall be filed in the offices of the clerk and

treasurer of said city, and the registrars and inspectors of elections shall severally receive the sum of three dollars for each day they may be engaged in the respective duties imposed on them by this act, or any other act in reference to said city, which shall be paid by the clerk and treasurer of said city from the funds of said city, upon the certificate of the registrars and inspectors respectively, showing the performance by them, severally, of their respective duties, and duly verified by their respective oaths. The present city registration books shall be delivered to the registrars appointed by this act, on demand.

Inspectors of election.

SEC. 7. That the following named persons are hereby empowered and authorized to act as inspectors of election at the first election to be held under this act, viz.: in the upper division of the First ward, O. A. Wiggins, Jesse Ives, Whitman Wilson and C. H. Thomas; in the lower division of the First ward, S. H. Morton, John H. Strauss, John H. Brown and Willis Byrd; in the Second ward, J. C. Lumsden, G. I. Boney, Harding Johnson and George H. Jackson; in the Third ward, Frederick G. Robidson, John L. Cantwell, Alfred Hargrave and Allen Evans; in the Fourth ward, Edward H. Eilers, Walker B. Binford, J. K. Cutlar and Elias Halsey; in the Fifth ward, John G. Darden, E. G. Barnitz, Alfred Howe and John H. Waddell.

The casting vote.

SEC. 8. If among the persons voted for as aldermen in any ward there shall be any two or more having an equal number of votes and either would be elected but for the equal vote, the registrars and inspectors in such ward shall decide the election between such persons.

Taxes, &c.

SEC. 9. That the board of aldermen of said city shall have power annually to levy taxes for city purposes on all real and personal property, on the taxable polls, on trades, licenses and other subjects of taxation referred to in section three of article fifth of the constitution of this state, and also on all other subjects of taxation on which authority to levy taxes now exists; and the valuation of

all property within said city so liable to taxation for the purposes of said city shall be the same as may be assessed thereon for taxation for state and county purposes. That all persons liable to taxation of any kind in said city shall annually make return of their respective lists of taxable property to the clerk and treasurer of said city, or to such other person or persons as may be appointed by the board of aldermen to receive such tax lists; and it shall be the duty of the board of aldermen by advertisement in at least two of the newspapers published in said city, to notify all persons that within sixty days after the date of such notices, they shall make such return of their tax lists. Lists of the taxable property, of testators, intestases, minors, lunatics and of property held in trust, shall be given in by the executor, administrators, guardians or trustees, or *cestui que trust*, as the case may be; and the persons so required to list any such property shall be individually liable for the payment of the taxes assessed thereon. Such lists shall set forth the number of the block and of the lot, or part of the lot, the taxable polls, and all other property liable to taxation of the the person returning the same, and shall be sworn to by such person before some justice of the peace, or before the clerk and treasurer, or other person appointed to receive the same, and they are severally hereby authorized to administer to all persons returning such lists the oath prescribed by law to be taken by persons giving in their tax lists under any act providing for the collection of taxes by the state. Said tax lists so returned shall be filed in the office of the clerk and treasurer of the city who shall, within thirty days after the expiration of the time limited for taking such lists, make out from the same, in a proper book kept for that purpose, an alphabetical list of the persons and owners of the property included in said lists and the taxes assessed thereon, in the same manner as tax lists are made or required to be made for the collection of state taxes. The said clerk and treasurer shall also within the time aforesaid, make out in manner aforesaid to the best of

his knowledge, information and belief, a list of taxable polls, and of all taxable property in the city, of which the owners thereof shall have failed to return a tax list in the manner and within the time aforesaid, and all such persons so listed by the clerk and treasurer, shall forfeit and pay for the use of said city on all their property so listed by the clerk and treasurer, a sum to be fixed by the board of aldermen, not exceeding twice the sum due for taxes by such delinquent, and such sum when as fixed shall be collected as is provided for the collection of other taxes due to said city. In all cases in which the owner of any real or personal property in said city is unknown to the clerk and treasurer, he shall on such delinquent list enter all such property, and the tax assessed on the same. The clerk and treasurer shall also, from the tax books of said city in his office, make out and carefully prepare similar tax lists, showing the parties and property liable for taxes to said city since the year one thousand eight hundred and seventy, which are still due and unpaid. The usual tax lists, made as aforesaid by the clerk and treasurer of said city or under his supervision, or a duly certified copy of such lists in the hands of the city marshal, or such other person as may be authorized to collect taxes due to said city, shall have the force and effect of a judgment and execution for the taxes assessed and appearing in such lists respectively, and the same may be collected by levy and sale of property of the party owing any such taxes, on giving such notice as is required by law on executions from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the powers vested by law in sheriffs or tax collectors for the collection of taxes due to the state.

Sale of real estate
for taxes.

SEC. 10. No sale of real estate in said city, for the payment of taxes assessed against such real estate as appearing on the tax lists aforesaid, shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown

owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property, and all the penalties and costs accruing on such assessment and the proceedings for the sale, were paid at the time of the sale of the same.

SEC. 11. The board of aldermen of said city is hereby authorized and empowered to pass laws for the sale of the real estate in said city, for taxes, whether such real estate belongs to resident or non-resident owners or to persons unknown, and to authorize the sale of any one lot, or sub-division of a lot, or so much and such part thereof as may be necessary to pay the taxes due; and further, that the owner, or any one for him, or any mortgagee or person having a lien, be allowed to redeem any property sold for taxes, at any time within two years, on paying the purchaser, or the city treasurer for him, the amount of the taxes, costs and expenses of sale paid by the purchaser, with twenty-five per cent. thereon in addition and two dollars for the expenses of re-conveyance, as said board shall provide. Interest at the rate of eight per cent. per annum shall be collected on all taxes assessed, from the last day on which the same are payable by the ordinance of the board of aldermen assessing the same. The board of aldermen, by the mayor or any other agent, may purchase any real estate sold for taxes, and in such event the deed conveying the same shall be made to the city, and all such real estate so purchased may be redeemed as other real estate sold for taxes as aforesaid, and when so redeemed the mayor of the city shall re-convey the same to the owner or owners, or his or their assigns or heirs at law, at their expense as aforesaid. The land of an infant, lunatic, or person *non compos mentis* shall not be sold for taxes, but when any such land shall be owned in common with another, or others free from any such disability, the sale of the same shall be made

Aldermen authorized to pass laws for the sale of real estate for taxes.

Land of infant or a person non compos mentis.

according to the provisions of section ninety-two, of chapter ninety-nine, of the revised code.

Chief of police.

SEC. 12. That the offices of marshal and assistant marshal be abolished, and the principal execution officer of said city shall be styled "chief of police," who, in addition to the duties now performed by the chief of police, shall be vested with all the powers, and perform all the duties now imposed on the marshal of said city. That all costs and fees of the mayor, or said city, and of all officers of said city, executing any process in connection with the breach of any law, or of any ordinance of the board of aldermen of said city, shall be collected by the proper officer and paid over to the clerk and treasurer of the city, for the use of the city, and in no event shall the city be required to pay any part of such costs or fees.

Costs and fees of the mayor.

Repealed.

SEC. 13. That sections four, five, seven, eight, nine, ten, eleven, twelve, fifteen and twenty-one, of the act entitled "an act to amend the charter of the city of Wilmington," ratified the third day of February, A. D. one thousand eight hundred and seventy-five, be repealed, but all other sections of said act shall be construed as parts of this act; and all other laws and part of laws, in conflict with the provisions of this act, are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1877.

CHAPTER CXCIII.

AN ACT SUPPLEMENTAL TO AN ACT PASSED THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS NEAR SALEM AND WINSTON, IN FORSYTHE COUNTY, AND FOR OTHER PURPOSES," RATIFIED THE THIRD DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections one, two and three, of an act entitled an act to prohibit the sale of spirituous liquors near Salem and Winston, in Forsythe county, and for other purposes, ratified the third day of February, one thousand eight hundred and seventy-seven, be amended by striking out the word "ten," wherever it occurs, and inserting in lieu thereof the word "fifty," and by adding the following section thereto: "That in ascertaining the distance from the Salem Female Academy to any other point the line shall be run from the northwest corner of said Female Academy."

Sections 1, 2 and 3 amended.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CXCIV.

AN ACT TO PROHIBIT THE EXPORTATION OF PARTRIDGES.

WHEREAS, As observation and experience in other sections of our country have shown that the insect-destroying birds afford material protection to grain crops; and *whereas*, the exportation of quails or partridges from the

Preamble.

tier of counties along our railroad lines is likely to exterminate that beautiful and useful species of birds; therefore,

Unlawful to export quails or partridges.

SECTION 1. *The General Assembly of North Carolina do enact*, It shall be unlawful for any person or persons to export from the counties of Catawba, Rowan, Guilford, Alamance, Rockingham, Orange, Iredell, Davie, Gaston, Columbus, Davidson, Anson and Forsythe, any quails or partridges, whether dead or alive.

Penalty.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof before any justice of the peace, shall be fined not exceeding fifty dollars nor imprisoned more than thirty days for each offence.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CCXV.

AN ACT IN RELATION TO BACK SWAMP TOWNSHIP, IN ROBESON COUNTY.

Boundary line.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Carolina Central Railway be, and the same is hereby declared to be the boundary line between Back Swamp and Burnt Swamp townships, in the county of Robeson, and that the residences of Richard Prevatt, Z. R. Prevatt and Dwight Lewis, are hereby included within the lines of Back Swamp township.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CXCVI.

AN ACT TO AUTHORIZE THE SEVERAL COUNTY AUTHORITIES OF
THIS STATE TO FARM OUT CONVICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the several counties of this state, within their respective jurisdictions, or such other county authorities therein as may be established by law, and also the mayor and intendant of the several cities and towns of the state, shall have power to provide under such rules and regulations as they may deem best for the employment on the public streets, public highways, public works, or other labor for individuals or corporations, of all persons imprisoned in the county jails of their respective counties, cities and towns, upon conviction of any crime or misdemeanor, or who may be committed to jail for failure to enter into bond for keeping the peace or for good behaviour, and who fails to pay all the costs which he is adjudged to pay, or to give good and sufficient security therefor. *Provided however*, That such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court. *Provided further*, That the amount realized from hiring out of such persons shall be credited to them for the fine and bill of costs in all cases of conviction.

May farm out convicts.

Providso.

Providso.

SEC. 2. But said convicts and persons so imprisoned shall, at all times, be under the supervision and control, as to their government and discipline, of the sheriff, or his deputy of the county in which he was so convicted and imprisoned, and the sheriff, or his deputy, shall be deemed a state officer for the purpose of this act.

Under control of the sheriff.

SEC. 3. That the party in whose service said convicts may be, may use the necessary means to hold and keep them in custody, and to prevent their escape.

To prevent escape.

SEC. 4. That any prisoner, who shall be removed from the prison of their respective counties, cities and towns,

Escapes.

under the provisions of this act, and shall escape from the person or company having him in custody, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned at hard labor for not more than thirty days, or fined not more than fifty dollars.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CXCVII.

AN ACT TO REGULATE PROCEEDINGS AGAINST OWNERS OF MILL DAMS FOR INJURIES DONE BY THEM.

SECTION 1. *The General Assembly of North Carolina do enact*, That section ten, chapter one hundred and fifty-eight, acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as brought forward in Battle's Revisal, chapter seventy-two, section 13, be stricken out, and the following section substituted: Any person conceiving himself injured by the erection of any grist mill, or mill for other useful purposes, may issue his summons returnable before the judge of the superior court of the county where the endangered land, or any part thereof lies, against the persons required to be made parties defendants by the code of civil procedure, in his complaint he shall set forth in what respect and to what extent he is injured, together with such other matters as may be necessary to entitle him to the relief demanded. The court shall then proceed to hear and determine all the questions of law and issues of fact arising on the pleadings as in other civil actions.

Section 13, chapter 72, Battle's Revisal, stricken out.

Injury done by the erection of mills.

SEC. 2. That the three following sections, eleven, twelve and thirteen, chapter one hundred and fifty-eight, acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as brought forward in Battle's Revisal, chapter seventy-two, sections fourteen, fifteen and sixteen, be stricken out.

Sections 13, 14 and 15 be stricken out

SEC. 3. That when damages shall be recovered in final judgment in such civil actions and execution shall issue and be returned unsatisfied, and the plaintiff is not able to collect the same either from the insolvency of the defendant or by reasons of the exemptions allowed to defendant, the judge shall, on the facts being made to appear before him by affidavit or other evidence, order that the dam, or portion of the dam, or other cause creating the injury, shall be abated as a nuisance, and he shall have power to make all necessary orders to effect this purpose

Dams shall be abated as a nuisance.

SEC. 4. That all actions heretofore begun shall conform in their future progress as near as may be to the provisions of this act, and either party may have the special proceedings for this purpose removed from the superior court office to the superior court in term, but this act shall not invalidate any action already taken in such cases now pending.

Actions heretofore begun.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CXCVIII.

AN ACT TO CREATE AND ESTABLISH GRAY'S CREEK TOWNSHIP, IN THE COUNTY OF CUMBERLAND.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township in the county of Cumberland

Boundaries.

be, and the same is hereby created and established, out of a portion of Rockfish township, beginning at Theo. Evans' landing, on the Cape Fear river; thence a southwest direction by Henry Clark's, and to Rockfish creek; thence up said creek to W. J. Smith's timber landing; thence with the timber road, by James Tolor's, to the Gallbury; thence down the Gallbury to the Bladen line; thence with said county line to the Cape Fear river, and thence with the said river to the beginning; and all that territory within said boundary shall constitute a township with all the rights, powers and privileges now enjoyed by townships.

Remaining portions of Rockfish township.

SEC. 2. That all the remaining portions of Rockfish township, as now constituted, shall be one township, and to exercise all the rights and privileges now belonging to townships.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER CXCI.

AN ACT TO REGULATE THE MANNER OF MAKING ELECTION RETURNS.

Certified statement of election to be recorded.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the register of deeds of the several counties in this state to record, in a book kept for that purpose, the certified statement filed by the commissioners or board of county canvassers of their counties of all elections held for their counties, immediately after receiving the same, which record shall be approved by the chairman of the board of county commissioners, or board of county canvassers, and attested

by the register of deeds, and the register of deeds shall forthwith make out a true copy of the same and file it with the clerk of the superior court, who shall record the same in a book kept for that purpose.

SEC. 2. All sheriffs or other returning officers, whose duty it is or shall hereafter be made, by law, to make election returns to the governor, secretary of state, or speaker of the house of representatives, in care of secretary of state, shall make out true and correct returns of each election upon blanks furnished by the secretary of state, which returns shall be under his certified hand and seal, and attested by the register of deeds and clerk of the superior court of such county; he shall, under the direction of the secretary of state, enclose such returns in carefully sealed packets and forward the same by the usual course of mail, under cover of registered letter, or by express, within three days, or by the first mail there after the result of such election has been declared.

Sheriffs and other
returning officers

SEC. 3. All returns for members of the house of representatives of the United States Congress shall be made to the secretary of state; and the governor shall, in the presence of the secretary of state and attorney general, and such electors as choose to attend, within twenty days (if the returns from all the counties are received) from the day of election, count up the votes and immediately thereafter issue his proclamation, declaring the person having the greatest number of votes in each congressional district, and otherwise qualified, duly elected to represent this state in the house of representatives in the Congress of the United States, and for what period, and shall issue certificates of election to the person or persons duly elected.

Returns of mem-
bers of the House
of Representa-
tives of the U. S.
Congress.

SEC. 4. If two or more persons equally qualified have an equal number of votes, the governor shall issue his proclamation ordering a new election in not less than thirty days.

Two persons hav-
ing an equal
number of votes.

SEC. 5. The returns of elections for judges of the supreme and superior courts, and solicitors for the several judicial districts of this state shall be made, and count had, and result declared, as prescribed by this act for members of congress.

SEC. 6. If from any cause the returns from any county fail to be received, the secretary of state or other officer whose duty is to make the count shall have power to require the sheriff, register of deeds or clerk of the superior court of such failing county to make and forward as provided in section two of this act one or more additional copies of such returns, and power is hereby given to such officers to send at the expense of any such county a special messenger under oath for the returns of any such delinquent county and in all cases the count shall be postponed until all the returns are received.

SEC. 7. Any sheriff, or register of deeds, clerk of the superior court or other returning officers, failing or wilfully neglecting or refusing to perform any of the duties required by this act shall forfeit the sum of one thousand dollars to be recovered on his bond in any of the superior courts of this state, and shall be guilty of a misdemeanor and on conviction shall be fined and imprisoned at the discretion of the court. And if any such officer shall make any fraudulent returns of such election, such officer shall be guilty of a felony and upon conviction shall be imprisoned not less than six months in the common jail nor more than five years in the penitentiary.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1877.

Judges of the supreme and superior courts, and solicitors.

If returns from any county fail to be received.

Failing to make proper returns

CHAPTER CC.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEVENTEEN OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to protect the stock of the citizens of Forsythe county, ratified the second day of March, one thousand eight hundred and seventy-five, chapter one hundred and seventeen, public laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be, and the same is hereby repealed. Repealed.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCL.

AN ACT TO ESTABLISH "ROSENEATH" TOWNSHIP, IN HALIFAX COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that portion of Palmyra township, in Halifax county, which is not embraced within the limits of "District Number Fourteen," (as they stood on the first day of January, one thousand eight hundred and sixty-eight) is hereby cut off and erected into a new township, to be known as "Roseneath" towaship, in said county. Roseneath township.

SEC. 2. That the voting precinct in said "Roseneath" township shall be at Roseneath, until changed by the board of county commissioners. Voting precinct in Roseneath.

SEC. 3. That the voting precinct in "Palmyra" township shall be at Palmyra.

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

Ratified the 7th day of March, A. D. 1877.

Voting precinct
in Palmyra.

CHAPTER CCII.

AN ACT TO INCORPORATE NEW HOPE BAPTIST CHURCH, CLEVELAND COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Alex. Earles, Joseph H. Austell, John R. Ellis, James McSwain and John R. Logan, and their successors are hereby created a body politic and corporate under the name and style of the Trustees of the New Hope Baptist Church, and by that name may sue and be sued, plead and be impleaded in any court of the state having competent jurisdiction, and may have and exercise all the rights, powers and privileges conferred upon religious societies by and be subject to all the restrictions laid down in chapter ninety-seven of the revised code as brought forward in chapter one hundred and one of Battle's Revisal and may have and use a common seal.

SEC. 2. That the above named trustees shall hold their offices until their successors are duly appointed by a majority of the said New Hope Baptist church in meeting assembled after due notice given from the pulpit thereof on some regular day of divine service in said church, and the term of office of their successors as their manner of their election shall be a majority of the said members of said church may direct.

SEC. 3. That said trustees may make all such by-laws, rules and regulations and ordinances for the government

Body politic.

To hold office
until others are
elected.

of said church and the protection of its property as may be deemed expedient not inconsistent with the constitution and laws of North Carolina and of the United States or of the constitution, rules and discipline of said church.

SEC. 4. That it shall not be lawful for any person to sell or dispose of any spirituous liquors at said church or within one mile thereof during religious exercises thereat; and any person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof before a justice of the peace shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Sale of spirituous liquors.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCIII.

AN ACT TO INCORPORATE THE TOWN OF GATESVILLE, IN THE COUNTY OF GATES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Gatesville, in the county of Gates, be and the same is hereby incorporated by the name and style of the town of Gatesville, 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 general laws in relation to corporations not inconsistent with this act.

Incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at Bennett's creek bridge on Bennett's creek, thence the road and main street, and the road leading to Somerton, Virginia, a distance of twelve hundred yards from said Bennett's creek bridge; thence

Corporate limits.

up said Bennett's creek three hundred yards from the bridge; thence down said creek three hundred yards; thence parallel with the road and street twelve hundred yards, including a space of twelve hundred yards long and six hundred yards wide.

Election.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a constable to be elected on the first Monday of May in the year one thousand eight hundred and seventy-seven, by the qualified voters of said town, and annually on the first Monday of May thereafter, and the following named persons shall fill said offices until the first Monday of May, one thousand eight hundred and seventy-seven: Mayor, John Brady; Hance Hofter, L. P. Hayes and P. H. Riddick, commissioners; constable, W. J. Moody.

Officers.

SEC. 4. That it shall not be lawful for the board of county commissioners of Gates county to grant license to retail spirituous liquors within the corporate limits of Gatesville 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.

Eligibility.

SEC. 5. That all resident citizens within said corporation who have resided ninety days previous to the election shall be entitled to vote at said election.

Commissioner's oath.

SEC. 6. That it shall be the duty of the commissioners elect to meet within five days and organize, take and subscribe to the following oath: "I, A. B., do swear that I will faithfully act as commissioner to the best of my knowledge and ability for the term of my office: So help me God."

By-Laws.

SEC. 7. 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 United States.

Taxes.

SEC. 8. The commissioners shall have the power to levy a tax not to exceed sixty cents on the poll, and

twenty cents on the hundred dollars' valuation of property.

SEC. 9. The commissioners shall have power to tax all subjects of taxation within the corporation taxed by the state, and shall also have power to abate nuisances, and may impose such fines as may be necessary to abate them.

Nuisances.

SEC. 10. That it shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and side walks, and keep them in good passable order, and shall also have power to exempt persons inside the corporation from working on the public roads.

Streets, &c.

SEC. 11. 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, if required by the commissioners; and it shall also be their duty to require the constable to enter into bond, payable to the State of North Carolina, in the sum of three hundred dollars, to be approved by the commissioners.

Secretary, treasurer and constable.

SEC. 12. The town constable shall collect and pay over to the treasurer all taxes imposed by the commissioners, according to the list made out; all fines and costs, when execution is issued to him for that purpose, and return the same to 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, to preserve the peace of the town by suppressing disturbances, and apprehending offenders and taking them before the mayor, and in the execution of such process, may call to his aid such assistance as may be necessary. He shall have such compensation as the board of commissioners may allow.

Duty of constable.

SEC. 13. The board of commissioners shall have power to make such special ordinances for the better government of the town, and the protection of the health and prosperity of its citizens, as may be expedient. *Provided*, The same is not in conflict with the constitution and

Ordinances.

Proviso.

laws of this state or the United States. They shall provide for, and secure the peace, good order and tranquility of the town against disturbance 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 a justice of the peace.

Vacancies.

SEC. 14. In case of any vacancy in the office of mayor or the board of commissioners the same shall be filled by the board.

The casting vote.

SEC. 15. The mayor shall have no vote in the meetings of the board unless in case of a tie, as chairman, he give a casting vote.

Mayor to take oath.

SEC. 16. That the mayor before entering upon his duties shall take the oath usually for said officers, and the constable before entering into office shall go before some justice of the peace and take the oath usually taken by constables.

SEC. 17. All laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCIV.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE WESTERN ASYLUM FOR THE INSANE.

Commissioners.

SECTION 1. *The General Assembly of North Carolina do enact,* The governor shall appoint three commissioners to superintend the construction of the Western Asylum for the Insane, near Morganton, who shall hold their office for two years from their appointment, and until their successors shall be appointed and qualified. *Provided,* One

Proviso.

of said commissioners shall be of a different political party.

SEC. 2. It shall be the duty of the commissioners to construct the asylum as speedily as possible, and to that end they may employ convicts.

Convict labor.

SEC. 3. The said asylum shall be constructed in an approved and workmanlike manner, and an account of the labor performed by the convicts forwarded to the superintendent of the penitentiary, and also reported to the general assembly.

To be constructed in a workmanlike manner.

SEC. 4. The commissioners appointed under this act shall give bond, payable to the state of North Carolina, in such sum as may be required by the governor, and conditioned faithfully to account for all money and property entrusted to them, and also for the faithful performance of all other duties imposed on them by law; such bonds shall be delivered to the governor and filed in the office of secretary of state.

Commissioners to give bond.

SEC. 5. For the purposes of carrying into effect this act the sum of thirty thousand dollars is hereby appropriated for the year, Anno Domini, one thousand eight hundred and seventy-seven, and the same amount for the year, Anno Domini, one thousand eight hundred and seventy-eight, which may be drawn upon the warrant of a majority of said commissioners, signed by said commissioners, and countersigned and approved by the governor; said sums to be drawn from time to time as the work progresses, and as the said commissioners and governor deem necessary. *Provided*, That the sums hereby appropriated shall be expended in completing the main building and one wing.

Appropriations.

Proviso.

SEC. 6. The commissioners shall on the first day of December next, and annually thereafter during their continuance in office, render to the proper accounting officers of the state an itemized account of all their contracts, expenses and liabilities which they have incurred, as authorized, in the discharge of their trust, with vouchers for the same; and in case of failure to do so, their author-

Contracts and expenditures.

ity to draw upon the state treasurer for such sums of money as are appropriated by this act, shall cease and determine.

Conflicting laws.

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

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCV.

AN ACT TO ALLOW THE TAX COLLECTOR OF THE TOWN OF CONCORD, IN THE COUNTY OF CABARRUS, TO COLLECT ARREARS OF TAXES.

Arrears of taxes.

SECTION 1. *The General Assembly of North Carolina do enact.* That the tax collector of the town of Concord, in the county of Cabarrus, be and the same is hereby authorized and empowered to collect all arrears of taxes due from the tax-payers of said town for the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five and one thousand eight hundred and seventy-six, under the rules and regulations now prescribed by law for the collection of arrears of taxes by sheriffs.

To cease on Dec. 1, 1877.

SEC. 2. That the power herein granted shall cease and determine on the first day of December, one thousand eight hundred and seventy-seven.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCVI.

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE 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 section two, chapter one hundred and fifty-two, of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended so as to read as follows: Amended.

“SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction, before any justice of the peace in the county where the offence was committed, shall be imprisoned not exceeding thirty days, or fined not exceeding fifty dollars.” Penalty.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCVII.

AN ACT TO AMEND CHAPTER TWENTY, SECTION FIRST OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first, of chapter twenty of Battle's Revisal be so amended as to read as follows: “The clerks of the supreme and superior courts are authorized to take and certify affidavits to be used before any justice of the peace, judge or court of the state; and the affidavits so taken shall be certified under the hands of the said clerks.” Affidavits.

and, if to be used out of the county when taken, also under the seal of the court of which they are respectively clerks.

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCVIII.

AN ACT TO INCORPORATE THE TOWN OF SEABOARD, IN THE COUNTY OF NORTHAMPTON.

Incorporated. SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Seaboard, in the county of Northampton, be and the same is hereby incorporated by the name and style of the "Town of Seaboard," and shall be subject to and have the benefit of all the provisions contained in chapter one hundred and eleven of Battle's Revisal not inconsistent therewith.

Corporate limits. SEC. 2 The corporate limits of said town shall extend one half mile each way, north, south, east and west from the railroad depot, so as to make said depot the centre of said limits and forming a square around it.

Officers. SEC. 3. Until the regular election on the first Monday in May the government of the town shall be vested in the following officers, viz ; Mayor, A. E. Joyner ; commissioners, Simon Lawrence, Joseph Maddy and H. R. Deloatch, who are hereby empowered to appoint a town constable until the regular election in May. And at said regular election a mayor, three commissioners and a constable shall be elected according to the provisions of said chapter one hundred and eleven of Battle's Revisal.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCIX.

AN ACT TO ESTABLISH TWO ADDITIONAL TOWNSHIPS IN HALIFAX COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That all that part of Caledonia township, in Halifax county, which on the first day of January, one thousand eight hundred and sixty-eight, was embraced within the limits of Captain's district number one, is hereby erected into a new township within said county to be known as "Conoconarie township."

Conoconarie township.

SEC. 2. That the voting precinct in said Conoconarie township is hereby established at Tillery's mill, until changed by the board of county commissioners.

Voting precinct of Conoconarie.

SEC. 3. That all that part of Littleton township, in Halifax county, lying south of the main public road from the town of Warrenton, which passes by J. W. Hariss', is hereby erected into a new township within said county, to be known as Butterwood township.

Butterwood township.

SEC. 4. That the voting precinct within said Butterwood township is hereby established at Thorne's mill, until altered by the board of county commissioners.

Voting precinct of Butterwood.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCX,

AN ACT TO LEGALIZE BLOWING ROCK TOWNSHIP, IN THE COUNTY OF WATAUGA.

SECTION 1. *The General Assembly of North Carolina do enact*, That a certain township, in the county of Watauga, known as the Blowing Rock township, established

Blowing Rock legalized.

in the year one thousand eight hundred and seventy-five, by the commissioners of said county, is hereby declared legal and lawful in all respects; and all acts done by the trustees or officers of said township, prior to the ratification of this act, are also declared legal and valid to all intents and purposes.

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

Ratified the 7th day of March, A. D. 1877.

31. . . .

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CHAPTER CCXI.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER ONE HUNDRED AND FOUR, SECTION TWENTY-SIX.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty-six, of chapter one hundred and four of Battle's Revisal, entitled "Roads, Ferries and Bridges, be so amended as to read as follows: "Every person who shall neglect to do his duty, as directed by the preceding section, or shall let remain out of repair any such bridge for the space of ten days, unless prevented by unavoidable circumstances, shall be liable for such damages as may be sustained, and, moreover, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars.

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

Ratified the 7th day of March, A. D. 1877.

Section 26, chapter 104, Battle's Revisal amended.

Chapter
Same act

CHAPTER CCXII.

AN ACT TO CREATE A TOWNSHIP IN THE COUNTY OF GREENE, TO BE KNOWN AS "BULL-DOZE" TOWNSHIP.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township, to be known as "Bull-Doze" township be, and the same hereby is created and established in the county of Greene, and that the following shall be the boundaries of said township, to wit: Beginning on the public road, known as the Middle Road, between Snow Hill and Goldsboro, at the Wayne county line, near the residence of Absalom Taylor, runs thence down said road to the point where the same is intersected by Fort Run; thence with said Fort Run to its mouth; thence along Contentnea creek to the Wayne county line; thence along said line to the beginning. Boundaries.

SEC. 2. 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 "Bull-Doze." Voting place.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXIII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NASHVILLE, NASH COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the town of Nashville, in Body corporate.

the county of Nash, shall continue as heretofore a body corporate under the name and style of "The town of Nashville," and shall be subject to and have the benefits of all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal, and of such amendment as have been or may be hereafter, from time to time made to the same.

Corporate limits. SEC. 2. That the corporate limits of said town shall be within a line parallel with, and one hundred and sixty poles from, the centre of Washington street in the original survey of said town, in a northern and southern direction, and within a line parallel with, and one hundred and sixty poles from, the centre of Alston street, in the original survey of said town, in an eastern and western direction.

Until others are elected. SEC. 3. Until the next regular election on the first Monday of May, one thousand eight hundred and seventy-seven, the present mayor, commissioners and other officers of said town shall continue as heretofore to exercise the functions of their respective offices, and that on the said first Monday of May, one thousand eight hundred and seventy-seven, an election shall be held in said town for a mayor, four commissioners and a constable.

Conflicting laws. SEC. 4. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXIV.

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER SIX, BATTLE'S REVISAL, IN RELATION TO THE INSANE ASYLUM AT RALEIGH.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two (2) of chapter six, Battle's Revisal, in relation to insane asylum, be stricken out and the following substituted therefor: "The affairs of the insane asylum of North Carolina shall be managed by nine directors who shall hold their office for two years and until their successors are appointed; their term of office shall begin on the first day of March next ensuing their appointment." Nine directors.

SEC. 2. That section four (4) and five (5) of said chapter are hereby repealed. Repealed.

SEC. 3. Amend section six (6) of said chapter by striking out the word "November," in line two of said section, and insert the word "December." Section 6, amended.

SEC. 4. Strike out section eight (8) in said chapter and substitute therefor the following: "The board of directors shall appoint a superintendent of the institution and prescribe his duties. He shall be a skillful physician, educated to his profession, of good moral character, of prompt business habits, of a kindly disposition, and a married man. He shall hold his place for four years from and after his appointment, unless sooner removed by the board, who may for infidelity to his trust, gross immorality, incompetency to discharge the duties of his office, fully proved and declared, and the proof thereof recorded in the book of their proceedings, remove him and appoint another in his place." Superintendent.

SEC. 5. Amend section nine (9) of said chapter by striking out the words "from the first day of January ensuing," in the fourth line of said section, and insert instead thereof the words "from and after," so that it will read "four years from and after his appointment, &c." Section 9, amended.

Section 10,
amended.

SEC. 6. Amend section ten (10) of said chapter by striking out the words "at their annual meeting," in line first of said section. Amend further by striking out in said section the words "the first day of January ensuing," in line four, and inserting the words "and after," so that it will read "from and after their appointment," &c.

Section 11,
amended.

SEC. 7. Amend section eleven (11) of said chapter by striking out in line first of said section the words "at their annual meeting."

Section 6, amend-
ed.

SEC. 8. That section six (6) of said chapter be numbered section four (4) and the other numbers changed respectively so as to correspond.

Conflicting laws.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXV.

AN ACT TO PREVENT THE DESTRUCTION OF LEGAL NOTICES.

Legal notices.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person or persons who shall wilfully and unlawfully deface, tear down, remove or destroy any legal notice, required by law to be posted by any officer or other person, the same being actually posted at the time of such defacing, tearing down, removing or destruction during the time for which such legal notice shall be required by law to be posted, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, at the discretion of the court.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXVI.

AN ACT TO REPEAL SECTIONS TEN AND ELEVEN OF CHAPTER FORTY-FOUR OF BATTLE'S REVISAL, AND ALSO CHAPTER TWO HUNDRED AND SIX OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections ten and eleven of chapter forty-four of Battle's Revisal, also chapter two hundred and six of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and all other laws and clauses of law in conflict with this act are hereby repealed. Repealed.

SEC. 2. That sheriffs and other public officers selling real estate under execution shall sell the same at the court house of the county in which the property, or some part thereof, is situate, on the first Monday in every month, except the month in which the superior court is held therein; then the sales shall be made during the first three days of the court. Selling real estate under execution.

SEC. 3. That any officer or other person selling real estate under the order of any court of this state shall sell the same at the place named in the order, but if no place be named therein the sale shall be made at the time and place as provided in section two of this act for sale under execution. Selling real estate under order of court.

SEC. 4. That sheriffs and other public officers may sell personal property on any day except Sunday, after advertising the same for ten full days previous to the day of Personal property.

sale, by posting notices of the sale at the court house door and at three other public places in the county.

Validity of sales.

SEC. 5. That all sales of property heretofore made by sheriffs, and other persons having authority to make the same so far as the time and place of sale are concerned, are hereby declared to be valid, as much so as if such sales had been made at the times and places provided for by law.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXVII.

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

Time extended on entries.

SECTION 1. *The General Assembly of North Carolina do enact*, That all entries of vacant lands in the counties of Haywood, Watauga, Ashe, Alleghany and Caldwell, who may have been unable to obtain grants from the state on or before the thirty-first day of December, one thousand eight hundred and seventy-six, as now required by law, shall have until the thirty-first day of December, one thousand eight hundred and seventy-eight, in which to have surveys made and to obtain grants from the state therein. *Provided*, That this act shall not have effect to defeat the rights of junior entries, acquired before its passage.

Proviso.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXVIII.

AN ACT TO AUTHORIZE THE COUNTY OF NEW HANOVER TO
FUND ITS FLOATING DEBT.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to fund the just debt of the county of New Hanover outstanding, and due prior to the first day of January, one thousand eight hundred and seventy-seven, and incurred for the necessary expenses of the county, the commissioners of said county are hereby authorized to issue coupon bonds not to exceed thirty five thousand dollars, in denomination of not less than one hundred dollars nor more than five hundred dollars, with coupons attached calling for interest at the rate of six per centum per annum on the principal of each bond, and said interest as evidenced by the coupon aforesaid being due and payable on the first day of March and on the first day of September in each and every year.

Authorized to issue coupon bonds.

SEC. 2. Said bonds shall be dated as of the first day of March, one thousand eight hundred and seventy-seven, and shall be due ten years after date, that is to say, on the first day of March, one thousand eight hundred and eighty-seven. They shall be signed by the chairman of the board of commissioners, countersigned by the clerk of the board of commissioners who shall keep a book suitable for the purpose in which he shall keep an accurate account of the number of bonds issued and the amount of each bond issued, and the person to whom payable. Said clerk of the board shall also keep an accurate account of the coupons and bonds which shall be paid, taken up or otherwise cancelled, so that by an inspection of said books the true state of the bonded debt herein provided for may be seen and easily ascertained. Said books shall at all times be open to the inspection of any tax payer of the county, and any clerk of the board, county officer, or other person having custody of said books, who shall refuse or wilfully neglect

Bonds shall be dated.

to afford such inspection, shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That William L. DeRossett, Edward Kidder and Henry Nutt be, and they are hereby constituted and appointed, a special board of audit on behalf of the taxpayers of said county, to audit, scrutinize, and examine into all claims contracted before the first day of January, one thousand eight hundred and seventy-seven, for necessary current expenses of the county. They shall elect one of their number chairman, and any vacancy occurring shall be filled by the remaining members. Said special board of audit shall continue in existence until the first day of July, one thousand eight hundred and seventy-seven. It shall be their duty to compromise and settle on such terms as they may think just and equitable the claims aforesaid, by recommending to the board of commissioners the amount which should be allowed on each claim, and if said board of commissioners concur, the bond or bonds shall be issued according to the provisions of this act. No bond shall be issued without the concurrence of the special board of audit. Whenever a claim is presented to the board of audit, it shall be their duty to make inquiry concerning its origin and its consideration, and if, in their judgment, it ought not to be paid, they shall reject it, or they may recommend the payment of such part as they may deem equitable and just; and if the creditor consent to receive a bond for such claim, he shall surrender his claim in full, and the evidence of it, whether in judgment, county warrant or otherwise, shall be cancelled or marked satisfied. No claim shall be allowed for more than its par value, and no interest shall be allowed on any claim. No creditor who shall refuse to receive bonds on the terms recommended by the special board of audit, in liquidation of this claim, shall be entitled to any part of any fund that may be raised by the special taxes provided for in this act.

Special board of audit.

When bonds not to be issued.

Par value.

SEC. 4. To pay the interest on the bonds herein provided for, and to raise a sinking fund for the payment of the principal, the commissioners of New Hanover county are hereby authorized to levy a special tax on all the property of the county—real, personal and mixed—for each and every year until said bonds may become due, and also on the taxable polls. *Provided*, That the tax in any one year shall not exceed fifteen cents on the one hundred dollars' worth of property, and the tax on polls shall be equal to the tax on three hundred dollars' worth of property.

Special tax.

Proviso.

SEC. 5. The coupons on the bonds provided for by this act, shall be receivable in payment of county taxes.

Coupons receivable in payment of county taxes.

SEC. 6. That the commissioners of the county may take the sense of the qualified electors of the county on the question of issuing the bonds herein provided for, but such submission shall not be necessary to give effect to the provisions of this act or any of them.

Qualified voters.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXIX.

AN ACT TO PROTECT DEER IN STOKES, FORSYTHE, SURRY, &C.

SECTION 1. *The General Assembly of North Carolina do enact*, That the provisions of sections two and three, of chapter fifty-six of Battle's Revisal, shall apply to the counties of Stokes, Forsythe, Surry, Yadkin, Rockingham, Craven, Greene and Lenoir.

Shall apply to certain counties.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXX.

AN ACT TO AMEND CHAPTER FIFTY-TWO, SECTION TWENTY-TWO, OF BATTLE'S REVISAL.

Section 22, chapter 52, Battle's Revisal, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter fifty-two section twenty-two, of Battle's Revisal be, and the same is hereby amended, by striking out the words "in the fifteenth district, at Leesville, in the county of Robeson," and inserting in lieu thereof the words "in the fifteenth district, at Lennon's Cross roads, near Francis Lennon's, in the county of Columbus."

Cleveland stricken out.

SEC. 2. That the word "Cleveland," in line thirty-three, be stricken out, and the word "Gaston" be substituted therefor.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXXI.

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

Section 1, chapter 128, laws of 1873-'4, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That in section one, and line five, the word "every" be stricken out and the word "any" be inserted in lieu thereof.

Section.

SEC. 2. That section five (5) be amended to read as follows: That if a majority of the votes cast at any such election in any township shall have written or printed on the same the word "Prohibition," then and in that case it shall

not be lawful for the county commissioners to license the sale of spirituous liquors, or for any person to sell any spirituous liquors within such township, from and after such election, until another election shall be held in such township, according to the provisions of said act, in which election a majority of the votes cast shall have written or printed on them the word "License:" *Provided, however,* Proviso. That no election shall be held within one year from the first election, and not oftener than once in every year thereafter; and if any person so prohibited shall sell any spirituous liquors within such township, such person shall be deemed guilty of a misdemeanor, and on conviction of such offence shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; but if a majority of the votes cast shall have written or printed on them the word "License," then spirituous liquors may be sold in such township as now provided by law, and not otherwise: *Provided,* Proviso. That nothing herein contained shall affect localities in which the sale of spirituous liquors are now prohibited by law.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER CCXXII

AN ACT FOR DRAINING WET LANDS.

SECTION 1. *The General Assembly of North Carolina do enact,* Any person or persons not a body corporate, who may be interested in constructing any levee, drain, break-water or in opening or clearing out any drain, water course, canal or ditch, or doing any other work necessary to protect or reclaim any wet lands, which work can not be completed, without affecting the land of some other

Summons returnable to the next term of the superior court.

person may have a summons issued returnable to the next term of the superior court of the county in which such work or the greater part thereof is to be done as in civil actions. All persons having any interest in any such land or in the contemplated work shall be parties, plaintiff or defendant.

Parties plaintiff
or defendant

Shall file com-
plaint.

SEC. 2. The plaintiff shall file a complaint, as in civil actions and therein set forth the nature of the work, its general course, extent, length, height, depth, width, the estimated amount of fall per mile, the point of beginning, and terminus of the work, a description of the several tracts of land to be affected by it, the present value and estimated improved value of each tract, the amount which each of said land owners ought in equity to pay toward said work and its estimated cost.

Defendant may
answer.

SEC. 3. The defendant may answer according to the course of the court in civil actions, and if upon the hearing, no just cause be shown against the work as that its magnitude is so great as to render its construction impracticable or unduly burdensome to some of said landowners or other like cause, and it appear that the lands of three-fourths at least of the owners will be enhanced in value to an amount equal to the estimated cost of the work and that one half of the owners of all the affected lands, consent to the work, and that no land owner will be very materially damaged, the court shall appoint three free-holders, one to be selected by the plaintiff, one by the defendant and a third by the court, or in a case either party shall fail or unreasonably delay to name such free-holder, the court shall name one for such delinquent party. Said free-holder shall be of kin to neither party, shall have no interest in the constructing of the work, and be commissioners for the purpose hereinafter stated.

Commissioners.

SEC. 4. The commissioners shall be sworn in due form of law to act impartially between the parties and to perform the duties herein imposed upon them honestly, and to the best of their ability. They shall have power in

case they deem it necessary to summon and examine witnesses who shall be sworn by the presiding commissioner. Any such commissioner who having received notice of his appointment as such shall wilfully refuse to perform the duties herein required of him, shall be guilty of a misdemeanor and upon conviction shall be fined at the discretion of the court not exceeding one hundred dollars for each offense. The court shall have power for cause shown to remove any of said commissioners, and in such case and in all cases of vacancy to cause others to be substituted.

Vacancies.

SEC. 5. The third commissioner shall cause ten days' notice to be given to the parties and to the other commissioners of the time and place of meeting and shall preside at such meeting.

Notice to be given.

SEC. 6. The commissioners at the time specified in said notice shall meet at the place designated and examine the proposed work and all the tracts of land to be affected thereby. They shall locate and work the beginning, terminus and track of the work, and determine its extent, length, height, depth, width and probable cost, and make report of the same and return it under their hands to the next term of the superior court for confirmation, subject to exceptions by either party.

Commissioners to examine the proposed work.

SEC. 7. Upon confirmation of said report it shall be lawful for any of said land owners within one year to enter upon and complete that part of said work which may be upon his own land, and in case the proposed work shall be the dividing line between any of said tracts of land, then such adjacent land owner may within one year complete one half of said work to be designated by the commissioners aforesaid, and in case all of said work be not completed in one year, then any of said land-owners may enter upon any of said lands and complete the work.

Upon confirmation of report.

SEC. 8. After completion of said work and upon application of any of the said land owners upon ten days' notice to all the others, the court in term time shall ap-

The court may appoint the same or a like commission.

point the same or a like commission to be selected, and qualified with the same notice, proceed in the same manner and be liable to the same penalties for neglect of duty as the first commission.

To examine the completed work.

SEC. 9. Said commissioners shall examine the completed work and the affected tracts of land and ascertain and report to the next term of the court, subject to exception by any of the parties.

(1.) Whether the work has been done according to the requirements and specifications of the first report and if not, what part and by whom, has not been so completed.

(2.) What the damage to each tract of land, if any, caused by said work.

(3.) What the actual and what the entire cost of the work, the entire cost to be found by adding to the actual cost, the damage (if any).

(4.) What part of such entire cost each land owner ought to pay, which part shall be in proportion to the relative benefit to his land, but shall in no case be greater than the actual benefit to his land.

(5.) What amount ought to be placed to each of said land owners which shall be found by adding to the valuation of the work done by him, the damage (if any) assessed to his land, stating what part and how much of said work was done by him.

Confirmation of report.

SEC. 10. Upon confirmation of said report, in case the sum total therein to be paid to all said land owners for work done by them and for damages to their land, be greater than the sum total herein to be paid by all the land owners for the entire cost of the work, then the amounts therein specified for work done shall be diminished *pro rata* until such sums total shall be equal.

The actual amount to be paid.

SEC. 11. The actual amounts to be paid to or by each of said land owners shall be found by taking the difference between the valuation of his work as fixed by section six of this act, and his relative benefit as formed by section nine, sub-division four of this act, or in case his land was found to be damaged the amount to be paid to him

shall be his actual damage and the valuation of his work as fixed by said section ten.

SEC. 12. The court shall give judgment as follows: In favor of the land owner to whom the largest amount is to be paid by the next preceding section against the land owner who by said section is to pay the largest amount and for the balance (if any) against the land owner who is to pay the next highest amount and so on, and in favor of the land owner to whom by said section the next largest amount against the last land owner against whom judgment was rendered as aforesaid, in case said first judgment did not cover the entire amount to be paid by such last land owner against whom judgment was so rendered and then for the balance (if any) against the land owner to pay the next highest amount by said preceding section and so on and so judgment shall be rendered in favor of the other land owners to whom any thing is to be paid. Court shall give judgment.

SEC. 13. The said commissioners shall be allowed one dollar and fifty cents per day while engaged in their duties under this act, which together with the entire court cost of the proceedings hereunder shall be paid by the person or persons making the application under this act and said person or persons at the time of issuing the summons shall give a bond as in civil actions for the payment of the cost, including allowance to commissioners. Compensation.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws.

SEC. 15. That this act shall take effect and be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXIII.

AN ACT TO DEFINE THE JURISDICTION OF THE JUDGES OF THE SUPERIOR COURTS IN GRANTING INJUNCTIONS, AND FOR OTHER PURPOSES.

Appointing receivers and granting injunctions.

SECTION 1. *The General Assembly of North Carolina do enact*, That the jurisdiction of the judges of the superior courts of this state, in appointing receivers and granting injunctions, and restraining orders, shall be as follows: Receivers may be appointed and injunctions granted by the judge resident in the district in which the action or special proceeding is pending, while the judge assigned to said district is absent therefrom; but when the judge assigned to said district, or holding courts in said district by exchange, shall be in said district, he shall have the exclusive jurisdiction of such proceedings; and when neither the resident judge, nor the judge assigned, nor the judge holding courts by exchange, shall be in the district, the judge of any adjoining district may have the jurisdiction of said proceedings.

A restraining order may be issued.

SEC. 2. That a restraining order may be issued at any time by either the resident judge, or the judge assigned to the district, or holding the courts of the district by exchange, or by a judge holding a special term therein, but said order shall be made returnable in twenty days before the judge designated in section one with an order to show cause why a receiver should not be appointed, or an injunction granted, and said judge shall have jurisdiction to hear and determine the question. *Provided*, That a judge holding a special term in any county may appoint a receiver, or grant an injunction, or issue a restraining order returnable before himself in any case which he may have jurisdiction to hear and determine under the commission issued to him.

Proviso

Judgments, orders, &c., to be approved.

SEC. 3. That in all cases where a judgment, decree, or order of the superior court shall be required to be ap-

proved by the judge, it shall be approved by the judge having jurisdiction of receivers and injunctions as provided in section one of this act, or by a judge holding a special term as stated in the proviso of section two.

SEC. 4. That all laws in conflict with this act, are hereby repealed. Conflicting laws.

SEC. 5. That the secretary of state furnish the several judges with a certified copy of this act. Secretary of state to furnish copies.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXIV.

AN ACT TO AMEND SECTION SIXTEEN (16) CHAPTER FORTY-FOUR (44) BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section fourteen (14) of Battle's Revisal, chapter forty-four (44) the same being as section eleven, chapter two hundred and thirty-seven, acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended by the addition at the end of said section of following words: "*Provided, however*, That in the case of the sale under execution or under the order of any court in the state of North Carolina, of any property, real or personal, in which the state of North Carolina shall be interested as stockholder or otherwise, notice in writing shall be served upon the governor and attorney general, at least thirty days before the sale, of the time and place of sale, and under what process the sale is made, otherwise said sale shall be invalid.

Notice to be served upon the governor and attorney general.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXV.

AN ACT TO MAKE UNIFORM THE TAXATION ON ALL BANKS IN
NORTH CAROLINA.

Preamble.

WHEREAS, It is a duty of the highest obligation on the part of the legislative department to induce rather than repel the investment of capital within the state, and especially so to legislate that all unjust discriminations between persons or corporations pursuing the same business should be avoided; and whereas, by previous legislation of this state, a tax on the profits or income of the banks of this state has been assessed, in addition to the tax on the shares of stock, and the real estate of said banks, and said tax on the income or profits of all national banks cannot be collected by reason of the provisions of the laws in reference to said national banks, whereby a most unjust discrimination is made against the banks chartered by this state, and private bankers doing business in this state; and whereas said tax on the profits or income of banks is in conflict with the spirit, if not the letter of the proviso in section third, of article fifth of the constitution of this State;

Tax on income
unpaid.

SECTION 1. *The General Assembly of North Carolina do enact*, That in all cases in which any tax on the income or profits of any bank chartered in this state, or any private bank doing business in this state, is now unpaid, the treasurer of the state shall forbear the collection of the same, and of any penalty alleged to have been incurred for the non-payment thereof. *Provided, however*, That in all cases in which any action to enforce the payment of such taxes or penalties has been instituted, the defendants shall pay all such costs as may have been incurred in such actions respectively.

Proviso.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXVI.

AN ACT TO LEGALIZE HOLDEN TOWNSHIP IN THE COUNTY OF WAYNE AND TO ALTER THE NAME THEREOF.

SECTION 1. *The General Assembly of North Carolina do* Legalized.
enact, That a towship heretofore established in the county of Wayne by the board of commissioners of said county and known as Holden township be and the same is in all respects legalized.

SEC. 2. That said township shall hereafter be known Great Swamp township.
as Great Swamp township.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXVII.

AN ACT TO AUTHORIZE NEW HANOVER COUNTY TO LEVY SPECIAL TAXES.

WHEREAS, It appears that revenue received by the Preamble.
county of New Hanover for the past year was insufficient to meet the necessary expenses of the county; and

WHEREAS, It appears that the county cannot be maintained if taxation is limited to sixty-six and two-third cents on the one hundred dollars, state and county; therefore,

SECTION 1. *The General Assembly of North Carolina do* Special tax for necessary expenses.
enact, That to pay the necessary expenses of the county, and for no other purpose, the board of commissioners of New Hanover county are hereby authorized to levy special taxes, as follows: For the current fiscal year ending September, one thousand eight hundred and seventy-

seven, a special tax of thirty-one cents on the hundred dollars' worth of property; for the year one thousand eight hundred and seventy-seven, at the time of levying the regular county tax, said board of commissioners may levy in excess of the difference between the state tax and sixty-six and two-third cents on the hundred dollars, an amount of per centage sufficient to make the total current county tax for the year equal to forty-two cents on the one hundred dollars' worth of property. *Provided*, That nothing herein contained shall be understood to apply to, or to have any reference to any special tax levied to pay principal or interest on any bonds of said county duly authorized by law.

Proviso.

Special tax on the polls.

SEC. 2. That said board of commissioners may likewise levy a tax on the polls of said county, but such poll tax shall be equal to the tax on three hundred dollars' worth of property.

Tax for the year 1878.

SEC. 3. That said board of commissioners may levy a tax for the year one thousand eight hundred and seventy-eight, at the time of levying the regular county tax, in the same way, and to the same extent as herein provided for the year one thousand eight hundred and seventy-seven.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXVIII.

AN ACT TO AMEND THE LAWS RELATING TO THE TOWN OF
TARBORO.

Amended bound-
ary es.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act to extend the corporate limits of the town of Tarboro, ratified April seventh, one thousand eight

hundred and sixty-nine, be amended as follows: Strike out from "that," in the second, to "farm," in the fourth line inclusive and insert "that the eastern boundry line of the town of Tarboro shall be the line between said town and Panola farm, extended the present course of said line," also out strike "western" and insert "eastern," in line eighth. That an act for the better government of the town of Tarboro, ratified eighteenth of March, one thousand eight hundred and seventy-five, chapter one hundred and sixty-eight, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended as follows:

SEC. 1. Strike out of the clause in section one describing second ward from the word "thence," beginning line six to the word "railroad," in line seventeen inclusive.

Government of
Tarboro amend-
ed.

SEC. 2. That section seven be amended to read as follows: "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 ward in 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 that does not specify the number of the ward and of the lot on 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.

Eligibility. regis-
tration, &c.

SEC. 3. That section eight shall be amended to read as follows: Every 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.

Registrar to chal-
lenge.

SEC. 4. That section nine shall be amended to read as follows: "On the day of election any elector may and it

Judges of election
to challenge.

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."

Section 10 amended.

SEC. 5. That section ten of said act be repealed.

Persons coming of age after registration is closed.

SEC. 6. That section eleven be amended to read as follows: 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 to vote, shall be entitled to register and vote on the day of election.

Section 12 amended.

SEC. 7. That section twelve shall be amended by filling the blank between the words "least" and "days" with the word "three," and by striking out the words "come forward and satisfy the registrars, according to the foregoing provisions relating to the first registration, that they are," and inserting in place thereof the word "be," and by striking off the concluding words "by the oaths of other persons of known credibility to the judges of election."

Section 20 amended.

SEC. 8. That section twenty shall be amended by inserting after "buildings" in second line, and before "with" the words "or brick buildings."

SEC. 9. That section twenty-two be amended by striking out the words "and biennially thereafter" in second and third lines.

SEC. 10. That the following sections shall be added:

To levy an annual tax.

"SEC. 24. That for the improvement of said town, and for the payment of the expenses thereof, the commissioners shall annually before the first day of July levy a tax on all the real and personal property, not exempt under state law in said town, not exceeding the rate of fifty cents on the hundred dollars worth; and may levy a tax not exceeding one per cent. on gross receipts on any express or telegraphic company doing business in the town, collectable quarterly in the manner and under the rules and penalty prescribed for collecting the tax on merchants; also a tax on all polls liable under the general law not exceeding one dollar and fifty cents."

Liquor dealers.

"SEC. 25. The commissioners may levy a tax on all

retailers of spirituous or vinous liquors not exceeding fifty dollars per annum and collect the same quarterly in advance."

"SEC. 26. The commissioners may levy a tax not to exceed ten dollars on every person vending from a stand drugs, nostrums, medicines or notions of any kind; also, a tax not to exceed twenty dollars, on all gift enterprises, and on every person offering chances or inducements to purchasers; the said tax to be collected as soon as the person or persons commence business."

Drugs, medicines,
&c.

"SEC. 27. The commercial interests of the town requiring extra police and watch on the first days of April, July, October and January of each year, beginning with April one thousand eight hundred and seventy-seven, every merchant, jeweler, grocer, druggist and every other trader having a place of business in said town, shall pay a tax of one dollar on every thousand dollars of sales made during the preceding quarter, either as principal or agent, or by bartering for credit or cash. The said taxes shall be collected by the town constable on the days aforesaid on the statement of the tax-payer on oath and accounted for as other taxes. Should any such merchant, jeweler, grocer, druggist or other trader refuse to return under oath the amount of his sales, the commissioners shall be authorized to assess the same and collect double the amount assessed."

Extra police.

"SEC. 28. The town constable, policeman or watchman arresting any person for violation of any ordinance of said town, may confine the same in the town prison until such person can be brought before the mayor or other court having jurisdiction for trial; but such person may give bail in the same manner as bail is given to sheriffs for his or her appearance before the mayor or other court."

Persons arrested
for violating town
ordinances.

"SEC. 29. Any person failing to pay the penalty adjudged against him or her for violating any town ordinance, may be confined in the town prison not to exceed twenty days and in the meantime be compelled to work

Failure to pay
penalty-

on the streets of said town subject to any modification of the judgment by the mayor of the town."

Streets, &c.

"SEC. 30. The commissioners of said town, shall have power to open any new street or streets, whenever by them deemed necessary and shall have full power and authority to condemn any land necessary for the purposes aforesaid, upon making reasonable compensation to the owner or owners thereof. In assessing the damages the commissioners of said town and the owner or owners aforesaid, shall select each a referee to assess the damages, and in case said referees disagree the two shall select a third, whose decision shall be final. In assessing said damages the referees shall value the land so condemned and deduct therefrom the value of the benefit, if any, accruing to the owner or owners by reason of the opening of said street."

Opening new streets.

"SEC. 31. In opening new streets between adjacent property owners should it be necessary to take from one all the land, or a larger portion from one than the other, the referees shall adjudge the damages and also the benefits; the benefits in the aggregate in no case to exceed the damages; and apportion the same between the parties, and the commissioners shall collect as taxes are collected the excess of benefits, if any are adjudged, against the owner furnishing none on less than this proportion of land and pay to the party whose damages are in excess as they pay other town liabilities."

Required to work on streets.

"SEC. 32. All male persons between the ages of eighteen and forty-five, resident in said town, shall be required to work on the streets three days in each year, or pay two dollars in lieu thereof, except the persons exempted from road duty by chapter one hundred and four, section forty-one of Battle's Revisal, and ministers of the gospel."

Refusal to work on the streets.

"SEC. 33. If any person liable to work on the streets shall wilfully refuse to work after being duly summoned for that purpose, or if said person so liable to work shall attend at the place and time designated in the summons or notice and refuse or neglect to work on said streets,

the person so offending shall, for every such offence, be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than two nor more than five dollars, and in default of payment of fine and costs shall be confined in the town prison, not to exceed twenty days, and in the meantime be compelled to work on said streets."

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXIX.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALEM, IN FORSYTHE COUNTY," PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, AND RATIFIED ON THE NINETEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "an act to amend the charter of the town of Salem, in Forsythe county," passed at the present session of the General Assembly of North Carolina, and ratified on the nineteenth day of February, one thousand eight hundred and seventy-seven, be amended by adding the following additional sections thereto: Amended.

SEC. —. If any person shall sell in less quantity than three gallons spirituous liquors, wines, cordials or malt liquor within the town without having first paid an annual license tax of two hundred dollars, and obtained a license from the commissioners of the town of Salem, he shall be guilty of a misdemeanor, and punished by a fine of not more than fifty dollars, or imprisoned not more than Sale of liquor.

thirty days. The commissioners may grant or refuse license to sell liquor at their discretion, but every license granted shall be upon this condition: that the commissioners may, at any time, recall, cancel and amend said license upon thirty days' notice to the licensee, and repayment to him of such part of the license tax as may be proportionate to the unexpired time for which said license was granted.

Conditions upon which license are granted.

Repealed.

SEC. —. That the amendments to the charter of the town of Salem, ratified March twenty-second, one thousand eight hundred and seventy, and February second, one thousand eight hundred and seventy-two, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXX.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FAYETTEVILLE, AND TO REGULATE THE ELECTION FOR MAYOR AND COMMISSIONERS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the town of Fayetteville be, and the same is hereby amended, as hereinafter provided: There shall be, and is hereby established, five wards in said town, to be located as follows, to-wit: The First Ward shall continue as now constituted; the Second Ward shall embrace all the territory between Person and Gillespie streets, not included in Ward number one; the Third Ward shall embrace all the territory between Gillespie and Hay streets; the Fourth shall embrace all

Five wards—boundaries.

the territory between Hay and Green streets; and the Fifth Ward shall embrace all that territory between Green and Person streets, not included in ward number one.

SEC. 2. There shall be an election held on the first Monday in May in each and every year in each of said wards for two commissioners of said town, the election to be held under the supervision of the sheriff of the county, as provided in section three, of chapter five, of private laws of the session of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, and at such place or places as the said commissioners of said town may elect. *Provided*, That the election of the several wards may be held at the town hall. There shall be but one registrar, and he shall be required to register the voters from the different wards separately, and shall furnish a true list of registration to the judges of the election for the respective wards.

SEC. 3. That in the election herein provided, every citizen of said town who shall be entitled to vote for members of the general assembly, and who has resided in said town for ninety days next preceding the day of election, shall be entitled to vote for such commissioners. Every person offering to register, or vote at such election, shall be subject to challenge, and when so challenged, before his name shall be entered on the registration, shall prove by two citizens of his ward, known to the registrar, that he actually resides therein, and has done so for ninety days; and no one shall be registered on the day of election, unless he has, on that day, arrived at the age of maturity: but all voters shall be subject to challenge on the day of election, and all challenges shall be settled by the judges of the election.

SEC. 4. The commissioners elected under this act shall, after being qualified before some justice of the peace, meet at some suitable place and elect some qualified citizen of said town as mayor thereof.

SEC. 5. That any person who shall vote at such election,

Illegally voting.

as herein provided, in more than one ward shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned not less than six months, and fined at the discretion of the court; and any person who shall wilfully and knowingly aid and abet any other person in such fraudulent voting, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction shall be subject to the penalties above set forth.

To be ratified by the mayor and commissioners.

SEC. 6. That this act shall have no force or effect until it shall be approved and ratified by the mayor and commissioners of said town, in which the mayor shall be authorized to vote upon the question with said commissioners, and, in case of a tie in the vote thus given, he shall be authorized to give a casting vote by virtue of his office as mayor; but, if ratified, it shall constitute and remain a part of the charter of the town until amended by the general assembly.

Conflicting laws.

SEC. 3. This act shall be in force from and after its ratification, and all laws or clauses of laws, so far as they conflict with the provisions of this act be, and the same are hereby repealed.

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXXI.

AN ACT TO ESTABLISH NEUSE RIVER TOWNSHIP, IN THE COUNTY OF WAKE.

Boundaries.

SECTION 1. *The General Assembly of North Carolina do enact*, That a new township for the county of Wake be and the same is hereby created and established, to be known as "Neuse River Township," and located as follows, to-wit: Beginning at the covered bridge, on Crab-

tree, near Raleigh, run thence north with the road to Louisburg road; thence eastwardly with said road to the dividing line, R. J. Ivey and Alf. Jones'; thence with said dividing line to Neuse river; thence up the said river to the old Fall road; thence with said road to the new Fall road; thence southwardly with the said road to W. L. Terrell's, on Hillsboro' road; thence with the said road to the old district line of St. Matthews' and House's Creek district; thence with the said district line to the head of Big Branch; thence with the various courses of said branch to the beginning.

SEC. 2. That the said Neuse River township herein established shall have and exercise all the rights, powers and privileges now enjoyed by other townships.

Powers, privi-
leges, &c.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXXII.

AN ACT TO EMPOWER THE COMMISSIONERS OF PERSON COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Person are hereby authorized and empowered to levy a special tax, not to exceed eight thousand dollars, to pay off the indebtedness of the county, on all real and personal property now taxed by law; said tax to be levied and collected when the regular tax is collected.

Special tax.

SEC. 2. That no tax shall be collected under this act until the same shall have been ratified by a majority of the qualified voters voting at an election to be held under the direction of the county commissioners. *Provided*, That no tax shall be collected under this act until the same shall have been voted upon by a majority of the qualified voters voting at an election to be held under the direction of the county commissioners.

To be voted upon.

Proviso.

That in levying said tax the constitutional equation between the poll and property shall be observed.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXXIII.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF YADKIN COUNTY TO LEVY A SPECIAL TAX TO PAY THE DEBT OF SAID COUNTY, AND TO ISSUE BONDS TO SECURE THE PAYMENT OF THE DEBT.

SECTION 1. *The General Assembly of North Carolina do enact*, That in order to pay the just debt of the county of Yadkin, the board of commissioners of said county shall have power to levy and collect a special tax for the special purpose of paying said debt, not to exceed the sum of five thousand dollars in any one year, to be levied and collected in the same manner that other taxes are levied and collected, observing the just proportion and equation of taxation fixed by the constitution; and the said special taxes, when collected, shall be applied to the payment of the debts now outstanding; and the power herein conferred shall cease upon payment of said debt.

Special tax.

May issue bonds.

SEC. 2. Instead of levying tax to pay such debt the board of commissioners of Yadkin county shall have power, in their discretion, to issue bonds for the payment of the just debt of the said county, to be by them ascertained and liquidated; and the said bonds shall be issued in sums of not more than five hundred dollars and not less than twenty-five dollars, each, to run for ten years, bearing interest at six per centum, payable annually, with coupons thereto attached for the payment of the interest; and the coupons

so attached shall be receivable, when due, in payment of all taxes due the county, except for school purposes and for the support of the poor.

SEC. 3. In case bonds are issued, such bonds and the coupons thereto attached, shall be signed by the chairman of the board of commissioners and countersigned by the clerk of the said board, who shall keep a record in his books of the bonds issued, specifying the number of each, and to whom issued, and also of the bonds and coupons canceled, so that his book will show the true state of the bonded debt of the county.

In case bonds are issued.

SEC. 4. That after one year the said board of commissioners shall have power to buy in the said bonds, and they shall provide, by special tax, a fund equal to one-tenth part of said debt, to be collected any year, to be applied to the payment of said bonds and coupons, which special tax shall be levied and collected as other taxes are levied and collected, observing the just proportion and equation of taxation provided for in the constitution.

May buy in the bonds.

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER CCXXXIV.

AN ACT TO ESTABLISH NORMAL SCHOOLS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful, for the state board of education, to establish a normal school, in connection with the state university, for the purpose of teaching and training young men of the white race for teachers of the common schools of the state, and to aid in defraying the expense of carrying on such normal school. The state board of

Normal schools in connection with the University.

Appropriation.

education is authorized and instructed to draw upon the treasury for an amount not to exceed two thousand dollars annually for the year of one thousand eight hundred and seventy-seven, and the year of one thousand eight hundred and seventy-eight, to be paid out of any money in the treasury, not otherwise appropriated, to be used for the purpose herein stated, and no other.

Normal schools
for young men
of the white race.

SEC. 2. That it shall be lawful for the state board of education to establish a normal school at any place they may deem most suitable, either in connection with some one of the colored schools of high grade in the state, or otherwise, for the teaching and training young men of the colored race, from the age of fifteen to twenty-five years, for teachers in the common schools of the state for the colored race, and to aid in defraying the expense of

Appropriation.

carrying on such normal school the state board of education is authorized and instructed to draw upon the treasury for an amount not to exceed two thousand dollars annually for the year of one thousand eight hundred and seventy-seven and the year of one thousand eight hundred and seventy-eight, to be paid out of any money in the treasury, not otherwise appropriated, to be used for the purpose herein stated, and no other.

Young men edu-
cated at normal
schools.

SEC. 3. That it will be required and expected of all young, of both races, who may be thus taught and trained for teachers of common schools, at the cost of the state, to apply themselves, as far as practicable, to the occupation of teaching, within the borders of this state, for a term of not less than three years after leaving school.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXXXV.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, ENTITLED "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 section five, of chapter two hundred and one of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be and the same is hereby amended so as to read as follows: Amended.

"SEC. 5. That the commissioners of either of the said counties may at any one of their regular monthly meetings hear any and all applications that may be made pursuant to the provisions of this act from the several townships of their respective counties, and shall when such application is duly made make the orders in this act provided for. *Provided*, That not more than one election shall be held in any township during the period of twelve months." May hear applications.
Proviso.

SEC. 2. That section four be amended by inserting after the word "township," the following words: "under existing laws for the election of members of the general assembly as far as they may be applicable." And further, by inserting after the word "borders," in line sixteen of said section, the following proviso: *Provided, however*, that the board of commissioners of the county in which is situated the township adopting the provisions of this act may levy a tax upon such township sufficient to erect such fence as provided in section six of said act in case of the county," and after the word "provided," in same line, strike out "however" and insert "further," and amend same section by inserting after the word "notice," in line seven, the words "by at least one publication in each paper published in the county town and by posting." Amended.
Proviso.

SEC. 3. That the aforesaid act of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, chapter two hundred and one, as thus amended, be and the same is hereby re-enacted. *Provided*, That this act shall not apply to counties of Anson and Union.

Provisc.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXXXVI.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD, IN THE COUNTY OF CABARRUS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor of Concord, in the county of Cabarrus, is hereby constituted an inferior court, and as such court shall have within the corporate limits of said town all the powers and authority of a justice of the peace, and 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 town commissioners or aldermen, to impose penalties for 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 town authorities 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 Cabarrus county, upon recognizance, with security for his or her appearance at the next term thereof.

Jurisdiction of Mayor.

Provisc.

SEC. 2. 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 Cabarrus 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 Cabarrus.

Minute to be kept of all his proceedings.

SEC. 3. 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 thirty days.

Violation of town ordinance.

SEC. 4. That no preliminary affidavit shall be necessary to give the mayor final jurisdiction over the offences against the town ordinances.

Final jurisdiction

SEC. 5. 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.

Power to imprison for fines, &c.

SEC. 6. That all fines collected under the provisions of this act, for violation of the ordinances of said town, shall go to the use of said town.

Fines collected for violation of ordinances.

SEC. 7. *Be it further enacted*, That when any land or right of way shall be required by said town of Concord, for the purpose of opening new streets or alleys, 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 twelve freeholders of the town, to be chosen jointly by the commissioners or aldermen of said town, 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 some 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 alleys, and shall state the value and amount of each, and the ex-

Right of way for opening streets, &c.

cess of loss or damage over and above the advantage shall form the measure of valuation of said land or right of way.

Proviso.

Provided, That if any person on whose land the said street may pass shall refuse to join in the selection of the commissioners, after having been notified thereof, then the board of commissioners or aldermen of said town shall themselves select the twelve commissioners. *Provided*,

Proviso.

further, That if any person, on whose land the said street may pass, or the commissioners or aldermen be dissatisfied with the valuation thus made, either party may have an appeal to the next superior court of Cabarrus 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 case of its refusal by the owner of said land, or if the owner is a non-resident in Cabarrus county.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXXXVII.

AN ACT TO CANAL ANGOLA BAY.

Preamble.

WHEREAS, there is a large quantity of valuable swamp lands in the eastern part of the state, belonging to the board of education, that is now unsalable and consequently of no value to said board, which, if drained would readily sell for a fair price and thus add largely to the available funds of said board of education therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the authorities of the penitentiary detail thirty-
Convict labor.
 convicts under proper officers and guard to cut a canal from Croonis' Bridge across the North East River, through Angola Bay the most direct and practical route to the Duplin or Pender county line of sufficient width, and depth to take off the surface and overflow water and to construct along said canal a public road of the width of other public roads for the convenient passage of travelers on foot, in carriages, wagons and other vehicles.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXXXVIII.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FIVE, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four, of chapter two hundred and thirty-
Amended.
 five of the laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, being section first, of chapter eighty-seven of Battle's Revisal, be amended by striking out " April " and inserting " June," and by striking out " May " and inserting " July : " *Pro-*
Proviso.
vided, however, That the commissioners appointed under the provisions of the sections referred to, and all persons appointed by such commissioners, shall continue to hold and exercise the duties of their respective offices or appointments until their successors are duly appointed.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXXXIX.

AN ACT TO AMEND SECTION TWENTY-THREE, CHAPTER FORTY-FIVE OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty-three, chapter forty-five of Battle's Revisal be amended by adding thereto as follows: That on the expiration of the term of office of a public administrator or his resignation he may continue to manage the several estates committed to him prior thereto until he shall have fully administered the same: *Provided*, That the provisions of this act shall not apply to such administrator until he shall enter into bond payable to the state of North Carolina with two or more sufficient sureties to be approved by the probate judge or other authority having jurisdiction thereof, conditioned that he shall faithfully execute the trust reposed in him and obey all lawful orders of the probate judge or other lawful authority touching the administration of the several estates so committed to him. The penalty of such bond shall be double the value of the personal property unadministered of the said several estates, and also of the real estate and he shall be authorized to sue for assets.

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

Ratified the 9th day of March, A. D. 1877.

Public adminis-
trator.

Proviso.

Penalty.

CHAPTER CCXL.

AN ACT TO INCORPORATE THE TOWN OF HUNTERSVILLE, IN
THE COUNTY OF MECKLENBURG.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Huntersville, in the county of Mecklenburg, is hereby incorporated into a body politic and corporate by the name and style of the town of Huntersville to have the usual powers of such corporations, to sue and be sued, plead and be impleaded, contract and contracted with, and to make all needful rules and regulations, by-laws and ordinances for the government of said town, not inconsistent with the constitution and laws of this state and of the United States.

Body politic.

By-Laws.

SEC. 2. That the corporate limits of said town shall be one mile every way from Hunters' depot, on the Atlantic, Tennessee & Ohio Railroad making said depot the centre of the town.

Corporate limits.

SEC. 3. That the corporate power of said town shall vest in a mayor, four commissioners, a town constable and a town clerk, to be elected annually on the first Monday in May.

Officers.

SEC. 4. That the commissioners shall have power to levy a tax and collect, not exceeding fifty cents on each poll, and sixteen and two-thirds cents on each hundred dollars worth of real estate in said town, to affix penalties and forfeitures, for violation of their laws and ordinances and to enforce collection of the same, which taxes, forfeitures and penalties, when collected, shall go to the exclusive use of the streets, side-walks and public squares, or in such other mode as the said commissioners may deem best to promote the health, comfort, prosperity and advancement of the same. *Provided*, That lands which have not been laid off in town lots shall not be taxed until so laid off by the commissioners.

Taxes.

Proviso.

SEC. 5. That the commissioners of said town shall have

Sale of spirituous
liquors.

the power upon giving thirty days' notice to submit to the qualified voters of said town, on the first Monday in May, one thousand eight hundred and seventy-seven, the question of "license" or "no license," said election to be held under the same rules and regulations of our state and county elections—and if a majority of said votes shall be cast for "no license" then until said vote shall be reversed it shall not be lawful for any person to retail any spirituous liquors within said corporation, or within one mile of the limits thereof under a penalty not exceeding a fine of fifty dollars or imprisoned for thirty days, or both, at the discretion of the court.

SEC. 6. That this act shall be in force from and after the first Monday in May, one thousand eight hundred and seventy-seven.

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXLI.

AN ACT TO AMEND SECTION SEVENTY-FOUR OF THE CODE OF CIVIL PROCEDURE, AND IN OTHER PARTICULARS.

SECTION 1. *The General Assembly of North Carolina do enact*, That section seventy-four of the code of civil procedure be amended by striking out sub-division one, and the words "in other actions," in line one, of sub-division two.

Section 74, Code
of Civil Proce-
dure amended.

SEC. 2. That the summons shall be served in all cases where copies are now required by law to be delivered by the sheriff or other officer reading the same to the party or parties named as defendants, and such reading of same shall be a legal and sufficient service of the summons, without delivering of a copy of the same.

Notice of sum-
mons.

SEC. 3. That in all cases wherein service by publication is now provided for by law, it shall be sufficient to publish

Publication of
notice.

in any one or two newspapers, to be designated by the court, a notice, giving a title of the action, the purpose of the same, and requiring the defendants to appear and answer or demur to the complaint at a time and place therein mentioned; and no publication of the summons, nor mailing of the summons and complaint, shall be deemed necessary.

SEC. 4. That in all cases of special proceedings it shall be sufficient for the plaintiff to file his complaint or petition with the clerk of the court where the summons is returnable at the time of issuing the summons, or within ten days thereafter, and it shall not be necessary to file or have served with the summons any copy thereof.

Cases of special proceedings.

SEC. 5. Appeals to the superior court from courts inferior thereto, and appeals from the clerks of the superior court acting as judge of probate or otherwise, shall be to the next succeeding term of said superior court.

Appeals.

SEC. 6. That in addition to the remedy by special proceeding, as now provided by law, actions against executors, administrators, collectors and guardians may be brought originally to the superior court at term time; and in all such cases it shall be competent to the court, in which said actions shall be pending, to order an account to be taken by such person or persons as said court may designate, and to adjudge the application or distribution of the fund ascertained, or to grant other relief, as the nature of the case may require.

Actions against executors, administrators, &c.

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

Conflicting laws.

SEC. 8. That this act shall take effect from and after its ratification.

Ratified the 29th day of March, A. D. 1877.

CHAPTER CCXLII.

AN ACT TO ESTABLISH A CRIMINAL COURT IN THE COUNTY OF NEW HANOVER.

Criminal court. SECTION 1. *The General Assembly of North Carolina do enact*, That a court of record, to be called "The Criminal Court of New Hanover County," is hereby established, and the same shall be held in the city of Wilmington, the county of New Hanover.

Shall possess all the powers, &c. SEC. 2. That the court hereby established shall possess all the powers, perform all of the duties, and be subject to all of the restrictions of a court of record according to the laws of this state.

Exclusive jurisdiction. SEC. 3. That said criminal court shall have exclusive original jurisdiction to enquire of, hear, try and determine all crimes, misdemeanors and offences committed within the county of New Hanover, fully and to the same extent as the superior courts of the state, and exclusive appellate jurisdiction of all offences tried and determined before a justice of the peace or other magistrate in said county; but shall have no jurisdiction over criminal causes removed from any other county to the county of New Hanover.

May try all criminal offences originating in New Hanover county. SEC. 4. That the said criminal court shall have all the jurisdiction vested in the superior courts to try all crimes and criminal offences originating within New Hanover county, and to give judgment and to award execution therein, and for the recovery of all fines and forfeitures, and that the process, pleading, practice and modes of proceeding shall be the same in said court as prevail in the superior courts of the state in such cases as aforesaid.

Appeals to the supreme court. SEC. 5. That appeals to the supreme court and *writs of error* may be prosecuted from the judgments of said criminal court in the same manner as they may be from the superior courts.

SEC. 6. That there shall be one judge of the said crim-

final court to be elected by the general assembly and commissioned by the governor, who shall receive an annual salary of two thousand five hundred dollars, to be paid quarterly by the county treasurer of the county of New Hanover out of the county fund of said county. And the said judge shall take the oaths prescribed for judges of the superior courts, and he shall possess the qualifications of a judge of the superior court, and shall hold his office for a term of eight years unless removed from office as in the next section provided.

Judge—his salary.

SEC. 7. That such judge may be removed from office, for the same causes and in the same manner as a judge of the superior court; and all vacancies in said office shall be filled by appointment of the governor, and the person so appointed by the governor shall hold his office until the meeting of the next general assembly, which general assembly shall elect a person to fill the said office for the unexpired term.

Removal from office.

Vacancies.

SEC. 8. That the judge of said criminal court shall be a conservator of the peace within said county, and shall have all the powers of the several judges of the superior courts of this state, to hear and determine all criminal cases arising within said county and the like powers to issue warrants or precepts for the arrest of criminals anywhere within the limits of the state, administer oaths, issue writs of *habeas corpus*, and hear and determine the same in the same manner as the judges of the superior courts.

May issue warrants, &c.

SEC. 9. That there shall be a solicitor of the said criminal court, who shall be elected by the general assembly for the term of eight years, who shall receive the same fees as are now allowed by law to the solicitors of the several judicial circuits, and in addition thereto shall be paid an annual salary of five hundred dollars, to be paid quarterly by the county treasurer of the county of New Hanover out of the county fund, upon the certificate of the clerk of said criminal court, countersigned by the judge thereof, and should any vacancy occur by the death,

Solicitor—his salary and fees.

Resignation or removal.

Duties of solicitor.

resignation, refusal to accept or removal of the said solicitor, the judge shall have the power to appoint a solicitor to act for the unexpired term. The duties of the said solicitor shall be the same in respect to criminal matters in the county of New Hanover as those prescribed by law for the solicitors of the several judicial districts of this state, and he shall take a similar oath of office and shall be removable for the same causes as the solicitors of the several districts of the state. He shall be the legal adviser of the board of county commissioners and officers of justice of said county, and shall at least once in every three months make an examination of the offices of the register of deeds, and the superior court clerk and judge of probate of the said county in the presence of the respective officers and the said register of deeds and clerk of the superior court, and judge of probate shall furnish every facility in aiding and assisting the said solicitor in making such examination, to ascertain whether inventories, accounts of sale, accounts current, wills, deeds, bills of sale, reports, official bonds, and all other papers required to be recorded and registered, have been duly recorded and registered, and also whether the several dockets of the courts have been written out and kept in proper manner.

Solicitor shall make report in writing.

SEC. 10. That the aforesaid solicitor shall make a faithful report in writing of the several matters hereby directed to be examined, specially stating in what respects, if any, there have been an omission of duty by the officers aforesaid, and the said report shall be made to the aforesaid criminal court at the next term thereof, which shall be held subsequent to such examinations. And when it shall appear from such reports that there has been an omission of duty on the part of any of said officers, the said solicitor shall cause an indictment to be preferred for such reported breach of duty, and on conviction the defendant shall be fined or imprisoned or removed from office at the discretion of the court. *Provided however,* that this indictment shall not exempt any of said officers.

Proviso.

rom being indicted for other breaches of duty as prescribed by law.

SEC. 11. That the general assembly shall elect a suitable person to act as the clerk of the said criminal court, who shall enter into bond with good and sufficient security in the penal sum of ten thousand dollars, to be approved by the judge of said court, payable to the state of North Carolina, for the faithful performance of the duties of his office, which said bond shall be renewed annually. And the person so appointed as clerk of the said court shall hold his office for the term of four years, and in case of the failure of the person so appointed to file bond on the first day of the first term which shall be held of said court, or in case of any vacancy occurring from any cause whatever, the said judge shall have full power to appoint another person to fill said office. And the said clerk shall perform all of the duties required of him incident to his office, and shall receive the same fees and compensation therefor as it is allowed by law to the clerk of the superior courts for discharging the same duties, and that the same clerk shall be removable from office for the same causes as is now provided by law for the removal from office of the clerks of the superior courts.

Clerk of the court.

Fees.

SEC. 12. That the sheriff of said county of New Hanover shall be the sheriff of the said criminal court and by himself or his lawful deputies shall discharge all of the duties incident to his office required of him in relation to the business of the said court, and for a failure to perform the same shall be subjected to all the penalties and liabilities now prescribed by law.

Sheriff—his duties.

SEC. 13. That it shall be the duty of the board of county commissioners of New Hanover county to provide for the payment of the salaries of the judge and solicitor, and the fees and compensation of the clerk and the sheriff of said court, and the pay of jurors and witnesses, and all other expenses incident to said court, and for these purposes the said county commissioners shall levy sufficient taxes on all subjects of taxation on which by

Commissioners to provide for the payment of judge, &c.

law they may be authorized to assess and levy taxes for county purposes.

Commissioners to provide a suitable room.

SEC. 14. That the county commissioners of New Hanover county shall provide the necessary books to be used as dockets by the said court, and also a desk for the use of said court with such devices as the judge of the court shall prescribe, and shall furnish a suitable room or office for the use of the clerk of said court.

Regular and special terms.

SEC. 15. That there shall be six terms of the said criminal court in each year held in the court house in New Hanover county on the second Monday of February, first Monday of April, first Monday of June, first Monday of August, first Monday of October, and first Monday of December, and said court shall continue its sessions so long as there may remain business on its docket undisposed of; and the judge of said court shall have power to hold special terms of said court whenever it shall seem necessary to him to order the same, of which order fourteen days of public notice shall be given, and at such special terms he may make all orders, and do any and everything which he can do at the regular terms, and when such special terms are so ordered all process returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summonses taken for the appearance of defendants and witnesses to said regular term shall be binding upon said parties for their appearance at the special term aforesaid.

How cases are transferred to the superior court.

SEC. 16. That in all cases of change of venue from the criminal court of New Hanover county applied for on account of the interest, prejudice or relationship of the judge of said court, or on account of any other legal objection to said judge, the cause shall not be transferred to another county for trial, but the judge may order it to be transferred to the superior court of said county, but any party desiring a change of venue from said criminal court on account of any other cause may, upon application to the judge, obtain a removal of the same to another

county under such rules and for such causes as are prescribed by law for the removal of criminal causes from one county to another county.

SEC. 17. That if the judge of the said criminal court shall fail to attend to hold a court on the day designated for a regular or special term it shall be the duty of the clerk to open and adjourn the court for the two first days of the term, and if the judge shall not attend by four o'clock on the second day of said term the court shall be adjourned by the clerk until the next term in course, and all the recognizances, bonds, obligations, process and other proceedings returned or returnable to said term shall be of the same force and effect and shall be proceeded in as though the same were returnable to such next regular term as is now provided in such cases in the superior courts and shall be returnable as in such cases provided in said courts.

Failure of the judge to hold court.

SEC. 18. That so much of section number two hundred and twenty-nine, of chapter one hundred and eleven, of the code of civil procedure, contained in chapter seventeen, of Battle's Revisal, as requires the county commissioners to draw thirty-six jurors to serve during the first week of the terms of the superior courts of said county, and also to draw eighteen jurors to serve during the second week of the terms of the superior courts, shall not apply to the commissioners of New Hanover county; and from and after the ratification of this act, the county commissioners of the said county of New Hanover shall proceed, at least twenty days before the meeting of regular terms of the superior courts of said county, to draw the names of twenty-four jurors in the manner now prescribed by law, twelve of whom shall be summoned to appear and serve as jurors during the first week of the terms of said superior court, and the remaining twelve to be summoned to appear and serve during the second week of the terms of said superior court. And it shall be the duty of the said county commissioners of New Hanover county, at least twenty days before the regular terms of the said criminal court, or ten

Section 229, chapter 111 of the Code of Civil Procedure not to apply to the commissioners of New Hanover.

Commissioners to draw the names of twenty-four jurors.

Commissioners to draw thirty jurors.

days before a special term of said court, to draw the names of thirty jurors in the same manner and under the same rules and regulations as is now required by law for drawing the jurors to serve in the superior courts, who shall be summoned to appear and serve as a grand jury and petty jurors at the next term to be held of the aforesaid criminal court. And the jurors who shall attend said courts shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications as are provided by law in regard to jurors in the superior courts; and that there may not be a deficiency of jurors, the sheriff, by order of the court, shall summon from day to day, of the by-standers, other jurors to serve on the petit jury, and such tales jurors shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications as are prescribed by law for tales jurors.

Removal of all
criminal cases.

SEC. 19. That it shall be the duty of the superior court of said county, at the next term thereof to be held after the ratification of this act, to transfer and remove under proper certificates by the clerk of said court, or by proper exemplifications of the record of said court, all criminal causes and all proceedings by *scire facias* against defaulting defendants and witnesses summoned therein, or their securities, pending in said superior court to the said criminal court, and the said superior court shall recognize as well the witnesses as the defendants in the causes and proceedings aforesaid, to appear at the next term of the said criminal court. And the said criminal court shall have jurisdiction to regulate proceedings by *scire facias* against defaulting defendants, and witnesses summoned in said causes, or their sureties, when the default occurred before the transfer or removal of said causes, and no proceedings therein were pending in said superior court, in the same manner as if the said default had occurred in the said criminal court.

Judge, to reside. SEC. 20. That the judge of the said criminal court shall reside in the said county of New Hanover.

SEC. 21. That the aforesaid criminal court shall hold its first term on the first Monday of April next, and it shall be the duty of the county commissioners of New Hanover county to draw thirty jurors (at least twenty days prior to said term) to serve as jurors at the said first term of the said criminal court, under the same rules and regulations as now prescribed by law for drawing jurors for the superior courts.

Shall hold first term, when.

SEC. 22. That this act shall be in full force and effect from and after its ratification.

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXLIII.

AN ACT TO CONFER UPON THE MAYOR OR CHIEF OFFICER OF EVERY CITY OR INCORPORATED TOWN IN THE STATE THE CRIMINAL JURISDICTION OF A JUSTICE OF THE PEACE.

SECTION 1. *The General Assembly of North Carolina do enact*, The mayor or chief officer of every city or incorporated town in the state are hereby constituted an inferior court, to be called a municipal court, and as such court said mayors or chief officers shall be magistrates and conservators of the peace, and within the corporate limits of said cities and towns shall have the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the state, or under the ordinances of said cities and towns, the rules of laws regulating proceedings before a justice of the peace shall be applicable to proceedings before such mayors or chief officers, and the mayors or chief officers shall be entitled to same fees which are now, or may hereafter, be allowed to justices of the peace.

Jurisdiction of mayors and chief officers of cities and towns.

Fees.

SEC. 2. As such court said mayors and chief officers shall have authority to hear and determine all cases that

may arise upon the ordinances of said cities and towns; to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws and rules that may be made and provided by the board of aldermen of said cities and towns for the government and regulation of the said cities and towns, but in all cases any person dissatisfied with the judgment of said mayors and chief officers, may appeal to court as in case of a judgment rendered by a justice of the peace.

Appeals.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXLIV.

AN ACT TO REPEAL SECTION TWO, CHAPTER TWO HUNDRED, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, ENTITLED AN ACT TO DIRECT 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 two, chapter two hundred, of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, entitled "an act to divest the jurisdiction of the superior court over misdemeanors, or in failing to list polls and property, and for other purposes," be and the same is hereby repealed.

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

Ratified the 9th day of March, A. D. 1877.

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CHAPTER CCXLV.

AN ACT TO PROVIDE FOR THE HOLDING OF THE MAY TERM
OF PITT SUPERIOR COURT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the judge holding the spring circuit of the courts of the judicial district in which the county of Pitt is situate, shall hold the May term of the court of said county. May term.

SEC. 2. That no final process shall be returnable to said term of the county, but all other processes may be. No final process-
returnable.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXLVI.

AN ACT TO ESTABLISH A PUBLIC FERRY IN THE COUNTIES OF
DAVIE AND DAVIDSON.

SECTION 1. *The General Assembly of North Carolina do enact*, That O. Click and Phillip Nelson, their heirs and assigns, are hereby authorized to establish a public ferry across the Yadkin river, near the residence of the said Click and Nelson, on said river. A ferry across
the Yadkin river.

SEC. 2. That the right to keep up said ferry be, and is hereby vested in the said O. Click and Phillip Nelson, their heirs and assigns, during the full term of twenty years. The right to keep
up.

SEC. 3. That it shall be lawful for the said Click and Nelson, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry, as shall be prescribed and Rates of ferriage-

regulated by the commissioners of the county of Davidson.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXXVII.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN BLUE SPRINGS AND LUMBER BRIDGE TOWNSHIPS, IN ROBESON COUNTY.

Dividing line.

SECTION 1. *The General Assembly of North Carolina do enact*, That the dividing line between the townships of Blue Springs and Lumber Bridge, in the county of Robeson, be and the same are hereby changed, so as to run as follows, to-wit: Beginning at the Martin logs, on the ——— Raft swamp, and running thence so as to include Milton Baxter, in Blue Springs township; thence to Leach's Spring, on Big Rockfish.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXLVIII.

AN ACT TO INDEMNIFY POLK COUNTY FOR THE SUPPORT OF A CERTAIN LUNATIC.

WHEREAS, The county of Polk expended for the support of a lunatic during the years one thousand eight hundred and seventy-three and one thousand eight hun-

Preamble.

dred and seventy-four, the sum of one hundred dollars, the amount for which has been refused to be audited by the auditor of the state because the board of commissioners of said county omitted to apply for the same at the proper time they applied for the admission of said lunatic into the insane asylum of North Carolina and was refused for want of room; now therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the public treasurer be and is hereby authorized and directed, out of any money in the treasury not otherwise disposed of, to pay to the chairman of the said county commissioners, or his order, the said sum of one hundred dollars.

Treasurer authorized to pay \$100.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER CCXLIX.

AN ACT REGULATING THE TERMS OF THE SEVERAL SUPERIOR COURTS OF THE SEVENTH JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact*, That after the tenth day of June, Anno Domini, one thousand eight hundred and seventy-seven, the regular terms of the several superior courts of the counties of the seventh judicial district shall begin in each year at the times herein stated, to-wit:

Fourth District.

In Randolph on the third Monday before the first Monday in March and September. Randolph.

In Alamance on the second Monday before the first Monday in March and September. Alamance.

In Guilford on the first Monday in March and September. Guilford.

Chatham. In Chatham on the second Monday after the first Monday in March and September.

Caswell. In Caswell on the fourth Monday after the first Monday in March and September.

Person. In Person on the fifth Monday after the first Monday in March and September.

Orange. In Orange on the sixth Monday after the first Monday in March and September.

Rockingham. In Rockingham on the eighth Monday after the first Monday in March and September.

Terms. SEC. 2. That the said several terms shall continue to be held respectively as follows, to wit: In Randolph, Alamance, Caswell, and Person for one week each; and in Guilford, Chatham, Orange and Rockingham for two weeks each, (Sundays excepted) unless the business be sooner disposed of.

Summons, precepts, &c. SEC. 3. That all summonses, precepts, or other process or papers, civil or criminal, heretofore or hereafter issued, returnable to the aforesaid regular terms of the superior courts for the counties above named, when said courts were to be holden as heretofore prescribed by law, to wit: after the tenth day of June, one thousand eight hundred and seventy-seven, 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 time of holding said courts by the provisions of this act, and such as have already been executed and returned, and such as may be issued hereafter, are to conform to the provisions of this act.

Recognizances, obligations of bail, &c. SEC. 4. All recognizances, obligations of bail, or other securities heretofore or hereafter taken, returnable to the aforesaid regular terms, as they were holden previous to this act, shall be and are hereby made returnable to the terms of said court, as established by this act, with like effect and saving as if they had been originally made returnable to the terms established by this act.

When in force. SEC. 5. This act shall remain in force until the apportionment of the state into new judicial districts, by the

general assembly, under the amendment to the constitution, adopted one thousand eight hundred and seventy-five shall go into full operation and effect, and no longer.

SEC. 6. The clerks of the superior courts of the counties of Randolph, Person, Orange, Rockingham, Caswell and Alamance, on receiving a copy of this act from the secretary of state, who is hereby required to furnish them with the same within thirty days after its ratification, shall each of them post a copy thereof at the court house door within ten days after the receipt of the same.

Secretary of state
to furnish copies.

SEC. 7. This act shall take effect from its ratification.
Ratified the 10th day of March, A. D. 1877.

CHAPTER CCL.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER SIXTY-FIVE, SECTION TEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter one hundred and seventeen, section seven, as brought forward in Battle's Revisal, chapter sixty-five, section ten, be amended by adding thereto the words: "*Provided*, That if the debt be not due within six months but becomes due within twelve months, suit may be brought or other proceedings instituted to enforce the lien in thirty days after it is due, and this shall apply to existing liens and proceedings.

Section 10, chap-
65, Battle's Revisal
amended.

Liens.

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

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLI.

AN ACT TO GIVE TO JUSTICES OF THE PEACE JURISDICTION
OF CIVIL ACTIONS NOT FOUNDED ON CONTRACT.

SECTION 1. *The General Assembly of North Carolina do enact*, That justices of the peace shall have concurrent jurisdiction of civil actions not founded on contract, wherein the value of the property in controversy does not exceed fifty dollars.

Jurisdiction where the property does not exceed \$50.

SEC. 2. That all actions in the court of a justice of the peace for the recovery of damages to real estate, or for the conversion of personal property, or any injury thereto, shall be commenced and prosecuted to judgment under the same rules of procedure as provided by law in civil actions in a justice's court.

Recovery of damage to real estate.

SEC. 3. The provisions of the code of civil procedure title second, chapter second, are applicable, except as herein otherwise provided, to proceedings in justices' courts concerning claim and delivery of personal property, substituting the words "justice of the peace" for "clerk or clerks of the court," and inserting the words, "or constable," after "sheriff," whenever they occur in said chapter.

Claim and delivery of personal property.

SEC. 4. When a delivery is claimed an affidavit must be made by the plaintiff, his agent or attorney, before the justice in whose court the action is to be tried or some other justice of the peace, showing,

When a delivery is claimed.

1st. That the plaintiff is the owner of the property claimed (particularly describing it) or is lawfully entitled to its possession by virtue of a special property therein, the facts in respect to which shall be set fourth.

2nd. That the property is wrongfully detained by the defendant.

3rd. The alleged cause of detention thereof according to his best knowledge, information and belief.

4th. That the same has not been taken for a tax assess-

ment or fine pursuant to a statute, or seized under an execution or attachment against the property of the plaintiff, or if so seized that it is by statute exempt from such seizure, and

5th. The actual value of this property.

SEC. 5. The defendant within three days after the service of a copy of the affidavit and undertaking may give notice to the officer serving the same, to the plaintiff or his attorney, that he excepts to the sufficiency of the sureties; if he fail to do so he shall be deemed to have waived all objection to them. When the defendant excepts to the sureties they shall justify before the justice on giving to the defendant or his attorney notice of the time and place, which shall not be more than three days from the service of notice of the exception, and the sheriff or constable shall be responsible for the sufficiency of the sureties until the objection to them is waived as above provided, or until they shall justify or new sureties shall be substituted and justify.

Sufficiency of sureties.

SEC. 6. The party against whom judgment is rendered in any civil action in a justices' court, may appeal to the superior court from the same, but no appeal shall prevent the issuing an execution on such judgments, or work a stay thereof except as provided in chapter sixty-three of Battle's Revisal, by sections sixty-one, sixty-two, sixty-three and sixty-four.

May appeal.

SEC. 7. The appellant shall within ten days after judgment serve a notice of appeal. If the judgment is rendered upon process not personally served or the defendant did not appear and answer, he shall have fifteen days after notice of the judgment shall be personally served on him to serve notice of appeal.

Notice of appeal.

SEC. 8. When a party prays an appeal from a judgment rendered in a justice's court and the adverse party is present in person or by agent or attorney, at the time of the motion for appeal, the appellant shall not be required to give any other notice of appeal. When the return of the appeal is made to the clerk of the appellate's

When an appeal is prayed and the adverse party is present.

When appeal is made to clerk of the appellate court.

court, he shall docket the case on the civil issue docket for a new trial of the whole matter at the ensuing term of the court.

Conflicting laws.

SEC. 9. That sections fifty-three, fifty-four, fifty-five, fifty-six, and fifty-nine of chapter sixty-three of Battle's Revisal, and all other laws and clauses of laws, in conflict with the provisions of this act be, and the same are hereby repealed.

SEC. 10. This act shall be in force from its ratification. Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLII.

AN ACT TO LOCATE THE COUNTY SITE AND PERMANENT SEAT OF JUSTICE OF PENDER COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty, chapter one hundred and thirty-six of the public laws, of the year of our Lord one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-five, is hereby repealed.

SEC. 2 That it shall be the duty of the county commissioners and sheriff of Pender county, to provide for and superintend an election in the several townships or election precincts in said county of Pender, on the first Thursday in August in the year of our Lord one thousand eight hundred and seventy-seven for the purpose of selecting a permanent county site.

SEC. 3. Each elector voting shall have either written or printed upon his ballot the place voted for, and if no location other than South Washington shall receive a majority of all the votes cast, South Washington shall be declared the county site; but if any other location shall receive a majority of all the votes cast, said location shall be declared the county site. The county site when-

Section 20, chapter 136, laws of 1874 and 1875, repealed.

Election.

Result of election to be declared.

ever it may be located shall be called "Stanford."

SEC. 4. Said election shall be conducted under the same rules and regulations, fines and penalties as are prescribed by law for the election of members of the general assembly, and it shall be the duty of the county commissioners of said county of Pender, to advertise said election for at least thirty days, at three or more public places in each township in Pender county.

Election to be conducted under the same rules, &c.

SEC. 5. It shall be the duty of the county commissioners of Pender within thirty days after said election, to proceed to establish said county site according to the provisions of chapter one hundred and thirty-six, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and chapter ninety-one of said laws: *Provided*, The said county of Pender shall pay to the owners of property in South Washington any depreciation of property within the limits of said town caused by such removal. *Provided further*, That in estimating the depreciation the difference in the actual cost of the buildings erected within one-half mile of the court house since the election of South Washington as the county site and the worth of the buildings after the removal of the county site shall be the amount of depreciation and no depreciation in the value of lands or unimproved lots shall be considered.

Commissioners shall establish the county site within thirty days after the election.

Proviso.

Proviso.

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLIII.

AN ACT TO SECURE TO OWNERS OF REAL ESTATE RESIDING IN THIS STATE A HOMESTEAD IN FEE SIMPLE.

SECTION 1. *The General Assembly of North Carolina do enact*, The homestead of any resident of this state shall not be subject to the lien of any judgment or decree of

Homesteads not subject to the lien of any judgment, &c.

Exception.

any court, or to sale under execution or other process thereon, growing out of any debt contracted or cause of action accruing after the first day of May, in the year of our Lord one thousand eight hundred and seventy-seven, except such as may be rendered or issued to secure the payment of obligations contracted for the payment of said homestead, or for laborers' or mechanics' liens for work done and performed for the claimant of said homestead or for lawful taxes.

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

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLIV.

AN ACT TO PROVIDE FOR THE REMOVAL OF THE COUNTY SEAT OF JOHNSTON COUNTY.

Removal of the county seat of Johnston.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Johnston county 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 seventeenth and twenty-seventh mile posts on said road, and at the same time to submit the question whether the location of said county seat shall be on the northeast side or the southwest side of Neuse river.

An election may be ordered upon the application of 1,000 voters.

SEC. 2. That for these purposes 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 of 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.

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.

Shall appoint inspectors and poll-keepers.

SEC. 4. That the said commissioners shall give thirty days' notice of said election, by posting at least four notices thereof in each township.

SEC. 5. That at such election two boxes shall be opened, the one marked "on removal," and the other "on location;" and those persons in favor of removal, shall vote a ballot on which shall be written or printed the word, "removal," and those opposed, shall vote a ballot on which is written or printed the words, "no removal;" in the box, "on removal," and in the box, "on location," those favoring the northeast side of Neuse river, shall vote a ballot on which is written or printed the word, "northeast," and those favoring the southwest side of said river, shall vote a ballot on which is written or printed the word, "southwest," and should there be a majority of the votes cast in favor of the northeast side of said river, then the said county seat shall be located on that side; and if there shall be a majority of said votes for the southwest side, then the location of said county seat shall be on the southwest side of said river; and the more effectually to carry out the purposes of this act, the justices of the peace appointed by this general assembly are authorized and empowered to meet together, after the question is decided by said election, which side of Neuse river said county seat shall be located, and choose some eligible point on that side, and within the limits mentioned in section first of this act, at which not more than one hundred acres of lands shall be acquired by the commissioners of the county, by either purchase or donation, for said county seat.

Permanent location.

SEC. 6. That the returns of such election shall be made to the chairman of the board of county commissioners

Result of election shall be declared.

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, and the board of commissioners shall compare and count the votes cast, and announce the result of said election.

Commissioners
to construct suit-
able buildings.

SEC. 7. That if a majority of the votes cast shall be for removal, then the said board of commissioners of Johnston county shall, and they are hereby empowered to commence the construction of suitable buildings for said county seat, within twelve months from said election on the land so designated.

Election, when to
be held.

SEC. 8. That the election above provided for shall be held at a private time, and not any general or state election.

Sale of lots, pro-
ceeds arising
therefrom.

SEC. 9. That should any lands be acquired, as provided for in section five of this act, the commissioners of Johnston county are authorized and empowered to divide the same into suitable and convenient lots of not more than one-half acre each, and to sell said lots at public auction at their discretion as to time, and make deeds for the same, and the funds arising from such sales to apply towards the erection of suitable county buildings; and also when they see proper to sell and convey the court house and jail and square on which they stand in Smithfield, at public auction or private sale, as they may deem best.

Conflicting laws

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLV.

AN ACT TO DIVIDE THE STATE INTO NINE JUDICIAL DISTRICTS
AND TO PROVIDE FOR THE ELECTION OF THREE JUSTICES
OF THE SUPREME COURT, THREE JUDGES OF THE SUPERIOR
COURT, AND NINE SOLICITORS.

SECTION 1. *The General Assembly of North Carolina do enact,* After the first Thursday in August in the year of our Lord one thousand eight hundred and seventy-eight, the state shall be divided into nine judicial districts and the superior courts in the several counties shall be opened and held at the times hereinafter expressed, and each court shall continue in session one week, or two weeks, as the case may require and this act will allow, unless the business thereof shall be sooner disposed of, namely :

Nine judicial districts.

FIRST JUDICIAL DISTRICT.

The first judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

First district..

Currituck, first Monday of March and September.

Camden, second Monday of March and September.

Pasquotank, third Monday of March and September.

Perquimans, fourth Monday of March and September.

Chowan, first Monday after fourth Monday of March and September.

Hertford, second Monday after fourth Monday of March and September.

Gates, third Monday after fourth Monday of March and September.

Washington, fourth Monday after fourth Monday of March and September.

Tyrrell, fifth Monday after fourth Monday of March and September.

Dare, sixth Monday after fourth Monday of March and September.

Hyde, seventh Monday after fourth Monday of March and September.

Pamlico, eighth Monday after fourth Monday of March and September.

SECOND JUDICIAL DISTRICT.

Second district.

SEC. 2. The second judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit:

Wake, third Monday of February and August.

Franklin, first Monday of March and September.

Warren, second Monday of March and September.

Halifax, third Monday of March and September.

Northampton, fourth Monday after first Monday of March and September.

Edgecombe, sixth Monday after first Monday of March and September.

Bertie, eighth Monday after first Monday of March and September.

Martin, ninth Monday after first Monday of March and September.

Beaufort, tenth Monday after first Monday of March and September.

Craven, twelfth Monday after first Monday of March and September.

THIRD JUDICIAL DISTRICT.

Third district.

SEC. 3. The third judicial district shall be composed of the following counties and the superior courts thereof shall be held at the following times, to wit:

Nash, Monday before first Monday of March and September.

Wilson, second Monday of March and September.

Pitt, third Monday of March and September.

Greene, fourth Monday after first Monday of March and September.

Wayne, fifth Monday after first Monday of March and September.

Lenoir, seventh Monday after first Monday of March and September.

Jones, eighth Monday after first Monday of March and September.

Carteret, ninth Monday after first Monday of March and September.

Onslow, tenth Monday after first Monday of March and September.

Daplin, eleventh Monday after first Monday of March and September.

Sampson, twelfth Monday after first Monday of March and September.

New Hanover, thirteenth Monday after first Monday of March and September.

Pender, fifteenth Monday after first Monday of March and September.

FOURTH JUDICIAL DISTRICT.

SEC. 4. The fourth judicial district shall be composed of the following counties, and the superior courts thereof Fourth district. shall be held at the following times, to-wit:

Harnett, first Monday of February and August.

Moore, second Monday of February and August.

Anson, third Monday after second Monday of February and August.

Richmond, fourth Monday after second Monday of February and August.

Robeson, fifth Monday after second Monday of February and August.

Columbus, sixth Monday after second Monday of February and August.

Brunswick, seventh Monday after second Monday of February and August.

Bladen, eighth Monday after second Monday of February and August.

Cumberland, ninth Monday after second Monday of February and August.

Johnston, eleventh Monday after second Monday of February and August.

FIFTH JUDICIAL DISTRICT.

Fifth district.

SEC. 5. The fifth judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit:

Alamance, second Monday before first Monday of March and September.

Randolph, Monday before first Monday of March and September.

Guilford, first Monday of March and September.

Chatham, third Monday of March and September.

Orange, third Monday after fourth Monday of March and September.

Granville, fourth Monday after fourth Monday of March and September.

Person, sixth Monday after fourth Monday of March and September.

Caswell, seventh Monday after fourth Monday of March and September.

Rockingham, eighth Monday after fourth Monday of March and September.

SIXTH JUDICIAL DISTRICT.

Sixth district.

SEC. 6. The sixth judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit:

Mecklenburg, first Monday of March and September.

Cabarrus, third Monday of March and September.

Stanly, fourth Monday of March and September.

Montgomery, first Monday after fourth Monday of March and September.

Union, third Monday after fourth Monday of March and September.

Lincoln, fourth Monday after fourth Monday of March and September.

Gaston, fifth Monday after fourth Monday of March and September.

Cleveland, sixth Monday after fourth Monday of March and September.

Ruthertord, seventh Monday after fourth Monday of March and September.

Polk, eighth Monday after fourth Monday of March and September.

SEVENTH JUDICIAL DISTRICT.

SEC. 7. The seventh judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit: Seventh district.

Davie, first Monday of March and September.

Yadkin, second Monday of March and September.

Wilkes, third Monday of March and September.

Alleghany, first Monday after fourth Monday of March and September.

Surry, second Monday after fourth Monday of March and September.

Stokes, third Monday after fourth Monday of March and September.

Forsythe, fourth Monday after fourth Monday of March and September.

Davidson, sixth Monday after fourth Monday of March and September.

Rowan, eighth Monday after fourth Monday of March and September.

EIGHTH JUDICIAL DISTRICT.

Eighth district. SEC. 8. The eighth judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

Catawba, first Monday of March and September.

Burke, second Monday of March and September.

McDowell, third Monday of March and September.

Yancey, fourth Monday of March and September.

Mitchell, first Monday after fourth Monday of March and September.

Watauga, second Monday after the fourth Monday of March and September.

Ashe, third Monday after the fourth Monday of March and September.

Caldwell, fourth Monday after the fourth Monday of March and September.

Alexander, fifth Monday after the fourth Monday of March and September.

Iredell, sixth Monday after the fourth Monday of March and September.

NINTH JUDICIAL DISTRICT.

Ninth district. SEC. 9. The ninth judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

Graham, first Monday of April and September.

Cherokee, second Monday of April and September.

Clay, third Monday of April and September.

Macon, fourth Monday of April and September.

Swain, first Monday after fourth Monday of April and September.

Jackson, second Monday after fourth Monday of April and September.

Haywood, third Monday after fourth Monday of April and September.

Transylvania, fourth Monday after fourth Monday of April and September.

Henderson, fifth Monday after fourth Monday of April and September.

Buncombe, sixth Monday after the fourth Monday of April and September.

Madison, eighth Monday after the fourth Monday of April and September.

SEC. 10. On the first Thursday in August, in the year of our Lord one thousand eight hundred and seventy-eight, an election shall be held in the several voting precincts in each county for the purpose of electing, by the qualified voters of the whole state, the following officers, to-wit :

Election.

A chief justice and two associate justices of the supreme court to be selected from the state at large.

Justices of the supreme court.

A judge of the superior court for the *seventh judicial district*, to be selected from the said district as above constituted.

Judge of the seventh district.

A judge of the superior court for the *eighth judicial district*, to be selected from the said district as above constituted.

Judge of the eighth district.

Also a judge of the *ninth judicial district* to be selected from the said district as above constituted.

Judge of the ninth district.

SEC. 11. At said election a solicitor shall also be elected for each of the aforesaid nine judicial districts by the qualified voters of each district.

Solicitors.

SEC. 12. The names of the candidates for chief justice and two associate justices of the supreme court, for three judges of the superior courts and for a solicitor of each district shall be voted for on one ballot.

All the justices to be voted for on one ballot.

SEC. 13. Said election shall be held and conducted under the same rules and regulations, and under the same pains and penalties as are now, or may be required and prescribed by law, and returns shall be made according to the laws regulating the election of members of the general assembly.

Election to be held under the same rules, &c.

SEC. 14. The sheriff and the clerk of the board of coun-

Statement of the votes cast to be transmitted to the secretary of state.

ty commissioners of each county shall each, within two days after the meeting of said board, transmit by express, or by registered letter, in a sealed package, to the secretary of state at Raleigh, separate statements of the votes cast in such county for each of the aforeraid officers, to-wit: chief justice, and associate justices of the supreme court, superior court judges and solicitors.

Governor and secretary of state to examine returns.

SEC. 15. On or before the twentieth day next ensuing said election, the returns of the votes for each of the officers aforesaid shall be examined, canvassed and compared by the governor, in the presence of the secretary of state, and the attorney-general, and the governor shall commission those who shall be found to be duly elected.

In case any returns be lacking.

SEC. 16. If, on the day the governor, secretary of state and attorney-general shall assemble, for the purpose of canvassing and counting the votes cast at said election for the officers aforesaid, any returns shall be lacking from any county or counties, the governor may, by special message or otherwise, at the expense of any such county, obtain the returns which shall be lacking, and may postpone the canvass until said returns shall be obtained.

Present judicial districts.

SEC. 17. The present judicial districts shall remain unaltered until the first Thursday in August, in the year of our Lord one thousand eight hundred and seventy-eight.

Judges holding over.

SEC. 18. The superior court judges holding over on account of the non-expiration of their terms of office, shall be the judges for the several judicial districts as above constituted, in which they reside respectively.

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

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLVI.

AN ACT TO PREVENT THE OBSTRUCTION TO THE PASSAGE OF FISH
IN THE TUCKASEEGEE RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, It shall be unlawful for any obstructions to the passage of fish up the Tuckasegee river to remain in said river up to the mouth of Coloochee creek in the county of Jackson, during the months of April and May, of each year, hereafter.

Obstructions to
the passage of
fish.

SEC. 2. It shall be the duty of any justice of the peace living within the limits of any of the townships of said county adjoining said river to see that this act is enforced, and said justices shall have full authority to enforce the same.

Justices of the
peace to enforce
this act.

SEC. 3. Any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or imprisoned [not] more than thirty days for each offence.

Penalty.

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

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLVII.

AN ACT FOR THE APPOINTMENT OF SPECIAL TAX COLLECTORS
IN CERTAIN CASES.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever hereafter by the decree or judgment of the courts of the state or of the United States

Power to appoint
a special tax col-
lector.

rendered in this state, the board of county commissioners of any county, or other proper officers thereof, or any municipal corporation formed under the laws of this state having legal authority to levy and collect taxes, shall be commanded to levy and collect taxes to pay the moneys due under such decree or judgment, such board of county commissioners or other municipal corporations or other proper officers shall have power to appoint a special tax collector from the voters thereof to collect the taxes so required to be levied, who shall take the proper oath of office and give bond in such sum and with such sureties as may be prescribed by such board or other municipal corporation or other proper officers, for the due collection and paying over the taxes so levied.

Duty of tax collector.

SEC. 2. That the special tax collector so appointed and qualified shall proceed to collect such taxes and to this end shall have all the powers and be subject to the liabilities provided in cases of other collectors of county or municipal taxes, and shall enforce such collection in the manner directed by such judgment or decree and conformably to the laws of the state applicable thereto.

No sheriff or other officer required to collect the special tax.

SEC. 3. That no sheriff or other collector of state and general county taxes shall be required to collect the special taxes mentioned in this act. This act shall not apply to the counties of Haywood, Clay, Cherokee and Graham.

SEC. 4. This act shall take effect from its ratification and shall apply as well to judgments hereafter rendered.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CABARRUS 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 debt of the county of Cabarrus, the commissioners of said county are hereby authorized to issue coupon bonds in the denomination of not less than one hundred dollars nor more than five hundred dollars, not exceeding the amount of the present indebtedness of said county, which was contracted by the commissioners of said county in purchasing lots and building a court house and jail on the same for use of said county. May issue bonds.

SEC. 2. 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 the same, with the seal of office, which latter officer shall keep, in a book suitable for the purpose, an account of the number of bonds issued, their amounts, and to whom issued, and the amount of bonds and coupons received and canceled, so arranged that upon inspection of the said book, a true state of the county indebtedness may be seen; for which services he shall receive a reasonable compensation, to be fixed by the board. An account to be kept of the bonds.

SEC. 3. That said bonds shall be in the usual form, with coupons bearing interest not greater than eight per centum per annum, and shall run for not less than five years nor more than ten years. Coupons bearing interest.

SEC. 4. That said commissioners shall apply the money received from the special taxes, collected under an act of assembly, entitled an act to authorize the commissioners of Cabarrus county to levy a special tax, laws of one Money received from special taxes.

thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven, to the payment of said bonds and interest.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER COLIX.

AN ACT TO AMEND SECTIONS ONE AND FIVE, CHAPTER ONE HUNDRED AND THIRTY-EIGHT, 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 section one of chapter one hundred and thirty-eight, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, ratified the sixteenth day of February, one thousand eight hundred and seventy-four, be and the same is hereby amended by substituting the words "Thursday in June" for the words "Monday in May."

SEC. 2. That section five, of said chapter be amended by adding the words "vinous or malt" after the word "spirituous," whenever it occurs in said section.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLX.

AN ACT TO PROHIBIT THE SALE OF 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 or directly or indirectly to receive any compensation for any spirituous liquors, bitters, or any intoxicating drinks, within three-fourths of a mile of Island Ford, Smith's river, Rockingham county; or within one mile of Troy's Mill academy, in Wilkes county, Yadkin court house, King's Mountain high school in Cumberland county, Wesley Chapel in Iredell county, court house in Rutherfordton in Rutherford county; or within one and one-half miles of Zion Baptist, Oak Hill, Mountain Grove, or Linville Methodist, Quaker, Meadow Presbyterian churches in Burke county; Shady Grove, Center, Elba-ville or Fulton churches in Davie county; Beulah church in Cleveland county; or within two miles of Providence Methodist or Zion Baptist churches in McDowell county; Graham, Alamance county; Hickory Grove church and Johnston academy in Johnston county; Rehoboth church in Union county; Franklin in Macon county; Friendship Baptist church in Yadkin county; Union or Morrison's churches in Macon county; Hester's, Enon and Mount Zion churches in Granville county; Love Grove church in Stanly county; Cedar Grove, Mount Olivet and Harrisburg depot in Cabarrus county; Mount Zion church in Mecklenburg county; Back creek church in Rowan county; Bladenboro depot or Gilead church in Bladen county; court house in Wayne county; Shoal Creek and Yellow Mountain churches in Jackson county; Bethlehem, Point Caswell, Riley's Creek and Topsail churches or Leesburg in Pender county; Mount Moriah, Cedar Fork, Salem, Cary and Morrisville churches in Wake county; Bethel Methodist church in Union coun-

Sale of liquor prohibited in certain localities.

ty ; Zion Baptist church and Haywood's chapel in Halifax county ; the school house at Mooresville and Prospect church in Iredell county ; Brown's chapel church in Chatham county ; Concord church in Brunswick county ; Germanton Methodist church in Stokes county ; Smith's Grove, Claney's Grove, cemetery of the Methodist Episcopal church in Davie county ; Newfound Baptist church in Buncombe county ; Mount Hermon church in Orange county ; Mocksville Methodist Episcopal church in Davie county ; Providence church in Robeson county ; Donaldson academy in Cumberland county, and Valley Town church in Cherokee county ; or within two and one-half miles of New Hope church in Robeson county ; Clarkton academy in Bladen county ; Cashier's Valley Methodist Episcopal church, Hamburg, Savannah and Scott's Creek Baptist church in Jackson county, and McKendrie's chapel and Morrow's chapel in Iredell county, and Bettecan church in Bladen county ; nor within three miles of Lawrence church in Edgecombe county ; Primitive Baptist or Freewill Baptist at Elm Grove and Salem churches, Fellow's chapel, Saint John's Episcopal church and Adam's school house in Pitt county ; Lebanon Presbyterian church or Union chapel in Robeson county ; Rountree church in Pitt county ; Rose of Sharon, Edward's chapel, Cobb's Mills, and Bethel churches in Lenoir county ; Bladen Union church in Bladen county ; New Zion and Green Spring churches in Anson county ; Ebenezer church in Wake county ; Arlington and Philadelphia churches in Mecklenburg county ; Union academy and Cedar Creek church in Anson county ; Macedonia Baptist church in Columbus county ; Cain Creek church in Mitchell county ; Danbury in Stokes county ; Ionia church in Robeson county ; Mount Pleasant church in Bladen county ; Cartledge's Creek and Holly Grove churches in Richmond county ; M. E. church, [Saint Mark's Evangelical Lutheran church, Missionary Baptist and Colored Presbyterian churches at Gold Hill in Rowan county ; Strad-

ley's chapel and Berea church in Buncombe county ; or within three and one-half miles of Springfield church in Guilford county ; or within four miles of Pleasant Grove church in Robeson county ; or within five miles of Cherokee or Graham court house, and within the county of Dare.

SEC. 2. That nothing in section one of this act, shall be so construed as to prevent the sale of spirituous liquors within the corporate limits of the town of Fayetteville.

Fayetteville.

SEC. 3. That the words Rush Academy in the county of Hyde, section one, chapter one hundred and eighty-seven, public laws one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be and the same are hereby stricken out and repealed ; and that chapter one hundred and fourteen, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, shall not be in force and effect until the provisions of section two, chapter one hundred and sixty-eight, public laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five shall have been complied with.

Repealed, &c.

SEC. 4. 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, having jurisdiction, 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 thirty days: *Provided*, That if the offender is not brought to trial before some justice of the peace, within six months after the commission of the same, 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 said court ; but nothing herein contained shall be construed to interfere with the original jurisdiction of justices of the peace.

Penalty.

Proviso.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXI.

AN ACT TO REGULATE THE SALE OF SPIRITUOUS LIQUORS IN THE TOWNSHIPS OF BARTON'S CREEK AND NEW LIGHT, IN WAKE COUNTY, NORTH CAROLINA.

Notice of election SECTION 1. *The General Assembly of North Carolina do enact,* That it shall be the duty of the county commissioners to give at least ten days' notice, by public advertisement, in Barton's Creek and New Light townships, that on the first Saturday in May, one thousand eight hundred and seventy-seven, at the respective election places in said townships, an election will be held for the purpose of taking the sense of the qualified voters therein upon the subject of the sale of spirituous liquors in their respective townships.

Ballot. SEC. 2. That at said election, those who desire to vote in favor of prohibition, shall vote upon a written or printed ticket, "prohibition," and those who desire to vote against prohibition, shall vote upon a written or printed ticket, "no prohibition," in their respective townships.

Result of election. SEC. 3. That the board of commissioners of said county shall compare the votes cast in their respective townships, and if, upon such comparison of votes it shall be found that two-thirds of all the votes cast in either of said townships were cast for "no prohibition," then it shall be lawful for the board of commissioners of said county to issue license in such township, as provided by law. If, however, one-third of all the votes cast in either of

said townships shall be found to be for "prohibition," then it shall not be lawful for the board of commissioners of said county to issue license for the sale of spirituous liquors in such townships.

SEC. 4. All laws or clauses of laws conflicting with this act are hereby repealed. Conflicting laws.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXII.

AN ACT TO CONFIRM A CHANGE OF THE LINE BETWEEN FORBUSH AND LIBERTY TOWNSHIP, IN YADKIN COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the change of line between Forbush and Liberty townships, in the county of Yadkin, made by the commissioners of said county, viz: beginning at the line of Fall Creek township, near John A. Hobson's, running south, so as to cross the Brooks road at the fork of Forbush Creek, thence due south to the Davie county line, be and the same is hereby confirmed as the true line between said townships. Boundaries.

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

Ratified the 10th day of March, A. D. 1877.

CHAPTER CCLXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SAMPSON COUNTY
TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Sampson county be, and they are hereby authorized and empowered to levy a special tax at the same time with other levies upon the taxable property and polls of the county, for the year one thousand eight hundred and seventy-seven, and for the year one thousand eight hundred and seventy-eight, said special tax to be applied to the payment of the county debt. Said special tax shall not exceed thirty-five hundred dollars for both years, nor two thousand for either of said years, and shall be collected and accounted for by the sheriff of said county, or other collecting officer, in the same manner and under the same penalties, and within the same time as other taxes levied in said county. *Provided*, The constitutional equation between polls and property shall be observed in the levy of said tax.

Proviso.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXIV.

AN ACT IN REGARD TO PUBLISHING COUNTY EXHIBITS AMENDING CHAPTER TWENTY-SEVEN, SECTION THIRTEEN OF BATTLE'S REVISAL.

Section 13, chapter 27, Battle's Revisal amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter twenty-seven, section thirteen of Battle's Revisal be amended as follows: Strike out the

following words in line two of said section, to-wit, " And to be published in one or more county newspapers if there be any."

SEC. 2. That the following be added to the end of said section: The said board may in their discretion also publish the said county exhibit in some newspaper circulated in said county. County exhibits to be published.

SEC. 3. That chapter one hundred and forty-three, acts of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, ratified the sixteenth day of February, one thousand eight hundred and seventy-four, is hereby repealed. Repeal'ed.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXV.

AN ACT TO AMEND AN ACT TO INCORPORATE THE ATLANTIC AND NORTH CAROLINA, AND THE NORTH CAROLINA AND WESTERN RAILROAD COMPANIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act to incorporate the Atlantic and North Carolina Railroad Company, and the several amendments thereto, be and the same are hereby amended in the following particulars: *Provided*, This act shall be ratified and accepted by a majority of the votes to be cast at the regular annual meeting of the stockholders in June, one thousand eight hundred and seventy-seven, to-wit: An assessment of not exceeding one dollar and fifty cents upon each share of stock may be made by the board of directors of said company, for the purpose of paying off the floating debt of said company. Re-enacted.
Proviso.

SEC. 2. The said board of directors, at their first meet-

Shall fix the amount of the assessment.

ing, or so soon thereafter as practicable, shall ascertain and fix the amount of such assessment, and adopt such rules and regulations to enforce the collection thereof, as they shall deem proper.

Auditor to issue warrant.

SEC. 3. So soon as the amount of said assessment shall be ascertained, the auditor of the state shall draw to the order of the treasurer of said Atlantic and North Carolina Railroad Company his warrant upon the public-treasurer for the amount of money that shall then be due by the state as a stockholder in said road, and the said public treasurer shall pay the same.

Governor to issue warrant if necessary.

SEC. 4. That if previous to the time at which money can be realized, under the preceding section of this act, an emergency should arise, in which, in the opinion of the governor and attorney-general, it shall be necessary to pay out any money, in order to secure the interest of the state, the governor shall issue his warrant on the treasurer of the state for such sum as may, in the judgment of himself and attorney-general, be necessary to protect the interest of the state, and the treasurer shall pay the same, which shall be re-embursed out of the funds to be raised as provided in the preceding section.

A. & N. C. R. R. Co. shall refund to the state.

SEC. 5. The said Atlantic and North Carolina Railroad Company shall refund to the state and the other stockholders the amounts paid by them under the said assessment, out of the earnings of the said road, before any dividends shall be declared by said company.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXVI.

AN ACT TO AMEND SECTION TEN, CHAPTER ONE HUNDRED AND EIGHTY-TWO OR THE 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 ten of chapter one hundred and eighty-two of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended so as to read as follows: "The first annual meeting of stockholders after organization shall be held in the city of Raleigh on the Wednesday next after the first Monday in January one thousand eight hundred and eighty and annually thereafter unless a different time shall be determined by said stockholders in a general meeting."

First annual meeting.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXVII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-SIX, OF THE 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 chapter one hundred and fifty-six of the laws passed at the session of the general assembly of eighteen hundred and seventy-two and eighteen hundred and seventy-three, be amended as follows: Strike out the

Chapter 156, Laws 1872-'73 amended.

word "fifteen," in the third line of the first section and insert "five." Strike out all after the word "power," in the eighth line down to and including the word "railroad," in line ninth, and insert "from some point on the Raleigh and Gaston railroad." Strike out all after the word "to," in the tenth line down to and including the word "eligible," in the twelfth line and insert "Oxford." Amend section two by adding after "Lyon," in the fourth line the names of J. C. Cooper, T. D. Crawford, Roger O. Gregory, James B. Crews, Franklin Hester, John A. Williams.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXVIII.

AN ACT TO AMEND SECTION EIGHT, CHAPTER NINETY-TWO OF
BATTLE'S REVISAL.

Penalty. SECTION 1. *The General Assembly of North Carolina do enact,* That section eight, of chapter ninety-two Battle's Revisal be amended by striking out all after the word "misdemeanor," and inserting in lieu thereof the following words, "and on conviction shall be fined or imprisoned or both at the discretion of the court."

Conflicting laws. SEC. 2. All laws or parts of 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 12th day of March, A. D. 1877.

CHAPTER CCLXIX.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and ninety-three, laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, entitled "an act to regulate the taking of fish in the waters of New river, in Onslow county," be and the same is hereby repealed. Repealed.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXX.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS TO CONFER WITH THE HOLDERS OF THE VALID BONDS OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the governor, treasurer and attorney-general are hereby appointed commissioners to confer with the holders of the valid bonds of the State of North Carolina, and receive proposals for an adjustment of said indebtedness, either by exchange of the state's interest in railroads or other corporations, with the owners of said bonds, or by other persons or corporations assuming the liabilities of the state's contractors for the construction of said railroads or canals, in exchange for said interest of the state in said railroads or canals, and to ascertain and

Commissioners to confer with the valid bondholders of the state.

Shall report to the next general assembly.

report to the next general assembly, or to this legislature, if hereafter convened, on what terms, either by the surrender of the state's interest in said corporations, or the issue of the new bonds an adjustment can be made; also report what amount of tax would probably be necessary to make any such settlement effectual.

Governor may call meetings of the commissioners.

SEC. 2. That the governor may call meetings of said commissioners at such time as he may deem expedient, and they may report by bill or otherwise to the next general assembly, or to any session of this legislature, if the same should hereafter be convened.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXI.

AN ACT TO ESTABLISH A CRIMINAL COURT IN THE COUNTY OF WAKE.

Criminal court of Wake county.

SECTION 1. *The General Assembly of North Carolina do enact,* That a court of record, to be called "the criminal court of Wake county," is hereby established, and the same shall be held in the city of Raleigh, in the county of Wake.

shall be subject to all the powers, &c.

SEC. 2. That the court hereby established shall possess all the powers, perform all of the duties and be subject to all of the restrictions of a court of record, according to the laws of this state.

Jurisdiction to try all criminal offences.

SEC. 3. That said criminal court shall have exclusive original jurisdiction to enquire of, hear, try and determine all crimes, misdemeanors and offences committed in the county of Wake, as fully and to the same extent as the superior courts of the state, and exclusive appellate

jurisdiction of all offences tried and determined before a justice of the peace or other magistrate in said county; but shall have no jurisdiction over criminal causes removed from any other county to the county of Wake.

SEC. 4. That the said criminal court shall have all the jurisdiction vested in the superior courts to try all crimes and criminal offences, originating within Wake county and to give judgment and to award execution therein and for the recovery of all fines and forfeitures and that the process, pleadings, practice and mode of proceeding, shall be the same in said court as prevails in the superior courts of the state in such cases as aforesaid.

Shall have all the jurisdiction vested in the superior court to try all criminal offences.

SEC. 5. That appeals to the supreme court and *writs of error* may be prosecuted from the judgments of said criminal court in the same manner as they may be from the superior courts.

Appeals to the supreme court.

SEC. 6. That there shall be one judge of the said criminal court to be elected by the general assembly and commissioned by the governor of the state, who shall receive an annual salary of two thousand dollars, to be paid quarterly by the county treasurer of the county of Wake out of the county funds of said county; and the said judge shall take the oaths prescribed for judges of the superior courts, and he shall possess the qualifications of a judge of the superior court, and shall hold his office for a term of eight years unless removed from office as in the next section provided; and said judge of said court shall not be allowed to practice in the superior courts of law in the courts of any county of the state of North Carolina or of the United States in the same state.

Judge—his salary.

SEC. 7. That such judge may be removed from office for the same causes, and in the same manner as a judge of the superior court; and all vacancies in said office shall be filled by appointment of the governor, and the person so appointed by the governor shall hold his office until the meeting of the next general assembly, which general assembly shall elect a person to fill the office for the unexpired term.

Removal from office.

May try all criminal causes arising in Wake county.

SEC. 8. That the judge of said criminal court shall be a conservator of the peace within said county, and shall have all the powers of the several judges of the superior courts of this state to hear and determine all criminal causes arising within said county, and the like powers to issue warrants or precepts for the arrest of criminals anywhere within the limits of the state, administer oaths, issue writs of *habeas corpus* and hear and determine the same in the same manner as the judges of the superior courts.

Solicitor—his salary and fees.

SEC. 9. That there shall be a solicitor of the said criminal court who shall be elected by the general assembly for the term of eight years, who shall receive the same fees as are now allowed by law to the solicitors of the several judicial circuits, and in addition thereto shall be paid an annual salary of five hundred (500) dollars to be paid quarterly by the county treasurer of the county of Wake out of the county funds, upon the certificate of the clerk of said criminal court, countersigned by the judge thereof, and should any vacancy occur by the death, resignation, refusal to accept, or removal of said solicitor, the judge shall have the power to appoint a solicitor to act for the unexpired term. The duties of the said solicitor shall be the same in respect to criminal matters in the county of Wake as those prescribed by law for the solicitors of the several judicial districts of this state, and he shall take a similar oath of office, and shall be removable for the same causes as the solicitors of the several districts of the state. He shall be the legal adviser of the board of county commissioners and officers of justice of said county, and shall at least once in every three months make an examination of the offices of the register of deeds and the superior court clerk and judge of probate of the said county in the presence of the respective officers (and the said register of deeds and clerk of the superior court and judge of probate shall furnish every facility in aiding and assisting the said solicitor in making such examination) to ascertain whether inven-

Legal adviser of the county commissioners.

tories, accounts of sales, accounts current, bills, deeds, bills of sale, reports, official bonds and all other papers required to be recorded and registered, have been duly recorded and registered and also whether the several dockets of the courts have been written out and kept in proper manner.

SEC. 10. That the aforesaid solicitor shall make a faithful report in writing of the several matters hereby directed to be examined, specially stating in what respect if any there has been an omission of duty by the officers aforesaid and the said report shall be made to the aforesaid criminal court at the next term thereof which shall be held subsequent to such examinations. And when it shall appear from such reports that there has been an omission of duty on the part of any of said officers the said solicitor shall cause an indictment to be preferred for such reported breach of duty and on conviction the defendant shall be fined or imprisoned or removed from office at the discretion of the court. *Provided however,* that this indictment shall not exempt any of said officers from being indicted for other breaches of duty as prescribed by law.

Shall report in writing.

Proviso.

SEC. 11. That the general assembly shall elect a suitable person to act as the clerk of the said criminal court who shall enter into bond with good and sufficient security in the penal sum of ten thousand dollars, to be approved by the judge of said court payable to the state of North Carolina for the faithful performance of the duties of his office, which said bond shall be renewed annually and the person so appointed as clerk of the said court shall hold his office for the term of four years, and in case of the failure of the person so appointed to file his bond on the first day of the first term which shall be held of said court, or in case of any vacancy occurring from any cause whatever the said judge shall have full power to appoint another person to fill said office and the said clerk shall perform all of the duties required of him incident to his office and shall receive the

Clerk of the court.

Vacancy.

Fees. same fees and compensation therefor as are now allowed by law to the clerks of the superior courts for discharging the same duties, and that the said clerk shall be removable from office for the same causes as is now provided by law for the removal from office of the clerks of the superior courts.

Removable from office.

Duty of sheriff. SEC. 12. That the sheriff of said county of Wake shall be the sheriff of the said criminal court, and by himself or his lawful deputies shall discharge all of the duties incident to his office, required of him, in relation to the business of said court, and for a failure to perform the same, shall be subjected to all the penalties prescribed by law.

Commissioners to provide for the payment of salaries and fees. SEC. 13. That it shall be the duty of the board of county commissioners of Wake county to provide, out of the funds of the county, for the payment of the salaries of the said judge and solicitor, and the fees and compensation of the clerk and the sheriff of said court, and the pay of jurors and witnesses, and all other expenses incident to said court.

Commissioners to provide a suitable room, &c. SEC. 14. That the county commissioners of Wake county shall provide the necessary books to be used as dockets by the said court, and also a seal for the use of said court, with such devices as the judge of the court shall prescribe, and shall furnish a suitable room or office for the use of the clerk of the said court.

Regular and special terms. SEC. 15. That there shall be four terms of the said criminal court in each year, held in the court house in Wake county, on the fourth Monday in January, third Monday in May, the second Monday in August, and the second Monday in November; and said court shall continue its sessions so long as there may remain business on its dockets undisposed of; and the judge of said court shall have power to hold special terms of said court whenever it shall seem necessary to him to order the same, of which order fourteen days of public notice shall be given, and at such special terms he may make all orders, and do any and everything which he can do at the regular terms; and when such special terms are so ordered, all process returnable to the next regular term shall be deemed returnable to such

special term, and all recognizances, bonded obligations and summonses taken for the appearance of defendants and witnesses to said regular term, shall be binding upon said parties for their appearance at the special term aforesaid.

SEC. 16. That in all cases of change of venue from the criminal court of Wake county, applied for on account of the interest, prejudice, or relationship of the judge of the said court, or on account of any other legal objection to said judge, the cause shall not be transferred to another county for trial, but the judge may ask it to be transferred to the superior court of said county; but any party desiring or ordering a change of venue from said criminal court, on account of any other cause, may, upon application to the judge, obtain a removal of the same to another county under such rules and for such causes as are prescribed by law for the removal of criminal causes from one county to another county.

How cases to be transferred to the superior court.

SEC. 17. That if the judge of the said criminal court shall fail to attend to hold a court on the day designated for a regular or a special term, it shall be the duty of the clerk to open and adjourn the court for the two first days of the term, and if the judge shall not attend by four o'clock in the afternoon on the second day of the said term, the court shall be adjourned by the clerk until the next court in course, and all the recognizances, bonds, obligations, process and other proceedings returned or returnable to said term shall be of the same force and effect and shall be proceeded in as though the same were returnable to such next regular term as is now provided in such cases in the superior courts and shall be returnable as in such cases provided in said courts.

If the judge fails to hold court.

SEC. 18. That so much of section number two hundred and twenty-nine, of chapter three of the code of civil procedure, contained in chapter seventeen of Battle's Revisal, as requires the county commissioners to draw thirty-six jurors to serve during the first week of the terms of the superior courts of said county, and also to draw eighteen jurors to serve during the second week of

If required to draw jurors.

the terms of the superior courts, shall not apply to the commissioners of Wake county; and from and after the ratification of this act, the county commissioners of the said county of Wake shall proceed, at least twenty days before the meeting of regular terms of the superior courts of said county, to draw the names of twenty-four jurors in the manner now prescribed by law, twelve of whom shall be summoned to appear and serve as jurors during the first week of the terms of said superior court, and the remaining twelve to appear and serve during the second week of the terms of said superior court. And it shall be the duty of the said commissioners of Wake county, at least twenty days before the regular terms of the said criminal court, or ten days before a special term of said court, to draw names of thirty jurors in the same manner and under the same rules and regulations as is now required by law for drawing the jurors to serve in the superior courts, who shall be summoned to appear and serve as a grand jury and petty jurors at the next term to be held of the aforesaid criminal court. And the jurors who shall attend said courts shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications as are provided by law in regard to jurors in the superior courts; and that there may not be a deficiency of jurors, the sheriff, by order of the court, shall summon from day to day, of the by-standers, other jurors to serve on the petit jury, and such tales jurors shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications as are prescribed by law for tales jurors.

Removal of cases
from the superior
court.

SEC. 19. That it shall be the duty of the superior court at the next term thereof to be held after the ratification of this act, to transfer and remove under proper certificates by the clerk of said court, or by proper exemplifications of the record of said court, all criminal causes and all proceedings by *scire facias* against defaulting defendants and witnesses summoned therein, or their secu-

rities, pending in said superior court to the said criminal court, and the said superior court shall recognize as well the witnesses as the defendants in the causes and proceedings aforesaid, to appear at the next term of the said criminal court. And said criminal court shall have jurisdiction to originate proceedings by *scire facias* against defaulting defendants and witnesses summoned in said causes, or their sureties, when the default occurred before the transfer and removal of said causes, and no proceedings therein were pending in said superior court, in the same manner as if the said default had occurred in the said criminal court.

SEC. 20. That the judge of the said criminal court shall reside in the said county of Wake.

Judge shall reside in Wake county.

SEC. 21. That the aforesaid criminal court shall hold its first term on the third Monday of May next, and it shall be the duty of the county commissioners of Wake county to draw thirty jurors (at least twenty days prior to said term) to serve as jurors at the said first term of the said criminal court, under the same rules and regulations as now prescribed by law for drawing jurors for the superior courts.

First term to be held, when.

SEC. 22. That this act shall be in full force and effect from and after its ratification.

Ratified the 10th day of March A. D. 1877.

CHAPTER CCLXXII.

AN ACT FOR THE ESTABLISHMENT OF THE STATE GUARD.

SECTION 1. *The General Assembly of North Carolina do enact*, The white and colored militia shall be separately enrolled, and shall never be compelled to serve in the same companies, battalions or regiments.

White and colored militia to be enrolled separately.

North Carolina
state guard liable
to active service.

SEC. 2. The North Carolina state guards hereinafter mentioned shall be liable at all times to be ordered into active service, and shall first be called on by the commander-in-chief on all occasions for military service. In time of war, invasion, rebellion, insurrection or riot, or reasonable apprehension thereof, the commander-in-chief may order out for active service such further portion of the militia as he may deem necessary, designating the same by draft if a sufficient number shall not volunteer, and may organize the same and appoint and commission officers therefor, and when so ordered out for service the militia shall be subject to like regulations and receive from the state like compensation as that prescribed for the army of the United States

North Carolina
state guard.

Enlistments for
five years.

SEC. 3. The active militia shall be designated "The North Carolina State Guard," and consist of volunteers, and shall be subject at all times to the orders of their officers. All enlistments therein shall be for five years, and made by signing duplicate enlistment papers in such forms as may be prescribed by the adjutant general, one to be forwarded to him forthwith by the enlisting officer and one to be filed with the records of the company in which such enlistment is made.

Soldiers ordered
out for active
service.

SEC. 4. Every soldier ordered out for active duty, or who shall volunteer or be drafted, who does not appear at the time and place ordered, or who has not some able-bodied and proper substitute at such time and place, or does not furnish a reasonable excuse for such non-appearance, shall be liable to such punishment as a court-martial may determine.

Military divi-
sions of the state.
First district.

Second district.

Third district.

SEC. 5. The commander-in-chief shall divide the state into three military districts, each of which shall be commanded by a brigadier general. The first district shall consist of the territory embraced within the first, second, and fourth congressional districts; the second district shall consist of the territory embraced within the third and sixth congressional districts; the third district shall

consist of the territory embraced within the fifth, seventh and eighth congressional districts.

SEC. 6. Two or more white companies, or two or more colored companies, organized in any military district, may form a battalion and elect a major and other battalion officers. Five or more white, or five or more colored companies, organized in any military district, may form a battalion and elect a lieutenant colonel, major, and other battalion officers. Ten white, or ten colored companies, organized in any military district, may form a regiment and elect a colonel, lieutenant colonel, major, and other regimental officers. Where two battalions or two regiments shall be organized in a military district, they may form a brigade, which shall take the number of the district in which it is formed, and it shall be the duty of the commander-in-chief to organize the companies of the state guard, in each military district, into battalions, regiments and brigades, as rapidly as they form; each regiment or battalion to be designated by number, and each company by letter, at the formation, and a record thereof made in the office of the adjutant general. And whenever the commander-in-chief shall form a battalion, or regiment of the state guard, he shall order at the same time an election to be held for the field officer or officers of such battalion or regiment, such election to be conducted as hereinafter provided.

Battalion under a major.

Battalion under a lieutenant colonel.

Regiments.

Brigade.

Commissioned officers.

Officers of the state guard chosen.

Field officers.

Commissioned officers.

Non-commissioned officers.

SEC. 7. To each brigade, regiment, battalion and company, there shall be the same commissioned and non-commissioned officers required by the regulations of the United States army.

SEC. 8. The officers of the state guard shall be chosen as follows: Brigadier general, by the commander-in-chief; field officers of regiments and battalions, annually, by the written votes of the commissioned officers of the companies of the respective regiments or battalions; commissioned officers of companies, annually, by the written votes of the non-commissioned officers and privates of the respective companies; non-commissioned officers

of companies, annually, by the respective captains, who shall forthwith return the same in writing to the commanding officers of the regiment or battalion.

Governor shall commission.

SEC. 9. The governor shall commission all officers, those elected on returns of election made through the adjutant general.

Officers to take an oath.

SEC. 10. Every commissioned officer before he enters upon the duties of his office, or exercising any command, shall take and subscribe before a justice of the peace the oath prescribed by the constitution of North Carolina.

Rank according to date.

SEC. 11. Commissioned officers shall take rank according to the date of their commissions. The day of appointment or election of an officer shall be expressed in his commission and considered as the date thereof. Whenever an officer shall be re-commissioned within six months after the expiration or revocation of his original commission, in the same grade in which he has served in the state guard, his new commission shall bear date even with, and he shall take rank from, the date provided for in his former commission.

Yearly report of company commanders.

SEC. 12. Each commander of a company shall make out each year a full and complete report of the number of men in his company, the number of parades in which the company shall have participated during the preceding year, also the amount of ordnance and advance stores received from the state and in possession of the company, and transmit the same through regimental or battalion and brigade commanders of his military district, on or before the first day of April in each year, and if there be no such regimental or brigade commanders in his district he shall transmit said report direct to the adjutant general of the state, under pain of a forfeiture of his commission and dishonorable discharge from the state guard.

When made.

Power of the commander-in-chief.

SEC. 13. The commander-in-chief shall have full power and authority, at any time hereafter, to revoke any commission, or to disband any company or companies now organized, whenever in his judgment it shall be necessary or expedient for the public good or the good of the ser-

vice, and all companies now in existence in North Carolina shall, immediately after the passage of this act, be required to conform to its provisions.

SEC. 14. The organization of the state guard shall conform generally to the provisions of the laws of the United States, [and] the system of discipline and exercise shall conform as nearly as may be to that of the army of the United States, excepting that the minimum standard of a company shall be forty-five non-commissioned officers and privates.

Discipline and organization of the state guard.

SEC. 15. If it appears to the commander-in-chief that a company of the state guard has failed to comply with the requirements of the law in matter of uniform, equipment, numbers and discipline, such company shall be disbanded by the commander in-chief.

Companies failing to comply with the requirements of the law.

SEC. 16. All commissioned officers, non-commissioned officers and privates in the state guard, shall provide themselves with uniforms complete, of their own choice and fashion, subject to such restrictions, limitations and alterations as the commander-in-chief may order. General, staff and field officers and their staffs shall appear mounted on all days of review or parade.

Uniform.

SEC. 17. Each company of the state guard, on application by the commander thereof to the adjutant general, through his regimental and brigade commanders, if there be such, and producing satisfactory evidence that the law in relation to the distribution of public arms has been fully complied with, shall be furnished with such appropriate arms and equipments as shall be determined by the commander-in-chief, upon such terms and under such conditions as the law prescribes.

Arms.

SEC. 18. The adjutant general shall annually inspect the arms and equipments in the possession of the active militia, or of any schools, persons or associations, and shall cause to be returned to the state arsenal all such property which he, at any time, shall find to be damaged by neglect or improper use. The expenses of such inspection shall be paid by the state.

Inspection of arms and equipment.

Injury to arms
or other military
property.

SEC. 19. Every person who shall wantonly or wilfully injure or destroy any arm, equipment, or other military property of the state, and refuse to make good such injury or loss, or who shall sell, dispose of, secrete or remove the same with intent to sell or dispose thereof, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Duties of the ad-
jutant general.

SEC. 20. The adjutant general shall issue all orders of the commander-in-chief to the militia, and shall keep a record of the proceedings of his office. The records of the brigades, and of each regiment, battalion and company, shall be kept by its proper officers in such form as he shall prescribe; he shall also furnish, at the expense of the state, all proper blank books, blanks and forms, and such military instruction books as the commander-in-chief shall approve, and annually report to the commander-in-chief the condition of the state guard, with a roster of all the commissioned officers, and such other matters relating to the militia as he may deem expedient; and on or before the first Monday in January, annually, make a return of the militia of the state, their arms, accoutrements and ammunition, to the president of the United States. He shall also report biennially, to the general assembly, the condition of the state guard, together with such suggestions for its improvement as he may deem proper. He shall be allowed the necessary stationery, printing, clerk hire, and suitable books for the preservation of the records of his office.

Blanks to be fur-
nished.

Military books.

Annual reports.

Biennial reports.

Annual parades.

SEC. 21. The state guard shall parade for drill one day annually, in May, by company, battalion or regiment, as ordered by the brigadier general, and may encamp for drill and instruction six successive days, annually, by battalions, regiments or brigades, as ordered by the commander-in-chief. The places of said encampments shall be designated by the proper commanding officers, subject to approval by the commander-in-chief. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty

he shall require, and may put under arrest during such encampment or parade any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct.

SEC. 22. The commandant of each battalion or regiment may order semi-monthly evening drills by any company of his command, from October to April inclusive, of not less than one hour each, and shall inspect at least one evening drill of each company during said period, or detail a field officer for such inspection.

Semi-monthly
drills.

SEC. 23. Each company may adopt rules and regulations for their own government not inconsistent with the laws and constitution of the state and of the United States.

Company rules.

SEC. 24. Courts-martial shall be formed and governed according to the rules and regulations of the United States army.

Courts-martial.

SEC. 25. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXIII.

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-SEVEN AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

SECTION 1. *The General Assembly of North Carolina do enact,* That the sum of forty-two thousand five hundred dollars be and is hereby appropriated for the support of the institution of the deaf and dumb and the blind during the year one thousand eight hundred and seventy-seven

\$85,000 appropriated for the years 1877 and 1878.

and that the sum of forty-two thousand five hundred dollars be and is hereby appropriated for the support of the institution for the year one thousand eight hundred and seventy-eight.

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 allowed by law for the support of said institution or out of any money in the treasury not otherwise appropriated: *Provided*, That the amount appropriated for each year shall be drawn quarterly in advance in equal installments during the years of which said appropriation is made, upon the order of the president of the board of trustees.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXIV.

AN ACT TO ESTABLISH A DEPARTMENT OF AGRICULTURE, IMMIGRATION AND STATISTICS, AND FOR THE ENCOURAGEMENT OF SHEEP HUSBANDRY.

SECTION 1. *The General Assembly of North Carolina do enact*, A department of agriculture, immigration and statistics, as provided in section seventeen, article three, of the constitution, is hereby created and established, which shall be under the control and supervision of a board, which shall be constituted as follows, to-wit: The governor, who shall be ex-officio chairman; the state geologist, the master of the state grange patrons of husbandry, the president of the state agricultural society, and the president of the agricultural college of the state, and

two agriculturists (who shall be appointed by the board so as to keep the representation of the different sections of the state as nearly equal as may be,) and their successors in office.

SEC. 2. The board shall meet for the transaction of business in the city of Raleigh, as often as they may deem expedient, but at least twice in each year. They shall receive no compensation but shall be allowed, except the governor, the state geologist, and president of the agricultural college, the sum of three dollars per diem for their personal expenses while engaged in the duties of the board, not exceeding fifteen days in any one year.

Transaction of business.

Compensation.

SEC. 3. The board shall appoint and prescribe the duties, and regulate the pay of the commissioner of agriculture, who shall be an agriculturist. And they shall, also, whenever they deem it necessary, have power to employ a secretary, and prescribe his duties.

Duties of the commissioner.

SEC. 4. The board shall be empowered to hold in trust, and exercise control over, donations or bequests made to them for promoting the interests or purposes of this act.

Power of the board.

SEC. 5. They may prescribe forms for, and regulate the returns of such county agricultural societies as may be chartered by the state, and furnish such blanks as may be necessary to secure uniform and reliable statistics of their operations.

SEC. 6. In order to facilitate the collection of reliable statistics, it is made the duty of the secretary of state to prepare and send to the county commissioners of the several counties, who shall distribute to each person in the county whose duty it is to list the taxable property thereof, blanks prepared according to the directions of the department of agriculture; and the person listing the taxes as aforesaid, shall require each citizen, at the time of listing his taxable property, to give in likewise the amount of his productions for the previous year, as far as practicable, without oath, which blanks, when completed, shall be returned to the board of county commissioners, who shall collate the same on one blank form and

Duty of the secretary of state.

transmit the same to the commissioner of agriculture, on or before the first day of November in each year.

Duties of the board.

SEC. 7. The board shall investigate such subjects relating to the improvement of agriculture, and for the inducement of immigration and capital, as they may think proper; but they are especially charged,

1st. With such investigations as may seem best adapted to promote the improvement and extension of sheep husbandry, and shall collect and publish, from time to time, all available statistics on the subject, and shall suggest to the general assembly such measures as may be useful for the encouragement of this industry, and more particularly for the suppression of the ravages of dogs.

2d. With investigations relating to the diseases of cattle and other domestic animals, and shall publish and distribute, from time to time, circulars of information relative to any contagious diseases of stock, and shall have power in such cases to quarantine infected animals, and to regulate the transportation of stock in this state, or from one section of it to another; and any person wilfully violating such regulations, shall be guilty of a misdemeanor.

3d. With investigations relating to the ravages of insects, and with the dissemination of such information as may be deemed essential for their abatement.

4th. With investigations and experiments directed to the introduction and fostering of new agricultural industries, adapted to the various climates and soils of the state: especially the culture of silk, the sugar beet, the grape and other fruits.

5th. With the investigation of the subject of drainage, and irrigation, and shall publish circulars of information as to the best methods and formula of both, and what surfaces, soils and localities may be most benefitted by such improvements, also, with the collection and publication of information in regard to localities, character, accessibility, cost, and modes of utilization of native mineral and other domestic sources of fertilizers, in-

cluding formula for composting adapted to different crops, soils and materials.

6th. With the collecting of statistics relating to the subject of fences, with suggestions for diminishing their cost, and the conditions under which they may be dispensed with altogether.

7th. With the supervision of all measures for the protection, propagation and culture of fish in the rivers and other inland waters of this state, and to this end they shall at once provide for stocking all available waters of the state with the most approved breeds of fishes, and shall avail themselves of such aid as the fish commissioners of the United States may be induced to extend, and they shall enquire into and report upon the practicability of constructing fish-ways over dams and other obstructions in the waters of the state, and secure, as far as practicable, the co-operation of mill owners, they shall select proper locations for the hatching and care of the young fish, and shall provide the necessary hatching houses and such appliances as may be needed, and employ such labor as may be necessary to this end, and they may appoint agents at such convenient points to aid them in the distribution and hatching protection of the ova and young fish, provided such agents shall receive no compensation.

8th. They shall transmit to the general assembly at each session a report of the operations of the said department, together with suggestions of such legislation as may be needful, and it shall be the duty of the board to prosecute all offenders against the laws which have been or may be passed in this behalf, and they shall endeavor to secure the co-operation of adjoining states to remove obstructions in the passage of fish in those rivers or streams which are partly in this state and partly in such adjoining states.

9th. With the enforcement and supervision of the laws and regulations which are, or may be, enacted in this state for the sale of commercial fertilizers and seeds.

Tax on fertilizers.

SEC. 8. That no manipulated guanos, superphosphate or other commercial fertilizer shall be sold, or offered for sale in this state, until the manufacturer, or person importing the same, shall first obtain a license therefor from the treasurer of the state, for which shall be paid a privilege tax of five hundred dollars per annum, for each separate brand or quality, and he shall also pay a tax of fifty cents per ton for every ton sold. Any person, corporation or company, who shall violate the provisions of this act, or who shall sell or offer for sale any such fertilizer contrary to the provisions above set forth, shall be guilty of a misdemeanor and, upon conviction, shall be fined and imprisoned at the discretion of the court.

Packages to be labeled.

SEC. 9. And every bag, barrel or other package of such fertilizer as above designated, offered for sale in this state, shall have thereon, plainly printed, a label or stamp which shall truly set forth the name, location and trade-mark of the manufacturer; also the chemical composition of the contents of such package, and the real percentage of any of the following ingredients asserted to be present, to-wit: soluble and precipitated phosphoric acid, soluble potassa, ammonia, or its equivalent in nitrogen, together with the date of its analyzation, and that the privilege tax provided for in section eight has been paid; and any such fertilizer as shall be ascertained by analysis not to contain the ingredients and percentage set forth as above provided shall be liable to seizure and condemnation, and when condemned shall be sold by the board of agriculture for the exclusive use and benefit of the department of agriculture. Any merchant, trader, manufacturer or agent who shall sell or offer for sale any commercial fertilizer without having such labels and stamps, as hereinbefore provided, attached thereto, shall be liable to a fine of ten dollars for each separate bag or barrel or package sold or offered for sale, to be sued for before any justice of the peace, and to be collected by the sheriff, by distress or otherwise, one-half, less the cost, to go to the party suing and the remaining half to the depart-

ment; and if any such fertilizer shall be condemned, as herein provided, it shall be the duty of the department to have an analysis made of the same, and cause printed tags or labels, expressing the true chemical ingredients of the same, put upon each bag or barrel or package, and shall fix the commercial value thereof at which it may be sold. And any person who shall sell or offer for sale any such fertilizer, in violation of the provisions of this section, shall be guilty of a misdemeanor.

SEC. 10. The department of agriculture shall have power and authority, at all times, to have collected samples of any commercial fertilizers offered for sale in this state, and have the same analyzed, and such samples shall be taken from at least ten per centum of the lot from which they may be selected.

Power of the department.

SEC. 11. It shall be lawful for the department of agriculture to require the officers, agents or managers of any railroad or steamboat company, transporting fertilizers in this state, to furnish monthly statements of the quantity of fertilizer, with the name of the consignor or consignee, delivered on their respective lines, at any and all points within this state. And said department is hereby empowered to compel said officers, agents or managers to submit their books for examination, if found expedient so to do; and any such agents, officers or managers failing or refusing to comply shall be deemed guilty of a misdemeanor.

Agents of railroad and steamboat companies to furnish monthly statements of the quantity of fertilizers transported by them.

SEC. 12. The department of agriculture shall establish, in connection with the chemical laboratory of the University at Chapel Hill, an agricultural experiment and fertilizer central station; and the board of trustees of the University, with the approval of the department of agriculture, shall employ an analyst, skilled in agricultural chemistry. It shall be the duty of said chemist to analyze such fertilizers and products as may be required by the department of agriculture, and to aid as far as practicable in suppressing fraud in the sale of commercial fertilizers. He shall, also, under the direction of said department, carry on experiments on the nutrition and growth of plants, with

Establishment of an agricultural experiment and fertilizer central station.

Duties of the chemist.

a view to ascertain what fertilizers are best suited to the various crops of this state; and whether other crops may not be advantageously grown on its soil, and shall carry on such other investigations as the said department may direct. He shall make regular reports to the said department, of all analyses and experiments made, which shall be furnished, when deemed needful, to such newspapers as will publish the same. Said chemist shall be subject to the rules and regulations of the University laboratory, and the other rules and regulations of the University, and his salary shall be paid out of the funds of the department of agriculture.

SEC. 13. The geological survey is hereby made and constituted a co-operative department with the department of agriculture, and the geological museum, and the collections therein, shall at all times be accessible to the said department. The geologist shall, as far as practicable, prepare illustrations of the agricultural industries, products and resources of the state, and arrange and care for such collections as the said department may make for this purpose. He shall also prepare abstracts of the survey, from time to time, as may be required for the use of the department, in their hand book and circular for publication, in illustration of the advantages of this state, and in promotion of the general purposes of immigration. In return for such service, the state geologist may have all his marls, soils, minerals, and other products analyzed by the chemist, at the laboratory of the department station, free of charge.

SEC. 14. It is hereby made the duty of the state geologist upon the recommendation of the board of trustees or the University, to devote two months in each year, at the seat of the University, with performance of such duties in instruction as the faculty may select, and while employed in this capacity, he shall constitute a member of the faculty.

SEC. 15. The department shall, as soon as practicable, prepare a convenient hand book, with the necessary il-

lustrative maps, which shall contain all necessary information as to the mines, minerals, forests, soils, climates waters and water powers, fisheries, mountains, swamps, industries, and all such statistics as are best adapted to give proper information of the attractions and advantages which this state affords to immigrants, and shall make illustrative exposition thereof whenever practicable at international exhibitions.

SEC. 16. The said department shall be authorized, in the interest of immigration, to employ an agent or agents at such points, in this or any foreign country, as they may deem expedient and desirable.

Immigration agents.

SEC. 7. The said department is authorized and directed to establish and keep in its office, in the city of Raleigh, a general land and mining registry, wherein shall be recorded (if the owners shall so request) all the farming, mineral or other lands offered for sale in this state, with a brief and truthful description of the same. And the department shall act as agent for the sale or disposition of such property as may be registered as hereinbefore provided, and shall sell or dispose of such property upon the terms and conditions as stated and fixed by the owner thereof; and the department shall be allowed the sum of one dollar for registration, and two and one-half per cent. commission on gross amount of said transaction. The said department shall have authority to contract for, and hold bodies of lands, for the settlement of colonies, with exclusive control of the sale of the same at such prices, and for such a period, as may be agreed upon by the owner thereof.

Land and mining registry.

Contract for lands, &c.

SEC. 18. That no person, company or corporation, being non-residents of this state, shall catch fish by seines, nets, or other appliances for taking fish in large quantities, in any waters within the jurisdiction of this state, without first obtaining therefor a license from the public treasurer, for which he or they shall pay a privilege tax of one thousand dollars per annum. And any such person or persons who shall violate the provisions of this

Non-residents required to obtain license for taking fish in large quantities.

section shall forfeit and pay the sum of two hundred dollars for each day engaged in fishing as aforesaid, to be collected by the sheriff of the county wherein such violation may be committed, and shall also be guilty of a misdemeanor. And any citizen of this state who shall form an alliance or co-partnership with a non-resident for the purpose of evading any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined and imprisoned at the discretion of the court, and the nets, seines or appliances of such person or firm shall be liable to seizure and confiscation for the benefit of the department of agriculture.

Penalty for violating the provisions of this section.

Dealers in fertilizers required to make oath as to quantity sold.

Proviso.

SEC. 19. That every person, firm or corporation, who shall sell or offer for sale any commercial fertilizer of whatever nature, shall give in, under oath, to the register of deeds for his county, on the first Monday of January, April, July and October in each year, the number of tons of such fertilizer he or they may have sold for himself on commission, or as agent, during the preceding quarter, subject to all the provisions, pains and penalties contained in schedule B of the revenue laws of the year one thousand eight hundred and seventy-seven, for which he shall pay a privilege tax of fifty cents per ton, to be collected by the sheriff: *Provided*, That no person shall be liable to such tax on fertilizers purchased from another person, on which this tax has already been paid: And *provided further*, that no dealer or agent shall be required to pay the purchase tax as imposed in schedule B of the revenue act.

Penalty for bringing into this state any commercial fertilizer in violation of section 8 of this act.

SEC. 20. Any farmer, trader or other person, who shall haul or bring into this state, any commercial fertilizer, in violation or evasion of section eight of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars, or imprisoned for not more than thirty days, for each offence; and any farmer or other person, who may buy without the state, any commercial fertilizer, on which the privilege tax of five hundred dollars, as provided in section eight of this act, has

been paid, shall be required to report all such purchases to the register of deeds for his county, and pay the privilege tax of fifty cents per ton, as required of dealers, or be subject to the same pains and penalties as herein imposed upon dealers in fertilizers: *Provided*, that no county, town or other corporation, shall be allowed to tax any of the privileges or subjects herein taxed by the state: *Provided*, that the provisions of this section and section seventeen of this act shall not apply to any of the counties in this state, west of the Blue Ridge.

SEC. 21. It is hereby made the duty of the said department of agriculture to receive from any manufacturer or dealer in fertilizers any specimen quantities not less than a fourth of a ton, contributed by such party, and have the same sent to different sections of the state for actual experiment by practical farmers; and the person so experimenting shall be required to make a careful report of the results, which shall be registered in the office of said department, and a certified copy of the same shall be transmitted to the contributor.

SEC. 22. That all moneys arising from the tax or licenses, from fines and forfeitures, fees for registration and sale of lands not herein otherwise provided for, shall be paid into the state treasury and shall be kept on a separate account by the treasurer as a fund for the exclusive use and benefit of the department of agriculture, and until such fund can be made available as aforesaid the treasurer shall loan to the said department, out of any moneys not otherwise appropriated, upon the warrant of the governor, the sum of five thousand dollars per annum for two years from this date, which sum shall be refunded to the treasury by the first day of March, one thousand eight hundred and seventy-nine.

Moneys to be paid into the state treasury.

Treasurer shall loan.

SEC. 23. This act shall be in force from and after its ratification, but the tax, forfeitures and penalties herein provided concerning the sale of commercial fertilizers, shall not be enforced against any parties in the sale of any such fertilizers now on hand in this state: *Provided*,

Proviso.

Said parties shall render to the governor on or before the first day of April, one thousand eight hundred and seventy-seven, under oath, taken before any person authorized to administer the same, an itemized statement of all such fertilizers, giving brand, name, manufacturer and number of tons of same, and obtain a license for the sale thereof as herein provided: *Provided*, That this act shall not apply to purchases already made.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXV.

AN ACT TO REGULATE ELECTIONS.

State officers.

SECTION 1. *The General Assembly of North Carolina do enact*, On the Tuesday next after the first Monday in November, in the year of our Lord, one thousand eight hundred and eighty, and every four years thereafter, an election shall be held in the several election precincts in each county for the followidg officers: First, governor; second, lieutenant governor; third, secretary of state; fourth, auditor; fifth, treasurer; sixth, superintendent of public instruction; seventh, attorney general. And on said Tuesday next after the first Monday in November aforesaid, and every two years thereafter, an election shall be held for members of congress in the several districts; members of the general assembly for their respective counties and districts; a register of deeds, county surveyor, coroner, and sheriff for their respective counties; and in such counties as have one, a county treasurer.

Legislature and county officers.

SEC. 2. The board of justices of the peace of each county, a majority being present, shall have power to establish, alter, discontinue or create such separate places of election in their respective counties as they may deem

Powers to establish places of election.

expedient, giving thirty days' notice thereof by advertisement in some public journal, if there be one published in the county, or in lieu thereof in three places in such county, and at the court house thereof; but there shall be at least one polling place in every township, as nearly central as possible, and there shall be a polling place open in each ward of a city numbering over three thousand inhabitants.

SEC. 3. The secretary of state shall provide for and forward to the commissioners of counties on their requisition, suitable registration books, whenever needed, for each election precinct as established heretofore, and for any new precincts which may be established under the last section.

Secretary of state shall furnish registration books.

SEC. 4. If the commissioners of counties do not receive a sufficient number of registration books, as provided in the last section, they are authorized and directed to provide the same for their respective counties at the expense of the state.

Books to be provided by commissioners, when.

SEC. 5. The board of justices of the peace of the several counties shall select, on or before the first Monday of the month preceding each election, one or more persons for each election precinct, who shall act as registrars of voters for such precinct. Said board shall make publication of the names of the persons so selected, at the court house door, immediately after such appointment, and shall cause a notice to be served upon said persons by the sheriff. If any registrar shall refuse or neglect to perform his duties, the justices of the peace for the township may remove him and appoint another in his place. And no person who is a candidate for any office shall be a registrar, or judge or inspector of an election.

The board of justices of the peace shall select registrars.

Candidate not eligible.

SEC. 6. Registrars shall be furnished with a registration book, and it shall be their duty to revise the existing registration books of their precinct or township in such manner that said books shall show an accurate list of electors previously registered in such precinct or township, and still residing therein, without requiring such

Duty of registrars

electors to be registered anew; and such registrars shall also, between the hours of sunrise and sunset on each day (Sundays excepted) for thirty days preceding each election, keep open said books for the registration of any electors residing in such precinct or township and entitled to registration, whose names have never before been registered in such precinct or township, or do not appear in the revised list. But the board of justices of the peace for such county may, upon giving thirty days' notice in each township, if they shall think proper, direct that there shall be an entirely new registration of voters before any election, instead of the revision of the registration lists, as above provided.

Where electors
may vote.

SEC. 7. No elector shall be entitled to register or vote in any other precinct or township than the one in which he is an actual and *bona fide* resident, on the day of election, and no certificates of registration shall be given.

Registration
books open to in-
spection.

SEC. 8. It shall be the duty of the registrars and judges of election to attend at the polling place of their township or precinct with the registration books, on the Saturday preceding the election, from the hour of nine o'clock A. M. till the hour of five o'clock P. M., when and where the said books shall be open to the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite to the name of the person so objected to, the word "challenged," and shall appoint a time and place on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to. *Provided*, That nothing in this section contained shall be construed to prohibit the right of any elector to challenge or object to the name of any person registered or offering to register at any time other than that above specified. If any person challenged or objected to, shall be found not duly qualified, as provided in this chapter, or as provided in

Right of chal-
lenge.

Proviso.

the constitution, the registrar shall erase his name from the books.

SEC. 9. The board of justices of the peace for each county, on or before the first Monday of the month next preceding the month in which each election is held, shall appoint four judges or inspectors of election, two of whom shall be of a different political party, where possible, from the registrars, at each place of holding election in their respective counties. The said judges of election shall attend at the places for which they are severally appointed, on the day of election, and they, together with the registrars for such precinct or township, who shall attend with the registration books, 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, and at the close of the election the judges of election shall certify the same over their proper signatures, and deposit them with the register of deeds for safe keeping. And said poll-books shall, in any trial for illegal and fraudulent voting, be received as evidence. The board of justices of the peace shall, immediately after the appointment of the judges of election, as herein provided, furnish a list of the names of such judges to the sheriff of their county, who shall, within ten days, serve notice of such appointment upon the said judges; and if, for any cause, any person appointed judge of election shall fail to attend, the registrars of such township shall appoint some discreet person to act as such, who shall be by him sworn before acting, and shall be of the same political party as the absent judge or judges.

Judges or inspectors of election.

SEC. 10. The following classes of persons shall not be allowed to register or vote in this state, to-wit: First. Persons under twenty-one years of age. Second. Idiots and lunatics. Third. Persons who, upon conviction or

Persons not allowed to register or vote.

confession in open court, shall have been adjudged guilty of felony or other crime infamous by the laws of this state, committed after the first day of January, in the year of our Lord one thousand eight hundred and seventy seven, unless they shall have been legally restored to the rights of citizenship in the manner prescribed by law.

Qualification of electors.

SEC. 11. Subject to the foregoing exceptions, every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, who shall have resided in the state twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed a qualified elector in the precinct or township in which he resides; and all electors shall register and vote in the election precinct of their residence. The residence of a married man shall be where his family resides, and that of a single man where he boards and sleeps; and should any single man board in one ward or precinct and sleep in another, then his residence shall be in the ward or precinct in which he sleeps, and he shall not register or vote in any other ward or precinct. But no elector shall be allowed to register in any ward or precinct to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and *bona fide*. And it shall be the duty of the registrar or judge of election, when requested by any bystander, to swear any person offering to register or vote, as to his residence, and to have placed in writing opposite his name the word "sworn;" and any person knowingly and fraudulently registering or voting at any other place than that of his *bona fide* residence shall be deemed guilty of a crime infamous by the laws of this state, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Residence of electors.

fraudulent registering or voting punishable by fine and imprisonment.

Persons offering to register shall be sworn.

SEC. 12. Every person who shall present himself for registration shall state under oath how long he has con-

continuously resided in this state, and in the county in which he offers to vote, whether he is an alien or native born, when he became twenty-one years of age, whether married or single, and where or with whom he resides. Upon the request of any elector the registrar shall require the applicant to prove his identity, or age, and residence, by the testimony of at least one elector, under oath. And if an elector has previously been admitted to registration in any ward, township or precinct in the county in which he resides, he shall not be allowed to register again in another ward, precinct or township in the same county until he produces a certificate of the registrar of the former township, ward or precinct that said elector has removed from said township, ward or precinct, and that his name has been erased from the registration books of the ward, township or precinct from which he has removed; and the identity of any person claiming a right to be registered in any precinct of the same county by virtue of such certificate, with the person named therein, shall be proved by the oath of the claimant, and when required by the registrar, by the oath of at least one other elector. Every person found qualified shall take the following oath: "I, ———, do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of North Carolina; that I have been a resident of the state of North Carolina for twelve months, and of the county of ——— for ninety days; that I am a duly qualified elector, and that I have not registered for this election in any other precinct, and that I am an actual and *bona fide* resident of ——— township (or precinct): So help me God." And thereupon said person shall be permitted to register, and the date of his registration shall be noted opposite his name in the registration book.

Oath of electors.

SEC. 13. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the judges of the election that he has come of the age of twenty-one years on the day of election, or has, for any

Allowed to register on election day.

other reason, become on that day entitled to register, he shall be allowed to register and vote.

When judges to challenge.

SEC. 14. 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 who may be known or suspected not to be a duly qualified voter.

Oath of persons challenged.

SEC. 15. When any person is so challenged, the judges shall explain to him the qualifications of an elector, and shall examine him as to his qualifications, and if the person insists that he is qualified, and shall prove his identity with the person in whose name he offers to vote, or his continued residence in the precinct since his name was placed upon the registration list, as the case may be, by the testimony under oath, of at least one other elector, one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years old, and that you have resided in this state for twelve months and in this county for ninety days next preceding this election, and that you are not disqualified from voting by the constitution and laws of this state, that your name is (here insert the name given,) and that in such name you were duly registered as a voter of this township, and that you are now an actual resident of the same and have been ever since you were so registered, and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you, God." And if he refuses to take such oath, his vote shall be rejected; if, however, he does take the oath when tendered his vote shall be received. *Provided*, that after such oath shall have been taken, the judges may, nevertheless, refuse to permit such person to vote if they be satisfied from record evidence or their own knowledge or other legal testimony adduced before them that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. When-

When to be rejected.

ever any person's vote shall be received after having taken the oath prescribed in this section, it shall be the duty of the clerks of the election to write on the poll books, at the end of such person's name the word "sworn." The same powers as to the administration of oaths and examination of witnesses, as in this section granted to judges of elections, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Challenge to be recorded.

Powers of registrars, &c.

SEC. 16. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and no longer; and each voter whose name may appear registered, and who shall not be challenged and rejected, shall hand in his ballots to the judges who shall carefully deposit the ballots in the ballot boxes.

Polls to be opened.

Manner of voting.

SEC. 17. Immediately after any election the judges of election shall deposit the registration books for their respective precincts with the register of deeds of their respective counties.

Judges to deposit registration books.

SEC. 18. The state officers, viz: governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general, shall be voted for on one ballot. The members of congress for their respective districts shall be voted for on one ballot. The justices of the supreme court, judges of the superior courts and solicitors shall be voted for on one ballot. The members of the general assembly for their respective counties and districts shall be voted for on one ballot. The county officers for the respective counties, viz: clerk of the superior court, treasurer, register of deeds, surveyor, coroner and sheriff, shall be voted for on one ballot. The ballots shall be on white paper, and may be printed or written, or partly written and partly printed, and shall be without device.

How officers shall be voted for.

Ballots to be without device.

SEC. 19. The county commissioners, or upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties, ballot boxes for each class of officers to be voted for, in which to de-

County commissioners shall provide ballot boxes.

Description of
boxes.

Who to keep
them.

How boxes open-
ed and ballots
counted.

What tickets to
be void.

Delivery of the
returns.

Board of county
canvassers.

posit the ballots for such officers respectively. Each of said boxes shall have an opening through the lid of sufficient size to admit a single folded ballot, and no more. The said ballot boxes shall be kept by the judges of election for the use of their several election precincts respectively. And said judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them.

SEC. 20. When the election shall be finished, the registrars and judges of election, in presence of such of the 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, or shall have a device upon it, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared.

SEC. 21. The judges of election in each township, ward or precinct, shall appoint one of their number to attend the meeting of the board of county canvassers, as a member thereof, and shall deliver to the member who shall have been so appointed, the original return statement of the result of the election in such township, ward or precinct; and it shall be the duty of the members of the several township, ward or precinct boards of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election in the county in which they shall have been appointed as members thereof.

SEC. 22. The members of the several township boards of election, to whom the original returns or statements of the result of the election in the precincts or townships to which they respectively belong, shall have been delivered as directed in the next preceding section, shall constitute the board of county canvassers for such election in

the county in which such precinct or township shall be situated; and the register of deeds of such county shall be the clerk of such board, unless the board shall prefer to elect another person in his place.

SEC. 23. A majority of the members of the several precinct boards of election, who shall have been appointed to attend the meeting of the board of county canvassers, as members thereof, shall be sufficient to constitute such board.

Majority to constitute the board.

SEC. 24. The board of county canvassers shall meet on the second day next after every election, at twelve o'clock noon of that day, at the court house of the county, and at that hour, without delay, the members of such board who shall be then present, shall proceed to choose one of their number, who shall be the chairman thereof. *Pro-*

The board of county canvassers shall meet.

vided, That the board of county canvassers of Carteret, Hyde and Dare shall meet on the seventh day after the election; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully and impartially execute the duties of the board of canvassers according to law." And thereupon, one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman, and such chairman shall take, an oath or affirmation in the same form as that taken by the other members of the board. And before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully execute the duties of clerk of this board according to law."

Proviso.

Oath.

Oath to be administered to the clerk.

SEC. 25. The board of county canvassers shall, at their said meeting, in the presence of the sheriff and of such electors as may choose to attend, open and canvass the returns and make abstracts, stating the number of

ballots cast in each precinct for each office, the name of each person voted for, and the number of votes given to each person for each different office, and shall sign the same.

SEC. 26. The abstract of the votes for each of the following classes shall be made on a different sheet:

1. Governor and all state officers.
2. Representatives in congress.
3. Senators and representatives in the general assembly.
4. Justices of the supreme court, judges of the superior courts and solicitors.
5. County officers.

SEC. 27. Three abstracts of all the votes cast for any state officer, for representatives in congress, for justices of the supreme court, for judges of the superior court, and for solicitors, shall be made and signed by the board of county commissioners, one of which shall be delivered to the sheriff of the county, one filed with the register of deeds to be registered in his office, and one forwarded by mail, in a registered letter, to the secretary of state, at Raleigh. Also two separate abstracts of all the votes cast for state senators when the senatorial district consists of more than one county, one of which shall be filed with the register of deeds to be registered in his office, and the other furnished to the sheriff of the county or other returning officer.

SEC. 28. Each abstract of the votes cast for such officers as the county alone elects shall contain an accurate statement of all the persons voted for and the number of votes cast for each.

SEC. 29. When the canvass is concluded the board shall deliver the original returns to the clerk of the superior court to be filed in his office, and shall cause each of the abstracts mentioned in the two preceding sections to be recorded in a book to be called "The Election Book," to be kept in the office of said clerk. And said clerk shall also transmit by mail to the secretary of state duplicates of the

Return of the votes.

Abstracts of votes, number to be made out.

With whom filed.

Abstract to contain all the persons voted for, &c.

Returns to be delivered to the clerk of the superior courts.

abstracts mentioned in section twenty-seven, each abstract to be sealed up in a separate envelope.

Duplicate abstracts to be sent to the secretary of state.

SEC. 30. The person having the greatest number of votes for any office is to be declared elected.

Whom to be declared elected.

SEC. 31. When the board of county canvassers have thus completed the comparison of the polls they shall proclaim the result at the court house door of the voting in their county for all the persons voted for and the number of votes cast for each.

Result of election, how announced.

SEC. 32. The sheriff or other returning officer in the various senatorial districts composed of more than one county shall, after receiving the returns as prescribed in section twenty-seven, meet one week after the election, at the following places, in their respective districts for the purpose of comparing the polls: In the first district, at Hertford, in the county of Perquimans. In the second district, at Plymouth, in the county of Washington. In the third district, at Roxabel, in the county of Bertie. In the seventh district, at Nashville, in the county of Nash. In the ninth district, at Pollocksville, in the county of Jones. In the eleventh district, at Kinston, in the county of Lenoir. In the tenth district, at Mount Olive, in the county of Wayne. In the thirteenth district, at Northwest, in the county of Brunswick. In the fifteenth district, at Lennon's cross-roads, near Francis Lennons in Columbus county. In the sixteenth district, at Fayetteville, in the county of Cumberland. In the twentieth district, at Hillsboro, in the county of Orange. In the twenty-fourth district, at Gibsonville, in the county of Guilford. In the twenty-fifth district, at Brower's Mill, in the county of Randolph. In the twenty-sixth district, at John Webb's on the plank road, in the county of Richmond. In the twenty-ninth district, at Mulcohy, in the county of Anson. In the twenty-eighth district, at Mount Pleasant, in the county of Cabarrus. In the thirtieth district, at Foard's Mill, in the county of Rowan. In the thirty-second district, at Germantown, in the county of Stokes. In the thirty-third district, at

Returning officers, when and where to meet.

Rockford, in the county of Surry. In the thirty-fourth district, at Taylorsville, in the county of Alexander. In the thirty-fifth district, at Jefferson, in the county of Ashe. In the thirty-sixth district, at Marion, in the county of McDowell. In the thirty-seventh district, at Early Grove, in the county Catawba. In the thirty-eighth district, at Cherryville, in the county of Gaston. In the thirty-ninth district, at Rutherfordton, in the county of Rutherford. In the fortieth district, at Asheville, in the county of Buncombe. In the forty-first district, at Brevard, in the county of Transylvania. In the forty-second district, at Franklin, in the county of Macon. If for any cause any of said sheriffs or returning officers are prevented from meeting at said places respectively, on the aforesaid seventh day after the election, the returns of such officers shall be waited for and received if they arrive on the following day, and the returning officer failing to attend at the time and place required as aforesaid, shall forfeit and pay one thousand dollars, to be recovered in the superior court of his county by any person who may sue for the same, and moreover shall be guilty of a misdemeanor; but if the returns of all the counties of the district be not in by noon of the day appointed, then the returning officers shall adjourn from day to day until the returns from all the counties be received, and in the meantime shall despatch a competent person, under oath, to the county of the delinquent returning officer for a certified copy of the vote of that county, which shall be furnished by the register of deeds of said county, and when received shall be counted; and when the sheriffs shall be convened as aforesaid, the polls for the different counties shall by them, in the presence of one justice, and five electors, to be summoned by the sheriff of the county where they shall meet, be examined and compared; a certificate under the hands and seals of the returning sheriffs, shall be given to the candidate in each district for whom the greatest number of votes shall have been given; but if two or more, persons shall have

When returning officers are prevented from meeting on designated day.

Penalty for failing to make returns.

Messenger to be sent to the county of delinquent.

How such vote to be obtained.

Returns, how examined.

Declaration of result.

an equal number of votes, the said officers shall determine which shall be a senator, and if no decision shall be made by them, they shall determine the same by lot.

SEC. 33. The sheriff of each county shall furnish, within ten days, the member or members elected to the house of representatives and to the senate, where the district is not composed of more than one county, a certificate of election under his hand and seal; he shall also immediately notify all persons elected in the county to meet at the court house on the first Monday in the ensuing month to be qualified.

Certificates of election, when and how furnished.

SEC. 34. The sheriff or other returning officer of every county shall, on or before the third day after the election, transmit by mail, in a registered letter or otherwise, to the speaker of the house of representatives, a separate statement of the votes taken in his county for each of the state officers, to wit: governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general, which statement, in each case, shall be in the following or some similar form, viz:

Return for state officers, when, by whom and how made.

STATE OF NORTH CAROLINA.

————— County,

I, ———, sheriff of ——— county, do hereby certify that at the election held in said county to elect a governor (or other officers, as the case may be,) for four years, from the first day of ——— next, at the places appointed by law for holding elections for said county, on the ——— day of ———, Anno Domini one thousand eight hundred and ———, ——— votes were given for ———, and ——— votes for ———.

Certificate of sheriff.

Given under my hand this ——— day of ———, 18——.
—————, sheriff.

If said statements are transmitted by mail they shall be directed in sealed packets to the speaker of the house of representatives, in care of the secretary of state, and if by messenger, it shall be sent direct to the speaker of the house of representatives, sealed as aforesaid: *Provided*, that no messenger bringing said statements or any other

To whom statement to be sent.

abstracts or election returns, shall receive compensation therefor. Any sheriff or other returning officer failing or neglecting to perform the duties required in this section, shall forfeit and pay two thousand dollars, to be recovered in the superior court of his county by any person who shall sue for the same, and moreover, shall be guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned at hard labor in the state prison for twelve months. *Provided further*, that the sheriff of the counties of Carteret, Hyde and Dare, shall have until the eighth day after the election to comply with the provisions of this section.

Delinquent returning officer.

Penalty.

Proviso.

Secretary of state to prepare and transmit forms of returns.

SEC. 35. The secretary of state shall cause proper forms of returns to be prepared and printed and send copies thereof, with plain directions as to the manner of endorsing, directing and transmitting the same to the seat of government, to all the returning officers of the state, at least thirty days before the time of holding said election.

Returns for state officers, how and by whom opened and published.

SEC. 36. The speaker of the house of representatives, in the presence of a majority of the members of both houses of the general assembly, shall open and publish the returns for governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general, at twelve M., on the first Tuesday after the organization of both houses of the general assembly. And if for any cause there be no return from any county of the state, or if any return be defective, a proper return shall be had in such manner as the two houses in joint session may direct; and in either case the publication of the result may be postponed to such time as the joint session of the two houses may deem best. The person having the highest number of votes for each office respectively shall be declared duly elected thereto, but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the general assembly. Contested elections shall be determined by a joint vote of both houses of the general assembly in the same manner

In case of defective returns.

Who to be declared elected.

In case of tie vote.

Contested election.

and under the same rules and regulations as are prescribed in cases of contested elections of members of the general assembly.

SEC. 37. The registrar shall receive one cent for each name copied from the original registration book and three cents for each new name registered.

Fees of registrars.

SEC. 38. Any registrar or judge or judges of election appointed under the provisions of this chapter or any county canvassers or commissioners, register of deeds, clerk or sheriff, failing or neglecting to make the returns and perform the duties required of him by this chapter, for the non-performance of which no penalty has been hereinbefore imposed, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not more than six nor less than two months, at the discretion of the court.

Penalty for non-performance of duty under this chapter.

SEC. 39. Any person who shall, with intent to commit a fraud, register or vote at more than one box or more than one time, or who shall induce another to do so, shall be guilty of an infamous crime, and on conviction shall be imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars, at the discretion of the court; and any registrar of voters, 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.

Penalty for fraudulent registration or voting.

SEC. 40. Any person who shall falsely and corruptly take the oath prescribed for voters in section twelve or fifteen of this chapter, shall be deemed guilty of perjury, and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.

For falsely taking oath.

Penalty.

SEC. 41. The secretary of state shall, at least sixty days before each election, furnish the county commissioners of each county with a sufficient number of copies of this chapter to supply each county canvasser, commissioner,

Secretary of state to furnish copies.

register of deeds, sheriff, registrar of voters and judges of election with one copy thereof.

How vacancies in general assembly to be filled.

SEC. 42. When a vacancy occurs in the general assembly by death, resignation or otherwise, it shall be the duty of the sheriff of the county in which the late member resided, provided the general assembly shall not be in session, to notify the governor of such vacancy, and in case the general assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer of the house in which the vacancy occurs to notify the governor of the same, who shall thereupon issue a writ of election to the sheriff or sheriffs of the district or county represented by the late member, said election to be held at such time as the governor may designate, and in such manner as may be prescribed by law.

How election to be held.

Elections under writ from governor nor held as other elections.

SEC. 43. Every election, held in pursuance of a writ from the governor, shall be conducted in like manner as the regular biennial election, so far as the particular case can be governed by the general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers and persons elected to the same penalties and liabilities as if the same had been held at the time and according to the rules and regulations prescribed for the regular biennial elections.

Muster not to be on the day, nor armed men assembled at place of election.

Penalty.

SEC. 44. It shall not be lawful to call or direct any regimental, battalion or company muster on election days, or to assemble armed men on the day of election, at any place appointed by law to hold elections for electors, governor, members of congress or members of the general assembly, under the penalty of one thousand dollars, to be recovered of any person who shall call such muster, or assemble such armed men, one-half to go to the use of the informer, and the other half to the use of the state.

Bribery at elections.

SEC. 45. If any person shall, at any time before or after any election, either directly or indirectly, give any money, property or reward to any elector, or to any county or district, in order to be elected or to procure any other person to be elected a member of the general

assembly, every person so offending shall forfeit and pay four hundred dollars, to any person who will sue for the same. Bribery for.

SEC. 46. If any person shall treat with either meat or drink, on any day of election, or on any day previous thereto, with an intent to influence the election, he shall forfeit and pay two hundred dollars, the one-half for the use of the county, and the other to the use of the person who shall sue for the same. Treating at elections.

SEC. 47. If any person elected a member of the general assembly shall, by himself or any other person, directly or indirectly, give, or cause to be given, any money, property, reward or present whatever; or give or cause to be given, by himself or another, any treat or entertainment of meat or drink, at any public meeting or collection of the people, to any person for his vote, or to influence him in his election, such person shall, on due proof, be expelled from his seat in the general assembly. Members giving money, &c., to secure election, expelled.

CONGRESSIONAL ELECTIONS.

(For senators and their mode of election, see act of congress of the twenty-fifth of July, one thousand eight hundred and sixty-six, fourteenth statutes at large, two hundred and forty-three.)

SEC. 48. For the purpose of selecting representatives in the congress of the United States, the state of North Carolina shall be divided into eight districts, as follows: Representation in congress.

The first district shall be composed of the counties of Currituek, Camden, Pasquotank, Perquimans, Gates, Chowan, Hertford, Hyde, Beaufort, Pitt, Pamlico, Bertie, Martin, Washington, Tyrrell and Dare; 1st. district.

the second district shall be composed of the counties of Edgecombe, Wilson, Greene, Wayne, Lenoir, Jones, Craven, Northampton, Warren and Halifax; 2nd. district.

the third district shall be composed of the counties of Onslow, Duplin, Sampson, Harnett, Cumberland, Bladen, Columbus, Brunswick, New Hanover, Pender, Carteret and Moore; 3rd. district.

the fourth district shall be composed 4th. district.

- of the counties of Johnston, Wake, Chatham, Orange, Granville, Franklin and Nash; the fifth district shall be composed of the counties of Randolph, Davidson, Guilford, Alamance, Person, Caswell, Rockingham and Stokes; the sixth district shall be composed of the counties of Robeson, Montgomery, Richmond, Anson, Stanley, Cabarrus, Union, Mecklenburg, Gaston, Lincoln and Catawba; the seventh district shall be composed of the counties of Forsythe, Surry, Yadkin, Davie, Rowan, Iredell, Alexander, Wilkes, Alleghany, Ashe and Watauga; the eighth district shall be composed of the counties of Caldwell, Burke, Cleveland, Mitchell, Yancey, McDowell, Transylvania, Buncombe, Madison, Haywood, Jackson, Swain, Macon, Clay, Graham, Cherokee, Rutherford, Polk and Henderson.

Time and manner
of conducting
elections.

SEC. 49. The election shall be held at the same times and places as are prescribed for holding elections for members of the general assembly, on the Tuesday next after the first Monday in November, immediately preceding the termination of each congress, and shall be conducted by the sheriffs, or by other persons appointed therefor, in like manner as elections for members of the general assembly.

Vacancies in representation, how filled.

SEC. 50. If, at any time after the expiration of any congress, and before another election; or if at any time after any election, there shall be a vacancy in the representation in congress, the governor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townships of their respective counties at such time as may be appointed therein, and at the places established by law, then and there to vote for a representative in congress to fill the vacancy, and the election shall be conducted in like manner as regular elections.

Commissions of members of congress.

SEC. 51. Every person duly elected a representative to congress, upon obtaining a certificate of his election from the secretary of state, shall procure from the governor a commission, certifying his appointment as a representative of the state, which the governor shall issue on such certificate being produced.

SEC. 52. Every sheriff or other returning officer shall be allowed two dollars and fifty cents per day for the time actually employed, and ten cents per mile for distance traveled for making the returns for senators, and sixty cents for each notice served upon the county officers elect, and sixty cents for giving certificates to representatives to the general assembly and to the senators whose district is a single county, all to be paid by the county treasurer upon the affidavit of the returning officer. Clerks and registers of deeds shall also be allowed the usual record and registration fees for recording or making duplicates of the election returns; to be paid by the county.

Compensation of returning officers.

BOARD OF STATE CANVASSERS.

SEC. 53. The governor, secretary of state, attorney general and two members of the state senate, one of each of political party, to be selected by the governor, shall constitute the board of state canvassers, but no member thereof shall take part in canvassing the votes for any office for which he himself is a candidate. But in every such case the remainder of the board shall select some other person to act in the place of such candidate.

Board of state canvassers.

SEC. 54. If the abstracts or returns from any county shall not be received at the office of the secretary of state by the third Monday after the day of election, the said secretary is authorized to obtain from the register of deeds, or clerk of the superior court of such county, at the expense of such county, the original abstracts or returns, or if they have been forwarded, then to obtain copies of them.

Returns not received in time, and secretary of state shall obtain original.

SEC. 55. The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after the day of election, and examine the returns, if they shall have been received from all the counties, and if not all received they may adjourn not exceeding twenty days for the

Abstract to be opened, when and by whom.

purpose of obtaining the returns from all the counties, and when these are received, shall proceed with the canvass, such canvass shall be conducted publicly in the hall of the house of representatives.

SEC. 56. They shall make an abstract stating the number of ballots cast for each candidate, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each each received, and stating whom they ascertain by the count to be elected to the office, which abstract shall be signed by the board of canvassers, in their official capacity as state canvassers and have the seal of the state affixed thereto.

Records of the returns to be kept by the secretary of state.

SEC. 57. The secretary of state shall record the abstract or abstracts in a book to be kept by him for recording the result of elections, and to be called the election book, and shall also file the abstract or abstracts.

Certificate of election, when and how furnished.

SEC. 58. A certificate shall be prepared for each person elected, and signed by the secretary of state, and shall be delivered to the person elected, when he shall demand the same.

Statement of votes cast for officers of the executive department to be published by state canvassers.

SEC. 59. The state canvassers shall estimate the votes cast for officers of the executive department, from the abstracts forwarded to the secretary, and shall publish a statement of the result of such calculation, but this statement shall be for information of the public only, and shall not have the effect to determine what candidates have been elected to such offices. Their election shall be ascertained and declared according to the provisions of section three, article three of the constitution.

Who are to be commissioned by the governor.

SEC. 60. Representatives in congress, justices of the supreme court, judges of the superior courts, and solicitors, shall be commissioned by the governor.

MISCELLANEOUS.

Registering in more places than one.

SEC. 61. Any person who shall cause or procure his name to be registered in more than one election ward

or precinct, or shall cause or procure his name, or that of any other person, to be registered, knowing that he or the person whose name he has procured to be registered, is not entitled to vote in the ward or election precinct wherein such registration is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be deemed guilty of a crime infamous by the laws of the state, and shall be punished for each and every such offence by a fine not exceeding one thousand dollars, or imprisonment at hard labor for a term not exceeding two years, or both, in the discretion of the court. Penalty.

SEC. 62. If a person be challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecution, but if any person so convicted shall vote at any election, without having been legally restored to the rights of citizenship, he shall be deemed guilty of an infamous crime, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisonment at hard labor not exceeding two years, or both. Criminals challenged.

SEC. 63. The judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation, touching such right. And if any judge of election shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such vote, Penalty for person convicted, voting.

Powers of judges of elections to examine voters.

shall be deemed to have received the same knowing it to be illegal.

Powers of the various boards and judges and inspectors of election.

SEC. 64. The judges and inspectors of election in each ward or precinct, the board of county canvassers of each county, and the board of state canvassers shall respectively possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose; and if any such person shall refuse to obey the lawful command of any such judge or inspector of election, or board of county canvassers, or board of state canvassers, or by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by their chairman, and attested by their clerk, commit the person so offending to the common jail of the county for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable, to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such township or precinct board of election, or board of county canvassers, or board of state canvassers, in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Vacancies, how filled.

SEC. 65. Whenever any vacancies shall exist by reason of death, resignation, or otherwise, in any of the following officers, to-wit: governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney general, justices of supreme court, and judges of the superior court, the same shall be filled by elections to be held in the manner and places, and under the same regulations and rules as are prescribed for general elections, at the first general election thereafter, except as otherwise provided for in the constitution.

Qualification of voters.

SEC. 66. All qualified electors who shall have resided for ninety days immediately preceding an election, within the

limits of any ward of a city or town, and not otherwise, shall have the right to vote in such ward for mayor and other city or town officers.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

SEC. 67. On the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand eight hundred and eighty, and every four years thereafter, or on such days as the congress of the United States shall have directed, a poll shall be opened in each of the precincts of the state for the election of electors of president and vice-president of the United States, the number of whom is to be equal to the number of senators and representatives in congress to which this state may be entitled, and the persons so chosen shall be and are hereby declared to be the electors for the state as aforesaid.

When election to be held.

SEC. 68. The names of the electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the state may be divided, and against the name of each person shall be designated the number of the congressional district to which he belongs.

Name of elector to be on each ballot.

How electors allotted.

SEC. 69. This election shall be conducted, and the returns made, as nearly as may be, [as] directed in relation to the election of state officers, except as herein otherwise expressed.

Election to be as in case for state officers.

SEC. 70. The returns from the township or precinct judges of election shall be made to the board of county canvassers within two days after the day of election; and on the second day after the day of election the county canvassers shall meet in the court house of their respective counties and shall ascertain, by faithful addition, the number of votes for any person who shall have been voted for as an elector within the county, and shall certify the same under their hands, in the manner and form following, to-wit: "We, the county canvassers for _____ county, do hereby certify that an election was held on

Returns from precinct judges of election.

Meeting of county canvassers.

the day, and at the place fixed by law within said county, for election of president and vice-president of the United States, and that the number of votes hereinafter specified, opposite the names of the several persons following, was given for such persons as electors for the State of North Carolina, of president and vice-president of the United States, namely: D. G. F. (here state the number of votes for D. G. F.) For J. M. L. (here state the number of votes for J. M. L.) and so, on until the list of persons voted for, and the number of votes shall be complete. Given under our hands this — day of —, in the year A. D. —.” And three fair copies of such certificate and return shall be made by the board of county canvassers, under their hands, and one of the same shall be immediately delivered to the sheriff of the county, whose duty it shall be to attend at the meeting of said canvassers, and who shall forthwith make proclamation and read the same through at the court house door; and the said sheriff shall immediately thereafter seal up said copy in an envelope, and transmit the same by mail, in a registered letter, or otherwise, to the secretary of state, at the capitol at Raleigh, so that he shall receive the same within twelve days after the day of said election; and one of said copies, together with the original precinct returns, shall be delivered to the clerk of the superior court, who shall record the said copy in the “*election book*,” and file the originals and said copy in his office. And one copy shall be delivered to the register of deeds, to be registered in his office. The clerk of the superior court shall, immediately after the same shall have been delivered to him, send a copy of the certificate of the board of county canvassers, sealed with the seal of his office, to the secretary of state, at Raleigh, so that he may receive the same within twelve days after said election. And in case of failing to make such returns within the time herein prescribed, such sheriff or other officer, whose duty it shall be so to do, shall forfeit and pay to the state the sum of five hundred dollars, to

Three copies to be made.

One copy of returns shall be delivered to the sheriff.

Sheriff to make proclamation.

Sheriff to seal returns and transmit to the secretary of state.

One copy with the original to be delivered to the clerk of the superior court.

One copy delivered to register of deeds.

Time of delivery of certificate by clerk of the superior court.

Penalty.

be recovered by the attorney general, in the superior court for the county of Wake.

SEC. 71. The secretary of state within three days after the expiration of the time herein before provided for the delivery to him of said certificates and returns, shall deliver the same to the board of state canvassers whose duty it shall be to then attend, in the presence of such other persons as may choose to attend in the hall of the house of representatives in the capitol, open the certificates and returns and proceed to canvass the same and ascertain the result. *Provided*, that if the returns from any county shall not, by that time, have been received by the secretary of state from the sheriff or clerk of the superior court, then the board of state canvassers shall order and compel a duplicate return from the clerk of the superior court, or register of deeds, or both, in such manner as they may think best; and for that purpose may adjourn from day to day not to exceed ten days. The board of state canvassers in canvassing said returns, as certified by the county canvassers, but it shall be their duty to disregard any such apparent clerical error or any such technical informality as may not render it reasonably uncertain who was the person intended to be designated as voted for, and what was the number of votes actually received by any candidate. At the conclusion of the canvass, the board shall make an abstract of all the votes cast, and shall deliver the same to the secretary of state, together with the original returns from the several counties, to be filed in his office. The secretary of state shall copy said abstracts in "*the election book*," directed in this act to be kept in his office, and shall, under his hand and the seal of his office, certify to the governor the names of as many persons receiving the highest number of votes for electors of president and vice president as the state may be entitled to in the electoral college. The governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspapers as may be published in the city of Raleigh,

Time of delivery of certificates and returns by secretary of state.

Proviso.

Duty of county canvassers.

Abstract to be delivered to the secretary of state.

Secretary of state to record abstract.

Certificate to the governor.

Governor to issue his proclamation.

wherein he shall set forth the names of the persons duly elected as electors, and warn each of them to attend at the capitol in the city of Raleigh at noon, on the Tuesday preceding the first Wednesday of December next after his election, at which time said electors shall meet; and in case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the state so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for president and vice president of the United States. And the governor shall, on or before the said first Wednesday in December, make out three lists of the names of the said ten persons so elected and appointed electors, and cause the same to be delivered to them as directed by the act of congress.

SEC. 72. The persons so selected and appointed as electors of president and vice president of the United States, shall assemble on the said first Wednesday of December, at the capitol in the city of Raleigh, and then and there give their votes on behalf of the state of North Carolina, for president and vice president of the United States, and proceed in relation thereto in all things conformably to the constitution of the United States, and the act of congress, in that behalf.

SEC. 73. Whenever the offices of president and vice-president of the United States shall both become vacant, the governor, upon receiving a notification of such vacancy from the secretary of state of the United States, shall forthwith issue his proclamation directing the sheriffs of the several counties, or other proper officers, to hold elections within their respective counties for the appointment of electors of president and vice-president of the United States, on the day of the year in which such vacancy may happen, as is herein prescribed for holding the regular and stated election. *Provided*, That there shall be a space of two months between the date of such notification and the said first Wednesday of December; but if there should not

Organization of the college of electors.

In case of vacancy.

Lists to be made by the governor.

College of electors to proceed in conformity with the constitution of United States.

In case of vacancy in offices of president and vice-president, governor to issue proclamation for election.

Proviso.

be such space, the governor shall specify in his proclamation that the electors shall be elected in the year next ensuing the date of such notification, on the day aforesaid; and the electors appointed, in the manner by this section directed, shall meet at the capitol, in the city of Raleigh, and proceed, as hereinbefore provided, for electors of presidents and vice-presidents, chosen at a regular election for the same.

SEC. 74. Each elector chosen, with his own consent previously signified, failing to attend and vote for a president and vice president of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident,) shall forfeit and pay to the state five hundred dollars, to be recovered by the attorney general in the superior court of Wake county. And any person making, or signifying, or delivering, or transmitting a false return of an election, held here under, or making any erasure or alteration in the poll books, shall be deemed guilty of an infamous crime, and on conviction, shall be imprisoned not less than one year, and shall, in addition, forfeit and pay five hundred dollars, one-half to the use of the person who will sue for the same, and the other half to the use of the state. Any officer who shall refuse to permit any candidate, or person qualified to vote, at his own expense to have a copy of the poll books, shall forfeit and pay two hundred dollars; one-half to the person who shall sue for the same, and the other half to the use of the state. Any register of deeds, or clerk of the court who shall refuse to make and give to any person a duly certified copy of the returns of an election, or of a tabulated statement of an election hereinbefore directed to be deposited in his office, upon the tender of the fees therefor, shall be deemed guilty of a misdemeanor, and upon conviction, ousted of his office, and imprisoned for one year.

Penalty on electors failing to attend.

Penalty for making false returns or altering poll books.

Register of deeds or clerk of the superior court refusing a certified copy of returns.

Penalty.

SEC. 75. The electors shall be allowed for their traveling expenses to and from the city of Raleigh, and their attendance the same compensation as may be allowed

Compensation and privileges of electors.

members of the general assembly, and shall be entitled to the same privileges.

Secretary of state
to furnish blanks.

SEC. 76. It shall be the duty of the secretary of state to furnish to the register of deeds for the several counties all such printed blanks as may be necessary for county returns.

GENERAL ELECTION.

Date of election.

SEC. 77. The next general election for members of the general assembly, for justices of the supreme court, superior court judges and solicitors, and for surveyor, coroner, sheriff, clerk of the superior court for the several counties, and in such counties as have one, a treasurer, shall be held on the first Thursday in August, in the year of our Lord, one thousand eight hundred and seventy-eight, but thereafter until otherwise provided, all general elections shall be held on the Tuesday next after the first Monday in November of the year in which an election shall be held.

Who shall constitute the board of justices of the peace.

SEC. 78. The justices of the peace of the several counties shall be constituted the board of justices of the peace for the purposes of this act.

SEC. 79. All laws and clauses of laws in conflict with this act are hereby repealed.

When act to be in force.

SEC. 80. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXVI.

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

SECTION 1. *The General Assembly of North Carolina do enact,*
That sheriffs, treasurers, clerks of the superior court, regis- Annual reports. 2
ters of deeds, and all other officers of the several counties in
the state, into whose hands any public funds may come by
virtue or under color of their office, shall make an annual
account and report of the amount and management of the
same, on the first Monday of December, or oftener if re-
quired, in each and every year, to the board of commis-
sioners of the several counties. Such report shall give
an itemized and detailed account of the public funds re-
ceived 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 veri-
fied 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 the reports mentioned in the first To be approved
and registered.
section of this act, shall cause the same to be registered
in the office of the register of deeds, in a book to be fur-
nished 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 such 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.

Failure to report. SEC. 3. That if any party required by this act to make the report hereinbefore 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.

Penalty. 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, at the discretion of the court.

Time for delivery of bonds. SEC. 5. That sheriffs, treasurers, clerks of the superior courts, registers of deeds, and all other officers of the several counties, who are required by law to give bonds for the faithful performance of the duties of their office, shall renew their bonds annually on the first Monday of December in each and every year.

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

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXVII.

AN ACT CONCERNING PAUPERS IN THE SEVERAL COUNTIES OF THE STATE.

Paupers maintained. SECTION 1. *The General Assembly of North Carolina do enact,* That all paupers who may become chargeable to any county shall be maintained at the county poor house

or at such place or places as the commissioners may select or agree to.

SEC. 2. That no such paupers shall be let out at public auction, but the commissioners may make such arrangements for the support of paupers with their friends or other persons, when not maintained at the county poor house as they may deem best. Not to be let out at auction.

SEC. 3. The commissioners may provide for the support of the paupers in the poor house by employing an overseer at a certain sum, or by paying so much for the support of such pauper to any one who will take charge of such poor house and paupers as they deem for the best interest of their counties and the cause of humanity. Manner of providing for the poor.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCXXLVIII.

AN ACT TO PROVIDE AN ASYLUM FOR THE COLORED INSANE OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of twenty thousand dollars, appropriated by the general assembly at the session of one thousand eight hundred and seventy four and one thousand eight hundred and seventy-five, for the support of the colored insane of the state, which remains in the treasury unexpended, be and the same is hereby appropriated for the establishment of an asylum for the colored insane, at some point in the state, and for the support and maintenance of the inmates thereof, for the next two years. \$20 000 appropriated.

Governor to appoint a commission to locate asylum.

SEC. 2. That the governor is hereby authorized and empowered to appoint seven commissioners, whose duty it shall be to locate said asylum, and to procure a suitable building therefor, either by purchase, donation, or by superintending the erection thereof, as in their judgment they may deem most expedient, and to superintend the management of the same until the next meeting of the general assembly.

Colored insane to be removed from asylum at Raleigh

SEC. 3. That as soon as said asylum is ready for the reception of patients, it shall be the duty of said commissioners to cause to be removed to said asylum the colored insane now in the asylum in Raleigh, and no other colored insane shall be received at said Raleigh asylum.

Commissioners to appoint officers.

SEC. 4. That when said asylum is completed, it shall be the duty of said commissioners to appoint the necessary officers to superintend said asylum, who shall hold their positions at the will of the commissioners.

Commissioners to appoint treasurer

SEC. 5. That said commissioners shall appoint a treasurer, who shall give a good and sufficient bond for the faithful discharge of his duties, and shall receive such compensation as may be allowed by the commissioners.

SEC. 6. That so much of an act to provide for the colored insane of the state, ratified March the twenty-sixth, one thousand eight hundred and seventy-five, as conflicts with the provisions of this act, be and the same is hereby repealed.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXIX.

AN ACT TO PROVIDE THE MEANS FOR THE SUPPORT OF THE
STATE PENITENTIARY AND CONVICTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the public treasurer be and is hereby authorized and required to pay to the board of directors for the state penitentiary, upon the warrant of the governor, to support said institution and convicts, a sum not exceeding ten thousand dollars per month from the month of March to December, both inclusive.

\$10,000 per month
appropriated for
a special time,

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXX.

AN ACT TO EMPOWER THE COMMISSIONERS OF CHEROKEE COUNTY
TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Cherokee county are hereby authorized to levy a special tax on the property and polls of said county annually, not to exceed twenty cents on every one hundred dollars worth of property of said county subject to taxation, for the purpose of paying the debt against said county, contracted prior to the first day of January, one thousand eight hundred and seventy-seven.

Special tax.

SEC. 2. *Provided*, That in levying said tax the constitutional equation between the poll and property shall be observed.

Proviso.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXI.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER ONE HUNDRED AND FOUR, SECTION FORTY-ONE, LINE TWO BY INSERTING AFTER THE WORD "CONSTABLE" THE WORD "FERRYMAN."

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and four, section forty-one, line two of Battle's Revisal be amended by inserting after the word "constable" the word "ferryman."

Chapter 104 Battle's Revisal amended.

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

Ratified the 12th day of March, A.D. 1877.

CHAPTER CCLXXXII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter one hundred and fifty-two, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended by adding in line three, after the name of "Harrel Hayes," "James M. Mitchell," so that the sec-

Name added to commissioners.

tion will read: that N. J. Deal, Howell Baker and David Williams, of the county of Alexander, and Anderson Winkler, Dr. R. F. Hackett, Harrel Hayes and James M. Mitchell, of the county of Wilkes, are hereby appointed commissioners to lay off a public road, &c.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXIII.

AN ACT TO AMEND THE "LANDLORD AND TENANT ACT."

SECTION 1. *The General Assembly of North Carolina do enact*, That when lands shall be rented or leased by agreement, 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 of the lessor, or his assigns, at all times, until the rents for said lands 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 his assigns; and until said party or his assigns shall be paid for all advancements made and expenses incurred in making and saving said crops. This lien shall be preferred to all other liens and the lessor or his assigns shall be entitled against the lessee or cropper or the assigns of either, who shall remove the crop or any part thereof from the land without the consent of the lessor or his assigns, or against any other person who may get possession of said crop or any part thereof, to the remedies given in an action upon a claim for the delivery of personal property.

Possession of crops deemed vested in lessors.

Preference of lessor's lien.

SEC. 2. That whenever the lessor or his assigns shall

Rights of lessee.

get the actual possession of the crop or any part thereof otherwise than by the mode prescribed in the preceding section, and said lessor or his assigns shall refuse or neglect, upon a notice, written or verbal, of five days, given by the lessee or cropper or the assigns of either, to make a fair division of said crop, or to pay over to such lessee or cropper or the assigns of either, such part thereof as he may be entitled to under the lease or agreement, then and in that case, the lessee or cropper or the assigns of either shall be entitled against the lessor or his assigns, to the remedies given in action upon a claim for the delivery of personal property, to recover such part of the crop as he, in law and according to the lease or agreement, may be entitled to. The amount or quantity of such crop claimed by said lessee or cropper or the assigns of either, together with a statement of the grounds upon which it is claimed, shall be fully set forth in an affidavit at the beginning of the action.

SEC. 3. That where any controversy shall arise between the parties, and neither party avails himself of the provisions of the first and second sections of this act, it shall be competent for either party to proceed at once to have the matter determined in the court of a justice of the peace, if the amount claimed be two hundred dollars or less, and in the superior court of the county where the property is situated, if the amount so claimed shall be more than two hundred dollars. But in case there shall be a continuance or an appeal from the justice's decision to the superior court, the lessee or cropper or the assigns of either, shall be allowed to retain possession of said property upon his giving bond to the lessor or his assigns, or the adverse party, in a sum double the amount of the claim, if such claim does not amount to more than the value of such property, otherwise to double the value of such property, with good and sufficient security, to be approved by the justice of the peace or the clerk of the superior court, conditioned for the faithful payment to

How to proceed
in case of any
controversy be-
tween the parties

Bond to be given
by lessee.

the adverse party of such damages as he shall recover in said action.

SEC. 4. That in case the lessee or cropper, or the assigns of either shall, at the time of the appeal or continuance mentioned in the third section of this act, fail to give the bond therein required, then the constable or other lawful officer shall deliver the property into the actual possession of the lessor or his assigns, upon the lessor or his assigns giving to the adverse party a bond in double the amount of said property, to be justified as required in the third section aforesaid, conditioned for the forthcoming of such property, or the value thereof, in case judgment shall be pronounced against him.

Lessee failing to give bond, possession of property passes to lessor upon his giving bond.

SEC. 5. That in case neither of the parties give the bond described in the third and fourth sections of this act, then and in that case it shall be the duty of the justice of the peace or the clerk of the superior court, in whichsoever the same shall be pending, to issue an order to the constable or sheriff or other lawful officer, as the case may be, directing him to take into his 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 thereof subject to the decision of the court upon the issue or issues pending between the parties. That in all cases in the superior court arising under this act, the return term shall be the trial term.

In case neither party give bond.

SEC. 6. That any lessee or cropper, or the assigns of either, or any other person, who shall remove said crop, or any part thereof, from such land without the consent of the lessor or his assigns, and without giving him or his agent five days' notice of such intended removal, and before satisfying all liens held by the lessor or his assigns, on said crop, shall be guilty of a misdemeanor.

Removal of crop by lessee without notice a misdemeanor.

SEC. 7. That the provisions of this act, and the act to which this is amendatory, shall apply to all leases or contracts to lease turpentine trees, and the parties thereto

Act to apply to lease of turpentine trees.

shall be fully subject to the provisions and penalties of this act.

Repealed.

SEC. 8. That sections thirteen, fourteen and fifteen of chapter sixty-four of Battle's Revisal, and chapter two hundred and nine of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and all laws and clauses of laws in conflict with the provisions of this act, are hereby repealed.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXIV.

AN ACT CONCERNING THE MAINTENANCE OF LUNATICS OUTSIDE THE INSANE ASYLUM.

SECTION 1. *The General Assembly of North Carolina do enact*, The auditor shall not audit any claim or account presented by any county for the maintenance of lunatics who have hitherto been or shall hereafter be refused admission into the insane asylum, except upon the following conditions:

Auditing accounts for maintenance of lunatics.

1. It must appear to the satisfaction of the auditor that the lunacy of every person, for the maintenance of whom a claim may be presented by any county against the state, has been duly ascertained by the inquisition of a jury, under the authority of the superior court, according to law. Certificates of the clerk of said court, and of the judge before whom the inquisition was had to the above effect, shall be filed with the auditor.

Necessary certificates.

2. It must be proved to the satisfaction of the auditor, by the affidavits of at least two respectable physicians, that the lunatic on account of whom such claim is presented, was, for such time as said claim shall be present-

Affidavits required.

ed, in their opinion, entitled to be admitted into the insane asylum, as being really lunatic and insane.

3. Every such claim shall be accompanied by the affidavit of the chairman of the board of commissioners, made before the clerk of the superior court, to the effect that the expense of maintaining such lunatic has been actually incurred and paid by the county, and that the lunatic has really received the benefit of the expense so incurred, and that the charge does not exceed the actual amount expended.

4. Every such claim shall be accompanied by a certificate of the superintendent of the insane asylum, showing that during the year for which any such charge is made said lunatic has been refused admission therein.

SEC. 2. The amount paid for the support of a lunatic shall not exceed one hundred dollars per annum. \$100 allowed.

SEC. 3. The board of commissioners of any county presenting any such claim, shall make out and render their accounts annually, on the first day of January of each year, to the auditor. Accounts to be rendered annually.

SEC. 4. Any person wilfully swearing falsely to anything contained in the affidavit required by this act shall be deemed guilty of perjury, and on conviction shall suffer the penalties prescribed by law for that crime. Penalty for swearing falsely.

SEC. 6. All laws or clauses of laws concerning the maintenance of lunatics outside of the insane asylum not contained in this act are hereby repealed. Repeal.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXV.

AN ACT TO AUTHORIZE TOWNSHIPS HAVING WITHIN THEIR LIMITS CITIES OF FIVE THOUSAND INHABITANTS AND UPWARDS TO LEVY TAXES FOR THE SUPPORT OF GRADED PUBLIC SCHOOLS.

SECTION 1. *The General Assembly of North Carolina do enact*, That in every township of North Carolina having within its limits a city of (5,000) five thousand inhabitants and upwards, any one hundred respectable citizens thereof, freeholders therein, may apply by petition in writing to the board of commissioners of the county in which said township is situated, asking that an annual tax be levied therein for the support of one or more graded schools in such township, whereupon on or before the next regular meeting of said board, but not oftener than once a year, they shall order and direct that the question whether such tax shall be levied be submitted to the vote of the qualified voters of such township at the different wards and election places therein, as prescribed in "Battle's Revisal," section fifty, chapter sixty-eight.

Graded schools.

SEC. 2. That in case a majority of the qualified voters at such election are in favor of such tax, the same shall be levied and appropriated in such township in the manner prescribed by law for the levy and appropriation of other school funds. *Provided*, That the taxes so levied and collected shall in no case exceed one-tenth of one per centum on the value of property, and thirty cents on the poll.

Tax for graded schools.

SEC. 3. That the qualified principal of such graded schools, and any other teachers therein, shall not be subject to the restrictions and limitations of salary imposed by section fifty-one of said chapter sixty-eight of "Battle's Revisal," but may be employed and paid such salary as the township school committee may deem just and reasonable.

SEC. 4. That this act shall not apply to the townships in which are situated the cities of Newbern, Wilmington, Goldsboro or Charlotte. *Provided*, The provisions of this act shall extend to Cross Creek township, in the county of Cumberland, provided the application for the election shall be made by two hundred of the qualified voters of said township who shall be freeholders therein, and at least one-half of such petitioners shall be of the white race.

Townships not included.



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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXVI.

AN ACT IN RELATION TO STATE PENITENTIARY.

WHEREAS, the stockade wall around the penitentiary is becoming much impaired and can not possibly last longer than this present year, and whereas the early completion of the exterior wall is of paramount importance to the best interest of the state, as it will reduce the expenditure for guard duty fully seven thousand dollars annually and will add much to the security and discipline of the convicts, therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of an early completion of the exterior wall and the completion of a tier of cells now in construction, the board of directors of the penitentiary are hereby authorized and instructed to retain at least (250) two hundred and fifty convicts in the said penitentiary to prosecute the work above mentioned vigorously to completion.

Convicts to be retained.

SEC. 2. That if in the opinion of the board it will be a wise and economical policy to manufacture brick within

Manufacture of brick

the enclosure in lieu of a brick yard they are hereby authorized to do so.

SEC. 3. That this act shall take effect when ratified and is not to be considered as superceded by any special acts of this general assembly providing for the farming out of any convicts to any other corporations.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXVII.

AN ACT TO ALLOT AND DISTRIBUTE THE JUDICIAL POWERS OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the jurisdiction and powers of the superior courts, the clerks of the superior courts, and courts of the justices of the peace, shall be in all respects the same as those granted to and exercised by them respectively, before the first day of January, one thousand eight hundred and seventy-seven, except as the same may be modified, extended or altered by acts passed at the present session of the general assembly. *Provided*, That no process shall be issued by any justice of the peace to any county other than his own, unless one or more *bona fide* defendants shall reside in, and also one or more *bona fide* defendants shall reside outside, of his county; in which case, only, he may issue process to any county in which any such non-resident defendant resides.

SEC. 2. That all acts done by said courts since the first day of January, one thousand eight hundred and seventy-seven, which would have been valid if done before the first day of January, one thousand eight hundred and seventy-seven, are hereby declared valid to all intents and purposes.

Jurisdiction and power of superior courts, superior court clerks and justices of the peace.

Proviso.

Acts declared valid.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXVIII.

AN ACT SUPPLEMENTAL TO AN ACT TO DIVIDE THE STATE INTO NINE JUDICIAL DISTRICTS, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act to be entitled an act to divide the state into nine judicial districts, and to provide for the election of three justices of the supreme court, three judges of the superior courts and nine solicitors, be amended so that on and after the first Thursday in August, one thousand eight hundred and seventy-eight, the county of Beaufort shall be annexed to the first judicial district instead of the second district, and the said act to which this is supplemental, is so amended.

Beaufort to be annexed to the first district.

SEC. 2. And from and after the said first Thursday in August, one thousand eight hundred and seventy-eight, the superior court of Beaufort county, shall be held on the ninth Monday after the fourth Monday in March and September.

When court shall be held.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCLXXXIX.

AN ACT SUPPLEMENTAL TO AND EXPLANATORY OF AN ACT TO PROVIDE FOR THE SPEEDY COMPLETION OF THE WESTERN NORTH CAROLINA RAILROAD, &C., PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, AND RATIFIED THE NINETEENTH DAY OF FEBRUARY, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That it is hereby declared to be the meaning of so much of section two (2) of the above recited act as provides for the government of said road by a board of directors, that the number of said directors shall be twelve, of whom nine shall be appointed by the governor on behalf of the state, in the manner and as is required in said section, and three shall be appointed by the private stockholders.

Number of directors, and how appointed.

SEC. 2. That whereas in the engrossment of said act the following words were omitted from the second section, to-wit: "And no director shall be eligible to any position or office in the company except that of president;" therefore the said words are hereby reinstated at the end of said section, and declared to be a part of said act, at the end of section two, and to be as binding and effective as if the same were included in the enrolled and ratified copy of said act.

Re-instating words omitted in original act.

SEC. 3. That whereas section six of said act is inconsistent with and contradictory of that portion of section eight as provides that the penitentiary authorities shall provide for the clothing, guarding, feeding, and so forth, of the convicts sent to work on said road, therefore said section six is hereby declared to be of no force and effect, so far as it is inconsistent with said section eight.

Section six of original act declared to be of no force and effect.

SEC. 4. That the governor be and he is hereby authorized and directed to call a meeting of the stockholders of the said Western North Carolina Railroad Company, to

Governor to call a meeting of the stockholders.

meet at such time and place as he may deem best, to consider the provisions of this act and the act to which it is explanatory, and accept or reject the same as amendments to the charter of said company.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCXC.

AN ACT SUPPLEMENTAL TO AN ACT OF THE PRESENT SESSION, ENTITLED "AN ACT TO MAKE ALL OUTSIDE AND DIVISION BANKS ON RICE PLANTATIONS LYING UPON THE CAPE FEAR RIVER, FROM TEN MILES ABOVE WILMINGTON TO THE MOUTH OF THE RIVER, LAWFUL FENCES," RATIFIED FEBRUARY TWENTY-FIRST, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

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 make all outside and division banks on rice plantations, lying on the Cape Fear River, from ten miles above Wilmington to the mouth of the river, lawful fences," shall be amended by adding at the end of the first section thereof the following, viz: *Provided*, That such outside and division banks shall be at least four feet high, and surrounded on the outside by a ditch at least four feet wide and four feet deep.

Act ratified Feb'y
27th, 1877, amend-
ed.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCXCI.

AN ACT SUPPLEMENTAL TO AN ACT TO ESTABLISH A DEPARTMENT OF AGRICULTURE, IMMIGRATION AND STATISTICS.

Agricultural act
amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to establish a Department of Agriculture, Immigration and Statistics and for the encouragement of sheep husbandry be and the same is hereby corrected and amended by striking out in section eight, of said act, the words "And he shall also pay a tax of fifty cents per ton for every ton sold."

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCXCII.

AN ACT SUPPLEMENTAL TO AN ACT TO ESTABLISH COURTS INFERIOR TO THE SUPREME COURT TO BE STYLED INFERIOR COURTS.

Rights of defend-
ants.

SECTION 1. *The General Assembly of North Carolina do enact*, That nothing contained in section ten, of an act passed by this general assembly entitled, "An act to establish courts inferior to the supreme court to be styled inferior courts, ratified March third, one thousand eight hundred and seventy-seven, shall be so construed as to deprive any defendant in such court from the right to an appeal to the superior court and to a trial *de novo* in the superior court upon filing a satisfactory bond for costs and jail fees.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CCXCIII.

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO DIVIDE THE STATE INTO NINE JUDICIAL DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF THREE JUSTICES OF THE SUPREME COURT, THREE JUDGES OF THE SUPERIOR COURTS, AND NINE SOLICITORS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county of Franklin, which, under the above entitled act constitutes a part of the second judicial district, be and the same is hereby transferred to the fifth judicial district.

Franklin county transferred to the 5th district.

SEC. 2. The courts of Franklin county shall be held on the first Monday after the fourth Monday of March and September.

When courts to be held.

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

Ratified the 12th day of March, A. D. 1877.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT ITS

SESSION OF 1876-'77.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

State of North Carolina,

SESSION OF 1876-'77.

RESOLUTION IN RELATION TO PER DIEM AND MILEAGE.

Resolved by the Senate, the House of Representatives concurring, That to the end that the mileage and per diem of the officers and members of this general assembly may conform to the ordinances of the late constitutional convention on that subject, the mileage, heretofore allowed, be reduced to ten (10) cents per mile, and that the per diem of the presiding officers shall be six (6) dollars per day; the per diem of principal and assistant clerks five (5) dollars per day, and the per diem of the other officers and of the members, four (4) dollars per day.

Mileage reduced.

Per diem of officers, clerks and members.

Ratified the 29th day of November, A. D. 1876.

RESOLUTION IN FAVOR OF THE EMPLOYEES OF THE TWO HOUSES
OF THE GENERAL ASSEMBLY.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring*, That John F. Agner, William B. Wells, Bryan Lunn and J. W. Poe, employees of the principal door keepers of the two houses of the general assembly be allowed two dollars per day for ten days' services, and that Albert Premper and James Farris, pages, be allowed one dollar per day for ten days.

Employees of
principal door-
keepers be allow-
ed \$2.00 per day.

SEC. 2. *Resolved*, That this resolution shall be in force from and after its ratification.

Pages be allowed
\$1.00 per day.

Ratified the 2d day of December, A. D. 1876.

RESOLUTION IN REGARD TO THE PUBLIC DEBT.

Resolved by the Senate, the House of Representatives concurring, That the treasurer of the state be required to report at the earliest practicable moment to what extent there has been a compliance on the part of the creditors of the state with the act passed by the last general assembly, entitled "an act to compromise, commute and settle the state debt," and, if no exchange of bonds has been made under said act, that he report whether any creditor has tendered any old bonds of the state, and the names of the creditors who may have so tendered their old bonds, and the amounts, and if the exchange was not made, why not.

Treasurer requir-
ed to report in re-
gard to state debt.

Ratified the 2d day of December, A. D. 1876.

RESOLUTION IN FAVOR OF J. S. WILCOX, SHERIFF OF PASQUOTANK COUNTY.

WHEREAS, the commissioners of Pasquotank county placed in the hands of John T. Price, then sheriff of said county, on or about the first day of December, one thousand eight hundred and seventy-five, the tax list of unlisted taxables, which were due and payable on the first day of August, Anno Domini, one thousand eight hundred and seventy-six; and whereas, said board of commissioners, at its session in August, one thousand eight hundred and seventy-six, elected James S. Wilcox sheriff of said county (the said John T. Price having, at said August session of said board, tendered his resignation of the office of sheriff,) on account of the failure of said Price in producing the necessary receipts as required by law; and whereas, the said sheriff, J. S. Wilcox, received into his hands, on the first Monday in August, the list of listed taxables only; and whereas, the said J. S. Wilcox, now sheriff of said county, 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 aforesaid :

Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring, That the auditor be requested to audit the account of said sheriff, J. S. Wilcox, without reference to the list of unlisted taxables placed in the hands of the former sheriff, John T. Price, as aforesaid. *Provided,* nothing in this act shall be construed to relieve said John T. Price from any penalties imposed by law for failure to settle with the state treasurer for unlisted taxables, and that the register of deeds for Pasquotank county be required to furnish the auditor with an abstract of unlisted taxables in the hands of John T. Price, to the end that judgment may be entered against him and his sureties for any default on his part.

Auditor to audit
account of J. S.
Wilcox, sheriff.

Provido.

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

Ratified the 2d day of December A. D. 1876.

RESOLUTION ON ADJOURNMENT.

Recess.

Resolved by the House of Representatives, the Senate concurring, That that this general assembly take a recess from nine o'clock, A. M., on Wednesday, the thirteenth, to twelve M., Saturday, the thirtieth of December, one thousand eight hundred and seventy-six.

Ratified the 5th day of December, A. D. 1876.

RESOLUTION OF INSTRUCTION TO JOINT COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Executive mansion.

Resolved by the Senate, the House of Representatives concurring, That the joint committee on "public buildings and grounds" be instructed to make an examination of the condition of the executive mansion, and, if found to be unfitted for occupancy by his excellency, the governor, then said committee is further instructed to confer with the authorities of the city of Raleigh to ascertain if said city will furnish a convenient and suitable residence for the use of the governor, in lieu of the mansion now used by the city for school purposes, and if no such arrangement can be made, then the committee is hereby authorized to take the necessary steps to secure by lease a suitable house for the governor, and shall also rent out the old mansion upon such terms as will protect the best interests of the state.

To secure residence for the governor.

Resolved further, That said committee is authorized and

instructed to investigate and ascertain what disposition Furniture. has been made with the fixed furniture, such as gas fixtures, chandeliers, and so forth, belonging to the mansion, and in such investigation are authorized to send for persons and papers.

Ratified the 8th day of December, A. D. 1876.

RESOLUTION OF INSTRUCTION TO OUR REPRESENTATIVES IN
CONGRESS.

SECTION 1. *The General Assembly of North Carolina do resolve*, That the representatives from North Carolina, in the congress of the United States, are hereby respectfully requested to use their influence, as soon as congress assembles, to so alter the revenue laws on whiskey, brandy and tobacco, as to make them less oppressive on the citizens; and, if this cannot be accomplished, to vote for the repeal of the same.

Asking repeal or modification of internal revenue laws.

SEC. 2. *Resolved, further*, That each one of our senators and representatives in congress be furnished by the secretary of the state with a copy of these resolutions.

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

Ratified the 8th day of December, A. D. 1876.

RESOLUTION IN RELATION TO THE INAUGURATION OF HON. Z.
B. VANCE.

Resolved by the House of Representatives, the Senate concurring, That a select committee of five, three on the part of the House, and two on the part of the Senate, be appointed to take into consideration what action, if any, is neces-

Inauguration of Z. B. Vance.

sary on the part of the general assembly to a proper reception and inauguration of the Hon. Z. B. Vance as governor of North Carolina on the first day of January, Anno Domini one thousand eight hundred and seventy-seven, and report the same to this general assembly at the earliest practicable moment.

Ratified the 8th day of December A. D. 1876.

RESOLUTION OF INSTRUCTION TO THE JOINT COMMITTEE ON
PENAL INSTITUTIONS.

Resolved, That the joint committee on penal institutions is instructed to inquire and report to this general assembly,

Joint committee.

Number of convicts in penitentiary.

Number of convicts required to be kept in penitentiary.

Convicts outside of penitentiary.

Expense.

Officers and employees.

Officers who can be dispensed with.

Number of convicts which can be furnished to W. N. C. R. R.

1st. The number and sex of the convicts confined in the penitentiary, with the term of each.

2nd. The number of said convicts who, under the constitution, are required to be kept in said penitentiary.

3rd. The number of convicts now worked on works of the state, outside of the penitentiary.

4th. The expense, *per capita*, of supporting convicts in and out of the penitentiary.

5th. The number and salaries of officers and employees, direct and indirect, of said institution.

6th. What number of officers and employees, with their salaries, in said institution, whose services can be dispensed with, without detriment to the interests of the state, and to give effect to the object sought by these resolutions.

Resolved, That with a view to the vigorous prosecution of the work on said road to an early completion, said committee are instructed to report the gross number of convicts which can be furnished by said institution for labor upon said Western North Carolina Railroad.

Ratified the 8th day of December, A. D. 1876.

RESOLUTION RELATIVE TO PRINTING THE AMENDMENTS TO
THE CONSTITUTION.

WHEREAS, There seems to be mistakes in the printed amendments to the constitution; and whereas, it is important that they should be correct; therefore Preamble.

Resolved by the House of Representatives, the Senate concurring, That a committee of five be appointed, three on the part of the house and two on the part of the senate, to correct the errors, if any there be, and report to this general assembly as early as practicable. To correct amendments.

Ratified the 8th day of December, A. D. 1876.

RESOLUTION IN FAVOR OF JOHN W. HECKSTALL, TAX-COLLECTOR
OF BERTIE COUNTY.

WHEREAS, the list of taxables for the year one thousand eight hundred and seventy-six, for the county of Bertie, under schedules B. and C. of the act of assembly of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, known as the revenue act, was, on the first of July, one thousand eight hundred and seventy-six, delivered to T. W. Bell, the then sheriff of Bertie county, as required by law, by virtue of which it appears he has collected the taxes due by said list; and whereas, on the third day of October, one thousand eight hundred and seventy-six, the said Bell having failed to execute his bond for the collection of taxes in said county, as required by law, the board of commissioners of Bertie county appointed John W. Heckstall tax collector for said county, and delivered to him the balance of the tax list for the year one thousand eight hundred and seventy-six, by virtue of which the said John W. Heckstall, tax collector, has collected the balance Preamble.

of taxes due the state in said county of Bertie, and is ready to settle in full with the state treasurer for all the taxes due the state in said county, except the aforesaid taxes collected by the said Bell, under schedules B. and C., but the auditor declines to audit his accounts, because he has not collected the taxes due under schedules B and C:

Auditor authorized to audit account of John W. Heckstall.

Resolved, first, by the House of Representatives of the General Assembly of North Carolina, the Senate concurring, That the auditor be authorized to audit the accounts of the said John W. Heckstall, tax collector, without reference to the taxes due the state from the taxables in Bertie county under schedules B and C, of the act of assembly aforesaid, known as the revenue act; *Provided,* that nothing in this act shall be construed to relieve said F. W. Bell, or his sureties, from any penalties or responsibilities imposed by law, for failure to settle with the state treasurer for the taxables contained in said schedules B and C, and that the register of deeds of Bertie county forward to the auditor an abstract of the unli-tered taxables of said county, to the end that judgment may be taken by the treasurer against F. W. Bell, sheriff of Bertie county, for any default on his part.

Proviso.

Resolved, second, That this resolution shall be in force from and after its ratification.

Ratified the 9th day of December, A. D. 1876.

RESOLUTION IN REFERENCE TO THE INTERNAL REVENUE LAWS OF THE UNITED STATES.

Preamble.

WHEREAS, The internal revenue laws of the United States are deemed unjust and burdensome to the citizens of the state:

Asking that the internal revenue laws be modified or repealed.

1st, *Be it therefore resolved by the General Assembly of the State of North Carolina,* That our senators and representatives in congress be respectfully requested to use their

influence to so modify or repeal said laws as to give to the producer the right to distill, for his own use, his fruit; also to repeal or modify the tax on leaf tobacco, which said tax bears most heavily on the poor laboring classes of our country.

2D, *Resolved*, That our senators and representatives be furnished each a copy of these resolutions.

Ratified the 9th day of December, A. D. 1876.

RESOLUTION IN REFERENCE TO "THE WILMINGTON AND WELDON RAILROAD COMPANY."

WHEREAS, "The Wilmington and Weldon Railroad Company," at the times hereinafter stated, paid, under protest, to the sheriff of the county of New Hanover, for taxes claimed to be due to the state, the amount following, that is to say: on the thirtieth of September, one thousand eight hundred and seventy, the sum of five hundred and three and four one hundredths dollars; on the seventeenth of November, one thousand eight hundred and seventy-one, the sum of eight hundred and forty-two and forty one hundredths dollars; and on the third of January, one thousand eight hundred and seventy-two, the sum of six hundred and forty-one and seventy-nine one-hundredths dollars; and the several sums so paid were accounted for and paid by the sheriff aforesaid into the treasury of this state; *and whereas*, the supreme court of the United States, in the case of said company against John A. Reed, sheriff, (reported in the thirteenth volume of Wallace Reports,) decided that the real and personal property of said company, including its franchise, was not subject to taxation by the State, and it is therefore manifestly just and proper that the aforesaid amounts, so wrongfully collected, under protest, and subsequently paid into the treasury of the state, should not

Preamble.

be retained by the state, but should be refunded to the company from which they were so illegally received; therefore,

Auditor directed to audit account.

SECTION 1. *The General Assembly of North Carolina do resolve*, That the auditor be and he is hereby directed and required to audit the claims of the Wilmington and Weldon Railroad company against the state, referred to in the preamble hereto, and when so audited, to draw his warrant on the public treasurer for the amount so found to be due by the state, and the public treasurer is hereby directed to pay the same.

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

Ratified the 9th day of December, A. D. 1876.

RESOLUTION ON REVISED CONSTITUTION.

The amended constitution as revised by committee.

1. *Resolved by the House of Representatives, the Senate concurring*, That the amended constitution, as reported by the joint select committee on revision, together with an index to be prepared under the supervision of the secretary of state, shall be bound up and printed with the public laws of the present session of the general assembly.

250 copies to be printed for use of members.

2nd. That two hundred and fifty copies of said constitution be immediately printed for the use of the members of this general assembly.

Ratified the 12th day of December, A. D. 1876.

RESOLUTION TO PAY PUBLIC PRINTER.

Resolved by the Senate, the House of Representatives 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 the failure of said printer to have the laws and journals published within the time prescribed by law.

Treasurer to pay public printer.

This resolution shall be in force from its ratification.
Ratified the 13th day of December, A. D. 1876.

RESOLUTION IN FAVOR OF THE ENGROSSING CLERKS OF THE HOUSE AND SENATE, AND OF THE ENROLLING CLERK OF THIS GENERAL ASSEMBLY.

Resolved by the Senate, the House of Representatives concurring, That the engrossing clerks of the house and senate, and the enrolling clerk of the general assembly be allowed the same *per diem* as the principal and assistant clerks.

Per diem of enrolling and engrossing clerks.

This resolution shall take effect from the first day of the present session.

Ratified the 13th day of December, A. D. 1876.

RESOLUTION IN FAVOR OF HON. R. M. PEARSON, CHIEF JUSTICE, AND OTHERS.

Resolved, That the public treasurer be instructed to pay to Hon. R. M. Pearson, chief justice, the sum of one hundred dollars for services rendered in examining and canvassing the votes for the ratification and rejection of the

Compensation of services of Hon. R. M. Pearson and others.

amendments to the constitution, cast at the late election on November seventh, one thousand eight hundred and seventy-six; and the additional sum of thirty one dollars, for clerical and other aid required in preparing and sending out the necessary blank returns; and in counting and aggregating said vote.

Ratified the 13th day of December A. D. 1876.

RESOLUTION TO RAISE A JOINT COMMITTEE TO VISIT THE WESTERN INSANE ASYLUM.

Duties of joint committee.

Resolved by the House of Representatives, the Senate concurring, That a joint committee, appointed to investigate the Western North Carolina Railroad, shall visit the Western Insane Asylum, and report what appropriations are necessary to be made by this general assembly for said building, and also as to the progress and management of the work.

Ratified the 13th day of December, A. D. 1876.

A RESOLUTION TO REQUIRE THE PRESIDENT OF THE WESTERN NORTH CAROLINA RAILROAD COMPANY TO REPORT PROGRESS OF COLLECTION OF THE CLAIMS AGAINST G. W. SWEPSON AND M. S. LITTLEFIELD.

President of W. N. C. R. R. required to report progress of claims against Swepson and Littlefield.

SECTION 1. *The General Assembly of North Carolina do resolve,* That the president of the Western North Carolina Railroad be required to make early report to this general assembly, how much of the claim against George W. Swepson and M. S. Littlefield has been collected, and how much he has on hand, and how much paid by him, and to whom paid, and on what account, and how much of the claim remains due and unpaid;

what steps, if any, have been taken for the recovery thereof, if by suit or otherwise; the exact condition of the same at the present, with the prospects of a recovery, and the amount of such recovery as may be reasonably expected; and the time which he may think necessary to close the whole matter out.

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

Ratified the 13th day of December, A. D. 1876.

RESOLUTION OF INSTRUCTION TO THE SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN THE UNITED STATES CONGRESS FROM NORTH CAROLINA.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That the senators and members of the house of representatives, in the United States Congress from this state, are hereby requested to endeavor to procure such amendments to the law relating to the currency as will effectually prohibit national banks from taking more than eight per centum interest.

To prohibit national banks from taking more than eight per centum interest.

SEC. 2. That a copy of these resolutions be sent to each of the senators and representatives in congress from this state.

Ratified the 5th day of January, A. D. 1877.

RESOLUTION FOR THE PURCHASE OF STATIONERY.

Resolved by the Senate, the House of Representatives concurring, That the secretary of state is hereby authorized to purchase and furnish, upon the requisition of the principal clerks of the respective houses, such stationery as may

Secretary of state to purchase stationery.

be necessary for the use of the general assembly during the session after recess.

This resolution shall be in force from and after its ratification.

Ratified the 5th day of January, A. D. 1877.

RESOLUTION IN REGARD TO ASSISTANTS AND SUBORDINATES
EACH HOUSE.

Joint committee
to ascertain the
assistance needed
by clerks and
doorkeepers.

Resolved by the Senate, the House of Representatives concurring, That a joint committee, consisting of three from the senate and five from the house of representatives, appointed to ascertain and report what number of assistant clerks other than those elected by the senate and house of representatives, are required, and how many subordinates to the doorkeeper and assistant doorkeeper in each house are deemed necessary; and that the said committee report as soon as practicable as to the number of such assistants and subordinates, and what compensation they should receive, and that no other assistants, subordinates, messengers, servants or waiters be employed by any officer at the expense of the state, except by the express sanction and direction of the senate or house of representatives.

Compensation.

Ratified the 5th day of January, A. D. 1877.

Investigation to
be made into the
management of
W. N. C. R. R.

Resolved by the Senate, the House concurring, That a committee of two on the part of the senate, and three on the part of the house of representatives, be appointed forthwith, to proceed to the Western North Carolina Railroad and thoroughly examine and investigate the work on

ing on on said road, how the same is being done, the management of the convicts, and also to examine the books, records and papers of said road, and report to the general assembly all the facts and information of any kind whatever, which said committee shall deem necessary, to a full and complete understanding of the operations of said road, and the work done thereon, in pursuance of the act in relation to the Western North Carolina railroad, ratified the thirteenth day of March, one thousand eight hundred and seventy-five. That said committee shall have full power to send for persons and papers, with a view to carry out the purposes of this resolution.

Committee empowered to send for persons and papers.

Ratified the 5th day of January, A. D. 1877.

RESOLUTION IN FAVOR OF ASHE COUNTY.

Resolved by the House of Representatives, the Senate concurring, That the public treasurer be directed to pay to Ashe county the sum of one hundred dollars for the maintenance of Camlin Farrington, a lunatic, for the year one thousand eight hundred and seventy-five.

\$100 allowed for the maintenance of Camlin Farrington.

Ratified the — day of —, A. D. 1877.

RESOLUTION IN FAVOR OF SOLDIERS FROM NORTH CAROLINA WHO LOST HIS ENTIRE EYESIGHT IN THE CONFEDERATE SERVICE.

Resolved by the Senate, the House of Representatives concurring, That the public treasurer of North Carolina be required to pay any soldier from North Carolina in the late Confederate service, and now a *bona fide* resident of the state, who lost his entire eyesight in said service, the

Allowed \$50.

Proviso.

sum of fifty dollars; *Provided*, that any one who shall apply for commutation under this resolution, shall make oath before the clerk of the superior court of the county in which he may reside, stating that he received such disability while actually engaged in the service as a North Carolina soldier, and shall prove the same by at least two good disinterested witnesses.

This resolution shall take effect from and after its passage.

Ratified the 10th day of January, A. D. 1877.

RESOLUTION FOR THE RELIEF OF CAMDEN COUNTY, FOR THE MAINTENANCE OF A LUNATIC FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

Resolved by the House of Representatives, the Senate concurring, That the public treasurer is hereby authorized and directed to pay to the county commissioners of Camden county, one hundred dollars (\$100.00) for the maintenance of Arthur Burgess, a lunatic of said county, for the year Anno Domini one thousand eight hundred and seventy five.

Ratified the 11th day of January, A. D. 1877.

RESOLUTION IN RELATION TO EXPENSES INCURRED BY THE COMMISSIONERS APPOINTED TO PURCHASE THE WESTERN NORTH CAROLINA RAILROAD.

1. *Resolved by the Senate, the House of Representatives concurring*, That in payment of expenses incurred and services performed, in connection with the purchase of the Western North Carolina Railroad, the public treasurer is authorized to pay out of any moneys in the treasury, not

Treasurer authorized to pay \$100 for Arthur Burgess.

Treasurer authorized to pay R. F. Armfield, J. L. Robinson and John H. Dillard for services rendered.

otherwise appropriated, to Hon. R. F. Armfield, the sum of four hundred and fifty dollars; and to Hon. J. L. Robinson, the sum of three hundred and fifty dollars; and also that to John H. Dillard, for legal services to said commissioners, the treasurer is authorized to pay the sum of one hundred dollars, in addition to the amount heretofore paid; and also that to Hon. W. N. H. Smith, for legal services to said commissioners, the treasurer is authorized to pay the sum of one hundred dollars; also, by allowing Governor Brogden his actual expenses while engaged with said commission.

Gov. Brogden
allowed actual
expenses.

2nd. This resolution shall be in force from and after its ratification.

Ratified the 11th day of January, A. D. 1877.

RESOLUTION IN FAVOR OF HON. THOMAS SETTLE.

WHEREAS, the Hon. Thomas Settle, in pursuance of law, organized the constitutional convention of one thousand eight hundred and seventy-five, which convention met on the sixth day of September; and whereas, it was no part of the judicial duties of the Hon. Thomas Settle, who was then associate justice of the supreme court, but done merely at the request of the legislature: Now therefore,

Preamble.

Be it resolved by the House of Representatives, the Senate concurring, That the treasurer pay to the Hon. Thomas Settle the sum of fifty dollars out of any moneys in the treasury not otherwise appropriated for services and expenses in organizing the said convention.

The treasurer to
pay Hon Thomas
Settle \$50.

This resolution shall take effect from its ratification.

Ratified the 13th day of January, A. D. 1877.

RESOLUTION OF INSTRUCTION TO THE STATE GEOLOGIST.

Preamble.

WHEREAS, Article three, section seventeen of the constitution provides that "the general assembly shall establish a department of agriculture, immigration and statistics, under such regulations as may best promote the agricultural interest of the state;" and whereas, it is of the most supreme importance that the above provision of the constitution should be carefully and strictly observed, so as to develop and protect the great farming interest, by far the most important enterprise in our country, supporting, as it does, our whole system of government; and whereas, with a view of obtaining all practical information necessary to the enactment of such laws as will meet the requirements of the constitution, as well as provide for the best promotion of the agricultural interest of the state, therefore,

State geologist to
furnish statisti-
cal information.

Resolved by the Senate, the House of Representatives concurring, That the state geologist be, and is hereby requested to furnish the general assembly, at as early a day as possible, with all such statistical information as, in his opinion, will be of service in the organization of a "department of agriculture."

To furnish any
information nec-
essary.

Resolved, further, That he also be requested to furnish such information as, in his opinion, will be of advantage in the enactment of such laws as will furnish protection to our farmers from the great impositions they are now suffering in the purchase of worthless and spurious fertilizers.

Ratified the 13th day of January, A. D. 1877.

RESOLUTION RELATIVE TO THE BURIAL EXPENSES OF P. M. WINCHESTER.

Resolved by the House of Representatives, the Senate concurring, That the auditor audit, and the treasurer pay ^{Treasurer to pay} the account for the burial expenses of P. M. Winchester; ^{\$100.} also, the expenses of taking the body to its final resting place at his home, "the same being one hundred dollars."

This resolution shall be in force from and after its ratification.

Ratified the 13th day of January, A. D. 1877.

RESOLUTION IN FAVOR OF THE NEWS PUBLISHING COMPANY.

Resolved by the House of Representatives, the Senate concurring, That the auditor of the state be directed to audit, and the treasurer of the state to pay to the News Publishing Company, out of any moneys not otherwise appropriated, the sum of fourteen dollars for blank books furnished for the use of the House. ^{Treasurer to pay} ^{\$14.}

Resolved, That this resolution go into effect from and after its ratification.

Ratified the 22nd day of January, A. D. 1877.

JOINT RESOLUTION RAISING A JOINT COMMITTEE TO TAKE INTO CONSIDERATION THE QUESTION OF DIVIDING THE STATE INTO NINE JUDICIAL DISTRICTS.

Resolved by the House of Representatives, the Senate concurring, That a joint select committee, of five on the part of the house and four on the part of the senate, be appointed by the presiding officers of the respect- ^{Committee to con-} ^{sider the question} ^{of dividing the} ^{state into nine} ^{judicial districts.}

ive houses, to take into consideration the question of dividing the state into nine judicial districts, and that they be authorized to report by bill or otherwise.

Ratified the 22d day of January, A. D. 1877.

RESOLUTION IN RELATION TO THE LEASE OF THE NORTH CAROLINA RAILROAD.

To investigate securities.

Resolved by the Senate, the House of Representatives concurring, That a committee of three on the part of the house, and two on the part of the senate, be appointed, whose duty it shall be to investigate the character of the securities given by the Richmond and Danville Railroad Company for the lease of the North Carolina Railroad, and to report to this legislature whether or not the state's interest is thereby amply and sufficiently secured and protected.

Ratified the 23rd day of January, A. D. 1877.

RESOLUTION IN FAVOR OF SPECIAL COMMITTEE APPOINTED TO INVESTIGATE AFFAIRS OF WESTERN NORTH CAROLINA RAILROAD AND WESTERN INSANE ASYLUM.

Treasurer authorized to pay committee.

SECTION 1. *The General Assembly of North Carolina do resolve,* That the treasurer be and he is hereby authorized and directed to pay to W. C. Troy, chairman, the sum of two hundred and eighty-one and seventy one-hundredths dollars, being the amount of per diem at four dollars per day, while actually on duty, and the actual necessary expenses of the committee appointed to investigate the affairs of the Western North Carolina Railroad, and the Western Insane Asylum.

SEC. 2. This resolution shall take effect from date of its ratification.

Ratified the 23d day of January, A. D. 1877.

RESOLUTION RELATIVE TO MESSAGE AND INAUGURAL ADDRESS OF
GOV. VANCE

Resolved by the Senate, the House of Representatives concurring, That seven hundred copies of the inaugural address and the message of His Excellency, Z. B. Vance, be printed in pamphlet form for the use of the general assembly.

700 copies to be printed for the general assembly.

Ratified the 26th day of January, A. D. 1877.

RESOLUTION TO RAISE JOINT COMMITTEE.

Resolved by the Senate, the House concurring, That a committee of three from the senate and four from the house of representatives, be appointed, to whom shall be referred the memorial from the agricultural societies and the trustees of the University, together with that portion of the governor's message relating to same: and that said committee be authorized to visit Chapel Hill in the consideration of the purposes contained in the memorial.

Memorial from the agricultural societies and University.

Ratified the 26th day of January, A. D. 1877.

RESOLUTION TO REPEAL RESOLUTION IN REGARD TO M. S. LITTLEFIELD,

Resolved by the General Assembly of North Carolina, That resolution number —, ratified the twenty-fifth day of January, Anno Domini, one thousand eight hundred

M. S. Littlefield.

and seventy-one, authorizing the governor of the state to offer a reward of five thousand dollars for the arrest and delivery of Milton S. Littlefield, be and the same is hereby repealed.

Batified the 26th day of January, A. D. 1877.

RESOLUTION APPOINTING A JOINT COMMITTEE ON PUBLIC CHARITIES.

Resolved by the House of Representatives, the Senate con-
 Joint committee. *curring,* That in accordance with the request of the board of public charities, expressed in their report, a joint committee of public charities be appointed, consisting of five on the part of the house and three on the part of the senate, to whom shall be referred all communications from the said board of public charities, with authority to report by bill or otherwise, upon all such communications.

Ratified the 26th day of January, A. D. 1877.

RESOLUTION IN RELATION TO MILEAGE AND PER DIEM OF H. C. MADDRY, MEMBER OF THIS HOUSE FROM HERTFORD COUNTY.

The General Assembly of North Carolina do resolve, That
 Treasurer to pay H. C. Maddry. the treasurer of the state be instructed to pay, upon the warrant of the auditor, to H. C. Maddry, present sitting member from Hertford county, mileage and per diem from the beginning of the present session, as allowed to other members of the house of representatives.

Ratified the 26th day of January, A. D. 1877.

RESOLUTION EMPOWERING THE GOVERNOR TO EMPLOY CLERICAL ASSISTANCE IN HIS OFFICE.

Resolved by the House of Representatives, the Senate concurring, That the governor be empowered to employ clerical assistance for the executive department, when he may deem it necessary: *Provided,* The sum expended shall not exceed in amount the sum of six hundred dollars per annum.

Clerical assistance for the executive department.

Proviso.

Resolved, That this resolution shall take effect from and after its ratification.

Ratified the 31st day of January, A. D. 1877.

RESOLUTIONS CONCERNING THE RELATIONS BETWEEN THE WHITE AND COLORED PEOPLE OF THE STATE.

WHEREAS, in the providence of God, the colored people have been set free, and this is their country and their home, as well as that of the white people, and there should be nothing to prevent the two races from dwelling together in the land in harmony and peace;

Preamble.

WHEREAS, we recognize the duty of the stronger race to uphold the weaker, and that upon it rests the responsibility of an honest and faithful endeavor to raise the weaker race to the level of intelligent citizenship; and

WHEREAS, the colored people have been erroneously taught that legislation, under democratic auspices, would be inimical to their rights and interest, thereby causing numbers of them to entertain honest fears in the premises,

The General Assembly of North Carolina do resolve, That while we regard with repugnance the absurd attempts, by means of "civil rights" bills, to eradicate certain race distinctions, implanted by nature and sustained by the

Attempt to eradicate certain race distinctions.

habits of forty centuries; and while we are sure that good government demands for both races alike that the great representation and executive offices of the country should be administered by men of the highest intelligence and best experience in public affairs, we do, nevertheless, heartily accord alike to every citizen, without distinction of race or color, equality before the law.

Resolved, That we recognize the full purport and intent of that amendment to the constitution of the United States which confers the rights of suffrage and citizenship upon the people of color, and of that part of the constitution of North Carolina conferring equal educational privileges upon both races: and that we are disposed and determined to carry out, in good faith, these as all other constitutional provisions.

Ratified the 31st day of January, A. D. 1877.

RESOLUTION IN FAVOR OF THE BILL NOW BEFORE CONGRESS FOR
COUNTING THE ELECTORAL VOTE.

Preamble

WHEREAS, In the opinion of this general assembly, there was grave reason to apprehend that a conflict would ensue between the two houses of congress, growing out of the count of the electoral vote for president and vice-president—a conflict that would result in bloodshed and revolution, and would threaten republican institutions in America; and,

WHEREAS, The bill reported to the two houses of congress by the committees appointed to devise a mode of counting the electoral vote, provides a constitutional and appropriate mode of reconciling all differences arising between the two houses in regard to said count; therefore,

1st. *Resolved by the General Assembly of North Carolina*, That the peace and harmony of the country, and the

Passage of bill
demanded.

perpetuity of its institutions, demand the passage of the bill.

2nd. *Resolved*, That the thanks of the country are due to those members of the committee, without regard to party affiliations, whose wisdom and patriotism united to enable the country to escape the dangers that threatened it.

Thanks to committee.

3rd. *Resolved*, That copies of these resolutions be transmitted to our senators and representatives in congress.

Ratified the 31st day of January, A. D. 1877.

RESOLUTION DIRECTING THE PUBLIC TREASURER TO MAKE A DEMAND UPON THE RECEIVER FOR CONSTRUCTION BONDHOLDERS OF NORTH CAROLINA RAILROAD FOR INTEREST ON THE CONSTRUCTION BONDS OF SAID ROAD, OWNED BY THE STATE.

WHEREAS, The State of North Carolina is the owner of a large number of the construction bonds of the North Carolina Railroad; and,

Preamble.

WHEREAS, The dividends or profits derived from said road have been placed in the hands of a receiver by the United States courts, to be applied to the payment of the interest on said construction bonds:

Resolved by the House of Representatives, the Senate concurring, That the public treasurer be and he is hereby directed to make a demand at once on said receiver for the amount due and applicable to the said construction bonds, now in the hands of the state of North Carolina.

Public treasurer to make a demand on the receiver.

Ratified the 3rd day of February, A. D. 1877.

RESOLUTION TO INVESTIGATE THE AFFAIRS OF THE OFFICE OF
ADJUTANT GENERAL.

Committee to in-
vestigate the af-
fairs of the adju-
tant general.

Resolved by the House of Representatives, the Senate concurring, That a joint committee of three on the part of the house and two on the part of the senate, be appointed to investigate the affairs of the office of adjutant general, and ascertain whether there have been irregularities in the former management of said office, and to inquire whether there has been any loss to the state, and report whether any legislation is needed on account of such irregularities, and that said committee have power to send for persons and papers.

Ratified the 10th day of February, A. D. 1877.

RESOLUTION ON THE SUBJECT OF ASYLUM, IN FAVOR OF RAIS-
ING A JOINT COMMITTEE.

Colored asylum,
female college
and hospital.

Resolved by the Senate, the House of Representatives concurring, That a committee of one on the part of the senate and two on the part of the house, be appointed to visit the colored insane asylum of Edgecombe county, the female college building in Goldsboro and the marine hospital in the city of Wilmington, and other places in that city, and report to this general assembly upon what terms buildings and lands can be obtained, and their adaptation for the purposes of an asylum for the colored insane of the state.

Ratified the 12th day of February, A. D. 1877.

RESOLUTION RELATIVE TO CARPETING THE OFFICE OF THE PRINCIPAL CLERK OF THE HOUSE OF REPRESENTATIVES.

Resolved by the House of Representatives, the Senate concurring, That the secretary of state be, and he is hereby authorized to purchase a carpet for the use of office of the principal clerk of of the house of representatives.

Secretary of state to purchase carpet.

Ratified the 12th day of February, A. D. 1877.

RESOLUTION DIRECTING THE TREASURER OF THE STATE TO PAY THE EXPENSES OF THE COMMITTEE TO INVESTIGATE CERTAIN CHARGES AGAINST THE SOLICITOR OF THE SIXTH JUDICIAL DISTRICT.

Resolved by the House of Representatives, the Senate concurring, That the treasurer of the state be authorized and directed to pay to J. F. Graves, late chairman of the house committee to investigate certain charges against the late solicitor of the sixth judicial district, the sum of two hundred and thirty-eight and fifty one-hundredths dollars, to be used by him in the payment of the witnesses in attendance on the said committee, and the other necessary expenscs of the same.

Treasurer authorized to pay J. F. Graves \$238.50.

Ratified the 13th day of February, A. D. 1877.

RESOLUTION IN RELATION TO THE LETTER-BOOKS OF THE EXECUTIVE OF NORTH CAROLINA.

WHEREAS, The letter-books of the executive of North Carolina, from a period embracing the most important

Preamble.

part of the history of North Carolina, have been detained in the war department of the government of the United States since the close of the late war; and,

WHEREAS, It is highly desirable that these books should be recorded [?] and placed in their proper places in the archives of the state, or, if the books themselves cannot be secured, then the contents thereof transcribed and substituted therefor; therefore,

The governor to
make application

Be it resolved, That the governor of North Carolina make application in the name of the state upon the authorities at Washington, for these books, and in the event that they cannot be recovered, then to have copies of the same made at an expense not to exceed the sum of three hundred dollars, and the copies so made shall be filed in their proper places in the archives of the state to supply the place of the originals.

This resolution shall take effect from and after its ratification.

Ratified the 16th day of February, A. D. 1877.

RESOLUTION AUTHORIZING THE SALE OF THE STATE ARSENAL, AT FAYETTEVILLE.

Resolved by the House of Representatives, the Senate concurring, That G. M. Rose be appointed a special commissioner to sell the state arsenal, located at Fayetteville, N. C., and he is hereby authorized and empowered to sell the same at six months for not less than two hundred and seventy-five dollars, or at public sale, as he may deem best; and he shall prepare a deed for the purchaser, to be signed by the governor, to which shall be affixed the seal of the state. He shall pay in the purchase money to the public treasurer.

G. M. Rose ap-
pointed to sell
state arsenal at
Fayetteville.

This resolution shall take effect when ratified.

Ratified the 16th day of February A. D. 1877.

RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS CONCERNING THE FREEDMAN'S SAVING BANK.

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 Saving and Trust Company," branches of the freedman's savings banks were established in Wilmington, Newbern and Raleigh, in this state, and large amounts of money were deposited in said savings banks by the persons for whose benefit the said institutions were established; and

Preamble.

WHEREAS, By the gross mismanagement of the affairs of said company great loss has been incurred by its depositors, and it has been necessary under the act of congress, approved June twentieth, one thousand eight hundred and seventy-four, to close up the business of said company; therefore

Be it resolved by the House of Representatives, the Senate concurring, That our senators and representatives in congress be, and are hereby requested to use their utmost endeavors to secure an immediate, faithful and honest adjustment of the affairs of said company, and the return to said depositors of all, or as large a portion as can be saved, of their said deposits; and further, to require of the officers and persons responsible for the said mismanagement of said company, and the loss of its funds, a strict account according to law.

The adjustment of all losses.

That a copy of this preamble, and resolution be forwarded to our senators and representatives.

Copies to be forwarded.

Ratified the 21st day of February, A. D. 1877.

RESOLUTION IN FAVOR OF JAMES B. MCPHERSON, TAX COLLECTOR
OF PENDER COUNTY.

Preamble.

WHEREAS, Judgment was taken against James B. McPherson, tax-collector of Pender county, and sureties, upon his official bond, at the late term of Wake superior court, for costs and one thousand dollars penalty for failing to pay into the state treasury the tax due, at the time required by law; and,

WHEREAS, The said James B. McPherson is now ready to make settlement in full with the state treasurer; therefore,

Resolved by the General Assembly of North Carolina, That the said J. B. McPherson be allowed to settle with the state treasurer, and the state treasurer is ordered to settle with the said J. B. McPherson, tax-collector aforesaid, and that the said J. B. McPherson be allowed his mileage and *per diem* and commissions according to law: *Provided,* The said tax collector shall first show a receipt for the payment of all cost incurred.

And be it further resolved, That the said J. B. McPherson, and the sureties on his official bond, be entirely released from the penalty imposed for such failure, when the said J. B. McPherson shall have fully settled with the state treasurer.

Ratified the 21st day of February, A. D. 1877.

RESOLUTION IN FAVOR OF THE "NEWS PUBLISHING COMPANY."

Resolved by the General Assembly of North Carolina, That the public treasurer be directed to pay the "News Publishing Company" (\$28.50) twenty-eight and fifty one hun-

Treasurer directed to pay \$28.50.

dredths dollars, out of any money not otherwise appropriated, for publishing advertisement of the commissioners to purchase the Western North Carolina Railroad, giving notice to holders of claims against said road.

This resolution shall be in force from and after its ratification.

Ratified the 23d day of February A. D. 1877.

RESOLUTION IN FAVOR OF THE PETERSBURG RAILROAD COMPANY.

WHEREAS, The Petersburg Railroad Company, a corporation duly incorporated under and by virtue of the laws of North Carolina, during the year one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, and one thousand eight hundred and seventy-one, paid into the treasury of North Carolina the sum of twelve hundred and six and sixty-six one-hundredths dollars, under protest, the same being demanded of said corporation as taxes due to said state by virtue of the laws then existing; and,

Preamble.

WHEREAS, The said act, or so much thereof as imposed taxes upon said corporation in violation of their charter, was declared by the supreme court of the United States to be unconstitutional and void; now, therefore,

Treasurer authorized to pay
\$1,206.66.

Resolved, That the public treasurer be and the same is hereby authorized to pay to the Petersburg Railroad Company the sum of twelve hundred and six and sixty-six one-hundredths dollars, without interest, out of any money in the treasury not otherwise appropriated.

Ratified the 23d day of February, A. D. 1877.

RESOLUTION IN RELATION TO A SOUTHERN PACIFIC RAILROAD.

Senators and representatives in congress.

1. *Resolved by the Senate, the House of Representatives concurring,* That it is the sense of this general assembly that the early construction of a Southern Pacific Railroad, from the Pacific to the Atlantic coast, will be of immense benefit to the country, and we therefore instruct our senators and request our representatives in congress to favor the passage by congress of such judicious laws as will, in their judgment, secure the building of such a railroad.

Secretary of state to furnish copies.

2. That the secretary of state is requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Ratified the 23rd day of February, A. D. 1877.

RESOLUTION IN REGARD TO REPORT OF STATE GEOLOGIST.

Geologist authorized to furnish copies of his report.

Resolved by the House of Representatives, the Senate concurring, That the state geologist be authorized, on the approval of the governor, to furnish, on application, copies of his report to public institutions, to geologists, and other scientific men, to the extent of one hundred and fifty copies.

Reports on sale.

Resolved, further, That the state geologist be authorized to put the report on sale at two dollars and fifty cents per copy, and that the money raised from the sale of the reports shall be paid by the geologist into the state treasury.

Ratified the 24th day of February A. D. 1877.

RESOLUTION TO COMPEL THE PRESIDENT OF THE WESTERN NORTH CAROLINA RAILROAD TO MAKE REPORT OF THE CONDITION OF THE CLAIM AGAINST M. S. LITTLEFIELD AND G. W. SWEPSON, AND TO REQUIRE THE SECRETARY OF STATE TO SERVE NOTICE, &C.

WHEREAS, Large claims are in the hands of the president of the Western North Carolina Railroad against G. W. Swepson and M. S. Littlefield, in favor of said road, and a portion of the same has been collected; and, Preamble.

WHEREAS, On the — day of December, one thousand eight hundred and seventy-six, this general assembly passed a resolution requiring the said president to make immediate report of the amount collected, and the condition and so forth, of the claims to this general assembly; and,

WHEREAS, No report has been made as required; therefore,

Be it resolved by the House of Representatives, the Senate concurring. That the secretary of state is hereby directed and required to notify the said president of the Western North Carolina Railroad Company that he shall, without further delay, render report as directed in the said resolution; and the notice herein provided for shall be made by a certified copy of the said resolution, together with a copy of this, certified by the said secretary, under the seal of his office, which copies shall be enveloped and addressed to the said president of the said road, and sent by due course of mail to his address. Requiring the president of the Western N. C. R. R. to make certain report.

Resolved further, That should the said president fail, or refuse to make his report as required by the said resolution, that he shall forfeit and pay the sum of five hundred dollars for the use and benefit of said road, to be recovered by suit in the superior court of Wake county, and that on failure it shall be the duty of the attorney general to bring suit for the recovery of the same. Penalty.

Ratified the 27th day of February, A. D. 1877.

RESOLUTION IN FAVOR OF JAMES H. ENNISS.

Public treasurer
instructed to pay
James H. Enniss.

Resolved, by the House of Representatives, the Senate concurring, The treasurer be authorized and directed to pay to James H. Enniss the sum of fourteen dollars and thirty cents for stationery, &c., furnished the house of representatives.

This resolution shall be in force from and after its ratification.

Ratified the 27th day of February A. D. 1877.

RESOLUTION TO PROVIDE ADDITIONAL AID FOR THE ENGROSSING CLERK OF THE SENATE AND THE ENROLLING CLERK.

Additional clerical aid.

Resolved by the Senate, the House of Representatives concurring, That the enrolling clerk of the general assembly, and the engrossing clerk of the senate, be and they are hereby allowed to employ such aid as may be necessary to enable them to finish up the business of their offices by the close of the session, allowing for such services four dollars per day while actually engaged at such service. *Provided,* That the number of assistant clerks shall not exceed the number approved of by the committees on enrolled and engrossed bills.

Proviso.

Resolved, That this resolution shall take effect from its ratification.

Ratified the 27th day of February A. D. 1877.

RESOLUTION IN FAVOR OF W. F. WASSON, FORMER SHERIFF OF
IREDELL COUNTY.

Resolved by the Senate, the House of Representatives concurring, That the treasurer is hereby authorized and instructed, upon the certificate of the auditor, to pay to W. F. Wasson, the former sheriff of Iredell county, the amount of two hundred and sixty dollars and seventy cents, it being the amount wrongfully paid by him in the way of tax into the state treasury for the said county of Iredell in the year of one thousand eight hundred and sixty-nine, on account of having been overcharged with state tax in said year.

Treasurer to pay
W. F. Wasson
\$260.70.

This resolution shall take effect from and after its ratification.

Ratified the 27th day of February, A. D. 1877.

RESOLUTION IN FAVOR OF W. H. GENTRY, SHERIFF OF STOKES
COUNTY.

Resolved by the General Assembly of North Carolina, That William H. Gentry, sheriff of Stokes county, be and is hereby allowed to settle with the state treasurer for all taxes due by him to the state for the year of one thousand eight hundred and seventy-six, and that he be relieved from all fines, penalties and forfeitures incurred or chargeable against him by reason of his not settling within the time prescribed by law: *Provided,* he pays the legal cost incurred in the office of the clerk of the superior court of Wake county.

Relieved from all
penalties.

Proviso.

This resolution shall be in force from its ratification.

Ratified the 28th day of February, A. D. 1877.

RESOLUTION TO PAY THE WIDOW OF THE LATE JOHN G. MARLER
THE PER DIEM WHICH ACCRUED TO HIM IN HIS LIFE.

Resolved by the Senate, the House of Representatives concurring, That the auditor of the state his warrant on the treasurer of the state in favor the widow of the late John G. Marler, senator from the thirty-third district, for two hundred dollars, the amount due for fifty days *per diem*, the same to be paid to T. J. Wilson, who is authorized to receipt for the same.

Auditor to issue
warrant for \$200.

Resolved, That this resolution be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1877.

RESOLUTION IN RELATION TO THE ATLANTIC AND NORTH
CAROLINA RAILROAD COMPANY.

Resolved by the House of Representatives, the Senate concurring, That the committee heretofore appointed to investigate the affairs of the Atlantic and North Carolina Railroad be empowered to fully investigate all the affairs of the said company, and that they especially inquire as to all the facts connected with the suit now pending against the said company, instituted by West and others, and that the said committee be authorized to send for persons and papers, and to administer oaths to witnesses, and to take testimony concerning the matters committed to them, and that they report by bill or otherwise the action, if any necessary, to be taken to fully protect the interest of the state in the said company.

Committee may
send for persons
and papers.

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

Ratified the 1st day of March A. D. 1877.

RESOLUTION AUTHORIZING THE ENGROSSING CLERK OF THE
HOUSE TO EMPLOY ONE ASSISTANT.

Resolved by the House of Representatives, the Senate May employ one assistant.
concurring, That the engrossing clerk of the house be authorized to employ one assistant, commencing the thirtieth of December last, for the remainder of the session, at the same *per diem* as now received by other assistant clerks of this general assembly.

This resolution shall be in force from its ratification.

Ratified the 1st day of March, A. D. 1877.

RESOLUTION OF INSTRUCTION TO THE KEEPER OF THE CAP-
ITOL.

Resolved by the Senate, the House of Representatives
concurring, That the keeper of the capitol be, and is hereby authorized to make requisition upon the architect of state penitentiary for material and convict labor to substitute cut stone curbing for the rotten wood now around the walk, on the outside of the capitol fence.

Keeper of the capitol authorized to make requisition, &c.

2. *Resolved, further*, That he be authorized to repair the floor of the aisle, in the south entrance of the capitol.

Ratified the 3d day of March A. D. 1877.

RESOLUTION IN RELATION TO JUSTICES OF THE PEACE.

1. *Resolved by the House, the Senate concurring*, That a committee of thirteen, eight on the part of the house and five on the part of the senate, be appointed by the presiding officers of the two houses, to be known as the com- Committee to be appointed.

mittee on nominations of justices of the peace for the various townships of the several counties of the state.

All nominations to be referred.

2. That all nominations of justices of the peace shall be referred to said committee without debate.

Report separate lists.

3. That said committee shall report a separate list to the house and senate, on Tuesday, March sixth, of the nominations thus made to them, a list of justices of the peace for the various townships of the several counties of the state, designating in said list the term of each nominee.

4. At twelve M. on said Tuesday, the legislature shall proceed to elect said justices, and shall so continue until the election is completed.

Ratified the 3rd day of March, A. D. 1877.

RESOLUTION IN FAVOR OF W. H. SYKES, LATE SHERIFF OF
BLADEN COUNTY.

Resolved by the Senate, the House of Representatives concurring, That the auditor of the state is hereby directed to revise the settlement of public taxes made by W. H. Sykes, late sheriff of Bladen county, for the year one thousand eight hundred and seventy-three, and ascertain if any deduction should be made from the amount paid by the said W. H. Sykes, on account of insolvent claims allowed by the board of commissioners of Bladen county or other amounts allowed to be deducted by law, and draw his warrant upon the treasurer for such amount as the said W. H. Sykes may have paid in excess of the taxes properly due for the year one thousand eight hundred and seventy-three, allowing the sheriff five per centum on the amount actually paid by him into the treasury.

Auditor to ascertain the amount paid in excess of the proper amount.

This resolution shall take effect from its ratification.

Batified the 5th day of March, A. D. 1877.

RESOLUTION LOOKING TO THE ALLOTMENT OF THE JUDICIAL POWERS AMONG THE SEVERAL COURTS OF THIS STATE.

Resolved by the House of Representatives, the Senate concurring, That a joint select committee of five on the part of the house and three on the part of the senate, be appointed, whose duty it shall be to prepare and report, as soon as practicable, a bill or bills, allotting and distributing that portion of the judicial powers and jurisdiction, which does not pertain to the supreme court, among the other courts prescribed in the constitution, or which may have been established by law; providing a proper system of appeals, and regulating the methods of proceeding in the exercise of their powers of all the said courts below the supreme court, as required by section twelve, article four of the constitution.

Select committee to allot the judicial power among the courts of this state.

Ratified the 6th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF W. J. GATLIN.

The General Assembly of North Carolina do resolve, That the treasurer of this state pay to W. J. Gatlin, clerk of the superior court of Hertford county, the sum of fifteen dollars, for five days' services as commissioner to take positions in the contested election case of H. C. Madry against J. J. Horton, and that the auditor be instructed to issue his warrant for said amount upon the ratification of this resolution.

Treasurer to pay W. J. Gatlin.

This resolution shall take effect from its ratification.

Ratified the 6th day of March, A. D. 1877.

RESOLUTION IN RELATION TO PUBLIC ARMS.

Adjutant general
to collect arms,
&c.

Treasurer to pay.

Resolved by the House of Representatives, the Senate concurring, That the adjutant general be required to collect and deposit in the state arsenal, such arms and equipments belonging to the state as are now in unauthorized hands, wherever they may be found, and that the necessary expenses of travel, freight and drayage, incident thereto, be paid by the treasurer of the state upon the warrant of the governor.

Ratified the 6th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF JOHN D. STANFORD, CHAIRMAN
SPECIAL COMMITTEE TO VISIT TARBOROUGH AND OTHER
POINTS, WITH A VIEW TO THE SELECTION OF A SITE FOR
A COLORED INSANE ASYLUM.

Treasurer to pay
John D. Stanford.
Preamble,

Resolved by the General Assembly of North Carolina, That the state treasurer be authorized to pay out of the moneys now in the treasury, to John D. Stanford, chairman of special committee to visit Tarborough and other points, with a view to the establishment of a colored insane asylum in North Carolina, the sum of fifty dollars, actual expenses incurred by said committee while in discharge of that duty.

That this resolution take effect from and after its passage.

Ratified the 8th day of March A. D. 1877.

RESOLUTION IN FAVOR OF JAMES T. HUNTER, SHERIFF OF
ALAMANCE.

WHEREAS, James T. Hunter, sheriff of Alamance county, paid over to the public treasurer of the state, in his regular settlement with said treasurer, the sum of one hundred and ninety-five dollars, (\$195), as the state tax due from the North Carolina Railroad Company, in and for the year anno domini, one thousand eight hundred and seventy-four, in said county; *and whereas*, The said James T. Hunter, sheriff, before collecting the same from the company, was perpetually enjoined by the courts from collecting said tax from the company, and the said payment to the treasurer has become his private loss. Now, therefore,

Preamble.

SECTION 1. *Resolved by the General Assembly of North Carolina*, That the public treasurer be, and is hereby authorized and directed to pay to the said James T. Hunter, sheriff of Alamance aforesaid, out of any moneys in the treasury not otherwise disposed of, the sum of one hundred and ninety-five dollars, deducting the commissions which James T. Hunter has received on said sum.

Resolution in favor of James T. Hunter.

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

Ratified the 9th day of March A. D. 1877.

RESOLUTION IN RELATION TO NECESSARY REPAIRS ON STATE
PROPERTY.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That the keeper of the capitol, under the direction of the governor of the state, be directed at once to cause all necessary repairs to be made on the roof of the capitol.

Keeper of the capitol directed to repair the roof of the capitol.

Instructions to
auditor.

SEC. 2. That the auditor be authorized to audit the above accounts, when approved by the keeper of the capitol.

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

Ratified the 12th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF B. K. DICKEY, OF CHEROKEE COUNTY, AND OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do resolve*, That B. K. Dickey, of Cherokee county, is hereby authorized to purchase, as an occupant, a tract of land in said county, lying in district number four, it being tract number seventy-four, and containing one hundred and nineteen acres, and that the entry-taker of said county is hereby empowered to receive the purchase money therefor, and to certify and receipt for the same.

SEC. 2. That the entry-taker of said county is hereby further authorized to sell all land of a like character, lying in said county, and to receive any sum or sums of money covering the price of the purchase therefor, which shall not be less than the state's prices fixed for such lands.

SEC. 3. That the money arising from the sale of such lands, at a fair sale made of the same, shall be accounted for and paid over to the treasurer as are the proceeds of other vacant lands of said county.

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

Ratified the 12th day of March, A. D. 1877.

Resolution in fa-
vor of B. K. Dick-
ey.

Instructions to
entry taker of
Cherokee county.

Money to be paid
over to the treas-
urer.

RESOLUTION REQUIRING AND PROVIDING FOR THE INDEXING THE JOURNALS OF THE TWO HOUSES OF THE GENERAL ASSEMBLY AND PREPARATION AND INDEXING OF LEGISLATIVE DOCUMENTS.

WHEREAS, a complete index of the journals of the sessions of both branches of the general assembly is essential to the perfect understanding and intelligent use of the same; Preamble.

AND WHEREAS, there is no statutory authority or requirement for such indexing or any provision made for the work requiring such indexing and preparation of legislative documents for printing:

Therefore, the General Assembly of North Carolina do resolve, That the principal clerks of the two houses are directed and required to prepare full and complete indexes of the journals of their respective houses, and to prepare the legislative documents for printing, and index the same after printing as soon as may be practicable after the public printer shall have completed the publication of the same, Principal clerks of the two houses to make index of the Journals, &c.

And it be further resolved, That each of the said principal clerks shall be allowed the sum of fifty-five dollars upon a certificate from the secretary of state that the index shall have been completed, a copy of which being placed on file in his office; and the auditor is hereby directed to issue his warrant for the above amount on the presentation of said certificate. Compensation for services.

This resolution shall go into effect from and after its ratification.

Enacted the 12th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF CLERKS TO THE COMMITTEE ON NOMINATIONS OF JUSTICES OF THE PEACE, AND FOR OTHER PURPOSES.

Resolution in favor of the clerks to the committee on nominations of justices of the peace.

SECTION 1. *The General Assembly of North Carolina do resolve*, That the clerks to the committee on nominations of justices of the peace be allowed compensation as follows, to-wit: to E. F. Page, twenty-eight dollars; to E. F. Smith, twenty four dollars; to L. J. Labarbe, three dollars; to Walton Busbee, three dollars; to R. P. Howell, three dollars; To Wm. M. Russ, three dollars; to George Smith, six dollars; to B. B. Lewis, six dollars; to Richard Granger, for amount paid clerical assistance, six dollars; to the principal clerk of the senate, fifteen dollars for having three copies of tellers' report on election of justices of the peace, estimated at six days' labor.

Instructions to auditor.

SEC. 2. That the auditor be instructed to issue his warrant for the above amounts, and the treasurer to pay the same as soon as this resolution shall be ratified.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION TO REQUEST THE JUDGE OF THE CIRCUIT COURT OF THE UNITED STATES TO REVOKE OR SUSPEND THE ORDER APPOINTING A RECEIVER, &C.

Preamble.

WHEREAS, At June term, one thousand eight hundred and seventy-one, of the United States circuit court for the eastern district of North Carolina, in a certain action wherein Anthony H. Swasey *et al.*, were plaintiffs, and the North Carolina Railroad Company *et al.*, were defendants, it was adjudged and decreed that the North Carolina Railroad Company should pay the dividends due the state, to the holders of certain bonds, and a receiver was appointed to distribute the same under said decree; and,

WHEREAS. The obligations of the state having been settled in regard to the matter in controversy, and the state is desirous of executing its ascertained and declared duties through its own established functions; therefore,

SECTION 1. *Resolved by the General Assembly of North Carolina*, That the treasurer of the state be and he is hereby authorized and directed to pay said dividends in obedience to the decree of said court; and to enable him to do so it shall be the duty of the attorney general and the counsel of the state in said action to request the judge of said court to revoke or suspend so much of said decree as authorizes the appointment of a receiver, and to modify the order of injunction therein made, to the end that said treasurer may receive the dividends as aforesaid and apply the same as herein directed.

Treasurer to pay:

Attorney General to request judge of U. S. court to revoke decree appointing receiver.

SEC. 2. That this resolution take effect after its ratification.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF THE CLERKS AND EMPLOYEES OF THE SENATE.

The General Assembly of North Carolina do resolve, That R. M. Furman, secretary of the senate, be allowed for extra work, one hundred dollars; Nat. Atkinson, assistant to secretary, one hundred dollars; W. G. Lewis, two and fifty one-hundredths dollars per day, thirty-eight days, ninety-five dollars; Richard Granger, enrolling clerk, extra work, twenty-five dollars; W. V. Clifton, employee, thirty-six and fifty one-hundredths dollars; Wm. McLean, employee, twenty-five dollars; John Engelhard, page, forty-eight days, forty-eight dollars; and P. M. Wilson, assistant secretary, one hundred dollars.

Resolution in favor of the clerks and employees of the senate.

This resolution shall take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF RICHARD GRANGER.

Resolution in
favor of Richard
Granger.

Resolved by the Senate, the House of Representatives concurring, That R. Granger be allowed the sum of one hundred dollars for extra services as enrolling clerk of the general assembly, and that the auditor be instructed to draw his warrant upon the treasurer for the amount.

This resolution shall take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF THE CLERKS OF THE HOUSE OF REPRESENTATIVES.

Allowance of \$100
for extra services.

The General Assembly of North Carolina do resolve, That the principal clerk of the house and his assistant, the reading clerk and the engrossing clerk, be each allowed one hundred dollars for extra services rendered the general assembly.

This resolution to take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION TO PRINT AND DISTRIBUTE CERTAIN COPIES OF ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

Public printer
directed to print
and distribute
certain acts.

Resolved by the General Assembly, That the public printer be directed to print and distribute by mail, to the several counties of the state, within twenty days after the

adjournment of the legislature, one copy of the following public acts of the present general assembly to the officers and persons herein named, viz: One copy of act on county government; one copy of act on inferior courts; one copy of act on public schools, amended this session; one copy of act on judicial districts of the state; one copy of act in relation to probate of deeds, and of privy examination of married women; one copy of act on machinery and revenue bills; one copy of act giving jurisdiction to justices of the peace, of actions not founded on contract. To each member of general assembly, one copy; to each sheriff of county, one copy; to each clerk of superior court, one copy; to each register of deeds, one copy; to each board of county commissioners, five copies.

This resolution to take effect from and after its ratification.

Ratified the 12th day of March A. D. 1877.

RESOLUTION ON ADJOURNMENT.

Resolved by the House of Representatives, the Senate concurring, That this general assembly adjourn *sine die* on Monday, the (12th) twelfth of March, one thousand eight hundred and seventy-seven, at twelve (12) o'clock M.

Resolution to adjourn March 12th, 1877.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION TO RAISE A COMMISSION TO EXAMINE THE ACCOUNTS OF THE STATE TREASURER.

Resolved by the Senate, the House of Representatives concurring, That a commission, to consist of two senators and three members of the house of representatives, be ap-

Commission to examine accounts of the state treasurer.

pointed to perform the duties required by section sixty-nine and seventy of chapter seventy-eight of Battle's Revisal, concerning the examination of the accounts of the state treasurer, and that said commission is hereby empowered to assemble for the purpose indicated, at any time it may designate.

Ratified the 12th day of March, A. D. 1877.

A RESOLUTION FOR THE RELIEF OF HON. R. H. CANNON, NOW RIDING THE FIRST JUDICIAL DISTRICT.

WHEREAS, Under the act of the general assembly providing for the rotation of the judges of the superior courts of the state, the Hon. R. H. Cannon, judge of the twelfth judicial district, was assigned to the riding of the first judicial district; and whereas, by reason of the short notice given the said judge under the said act, and the inclemency of the weather, it was impossible for him to reach the county of Currituck, in said first district, until after the sheriff of said Currituck county had adjourned the superior court of said county for the spring term one thousand eight hundred and seventy-seven thereof, and thereby failing to hold the said court; and whereas, the said R. H. Cannon thereby becomes liable to a deduction of one hundred dollars from his salary because of his inability to produce the certificate of the clerk of the superior court of said Currituck county, provided for in section six, chapter one hundred and five of Battle's Revisal; now, therefore,

1st. *Resolved by the Senate, the House of Representatives concurring*, That the said R. H. Cannon, judge as aforesaid, be and he is hereby relieved from the operation of said section six, chapter one hundred and five of Battle's Revisal, in so far as it relates to the spring term, one thousand

Resolution in favor of Hon. R. H. Cannon.

eight hundred and seventy-seven, of the superior court for the county of Currituck.

2nd. That the treasurer of the state be and he is hereby instructed to pay the said R. H. Cannon, Judge as aforesaid, his salary as now provided by law, in the same manner as if the certificate provided for in section six, chapter one hundred and five of Battle's Revisal, had been duly granted by the clerk of the superior court of Currituck county, at the spring term, one thousand eight hundred and seventy-seven, thereof.

Treasurer to pay.

3rd. This resolution to take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

A RESOLUTION AUTHORIZING THE GOVERNOR TO OFFER A REWARD FOR THE ARREST OF TILMOND CRANFORD.

WHEREAS, This general assembly has reliable information that one Tilmond Cranford, of Randolph county, was, for sundry high crimes, outlawed on the twenty-fifth day of February, one thousand eight hundred and seventy-one, and the judgment of outlawry duly published, commanding him to surrender himself to the proper authorities, which he failed and refused to do, and still refuses to do; *and whereas*, The said Tilmond Cranford has succeeded in evading the officers of the law by concealing himself, and continues to commit lawless outrages upon the citizens,

Preamble.

1st. *Resolved*, That the county commissioners of Randolph county be, and he is hereby authorized and empowered by public proclamation, to offer a reward of three hundred dollars for the arrest and delivery, dead or alive, of the body of the said Tilmond Cranford, and if taken alive, to be delivered to the proper authorities

Commissioners of Randolph county authorized to offer a reward.

within the jail door of the county of Randolph, to the end that he may be dealt with as the law directs.

2d. *Resolved*, That this resolution shall take effect from and after its ratification.

Ratified the 12th day of March A. D. 1877.

RESOLUTION IN RLATION TO THE CONFEDERATE CEMETERY.

\$100 appropriated
to the Confed-
erate cemetery.

Resolved by the House of Representatives, the Senate concurring, That the sum of one hundred dollars be, and the same is hereby appropriated for the purpose of marking and re-marking the head-boards of the graves in the confederate cemetery, located near this city.

Secretary of state
authorized to em-
ploy, &c.

SEC. 2. That the secretary of state is authorized to employ some suitable person or persons for the purpose indicated in the first resolution, and draw upon the public treasurer for the sum of one hundred dollars to pay for the same.

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

Ratified the 12th day of March A. D. 1877.

RESOLUTION TO PAY THE GOVERNOR OF THE STATE THE PROCEEDS ARISING FROM THE RENT OF THE PROPERTY KNOWN AS THE GOVERNOR'S MANSION.

Preamble.

WHEREAS, It is directed by section twenty-nine, chapter seventy-eight, Battle's Revisal, that a convenient dwelling house shall be provided for the governor of the state; and whereas, the governor's mansion is in a condition unfit to be occupied by the governor; therefore,

Resolved by the House of Representatives, the Senate concurring, That the rent of the property known as the governor's mansion shall be paid to the governor in lieu of commutation for house rent.

Resolution in favor of the governor.

Ratified the 12th day of March, A. D. 1877.

RESOLUTION IN FAVOR OF H. L. WATSON, TAX-COLLECTOR OF JOHNSTON COUNTY.

Resolved by the Senate, the House of Representatives concurring, That the auditor of the state be, and he is hereby authorized to draw his warrant on the treasurer in favor of H. L. Watson, tax-collector of Johnston county for the year one thousand eight hundred and seventy, for the sum of sixty-one and sixteen one-hundredths dollars, being the amount over paid in his settlement of the taxes for the year one thousand eight hundred and seventy, and as approved and certified to by the register of deeds of Johnston county. *Provided,* The auditor shall find such amount due to the said H. L. Watson, after deducting the commissions paid him on money not actually received into the treasury.

Resolution in favor of H. L. Watson.

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

Ratified the 12th day of March A. D. 1877.

RESOLUTION AUTHORIZING THE TREASURER TO RECEIVE CERTAIN MONEY DEPOSITED BY E. G. HILL, SHERIFF AND TAX-COLLECTOR OF JOHNSTON COUNTY, IN THE RALEIGH NATIONAL BANK.

WHEREAS, E. G. Hill, late sheriff and tax-collector of Johnston county, did deposit five hundred dollars in the Raleigh National Bank, in the year one thousand eight

Preamble.

hundred and seventy, the same to be credited to himself in his settlement of the state taxes for that year; and whereas, the said Hill has never settled his said taxes; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the treasurer of state be authorized to receive and receipt for said five hundred dollars and interest, if any, and that his said receipt shall stipulate that if the said E. G. Hill shall hereafter show that he is legally entitled to said money, then and in that case the treasurer is required to refund the same.

Ratified the 12th day of March, A. D. 1877.

Treasurer authorized to receive certain money.

A RESOLUTION IN FAVOR OF DANIEL R. GOODLOE, COMMISSIONER TO TAKE DEPOSITIONS IN CASE OF GEORGE W. KING AGAINST H. W. CARTER.

The General Assembly of North Carolina do resolve, That the treasurer be instructed to pay Daniel R. Goodloe the sum of thirty-three dollars, for services as commissioner to take depositions in contested election case of George W. King against Hawkins W. Carter, and that the auditor issue a warrant for the same upon the passage of this resolution.

This resolution shall take effect from its passage.

Ratified the 12th day of March A. D. 1877.

Resolution in favor of Daniel R. Goodloe.

RESOLUTION TO ENQUIRE INTO THE DISPOSITION OF THE FUND DERIVED FROM THE STOCK OF THE STATE IN THE NORTH CAROLINA RAILROAD.

WHEREAS, The dividends arising from the stock of the state in the North Carolina Railroad Company, by virtue of an order of the United States Court in the Swasy cases, are paid into the hands of a receiver; and, Preamble.

WHEREAS, A sum amounting in the aggregate to near ten thousand dollars per annum is said to be consumed in legal fees, which said sum is so much money lost to the state; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee of three on the part of the house, and two on the part of the senate, be appointed to ascertain the facts in the case; how much money has been paid out, and to whom; and the said committee shall have power to send for persons and papers, and suggest, by bill or otherwise, if any action can be taken in the premises. To appoint a joint committee.

Ratified the 19th day of February, A. D. 1877.



PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1876-'77.

PRIVATE LAWS

OF THE

State of North Carolina,

SESSION OF 1876-'77.

CHAPTER I.

AN ACT TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE ROCKY MOUNT MILLS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporation known as the Rocky Mount Mills, in Nash county, chartered by the general assembly, and ratified sixteenth day of February, Anno Domini one thousand eight hundred and seventy-four, shall be allowed until the first day of January, one thousand eight hundred and eighty-two, for the purpose of being organized under the provisions of its respective charter. Time allowed for organization.

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

Ratified the 12th day of December, A. D. 1876.

CHAPTER II.

AN ACT FOR THE RELIEF OF THE SHERIFF OF CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That John D. Davis, sheriff of Carteret county, be, and is hereby relieved from all penalties he may have John D. Davis relieved from penalties

Proviso.

incurred by failing to settle with the state treasurer as the law directs, except the costs incurred. *Provided*, He makes settlement with the treasurer by the tenth day of January, anno domini, eighteen hundred and seventy-seven.

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

Ratified the 5th day of January, A. D. 1877.

CHAPTER III.

AN ACT TO MAKE THE CASHIE RIVER A LAWFUL FENCE FROM WINDSOR TO THE RYAN PLACE, IN THE COUNTY OF BERTIE.

Lawful fence.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Cashie River shall be a lawful fence from Windsor, in the county of Bertie, to the Ryan place, in said county.

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

Ratified the 9th day of January, A. D. 1877.

CHAPTER IV.

AN ACT TO INCORPORATE THE "WINSTON COLLEGIATE INSTITUTE."

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Simon Einstein, E. F. Albritton, James A. Pridgen, M. Harvey, John F. Wooten, Joseph H. Foy, John R. Phillips, E. P. Loftin, John Tull, Jacob F. Parrott, William F. Stanly, J. G. Cox, Dr. John A. Pollock,

E. F. Cox, A. Oettinger, Nick Hunter, G. E. Miller, A. J. Loftin, William B. Becton, S. H. Loftin, S. B. West, Simon E. Hodges, N. D. Myers, William W. Dunn, and their successors, be, and they are hereby constituted a body politic and corporate by the name and style of "Kinston Collegiate Institute," and by that name shall sue and be sued, plead and be impleaded; shall have perpetual succession and common seal; may acquire by purchase, gift or otherwise, to them and their successors, estates, real and personal, for the use of said collegiate institute, to an amount not exceeding in value the sum of twenty-five thousand dollars, and enjoy all other powers, privileges and immunities incident to bodies corporate of like nature.

Privileges.

SEC. 2. That any five (5) of said corporation may constitute a quorum for transaction of business, and in case of vacancy, by death, removal, resignation or otherwise, any five (5) shall have power to fill such vacancy.

Vacancies.

SEC. 3. That the faculty, by and with the consent of a majority of the trustees, shall have power to confer upon students such marks of honor and distinction as are usually conferred by institutions of learning.

Empowered to confer marks of distinction on students.

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

Ratified the 9th day of January, A. D. 1877.

CHAPTER V.

AN ACT TO INCORPORATE ZENOAH LODGE, NUMBER TWO HUNDRED AND THIRTY-FIVE, INDEPENDENT ORDER "BENI BERTIL," OF TARBORO, EDGECOMBEE CCUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. Whitlock, L. Heilbronner, S. E. Spier, S. Kreslowski, their associates and successors, be and the same are hereby constituted a body politic and corporate, under

Body politic.

Privileges.

the name and style of Zenoah Lodge, number two hundred and thirty-five, (I. O. B. B.) Independent order "Beni Berith," Tarboro, Edgecombe county, and 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; 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.

By-laws.

SEC. 2. That 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 this state, or of the United States, and to enforce the same.

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

Ratified the 12th day of January, A. D. 1877.

CHAPTER VI.

AN ACT TO INCORPORATE REPITON ENCAMPMENT, NUMBER THIRTEEN (13), INDEPENDENT ORDER OF ODD FELLOWS, TARBORO, NORTH CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do canet*, That the Chief Patriarch, and other officers and members of Repiton Encampment, number thirteen, of the Independent Order of Odd Fellows, (I. O. O. F.,) located in the town of Tarboro, in the county of Edgecombe, be and the same are hereby incorporated into a body politic and corporate, under the name and title of "Repiton Encampment, number thirteen. (I. O. O. F.,) 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 and personal property for the benefit of said Encampment 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. Privileges.

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 Encampment is subordinate. By-laws.

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

Ratified the 16th day of January, A. D. 1877.

CHAPTER VII.

AN ACT FOR THE RELIEF OF STOCK RAISERS IN THE COUNTY OF HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do enact*, That all persons residing in the county of Haywood shall have free access to all uninclosed lands which have heretofore been used for the purpose of herding and ranging stock in said county, for the purpose of ranging and herding stock, and any person or persons so ranging or removing stock shall not be subject to any fines or penalties heretofore imposed by law: *Provided*, This act shall not apply to any lands which may hereafter be inclosed. Uninclosed lands.

SEC. 2. All laws and clauses of laws coming in conflict with this act are hereby repealed. Inconsistent laws.

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

Ratified the 13th day of January, A. D. 1877.

CHAPTER VIII.

AN ACT TO EXTEND THE CHARTER OF CERTAIN BANKS.

Banks of Raleigh
and Durham.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter heretofore granted to the bank of Raleigh, in the city of Raleigh, and the bank of Durham, in the town of Durham, be and the same are hereby extended for two years from this date.

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

Ratified the 16th day of January A. D. 1877.

CHAPTER IX.

AN ACT TO REPEAL CHAPTER EIGHTY-ONE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, AND TO RE-ENACT SECTION TWO OF CHAPTER FORTY-SIX, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF DALLAS.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter eighty-one, private laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, is hereby repealed,

Repealed.

and that section two of chapter forty-six, of the private laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, is hereby re-enacted.

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

Ratified the 22nd day of January, A. D. 1877.

CHAPTER X.

AN ACT TO INCORPORATE THE INDEPENDENT ORDER, NUMBER TWO, GRAND LODGE OF THE ORDER OF GOOD SAMARITANS AND DAUGHTERS OF SAMARIA IN AMERICA, OF THE STATE OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That Elisha Merrick, post grand chief, and Dictator M. Clanney, grand chief, and J. P. Hunter, grand deputy grand chief, and John Thomas, grand vice chief, and Anthony Miller, grand secretary, and H. O. Kelley, grand treasurer, and W. H. Banks, grand orator, and Robert Jackson, grand conductor, and Alfred Jordan, grand marshal, and Thomas McRae, grand inside sentinel, and Israel Robinson, grand outside sentinel, and their associates, are hereby declared a body incorporate by the name and style of the "Independent Order, Number Two, Grand Order of the Good Samaritans and Daughters of Samaria, in America, of the State of 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 their own government, which may not be in-

consistent with the constitution, or any laws of the state or the United States.

SEC. 3. *Be it further enacted*, That the said corporation shall have the right to hold and enjoy real estate to an amount not exceeding six thousand dollars (\$6,000) in value.

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

Ratified the 23rd day of January A. D. 1877.

May hold real estate.

Amend section 9 of an act incorporating Davidson college.

Section 13 added.

CHAPTER XI.

AN ACT TO AMEND THE CHARTER OF DAVIDSON COLLEGE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section nine (9) of an act passed by the general assembly of North Carolina, the twenty-eighth day of December, one thousand eight hundred and thirty-eight, incorporating Davidson College, be amended by striking out the word "two," before the word "miles," and insert the word "three;" and by adding to said section the words: "and shall be guilty of a misdemeanor."

SEC. 2. That the following section, number thirteen, be added: That in addition to the number of trustees, now authorized by the charter of said corporation to be elected as therein prescribed, there shall be four trustees elected by the alumni of the college, who shall be elected at the first meeting of the association after the passage of this amendment, to hold office for the same time as prescribed for the other trustees, one of which trustees shall go out of office every year, subject, however, to re-election.

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

Ratified the 23rd day of January, A. D. 1877.

CHAPTER XII.

AN ACT TO INCORPORATE THE BELLEVUE CEMETERY COMPANY.

WHEREAS, In the city of Wilmington, the means for interring the dead in a manner adapted to the present enlightened public sentiment is very limited, except it be attended with expense too great for men of moderate means to sustain; and whereas, it is the desire of this class of citizens to afford their deceased relatives, friends, and all other persons, a place of burial, subject to such laws, rules and regulations as will insure to the living the continued protection of the remains of their dead, and the decent preservation of the grounds, by securing them in perpetuity to the object of their dedication; and whereas, divers citizens of this city of Wilmington are desirous to purchase a tract of land for the purpose of locating thereon a public cemetery and, for the reasons above stated, wish an act of incorporation; and the object being the creation of a public institution deemed worthy of encouragement; therefore,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. R. Black, E. W. Manning, P. H. Smith, James Bagley, John Stewart, J. C. Bornemann, George R. Baylor, T. C. Weisiger, Williamson Hurst, L. C. Thomas, John S. McEachern, John H. Scott, J. H. Jones, S. S. Mints, W. H. Goodman, W. K. Bell, H. J. Mints, W. Turlington, John D. Bellamy, Jr., A. H. Morris, G. A. Peck, G. W. Taylor, W. A. Cumming, D. R. Canady, J. S. Canady, W. P. Canady, W. M. Monroe, J. Ellis, Ira Skipper, J. D. H. Klander, J. W. Barnes, S. Holden, C. C. Parker, James Alderman, J. C. Hines, L. H. Mann, L. J. Thornton, S. G. Hall, S. H. Morton, J. A. Everitt, W. Guianst, J. H. McGrity, E. Wescott, P. H. Smith, and their successors, be and they are hereby created a body politic and corporate, by the name and title of "The Bellevue Cemetery Company," and by that name shall

Body politic.

have perpetual succession, and shall be able and liable to sue and be sued in the courts of law and equity ; may have and use a common seal, shall have power to purchase and hold not exceeding one hundred acres of land, with authority to said corporation to take gifts, devises and bequests for the purpose of improving and ornamenting said cemetery, and to purchase and hold such personal property as may be requisite to carry into full effect the objects of this act.

Officers [and
their powers.

SEC. 2. *And be it further enacted*, That the affairs of said corporation shall be managed by a president and board of directors, seven in number, who shall be elected by the stockholders of said corporation at their annual meeting in April of each year, who shall have power to fill all vacancies in their 'own body, to lay out and ornament the grounds of the company, to lay out and sell, lots; to appoint officers and fix their compensation and to make rules and regulations for the government of lot holders and visitors to the cemetery, and the method of transferring the stock of the company.

Capital stock,]

SEC. 3. *And be it further enacted*, That the capital stock of the company shall be one thousand dollars, divided into fifty shares, each of the par value of twenty dollars.

To prevent the
obstruction of
streets, &c.

SEC. 4. *And be it further enacted*, That no streets, lanes, alleys, roads, or canals of any sort, shall be opened through the lands of said corporation, exclusively used or appropriated to the purposes of a cemetery, unless assented to by the president and directors of said company : *Provided, however*, That nothing herein contained shall authorize said corporation to obstruct any public road, street, lane, or alley now actually opened and used as such.

Proviso.

Defacing tombs,
&c.

SEC. 5. *Be it further enacted*, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone or other structure, or shall wilfully destroy, cut, hack or remove any tree, shrub or plant within the limits of said cemetery, or shall shoot or discharge any fire-arms within the limits of said cem-

cemetery, shall be considered guilty of a misdemeanor, and, on conviction thereof, before any justice of the peace of New Hanover county, shall be punished by a fine in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than fifty dollars, to be recovered in the name of said company, by warrant, for the use of said company, or imprisoned not exceeding thirty days.

SEC. 6. *Be it further enacted*, That the burial lots of said cemetery shall not be subject to sale, under execution for the debts of lot-holders thereof, and the land of the company dedicated to the purposes of a cemetery shall not be subject to taxation of any kind.

To prevent the sale and taxation of burial lots.

SEC. 7. *And be it further enacted*, That a certificate, under seal of the said corporation, of the ownership of any burial lot in the grounds of the said company, shall have the same force and effect as any conveyance from said corporation of said lot would have if executed and recorded as conveyances of real estate are required to be.

Certificate of ownership.

SEC. 8. *Be it further enacted*, That it shall be lawful for said company, from time to time, to set apart, out of the proceeds of sales of lots and fees for interment, such sums as the president and directors may deem judicious, and invest the same in some safe and productive fund, and from time to time re-invest such sums, and the interest accruing on the same, until the gross sum so invested shall form a principal sum of twenty thousand dollars; and the interest thereafter accruing on such principal sum shall be devoted exclusively to the maintenance of said cemetery in good order.

Investments.

SEC. 9. *Be it further enacted*, That so soon as the proceeds from the sales of lots for purposes of sepulture, and from burial fees, shall have been sufficient to pay for the purchase money of the land held by this company, with the interest thereon, together with all such expenses as may have been incurred in buying, inclosing and improving the grounds, the then stockholders shall transfer their entire interest in the grounds used as a ceme-

Holders of burial lots to become entire stockholders.

tery, to the holders of burial lots therein, each lot holder to be entitled to as many shares as he or she has lots, and thenceforth such lot holders shall be the stockholders exclusively of said corporation.

SEC. 10. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 26th day of January, A. D. 1877.

CHAPTER XIII.

AN ACT TO INCORPORATE THE BOARD OF PROVINCIAL ELDERS OF THE SOUTHERN PROVINCE OF THE MORAVIAN CHURCH, OR UNITAS FRATRUM.

SECTION 1. *The General Assembly of North Carolina do enact*, That the present members of the Board of Provincial Elders of the Southern Province of the Moravian Church, or *Unitas Fratrum*, in the United States, to-wit: Emil A de Schweinitz, C. L. Rights and M. E. Grunert, and their successors, as they may be from time to time appointed, in accordance with the constitution, rules and regulations of the said church, as they now exist, or may be hereafter modified or altered, shall be, and are hereby declared to be, a body corporate, to be known by the name, style and title of the "Board of Provincial Elders of the Southern Province of the Moravian Church, or *Unitas Fratrum*," and by that name shall have perpetual succession; be able and capable in law to sue and be sued, plead and be impleaded, in the courts of this state and elsewhere; to have and use a common seal, and to make and establish such by-laws and ordinances as shall be necessary and proper for the regulation of the temporal concerns of the said Southern Province of the said church for the support of acting and superannuated min-

Body corporate.

Privileges.

isters of the said church, for the promotion of religion by education, foreign and domestic missions, and otherwise. *Provided*, That nothing be done in pursuance of the powers and privileges hereinbefore granted contrary or repugnant to this act and the constitution and laws of this state. *And provided, further*, That all the acts of said Board of Provincial Elders of the Southern Province be in conformity to the rules, regulations and principles of the said Moravian Church, or *Unitas Fratrum*, and not in any wise inconsistent with the same.

SEC. 2. That the president of the said board of provincial elders shall be appointed in accordance with the rules and regulations of the said church, and that said board of provincial elders, or a majority of them, may, if they deem necessary, elect or appoint a treasurer and such other officers as may be necessary, at such times and at such places, and to serve for such a period, as they may deem convenient and necessary, or as may be ordered by the regulations or by-laws of the said church.

SEC. 3. That the said board of provincial elders, and their successors, by the name, style and title aforesaid, shall be able and capable in law to purchase, receive, hold and enjoy all such lands, tenements, bequests, annuities and gifts as may be at any time sold, conveyed, bequeathed, given or granted to it, either absolutely or in trust, and have power to sell or otherwise dispose of the same: *Provided*, That the said incorporators shall not at any time have to their own use, or absolutely possess, lands of a greater yearly value than six thousand dollars.

SEC. 4. That no misnomer of said corporation, and their successors shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

Proviso.

Officers.

Empowered to purchase or receive lands, &c.

Proviso.

No misnomer shall annul any gift.

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

Ratified the 26th day of January, A. D. 1877.

CHAPTER XIV.

AN ACT TO ENABLE RAILROAD, MINING AND MANUFACTURING COMPANIES TO PURCHASE STEAMBOATS TO BE USED IN CONNECTION WITH SUCH ROADS AND BUSINESS.

Preamble.

WHEREAS, It is expedient that the several mining, manufacturing and railroad companies of this state be granted every proper facility for the improvement, extension and increase of their business; therefore,

Railroad and other companies may own steamboats.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for any mining, manufacturing or railroad company, in this state alone, or in conjunction with other companies or persons to purchase or procure, or to own an interest in steam vessels, in connection with the said railroads of this state, or their connective railroads, for the transportation of freights and passengers between any ports in the Atlantic ocean, or on the bays, sounds or rivers, or other navigable waters that flow into or are in any way connected with said ocean, and subscribe to the capital stock of any navigation companies that are now, or may hereafter be, engaged in such transportation: *Provided*, That whatever such mining, manufacturing or railroad company may do, under and by virtue of this act, be authorized by a majority of the votes of its stockholders.

Proviso

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

Ratified the 26th day of January, A. D. 1876.

CHAPTER XV.

AN ACT TO INCORPORATE THE FRANKLINSVILLE MANUFACTURING COMPANY, IN RANDOLPH COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Hugh Parks, Benjamin Moffitt, Eli N. Moffitt, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of the Franklinsville Manufacturing Company, for the purpose of manufacturing cotton, wool, and all such other articles as they may choose, on Deep River, in Randolph county, with the privilege to buy and sell goods, wares and merchandise, in order to enable them to conduct their manufacturing operations with advantage and profit, and to purchase and hold all such real estate as they may deem necessary or convenient for conducting their operations. Body politic.

SEC. 2. That said corporation shall have perpetual succession, the right to sue and be sued, plead and be impleaded in their corporate name, in any and all the courts of this state, and shall enjoy all the rights and privileges usually incident to such corporations. Privileges.

SEC. 3. That it shall be the duty of said corporation to keep a full and fair record of their proceedings, in a book or books to be kept for that purpose, and to produce the same in any court of record whenever so required by such court. Duties.

SEC. 4. That the capital stock of said company shall be not less than twenty thousand dollars, and not more than one hundred thousand, in shares of five hundred dollars each. Capital stock.

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

Ratified the 26th day of January, A. D. 1876.

CHAPTER XVI.

AN ACT CONCERNING THE WILMINGTON MUTUAL INSURANCE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act of the general assembly, being chapter two hundred and five, of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, entitled 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 Revision, chapter twenty-six, sections forty-two, forty-three and forty-four, in relation to insurance companies, and so forth, ratified the nineteenth day of March, A. D., one thousand eight hundred and seventy-five, shall not be considered as applying to, or operating on the Wilmington Mutual Insurance Company, incorporated by the laws of this state, and that said sections, forty-two, forty-three and forty-four, of chapter one hundred and ninety-nine, of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, shall continue to apply to, and be in full force, so far as said mutual insurance company is concerned, but no further.

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

Ratified the 26th day of January, A. D. 1877.

Insurance law
not applicable to
the Wilmington
Mutual Insurance
Company.

CHAPTER XVII.

AN ACT TO INCORPORATE THE HOOK AND LADDER COMPANY
NUMBER TWO, OF THE CITY OF WILMINGTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That Alex. Sampson, Alchony Howe, Jr., W. J. Kellog, Henry Brewington, Harry Burnard, Henry Walker, Peter Morris, E. McBride, Julius A. Brown, John Burnett, Charles Wilburn, George W. Davis, Sam Merrick, James Robinson, 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 "Hook and Ladder Company, number two, of the city of Wilmington, North Carolina," for the purpose of engaging in the putting out of fires in times of need, in the city of Wilmington, North Carolina; 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 not to exceed in value six thousand dollars. Body politic.

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

Ratified the 26th day of January, A. D. 1876.

CHAPTER XVIII.

AN ACT TO INCORPORATE THE FIRST WARD BUCKET COMPANY, NUMBER ONE, OF WILMINGTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That Emual Nichols, Wesley Lency, Abel Royal, Thomas Roan, Washington Tucker, of the city of Wilmington, and such other persons as now or may hereaf- Body politic.

ter be associated with them, not to exceed eighty men, 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 First Ward 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.

Privileges.

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."

Exempt from jury duty.

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 31st day of January, A. D. 1877.

CHAPTER XIX.

AN ACT TO INCORPORATE WINSTON BAPTIST CHURCH, IN THE TOWN OF WINSTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That C. J. Watkins, Charles Tise, A. H. Jones and J. W. Fawcett, and their successors, be, and they are hereby declared to be a body politic and corporate, under the name and style of the "Trustees of Winston Baptist Church," in the town of Winston; and the said trustees shall have succession, and may have and use a common seal, and be capable in law to sue and be sued, plead and be impleaded, in all the courts of this state; and may take, demand, receive, hold and possess all lands and tenements, moneys, or other property or things whatsoever, which may be given to them by will or otherwise, for the use of the said church, or any school that may be connected therewith; and, generally, to have all the other rights and powers usually pertaining to corporations created for similar purposes.

Body politic.

SEC. 2. That the said trustees shall have power to elect their officers and call them by whatsoever name they may think proper; and in case of the death, refusal or removal from the state, of any of the persons named as trustees in this act, then the remaining trustees, or a majority of them, shall have power to act until such vacancy shall be filled by said church. *Provided*, That not less than three, nor more than five persons shall be trustees under this act.

Election of officers.

Proviso-

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER XX.

AN ACT TO INCORPORATE THE LABORER'S UNION OF WILMINGTON, NORTH CAROLINA.

Body corporate. SECTION 1. *The General Assembly of North Carolina do enact*, That Lymas Riess, Henry Middleton, Fred Williams, Lewis Davis, Paris Jones, Charles Guger, Isaac Stalks, Haywood Turner, Mayor Lee, William Haywood, Robert Russ, Andrew Hill, Sylvester Capps, and their associates, are hereby declared a body corporate, by the name and style of the laborer's union, 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.

By-laws. SEC. 2. 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 and 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 not exceeding six thousand dollars in value.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER XXI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE FARMERS', MECHANICS' AND LABORERS' UNION AID ASSOCIATION, OF NEW HANOVER COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and thirty-six of the private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four be amended as follows, that is to say: in section two, line second, after the word "by," insert the words "president and vice-president;" and in line four, after the word "the," insert the words "president and vice-president;" and in the eighth line, after the word "said," insert the words "president and vice-president;" and section three, line first, after the words "the," insert "president and vice-president;" and section four, line first, after the word "said," insert the words "president and vice-president;" and in section eight, line second, after "than," strike out the words "ten thousand" and insert "five hundred;" in the same line, after the word "than," strike out the words "twenty-five" and insert the words "two hundred."

Chapter 136, laws
of 1873 and 1874
amended.

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

Ratified the 31st day of January, A. D. 1877.

CHAPTER XXII.

AN ACT TO INCORPORATE THE BYNUM MANUFACTURING COMPANY, IN THE COUNTY OF CHATHAM.

SECTION 1. *The General Assembly of North Carolina do enact*, That Luther B. Bynum, George W. Thompson, E. Body politic.

W. Atwater, Mathew Atwater, A. F. Page, their associates, successors and assigns, be, and they are hereby created, a body politic and corporate by the name and style of the "Bynum Manufacturing Company," and by that name and style may sue and be sued, plead and be impleaded in any court of this state; contract and be contracted with; have perpetual succession and a common seal; acquire, own and possess real and personal estate, and shall exist as a corporation for ninety-nine years.

Empowered to erect manufacturing establishments.

SEC. 2. That said corporation shall have power to erect mills and manufacturing establishments for the manufacture of cotton, wool, flax, hemp, silk, iron, brass, steel, wood, meal, flour, and other materials of like or kindred nature, in their various forms.

SEC. 3. That the capital stock of said company shall not exceed the sum of five hundred thousand dollars, and the capital shall be divided into shares of one hundred dollars each.

By-laws.

SEC. 4. The said corporation shall have power to enact and, at any time, alter and amend all by-laws, rules and regulations it may deem necessary for the successful management of its affairs, provide for the sale and transfer of stock, levy and collect assessments, forfeitures, and sell delinquent shares of stock, prescribe the number of directors of said company, and the term of office of the same, and when and where the several meetings of said company shall be held.

Officers appointed.

SEC. 5. That the board of directors shall elect one of their body as president of the company, unless the incorporators shall themselves fill such office. The affairs of the said company shall be managed by the president and directors, who shall have power to fill any vacancies that occur in the board, and shall have full power to appoint all subordinate officers or place men, declare dividends as far as the profits will justify, and make reports to the stockholders agreeable to the by-laws of the company.

May borrow money.

SEC. 6. That said company shall have power, at any time, to borrow money for the prosecution of its legiti-

mate business within the scope of this charter, and secure the same by bond, note or mortgage, as the stockholders may direct.

SEC. 7. That said corporation shall have the privileges specially granted, and also those belonging to like corporations, under the twenty-sixth chapter of the Revised Code, and 26th chapter of Battle's Revisal, entitled "corporations." Privileges.

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

Ratified the 7th day of February, A. D. 1877.

CHAPTER XXIII.

AN ACT TO INCORPORATE THE BIDDLE UNIVERSITY.

WHEREAS, It is desirable to encourage and promote useful knowledge among the freedmen; and, Preamble.

WHEREAS, An institution of learning for their benefit has been established in Mecklenburg county, through the charities of philanthropists; and,

WHEREAS, For a more efficient organization of the same it is desirable to have a charter from the general assembly of North Carolina:

SECTION 1. *The General Assembly of North Carolina do enact*, That Sidney J. Murkland, Luke Dorland, Amos S. Billingsley, Willard Richardson, Samuel Loomis, Stephen Mattoons, John H. Shedd, Robert M. Hall, Daniel H. Sanders and Charles Oliver, and their successors in office, duly elected and appointed as hereinafter provided, be and they are hereby declared a body politic and corporate, in law and in fact, to have continuance for ninety-nine years by the name and style of the Trustees of Biddle University, and by the name and title aforesaid to have perpetual succession and a common seal, and shall Body politic. Privileges.

forever hereafter be persons able and capable in law to take, receive and hold all manner of lands, tenements, rents, annuities and other hereditaments, which, at any time or times heretofore, have been granted, bargained, sold, released, devised, or otherwise conveyed; and the same lands, rents, annuities and other hereditaments are hereby vested in the said corporation and their successors forever; also that the said trustees and their successors, at all times hereafter, shall be able and capable to purchase, have, receive, take, hold and enjoy, in fee simple or lesser estates, or estates, any lands, tenements, rents, annuities, or other hereditaments, by the gift, grant, bargain, sale, alienation, release, confirmation or devise of any person or persons, or bodies corporate or politic, capable and able to make the same; and further, that the said trustees and their successors, under the corporate name aforesaid, shall be able and capable in law to take, receive and possess all moneys, goods and chattels that have been given, or shall hereafter be given, sold, released, or bequeathed by any person or persons for the use of said University, and the same to apply according to the will of the donors; and all such lands, rents, tenements, hereditaments, moneys, goods and chattels of what kind, nature or quality soever the same may be, the said trustees and their successors to have, hold, possess, and use in special trust and confidence, for the purpose of establishing and endowing said University, at the site heretofore selected therefor, in the county of Mecklenburg.

SEC. 2. *And be it further enacted by the authority aforesaid,*

Trustees to provide laws for the University.

That the said trustees, and their successors, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, convey and confirm, to the purchaser or purchasers, such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them, or the will of their devisor does not forbid it; and further that the said trustees and their successors, by the name aforesaid, shall be able and capable in law to sue and be

sued, to plead and be impleaded, answer and be answered in all courts of record whatever, in all manner of suits, complaints, pleas, matters and demands. Trustees to provide laws for the University.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors shall be and are hereby authorized and empowered to make, ordain and establish such by-laws, ordinances and regulations for the government of said University, and the preservation of order and good morals therein, as are usually made in such seminaries, and to them may seem necessary: *Provided,* The same be not repugnant to the constitution and laws of this state or of the United States.

SEC. 4. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors shall have power and authority to make and use a common seal, with such device and inscription as they may think fit and proper, and the same to alter and renew at their pleasure.

NUMBER OF TRUSTEES.

SEC. 5. *And be it further enacted by the authority aforesaid,* That the trustees heretofore named shall have the power to increase their number, not to exceed twenty, and shall have the power to fill all vacancies.

PRESIDENTS AND PROFESSORS.

SEC. 6. *Be it further enacted,* That the trustees shall have the power to appoint a president and such professors and tutors for the several colleges of the said University as they shall think proper, but shall report the election of professors in the theological department to the general assembly of the Presbyterian Church of the United States of America, and the said assembly shall have a veto power thereon.

POWER TO CONFER DEGREES.

SEC. 7. *And be it further enacted by the authority aforesaid,*
 That the faculty of said University, that is, the president and professors, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges or universities: *Provided,* That in conferring such marks of literary distinction they shall be confined to the regular students of the said University, and to such degrees as are usually conferred upon students at the time of graduating.

Marks of literary distinction may be conferred.

Proviso.

OFFICERS OF THE BOARD AND QUORUM.

SEC. 8. *And be it further enacted by the authority aforesaid,*
 That the aforesaid trustees and their successors shall, and may, as often as they shall see proper, according to rules by them to be prescribed, elect out of their number a president, and shall have authority to appoint a treasurer, secretary and such other officers or servants as shall by them be deemed necessary, to continue in office for such time, and to be succeeded by others in such manner, as the trustees shall direct; and further, that not less than five of said trustees shall be required to constitute a quorum for the transaction of business.

Trustees may appoint other officers.

GAMING AND SPIRITUOUS LIQUORS.

SEC. 9. *And be it further enacted by the authority aforesaid,*
 That it shall not be lawful for any person or persons to set up or continue any gaming table, or any device whatever for playing at any game of chance or hazard, by whatever name called, or to receive or use any license to retail spirituous liquors, or otherwise to sell, give or convey to any person any intoxicating liquors, within one mile of said university, and any person or persons who shall offend against the provisions of this act, or any of them, shall be guilty of a misdemeanor.

Unlawful to sell liquor.

LIMITATIONS OF POWER TO HOLD PROPERTY.

SEC. 10. *Be it further enacted by the authority aforesaid,* That the whole amount of real and personal estate shall not, at any one time, exceed in value the sum of two hundred thousand dollars.

Their real and personal estate shall not exceed \$200,000.

SEC. 11. *Be it further enacted,* That whenever said University shall hold and possess lands exceeding in quantity fifty acres, including the University buildings, it shall, for such excess, pay into the public treasury the usual tax.

Whenever University hold lands for more than 50 acres.

SEC. 12. *Be it further enacted by the authority aforesaid,* That this act shall take effect and be in force from and after its ratification.

Ratified the 10th day of February, A. D. 1877.

CHAPTER XXIV.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEVENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact,* That chapter one hundred and seventy-seven of the private laws, passed at the session of one thousand eight hundred and seventy-five, be and the same is hereby repealed.

Chapter 177 of the Private laws of 1875 repealed.

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XXV.

AN ACT TO INCORPORATE GIDEON'S RELIEF BROTHERHOOD,
LODGE NUMBER ONE.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. H. Watson, William B. Hullingsworth, William B. Tomlinson, Jr., James H. Benton, James W. Tomlinson, W. H. Atkinson, and such other persons as may be associated with them, they and their successors, be and are hereby incorporated into a body politic and corporate under the name and title of "Gideon's Relief Brotherhood, Lodge number one," of Fayetteville, and by that name may have succession and a common seal; plead and be impleaded before any court; contract and be contracted with; acquire, hold and dispose of real and personal property not exceeding three thousand dollars in value, for the benefit of said brotherhood, or its members, or the widows and orphans of its said members, and may have all such other rights and privileges as are incident to all benevolent and charitable corporations, and shall have jurisdiction throughout the state, with authority to organize and grant charters to additional lodges; and when not less than seven such lodges are organized the same may meet in convention and form a Grand Lodge of Gideon's Relief Brotherhood, of North Carolina, with jurisdiction throughout the state, with exclusive authority to establish other subordinate lodges for the objects and purposes of said brotherhood.

May hold real
and personal
property.

By-laws.

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

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

Ratified the 12th day of February, A. D. 1877.

CHAPTER XXVI.

AN ACT TO INCORPORATE THE CURRITUCK SHOOTING CLUB.

SECTION 1. *The General Assembly of North Carolina do enact*, That John T. Metcalf, Samuel Thorne, John Dimon, George Gelston and H. O. Havemeyer, and their associates and successors, be and they are hereby constituted a body politic and corporate by the name and style of "The Currituck Shooting Club," for the purpose of shooting wild fowl, 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.

Body politic.

SEC. 2. The said corporation shall have power to acquire, hold, use and dispose of marsh and beach lands in the county of Currituck, in Currituck Sound, and between Currituck Sound and the sea, not exceeding ten thousand acres, and such personal property as may be necessary or desirable for the purposes of the said club: *Provided*, That the 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.

May hold land in Currituck county.

Providso.

SEC. 3. The stockholders shall have power to make such 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 the state or of the United States.

By-laws.

SEC. 4. The principal office or place of business of the said corporation shall be at its club house, on Currituck beach, in Currituck county.

Principal office.

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

Ratified the 13th day of February, A. D. 1877.

CHAPTER XXVII.

AN ACT TO INCORPORATE HUNTING CREEK LODGE, NUMBER TWO HUNDRED AND NINETY-NINE, OF FREE AND ACCEPTED MASONS, IN THE COUNTY OF IREDELL.

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 Hunting Creek Lodge, number two hundred and ninety-nine, of Free and Accepted Masons, be and they are hereby incorporated under the the name and style of Hunting Creek Lodge, number two hundred and ninety-nine 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 recovery, or before any justice of the peace, of this state, contract and be contracted with, acquire, hold and dispose of such real estate and personal property for the benefit of said Bodge as may be required for the convenient transaction of its business.

SEC. 2. 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 13th day of February A. D. 1877.

CHAPTER XXVIII.

AN ACT TO INCORPORATE THE GRAND UNITED ORDER OF BROTHERS AND SISTERS OF LOVE AND CHARITY.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. S. Bookruss, G. W. S.; Ellen Best, G. W. V.

Hunting Creek Lodge.

Laws and regulations.

Body politic.

S.; Sarah Williams, G. T.; J. F. Butler, G. R. S.; Helen S. Johnston, G. W. C.; R. R. Crucey, G. W. C. H.; J. W. Harrell, G. O. S.; H. G. Gasson, D. G. W. S.; Sophia Foulk, D. G. W. V. S.; J. A. Foulk, G. F. S.; L. A. Boon, G. C. S.; Reboia Skinner, G. W. A. C.; Rosetta Bennett, G. J. S.; J. H. Bright, G. M., and George Skinner, G. G. O. Master, and their successors in office, are hereby created a body politic and corporate under the name and style of "The Grand United Order of Brothers and Sisters of Love and Charity," and by that name may have succession and a common seal, and the same change at pleasure; may sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this state; hold and dispose of personal property for the benefit of said order, and also such real estate as may be required for the transaction of its business: *Provided*, All the real estate owned by said corporation shall not exceed in value five thousand dollars.

Real and personal property.

Proviso.

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

By-laws.

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

Ratified the 19th day of February A. D. 1877.

CHAPTER XXIX.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That section four of said chapter be amended so as to read as follows: "the county commissioners shall have power

Commissioners empowered to appoint an overseer to open the road.

to appoint overseers to open said road ; also to collect all 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 interests of the country, to construct said road: *Provided*, That upon application of citizens of said county, interested therein, the commissioners may order a new survey on any part thereof, if, in their judgment, they deem it best for the interests of the citizens."

Proviso.

Ratified the 19th day of February, A. D. 1877.

CHAPTER XXX.

AN ACT TO INCORPORATE THE SOUTH FORK BRIDGE COMPANY, IN ASHE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That T. S. Calloway, G. H. Phillips, John Houck, their associates and successors, are hereby created a body politic under the name and style of the South Fork Bridge Company, with all the powers, rights, privileges and penalties belonging to incorporated companies, not inconsistent with the constitution and laws of this state and the United States.

Body politic.

SEC. 2. That in their corporate capacity and name they shall have power to build a bridge across the south fork of New River, in Ashe county, within two years from and after the passage of this act, and when said bridge is completed they shall have power to collect such tolls from passengers of said bridge as they may determine, subject, however, to the approval of the county authorities of Ashe county, established by law.

May build a bridge.

SEC. 3. That the capital stock of said company shall be not less than one thousand dollars, nor more than

Capital stock.

five thousand dollars, to be divided into shares of five dollars each.

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

Ratified the 21st day of February, A. D. 1877.

CHAPTER XXXI.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That section five, chapter forty-four, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended so as to read as follows: The company shall be allowed for obtaining subscription of stock, and completing the road, two years from the first day of January, one thousand eight hundred and seventy-seven, and said company shall have exclusive control of Valley River and Clay Branch, of Cheoah Turnpike, established by this act.

Time for obtaining subscription of stock, &c.

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

Ratified the 21st day of February A. D. 1877.

CHAPTER XXXII.

AN ACT TO REPEAL CHAPTER TWENTY-SEVEN, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter twenty-seven, private laws of one thousand eight hundred and seventy-four and one thousand

Chapter 27, laws of 1874-'75 repealed.

eight hundred and seventy-five, be and the same is hereby repealed.

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

Ratified the 21st day of February, 1877.

CHAPTER XXXIII.

AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE ATLANTIC, IRON AND STEEL MANUFACTURING COMPANY, INCORPORATED MARCH TWENTY-SECOND, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND TO CHANGE ITS NAME.

Time extended. SECTION 1. *The General Assembly of North Carolina do enact,* That the time for the organization of the Atlantic,

Name changed. Iron and Steel Manufacturing Company, incorporated March twenty-second, one thousand eight hundred and seventy-five, be extended for two years from the ratification of this act, and the name be changed to the "Danbury Iron and Steel Manufacturing Company."

Stricken out. SEC. 2. The name of M. G. Harrison, being a misprint, is stricken out, and that of Bailey P. Williamson is inserted instead thereof.

Capital stock. SEC. 3. The amount of the capital stock be reduced to fifty thousand dollars, with liberty to increase the same from time to time to any amount not exceeding one million dollars, and to reduce the same from time to time to an amount not less than fifty thousand dollars.

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

Ratified the 23rd day of February, A. D. 1877.

CHAPTER XXXIV.

AN ACT TO AUTHORIZE THE EXTENSION OF THE CEMETERIES
SITUATED IN THE TOWN OF WASHINGTON, BEAUFORT COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That each christian denomination possessing a grave yard or cemetery, within the corporate limits of the town of Washington, shall have the power to add thereto one-half town lot, and no more: *Provided*, That the land so attached shall adjoin the place heretofore used as burial grounds, and be included in the same enclosure.

May add one half town lot to each cemetery.

Proviso.

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

Ratified the 23d day of February A. D. 1877.

CHAPTER XXXV.

AN ACT TO REFUND TO THE RICHMOND AND DANVILLE RAILROAD
COMPANY CERTAIN TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the governor, treasurer and auditor be authorized and directed to ascertain and determine what amount of taxes have been unlawfully imposed by the State of North Carolina upon the real estate of the North Carolina Railroad Company, held for right of way, station places and workshop location, and exacted from the Richmond and Danville Railroad Company in violation of the contract above set forth, and when such amount is ascertained the auditor 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 Richmond and Danville Railroad Company the amount to be refunded.

Governor, treasurer and auditor to ascertain the amount of taxes unlawfully imposed upon the N. C. R. R. Co.

The auditor shall issue a warrant.

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

Ratified the 23rd day of February, A. D. 1877.

CHAPTER XXXVI.

AN ACT TO AMEND SECTIONS ONE AND TWO OF CHAPTER THIRTY-SEVEN, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, ENTITLED AN ACT TO INCORPORATE THE TRUSTEES OF OXFORD COLORED EDUCATIONAL ASSOCIATION, OF GRANVILLE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, of the above entitled act, be amended so as to read as follows: That Henry Hester, Lawson Wright, Grandison Young, Benjamin Ridley and Peter Royster, and their successors and associates, are hereby created and constituted a body politic and corporate under the name and style of "The Oxford Colored Educational Association," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with; purchase and hold, in their corporate capacity, such real and personal property as may be necessary and suitable for maintaining a school for boys and girls at Oxford, in the county of Granville, with power by and with the consent of a majority of the members of the association, given at their annual meeting, to make all needful rules, by-laws and regulations for their own government, and the government of their school: *Provided*, That no sectarian school shall be established under the provisions of this act.

SEC. 2. That said board of trustees shall, on the first Thursday in May, one thousand eight hundred and seventy-seven, and annually thereafter, hold a meeting of

Body politic.

Proviso.

Annual meetings

said association for the purpose of transacting such business as may be necessary for the furtherance of the objects of said association, and for the protection of their school property.

SEC. 3. That said board of trustees and their associates, may, by and with the consent of a majority of the members of said association, at any annual meeting, increase their number to twenty. They shall organize by the election of a president, two vice-presidents, a recording and a corresponding secretary, a treasurer, and an executive committee of five, and such other officers, as in the judgment of the association, may be necessary for the proper transaction of business.

Election of officers.

SEC. 4. The trustees and other officers of said association shall hold their offices for twelve months, and until their successors are elected and qualified, and shall have the corporate powers and privileges of like associations.

Term of office.

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

Ratified the 23d day of February, A. D. 1877.

CHAPTER XXXVII.

AN ACT TO INCORPORATE THE BLACK RIVER NAVIGATION COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That C. Howe, Alfred Martin, John C. Myer, Haywood Boykin, E. S. Ward, John Smith, Alrich Adrian and Henry Vollers, and their associates and successors, shall be, and they are hereby constituted, a body politic and corporate by the name of "The Black River Navigation Company," and by that name they and their successors shall have succession, and shall be capable of suing and being sued, of answering and being answered,

To ly politic.

defending and being defended, in all courts and places whatsoever, in all actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal and may change and alter the same at their pleasure.

Capital stock.

SEC. 2. That the capital stock of said company shall be five thousand dollars, with the privilege of increasing the same to twenty thousand dollars, divided into shares of one hundred dollars each.

May build or purchase steam-boats, &c.

SEC. 3. That said company shall have power to build or purchase one or more steamboats, and other necessary tow-boats, flats and lighters, to be employed in navigating the waters of Big Coharie, Black River and Cape Fear, between Lisbon, in the county of Sampson, to Wilmington, and to purchase and hold land on the banks of said river on which to erect all wharves and warehouses requisite for landing and storing all articles transported by said company.

Exclusive right to navigate.

SEC. 4. That in order to induce and enable said company to clear out, improve, and render fit for steamboat navigation, the waters of Big Coharie and Black rivers, above the point on Black river, at which such navigation is now practicable, the said company shall have the sole and exclusive right and privilege to navigate said rivers with steamboats from Point Caswell, in the county of Pender, to all points up said Black river and Big Coharie for the period of fifty years: *Provided*, Said company shall not prevent any person from fishing in said river.

Proviso.

Company forfeits their right unless certain conditions are complied with.

SEC. 5. That unless said company shall complete the improvement mentioned in the last preceding section of this act, as far up as Lisbon, to a degree sufficient to render steamboat navigation safe and beneficial to the public, within five years from this date, and unless said company shall continually thereafter keep said rivers so navigable, the company shall forfeit all rights, privileges and franchises under this act.

By-laws.

SEC. 6. The said company shall have power and authority, from time to time, to make all necessary rules,

regulations and by-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and laws of this State and of the United States, providing therein for the appointment of the officers and managers of said company, the disposition, transfer and mode of representation of its stock, the establishment of rates of freights, and all other matters necessary to carry into effect the objects of this incorporation.

SEC. 7. That this act shall take effect from and after its ratification.

Ratified the 24th day of February A. P. 1877.

CHAPTER XXXVIII.

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

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter seventy-seven, (77) of the private laws of the session of the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, and ratified the third day of April, A. D. one thousand eight hundred and seventy-one, be and is hereby corrected and amended by substituting the word "Flemmington" in lieu of the word "Hemington," wherever it may occur in said act.

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

Ratified the 24th day of February A. D. 1877.

CHAPTER XXXIX.

AN ACT TO INCORPORATE THE TRUSTEES OF HIWASSEE CAMP
GROUND, IN THE COUNTY OF CLAY.Hiwassee Camp
Ground.

SECTION 1. *The General Assembly of North Carolina do enact*, That Hiwassee Camp Ground, near A. J. Barnard's, in the county of Clay, be and the same is hereby incorporated by the name and style of Hiwassee Camp Ground.

Corporate limits.

SEC. 2. That the corporate limits of said camp ground shall extend two miles in each direction from the same.

Intendant.

SEC. 3. That the trustees of said camp ground, and their successors, shall be commissioners of said camp ground, one of whom to be chosen by themselves shall be intendant.

Commissioners.

SEC. 4. That until their successors are organized the Rev. J. S. Brooks, Wm. M. Sanderson, A. M. Bumgarner, John H. Loone and A. L. Petts shall be commissioners of said camp ground, with J. S. Brooks as intendant.

By-laws.

SEC. 5. That said commissioners shall have all powers of a police force, and may establish rules and by-laws for the government of said corporation and maintenance of order and decorum therein, and the removal of nuisances therefrom, with power to provide a common seal, and to recover and hold real and personal estate not exceeding fifteen hundred dollars in value, by purchase or otherwise, not inconsistent with the laws of this state.

Unlawful to sell
spirituous liquors

SEC. 6. It shall be unlawful for any person to sell or give away any spirituous liquors at said camp ground, or within two miles thereof, at any time during worship, and every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof fined not more than fifty dollars or imprisoned not more than thirty days, in the discretion of the court.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER XL.

AN ACT CONCERNING THE SUBSCRIPTION OF BUNCOMBE COUNTY TO THE SPARTANBURG AND ASHEVILLE RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the subscription of one hundred thousand dollars, made on the eleventh day of August, one thousand eight hundred and seventy-five, by C. B. Way and M. E. Carter, agents for Buncombe county, on behalf of said county, to the capital stock of the Spartanburg and Asheville Railroad Company, and the bonds issued and levies of taxes in pursuance thereof, are hereby ratified and confirmed as the lawful and valid subscription and action of the county of Buncombe through proper authority, and binding on the said county accordingly.

Subscription of
\$100,000.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER XLI.

AN ACT TO INCORPORATE ALBEMARLE LODGE, NUMBER SEVENTY-FOUR, INDEPENDENT ORDER OF ODD FELLOWS, HERTFORD, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That Lucullus W. McMullan, William S. Whedbee, Henry C. Stokes, Zach. Toms, W. W. Speight, Richard Q.

Body politic.

Skinner, George D. Newby, Dr. David Cox and James M. Whedbee, and the Noble Grand and other officers and members of Albemarle Lodge, number seventy-four, of the Independent Order of Odd Fellows, located in the town of Hertford, county of Perquimans, state of North Carolina, and their successors, be and they are hereby incorporated into a body politic and corporate under the name and title of Albemarle Lodge, number seventy-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.

Privileges. &c.

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 of the United States, or of the supreme jurisdiction of the order of which said lodge is subordinate.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER XLII.

AN ACT TO REPEAL CHAPTER FIFTY-TWO, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter fifty-two, laws of one thousand eight hundred and seventy-four and one thousand eight hun-

dred and seventy-five, be and that the same is hereby repealed.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER XLIII.

AN ACT TO INCORPORATE HICKORY LODGE, NUMBER THREE HUNDRED AND FORTY-THREE, F. A. A. M.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Worshipful Master, Wardens and members of Hickory Lodge, number three hundred and forty-three, of Free and Accepted Masons, of Catawba county, be and they are hereby constituted a body politic and corporate, under the name and style of Hickory Lodge, number (343) three hundred and forty-three, of Free and Accepted Masons, and 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 property, 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 a corporation of a like nature. Body politic.

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

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER XLIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF HICKORY, IN CATAWBA COUNTY, RATIFIED DECEMBER EIGHTEENTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Chapter 23, Private laws of 1873-'74, amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of chapter twenty-three, of the private acts, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended in line three, by striking out the words "thousand yards" and insert in lieu thereof the word "mile." In section ten strike out all after the word "sidewalks," in line fifteen, down to and including the word "property," in line thirty-four, and insert "they shall enact such special regulations for draining the streets, opening, repairing and preserving the sidewalks, as may in their judgment be expedient or necessary." In section twelve, line three, strike out the words "or within one mile thereof." Amend section fifteen by adding the words "during his absence from the town the board of commissioners shall designate one of their number to act in his stead." Strike out section eighteen and insert "the commissioners, at the first meeting after the election and qualification of the new board, in each and every year, shall appoint one of their number and one citizen of the town, not a member of the board, who, together with the mayor, shall constitute a board of assessors, whose duty it shall be to assess the property taxable in and by the said town, and return a list thereof to the board of commissioners on or before the first day in June following. Any property owner dissatisfied with the assessment of said board may appeal to the board of commissioners at their first meeting after the return of said list." Amend section nineteen, in line three, by striking out the words "after its ratification as afore-

said," and add in lieu thereof "from and after the first Monday in May, one thousand eight hundred and seventy-four."

SEC. 2. That the said act of which this is amendatory, with the amendments passed one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, chapter seventy-three, together with this act, shall continue to be and remain in force from and after the ratification of this act. To continue in force.

Ratified the 27th day of February, A. D. 1877.

CHAPTER XLV.

AN ACT TO INCORPORATE ALLIGATOR LODGE, NUMBER SEVENTY-EIGHT, INDEPENDENT ORDER OF ODD FELLOWS OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Noble Grand, and other officers and members of Alligator Lodge, number seventy-eight of the Independent Order of Odd Fellows, (holding a legal, unreclaimed and valid charter granted by the Right Worthy Grand Lodge of North Carolina), located in Alligator township, Tyrrell county, North Carolina, and their successors, be and they are hereby incorporated into a body politic and corporate under the name and title of Alligator Lodge, number seventy-eight, 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 other corporations. Body politic.

By-laws.

SEC. 2. That 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 North Carolina or the United States, or of the supreme jurisdiction of the order of which said lodge is a subordinate.

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

Ratified the 27th day of February, A. D. 1877.

CHAPTER XLVI.

AN ACT TO INCORPORATE THE BOARD OF TRUSTEES OF THE LILLINGTON ACADEMY, IN THE COUNTY OF PENDER.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. S. Satchwell, Andrew J. McIntire, Gratton Williams, B. C. Bordeaux, Bruce Williams, L. Southerland and G. F. Walker, their associates and successors, are hereby created a body politic and corporate under the name and style of the "Lillington Academy," 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; shall have perpetual succession; 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 as may be necessary for the cause of education and maintaining said school, not inconsistent with the constitution and laws of this state.

Vacancies.

SEC. 2. That in case of death or refusal to act, or removal, 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 three, nor
 more than nine. Proviso.

SEC. 3. That the trustees shall have power to make all
 necessary by-laws for the government of said academy. By-laws.

SEC. 4. That it shall not be lawful for any person to
 sell, give away, or dispose of in any way, any spirituous
 liquors within two miles of the Lillington Academy
 aforesaid. All medical compounds, whether known by
 bitters or any other name, the principal ingredient of
 which is intoxicating liquor or liquors, shall be construed
 to come under the provisions of this act: *Provided*, The
 provisions of this section shall not be construed to apply
 to prescriptions of practicing physicians, to be given
bona fide as a physic only. Sale of liquor
forbidden.

Proviso.

SEC. 5. Any person offending against the provisions of
 section four of this act shall be guilty of a misdemeanor,
 and on conviction thereof, before any justice of the peace,
 shall be fined not more than fifty dollars, or imprisoned
 not more than thirty days. Violation.

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

Ratified the 3d day of March, A. D. 1877.

CHAPTER XLVII.

AN ACT TO INCORPORATE THE CHARLOTTE WAREHOUSE AND COMPRESS COMPANY.

SECTION 1. *The General Assembly of North Carolina do
 enact*, That M. J. Pegram, L. W. Sanders, V. Q. Johnson,
 D. W. Oates, W. C. Blackwood, J. E. Oates, and such
 other persons and corporations as may hereafter associate
 with them, their successors, associates and assigns, be and
Body politic.

they are hereby created a body politic and incorporated as such for the term of ninety-ninety years under and by the name and style of "The Charlotte Warehouse and Compress Company," with all the rights, privileges and powers incident or granted or belonging to corporations as set forth or declared in the first, second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations."

Real and personal
estate.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of storing and compressing cotton and to purchase, hold and convey all such real and personal estate or fixtures as may be necessary, or which may be required for any purpose incident to or connected with the successful conduct of the business aforesaid, or for the convenient accommodation of the officers, managers, employees or other purposes connected with said business, or for the safe keeping and storage of any kind held by said corporation.

Capital stock.

SEC. 3. That the capital stock of said corporation shall be forty thousand dollars, in shares of one hundred dollars each, and said corporation shall have authority to increase said capital stock from time to time to an amount not exceeding, in the aggregate, the sum of one million of dollars (\$1,000,000.00) in shares of like amount, but no such increase of the capital stock shall at any time be made unless authorized by a majority in interest of the then stockholders.

Shall open books
of subscription.

SEC. 4. The books of subscription to the capital stock of said corporation shall be opened in the city of Charlotte, and elsewhere, at such time as a majority of the corporators hereinbefore named shall designate, and any other corporation created and existing by virtue of or under any law or laws of this state is hereby authorized and empowered to subscribe to the capital stock of the corporation by this act created, and to become a stockholder of such number of the shares of the same as a majority in interest of

the stockholders of any such other corporation may determine.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER XLVIII.

AN ACT TO INCORPORATE THE TRUSTEES OF THE WENTWORTH MALE ACADEMY, IN THE COUNTY OF ROCKINGHAM.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. M. Ellington, J. D. Ellington, T. A. Ratliff, Jesse Carter, James W. Reid, A. J. Boyd and William B. Ratliff, their associates and successors, are hereby created a body politic and corporate under the name and style of the trustees of Wentworth Male Academy, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold, enter upon and possess in their corporate capacity, property real and personal, such as may be necessary and suitable for maintaining a school of high grade in or near the town of Wentworth, in the county of Rockingham, with power to make all needful rules and regulations for their own government and that of said academy, and shall have continual succession in such capacity. Body politic.

SEC. 2. That in case of vacancy occurring in said board of trustees it shall be filled by appointment by the remaining members thereof. Vacancies.

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

Ratified the 5th day of March, A. D. 1876.

CHAPTER XLIX.

AN ACT TO REMOVE OBSTRUCTIONS FROM AND TO PROVIDE FOR
THE PASSAGE OF FISH IN THE CATAWBA RIVER.

SECTION 1. *The General Assembly of North Carolina do enact*, That no person shall place or allow to remain in the Catawba river between the South Carolina line and that point on said river nearest to Old Fort in McDowell county nor in the Yadkin (or Pee Dee) river from the South Carolina line to Patterson's factory in Caldwell county, any obstruction whatever to the free passage of fish, (unless such obstruction shall leave a free and open passage for fish of not more than seventy-five nor less than thirty feet at any one point, or in case it may be necessary to have more than one such passway in the same dam, then all openings not to exceed one hundred feet; and where there may be such obstruction on both sides of any island or shoal belonging to the same or different persons then the opening of said dams or shoals shall be as above prescribed in both channels) 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.

To prevent obstructions.

Penalty.

SEC. 2. That at any time or on application of five or more responsible citizens, the county commissioners of any county bounded by either of said rivers or through which they may run or either of them between the points named in section one of this act, shall examine any dam in said rivers and after written notice to the parties interested shall decide what would be a suitable fish-way in said dam. The owner or owners of any dam shall construct such fish-way as may be described and required by the county commissioners; and on failure to comply with such requirement the said owner or owners shall be guilty of a misdemeanor and on conviction shall be fined

May examine dams.

one hundred dollars per day for every day that said dam or obstruction is permitted to remain without such fish-way. Penalty.

SEC. 3. That if any person or persons shall place any impediment in or near such fish-way that may hinder or obstruct the free passage of fish, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars, nor exceeding five hundred dollars, or may be imprisoned not exceeding thirty days, or both, in discretion of the court for each offence. Obstructing the passage of fish.

SEC. 4. That any person or persons who shall take any scaled fish from the waters of said rivers, by any means, except hook and line during the spawning season, to-wit: from the first day of May to the tenth day of June of each and every year for the period of two years, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars nor more than three hundred dollars or may be imprisoned not exceeding thirty days, or both, in the discretion of the court, for each offence. Spawning season

SEC. 5. That whenever any person shall decline to remove the obstructions which prevent the free passage of fish on said rivers on account of any claim to the ownership of the bed or channel of said rivers, and if, for any cause, the same cannot be purchased from the owner at a reasonable price, the county commissioners of the county wherein said owner's land is situated shall condemn the same as follows: The sheriff or sheriffs of the county or counties in which the bed or channel of the rivers proposed to be condemned shall be situated, shall, at the request of the commissioners of the county or counties, summon five disinterested freeholders, who shall ascertain the value of the property so proposed to be condemned, under oath, to be administered by any justice of the peace, and upon payment, or tender, by said commissioners, of the amount so assessed, the title of the Persons refusing to remove obstructions.

property so condemned and appraised shall forever be vested in the State of North Carolina, and hereafter no person shall ever be permitted to enter or otherwise obtain a title to any portion of the bed or channel of said rivers.

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

Conflicting laws.

SEC. 7. That this act shall take effect from and after the first day of May, Anno Domini, one thousand eight hundred and seventy-seven.

Ratified the 5th day of March, A. D. 1877.

CHAPTER L.

AN ACT TO AMEND SECTION THREE (3) OF CHAPTER TWO HUNDRED AND FORTY-ONE (241) OF PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, ENTITLED "AN ACT TO ALTER THE TIMES OF HOLDING THE SUPERIOR COURTS IN THE SECOND JUDICIAL DISTRICT "

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of chapter two hundred and forty-one, (241) laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended by adding the following proviso: *Provided, however*, That nothing in this act shall be so construed as to change, alter, modify or repeal any of the provisions of an act ratified the twenty-sixth day of January, A. D. one thousand eight hundred and seventy-four, public laws, entitled "an act to create an additional term of the superior court for Edgecombe," except so far as to change the time of holding the said entitled term from the third Monday after the fourth Monday in January in each year.

Proviso.

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

Ratified the 5th day of March A. D. 1877.

CHAPTER LI.

AN ACT IN RELATION TO THE ROANOKE AND TAR RIVER AGRICULTURAL SOCIETY.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections ten, twelve and twenty-six, chapter one hundred and eighty-five of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, shall not apply to persons doing business within the grounds of the Roanoke and Tar River Agricultural Association during the annual exhibitions of said association.

During the annual exhibition.

Ratified the 5th day of March A. D. 1877.

CHAPTER LII.

AN ACT TO ALLOW THE CITIZENS OF WATAUGA AND CALDWELL COUNTIES TO PASS THROUGH THE TOLL-GATES ON THE CALDWELL AND WATAUGA TURNPIKE ROAD FREE OF TOLL.

SECTION 1. *The General Assembly of North Carolina do enact*, That all the citizens of Watauga and Caldwell counties shall hereafter have the right to pass through the toll-gate on the Caldwell and Watauga Turnpike road, in Caldwell county, free of toll.

Free of toll.

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

Ratified the 5th day of March A. D. 1877.

CHAPTER LIII.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW LANDS
OF THE MUDDY FORK OF LOWER LITTLE RIVER IN ALEXANDER
COUNTY.

Commissioners.

SECTION 1. *The General Assembly of North Carolina do enact*, Wm. J. Herrington, Sion H. Rogers, Alfred Eckhard, A. A. Hill and James Watts be appointed commissioners whose duty it shall be, as soon as practicable, to lay off the Muddy Fork of Lower Little river, in Alexander county, from the mouth of the said stream, at the head of Bell's mill pond to that point where the said stream crosses the line of the John Jolly's farm, at the lower end of the said farm, into sections of convenient length, and to appoint one overseer for each section who shall hold his office for a term of two years, and who shall be a land owner in the section for which he is appointed an overseer.

Vacancies.

SEC. 2. That a majority of said commissioners shall have power to elect one of their own number chairman and may fill vacancies in their own number or that of overseers, and in case they shall fail or neglect to fill vacancies, occasioned by death or otherwise, the board of county commissioners of said county shall on application being made appoint commissioners and overseers for the purposes herein mentioned.

To estimate the number of acres belonging to each land owner.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land owner on the said stream, between the points mentioned in section first of this act, and lying within one-fourth of a mile of the main channel of said stream, whether said bottom land be immediately on said stream or on the tributaries running into it, and shall furnish each overseer with a copy of the estimate of his section. And said land owners when required by the overseer of the section.

in which their land lies, and upon a notice of five days by the said overseers, shall furnish one efficient hand with appropriate tool, such as he shall be notified by the overseer to furnish for every ten acres of bottom land owned by him, and so estimated, and in that proportion for any number of acres less than ten, and on failing so to do shall forfeit and pay two dollars per day for failure on each hand, which may be recovered by said overseer by warrant, as in case of failure to work on public roads.

SEC. 4. It shall be the duty of the commissioners, in laying off the river into sections as provided for in section first of this act, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them, within the estimate provided for in the last section as equally as may be, and to allot to the overseer of each section the hands required of the owners of the bottom lands embraced in his section.

Distribution of labor.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections not less than four nor more than twenty-four days, at the discretion of the commissioners, on the channel of the said stream, with power to straighten the same when necessary to remove obstructions, and to improve the banks thereof, when necessary, under such directions as said commissioners may prescribe.

Overseers to remove obstructions when necessary.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber, or otherwise obstruct the waters in the channel of said stream between said points of said boundary, and shall permit the same to remain for the space of twenty days, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be fined not less than five and not more than ten dollars: *Provided*, That if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section in which the offense was committed, before a presentment

Wilful obstruction.

Proviso.

is made of the same, he or they shall not be liable to indictment for said offense.

Money arising
from penalties,
&c.

SEC. 7. That all moneys arising from failure to work on said stream, and all penalties collected under the provisions of this act, shall be paid over to the overseers of the section in which it may arise, and by him shall be expended in improving and deepening the channel of said stream : and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten nor more than twenty dollars: *Provided*, That no person shall be required, without his consent, to serve as an overseer more than one term of two years at one time.

Proviso.

Building of bridges,
roads, &c.

SEC. 8. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream, or private bridges or water gates by the land owners on their own lands for their own convenience: *Provided*, That it shall be the duty of the overseer provided for in this act, in whose section it shall occur, to build and keep in repair with the labor allotted to him any public bridge on any public road crossing said stream, the necessity for which shall be created by the drainage provided for in this act.

Proviso.

Not exempt persons
from working
on the road.

SEC. 9. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public roads.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER LIV.

AN ACT CONCERNING THE TAKING OF FISH IN LITTLE CONTENTNEA CREEK AND SANDY RUN SWAMP IN PITT COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person or persons to take fish from the waters of Little Contentnea creek and Sandy Run swamp, in Pitt county, with set or skim nets or to muddy the waters of said streams for the purpose of taking fish, at any time, without the consent of the owners of the land along said streams.

Unlawful to take fish with set or skim nets.

SEC. 2. That the provisions of this act shall apply only to the waters of Little Contentnea creek, from its head to Adams' bridge, in Contentnea township, and to the waters of Sandy Run swamp from its junction with Middle swamp to its mouth.

Shall only apply to Little Contentnea creek.

SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than ten dollars or imprisoned not more than thirty days.

Penalty.

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

Ratified the 5th day of March, A. D. 1877.

CHAPTER LV.

AN ACT TO INCORPORATE THE NORTH CAROLINA BAPTIST STUDENTS' AID ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of assisting indigent young men who may be desirous of pursuing a course of study at Wake Forest College, in the county of Wake and State

Body politic.

of North Carolina, W. G. Simmons, J. C. Scarborough, L. W. Bagley, I. W. Denmark, W. O. Allen, L. R. Mills, W. B. Royal, C. E. Taylor, W. M. Wingate, W. T. Brooks, T. H. Pritchard, C. T. Bailey, F. M. Purefoy, J. E. Ray, J. S. Purefoy, N. B. Cobb and their associates be, and they are hereby created, a body politic and corporate under the name and style of "The North Carolina Baptist Students' Aid Association," and under this name and style they shall have perpetual succession and a common seal, and shall be able and capable in law to sue and be sued, plead and be impleaded, in all the courts of this state.

Real and personal property.

SEC. 2. That the North Carolina Baptist Students' Aid Association shall have power to take and hold by gift, grant, bequest, devise, purchase or otherwise, all kinds of property, real, personal and mixed, and may demand, hold and possess rents and tenements in special trust and confidence, and may purchase, hold and dispose of all chattels and real estate, and apply the same, together with the profits arising therefrom, to the purpose aforesaid: *Provided*, That the value of the real and personal property held as aforesaid shall not exceed twenty-five thousand dollars.

Proviso.

Election.

SEC. 3. That the stockholders of the North Carolina Baptist Students' Aid Association shall have power to elect from their own number, at their regular annual meeting, a board of directors, and may prescribe the number, qualifications and powers of the directors; fix the time and place of holding the regular meetings of the stockholders, and make such rules and regulations, not inconsistent with the laws of the land, as they may deem expedient for the government of the corporation and the transaction of its business.

Exempt from taxation.

SEC. 4. That all the property belonging to the North Carolina Baptist Students' Aid Association shall be exempted from all kinds of public taxation.

In case of disbandment.

SEC. 5. That if the North Carolina Baptist Students' Aid Association shall, at any time disband, or cease to

exist, all its property, real, personal and mixed, shall be turned over to and become the property of the trustees of Wake Forest College, to be held by them in their fiduciary capacity.

SEC. 6. That this act shall be in force for the term of ^{When in force.} ninety-nine years from and after its ratification.

Ratified the 5th day of March A. D. 1877.

CHAPTER LVI.

AN ACT TO PROVIDE FOR THE REPAIRING OF QUARANTINE HOSPITAL AT SMITHVILLE.

SECTION 1. *The General Assembly of North Carolina do enact,* That Walter G. Curtis, quarantine medical officer, ^{Repairs.} now in charge of quarantine hospital, at Smithville, North Carolina, be and he is hereby authorized to have any necessary repairing done to said hospital building, the amount not to exceed the sum of one hundred dollars, and for all expenditures made in such repair the said officer is required to deposit with the auditor a proper voucher, upon which the auditor shall issue his warrant upon the treasurer who shall pay the same. That all bills of repairs be approved by the quarantine commissioner.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER LVII.

AN ACT TO INCORPORATE KING'S MOUNTAINS BAPTIST FEMALE SEMINARY, AT SHELBY, NORTH CAROLINA.

Body politic. SECTION 1. *The General Assembly of North Carolina do enact*, That G. M. Webb, A. L. Slough, J. Jenkins, Robert Paston, Andrew Beam, Thomas Kendrick, David Cline, Joseph C. Lattimore, William B. Stroud, Burwell Blanton, B. H. Bridgers, Thomas Wilkins, F. S. Rearson, B. F. Logan, John A. Roberts, Hugh Borders, George M. Green, J. S. Borders, W. A. Wray, P. R. Elem, W. Hennon, Jacob Hogue, F. Dixon, J. R. Logan, W. P. Love, George T. Bostick, Matthew Crowder, Joshua Roberts, E. I. Lovelace, and T. D. Lattimore, and their successors, duly elected and appointed in the manner hereinafter directed, be and they are hereby made and constituted a corporation and body politic, to have perpetual succession by the name and style of the "King's Mountain Baptist Female Seminary."

Trustees. SEC. 2. That there shall not be less than twenty nor more than thirty trustees of said corporation at any one time. That all vacancies occurring in the board of trustees shall be filled by the King's Mountain Baptist Association, of Missionary Baptist, with the concurrence of other trustees already in office.

Real and personal property. SEC. 3. That said corporation shall have a seal, may take and hold real and personal property not exceeding in value fifty thousand dollars each, may sue and be sued and enjoy any and all rights incident to a corporation, and necessary to accomplish the object of its creation, which is to educate the girls of the county in a liberal and thorough course of study.

Books of subscription. SEC. 4. That said trustees may open books of subscription and receive any money or property, by donation or otherwise, and appropriate the same to the use of the seminary aforesaid, and may sell, exchange or dispose of

any of said property in furtherance of the interest of the seminary, when not restrained by conditions in receiving said property.

SEC. 5. That the board of trustees shall have power to elect a president, and professors to teach in the seminary and to remove them for good cause, and to make all necessary by-laws, rules and regulations for the government of the corporation, and to erect suitable buildings in the town of Shelby for a school and such other buildings as they may deem proper, and to exercise a supervision and control over the school when established and put in operation.

SEC. 6. That ten of the trustees shall constitute a quorum for the transaction of business and they may elect a president of the board of trustee, who shall preside, if present, at the deliberations of the trustees and in his absence some one else may preside.

SEC. 7. That whenever property is received by the corporation, by gifts or otherwise, on conditions specified in the deed or other instrument conveying the property and the corporation shall not comply with the conditions, or shall cease to use the property as provided in the conveyance, then the property is to revert to the grantors, his heirs or his assigns.

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

Ratified the 6th day of March A. D. 1877.

CHAPTER LVIII.

AN ACT TO INCORPORATE THE MORAVIAN FALLS ACADEMY,
IN WILKES COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. H. Hubbard, T. V. Parlin, S. H. Bobbitt, Body politic.

D. A. Leach, N. B. Parlin, Joel T. Gilreath, W. C. Meadow, and their associates and successors, are hereby created a body politic and corporate under the name and style of "The Trustees of Moravian Academy," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold, in their corporate capacity, property, real and personal not to exceed six thousand dollars, such as may be suitable and necessary for maintaining a school of high grade, at the place where said academy is now located, with power to make all needful rules, by-laws and regulations for their own government and that of said academy, and under the name and style shall have continual succession for the period of fifty years.

Board of trustees.

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

Unlawful to sell spirituous liquors

SEC. 3. That it shall not be lawful for any person to sell spirituous liquors within one mile of said academy, and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, or both, at the discretion of the court.

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

Ratified the 6th day of March A. D. 1877.

CHAPTER LIX.

AN ACT TO PROVIDE A SUITABLE HOUSE FOR THE GOVERNOR
OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph A. Engelhard, secretary of state ; Thos. S. Kenan, attorney general ; John M. Worth, treasurer, and D. M. Carter and A. B. Andrews, of the city of Raleigh, be and they are hereby appointed a commission on the part of the state for the following purposes :

Commissioners.

SEC. 2. That said commissioners are empowered, authorized and directed to sell, to the best advantage, on such terms, at such times, and in such quantities as they may deem best, the real estate in and adjacent to the city of Raleigh belonging to the state, including the lot or lots on which stands the governor's mansion, and which are not at this time occupied for state purposes.

Authorized to sell the governor's mansion.

SEC. 3. Said commissioners shall have full power to convey by deed any and all of said property to the purchasers thereof, and the deed or deeds so made shall be binding upon the state.

Conveyance by deed.

SEC. 4. The said commissioners shall, with the proceeds of the sale of said property, cause to be erected on the square in said city of Raleigh, known as the Lovejoy lot, or any other belonging to the state in said city of Raleigh, within their discretion, a suitable building and outhouses, with proper inclosure, for the use of and occupation of the governor of the state: *Provided*, That no contract shall be made by the said commissioners for the erection and finishing of said mansion that will cost the state more than five thousand dollars in addition to the amount for which the old mansion and other property in the city, belonging to the state, may be sold.

Proceeds arising from the sale.

Proviso.

SEC. 5. That in the erection of the said buildings the said commissioners are authorized to use such of the convict labor of the state, and such material on hand at the

May employ convict labor.

state penitentiary as they may deem best for the best interest of the state,

May draw upon the state treasurer for an amount not to exceed \$5,000.

SEC. 6. That if the proceeds of the sale of the property aforesaid is insufficient to complete and finish said buildings, then said commissioners are authorized and empowered to draw upon the state treasurer for such amounts as may be necessary not to exceed the sum of five thousand dollars, and the auditor is directed to audit said claims and the treasurer to pay the same.

When finished.

SEC. 7. That said houses, when completed and finished, shall be occupied by the governor of the state.

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

Ratified the 6th day of March A. D. 1877.

CHAPTER LX.

AN ACT TO PROTECT THE AGRICULTURAL INTEREST OF OCCONEECHEE NECK.

To be kept enclosed by a fence.

SECTION 1. *The General Assembly of North Carolina do enact,* That all of that portion of Northampton county lying in the bend of Roanoke river and embraced within the following boundaries, to-wit: beginning on said river at F. S. Faison's fence, next to E. W. Brittle's line, thence a southeasterly course along said fence to the Halifax and Jackson road at Mud Castle, thence east along the fence south of said road and nearly parallel to it to "Wheeler's swamp," at the head of "Bull Hill" mill-pond, thence down the run of said swamp to Roanoke river, thence up said river to first point shall be known as Occoneechee Neck.

SEC. 2. Persons cultivating crops in Occoneechee Neck shall not be required to keep the same enclosed by a fence.

SEC. 3. If any horse, mule, cow, hog, or any line of stock, is found in Occoneechee Neck, on any crop growing or matured and ungathered, it shall be lawful for the owner of said crop, his tenant, cropper, agent or servants, to take and hold possession of the same until double the actual damage done to said crop are paid to the owner thereof, or his agent, together with full compensation for the feeding and care of said stock while so held: *Provided*, Notice of the taking up of such stock shall be given within a reasonable time to the owner or his agent, if known, if not, by a notice posted at the court house door at Jackson and three public places in Occoneechee Neck.

Owners of crops may hold the animal until the damages are paid.

Provido,

SEC. 4. If the owner of stock taken up under section three of this act, or his agent, does not claim the same and pay the damages and charges therein provided within ten days, when personal notice is given, and twenty days where notice is posted as aforesaid, then it shall be lawful to sell the same on the premises, at public auction, to the highest bidder for cash after ten days' notice at the court house door in Jackson and three public places in Occoneechee Neck and apply the proceeds of sale to the payment of the expenses of sale, the damages and charges aforesaid and the surplus, if any, to the owner.

Stock taken up and not claimed.

SEC. 5. If any dispute arises as to the actual damage done a crop by stock taken up under this act, or the charges for keeping the same, the matters may be heard by any justice of the peace in Northampton county at the instance of either party, and during the pendency of such the owner may take possession of said stock upon giving a bond in double the value of the stock held with good and sufficient surety, conditioned to pay the damages and expenses when ascertained, and costs, if the same should be awarded against him.

Dispute as to actual damages.

SEC. 6. This act shall not apply to stock kept north of the fence constituting the northern boundary of Occoneechee Neck unless said fence is kept in good and lawful condition, nor to stock kept east of "Wheeler's swamp," provided a gate is kept up at "Bull hill" mill house, so

Fence constituting northern boundary.

as to prevent stock passing over the bridge across the ruin of said swamp.

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

Ratified the 6th day of March, A. D. 1877.

CHAPTER LXI.

AN ACT REQUIRING BEEF CATTLE, CARRIED TO THE TOWN OF WILMINGTON TO BE WEIGHED.

To be weighed.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor and commissioners of the town of Wilmington be and they are hereby authorized and required to cause live beef cattle, carried to said town for sale, to be weighed before the same are sold in market.

Penalty.

SEC. 2. That any and all persons buying or selling beef cattle in said town, in violation of the first section of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 3. That this act shall be in force from and after the first day of May, one thousand eight hundred and seventy-seven.

Ratified the 6th day of March, A. D. 1877.

CHAPTER LXII.

AN ACT TO PUNISH THE FELLING OF TIMBERS IN THE TENNESSEE RIVER, IN THE COUNTY OF MACON.

Unlawful to fell timbers in Tennessee river.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person wilful-

ly to fell timber in the Tennessee river, in the county of Macon, and that any person who shall be found guilty of the felling of any timber, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified the 7th day of March A. D. 1877.

CHAPTER LXIII.

AN ACT TO INCORPORATE LA GRANGE LODGE, NUMBER SEVENTY, INDEPENDENT ORDER OF ODD-FELLOWS, IN THE COUNTY OF LENOIR.

SECTION 1. *The General Assembly of North Carolina do enact.* That S. B. Parker, Levi Hill, Samuel D. Pope and John L. Hardie, and their associates and successors, are hereby constituted a body politic and corporate under the name and style of "La Grange Lodge, number seventy, 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 said LaGrange Lodge, Independent Order of Odd-Fellows, number seventy, 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 estate and personal property not to exceed six thousand dollars, and to do all such other things as they may think best to carry out the purposes of their organization.

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

Ratified the 7th day of March A. D. 1877.

CHAPTER LXIV.

AN ACT TO INCORPORATE TRENT LODGE, NUMBER TWO, INDEPENDENT ORDER OF MECHANICS, OF THE CITY OF NEWBERN, CRAVEN COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Ethelbert Hubbs, Wm, George Brinson, William B. Boyd, James Marsh Long, J. A. Simpson, Henry T. Foscue, W. H. May and Frederick Rosser, and the other officers and members of Trent Lodge, number two, of the Independent Order of Mechanics, located in the city of Newbern, in the county of Craven, be and they are hereby incorporated into a body politic and corporate under the name and title of "Trent Lodge, Number Two, Independent Order of Mechanics."

SEC. 2 That with the above named they and their associates and successors shall have perpetual succession, and a common seal, sue and be sued, plead and be impleaded, before any court of record or justice of the peace in said state, contract and be contracted with, acquire, hold and dispose of real and personal property, not exceeding the sum of six thousand dollars, 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.

SEC. 3. The said corporation shall have power to pass necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of North Carolina and of the United States.

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

Ratified the 7th day of March, A. D. 1877.

CHAPTER LXV.

AN ACT TO REQUIRE THE TREASURER OF MARTIN COUNTY TO PAY COUNTY ORDERS ACCORDING TO NUMBER.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the treasurer of the county of Martin, in the disbursement of the county funds in payment of the outstanding orders of said county, to pay the same according to number, and it shall not be lawful for the said officers to pay any one of said outstanding county orders until he is assured that all such orders of a prior number have been paid.

Treasurer of Martin to pay county orders by numbers.

SEC. 2. If the said officer should offend against the provisions of this act, he shall forfeit and pay the sum of ten dollars for each offense, to be collected on the suit before a magistrate of any person aggrieved thereby, one-half of said sum to go to the county school fund and the other half to the person suing therefor.

Penalty.

SEC. 3. That this act shall take effect from and after the first day of July, one thousand eight hundred and seventy-seven.

Ratified the 8th day of March A. D. 1877.

CHAPTER LXVI.

AN ACT TO INCORPORATE CUMBERLAND LODGE, NUMBER FIVE,
KNIGHTS OF PYTHIAS, IN THE TOWN OF FAYETTEVILLE, IN
THE COUNTY OF CUMBERLAND.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the chancellor commander, past chancellor, vice chancellor, prelate, master at arms, master of exchequer, master of finance, and keeper of records and seals, and other members, and their successors, of Cumberland Lodge, number five, Knights of Pythias, in the town of Fayetteville, in the county of Cumberland, are hereby incorporated as such, and by that name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, and, in general, to exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

By-laws.

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

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

Ratified the 8th day of March, A. D. 1877.

CHAPTER LXVII.

AN ACT TO AMEND CHAPTER FORTY-FOUR, PRIVATE LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND AUTHORIZE THE CONSTRUCTION OF A BRANCH ROAD FROM HAYESVILLE TO MURPHY, AND TO THE TENNESSEE LINE,

SECTION 1. *The General Assembly of North Carolina do enact*, That J. S. Anderson, W. A. Haigler and G. C. Norton, of Clay county, and B. K. Dickey, J. W. Patton and R. D. McConobe, of Cherokee county, or a majority of them, are hereby appointed commissioners and authorized by themselves, and under the direction of such agents as they may choose or select, to open books of subscription of stock in shares of twenty dollars each to build and construct a turnpike road from Hayesville, Clay county, the most practical route by way of James Carroll's, to Murphy, Cherokee county. Commissioners.

SEC. 2. That as soon as the sum of two hundred dollars has been subscribed, the said commissioners shall, by public notice of at least thirty days, notify the stockholders to meet at some designated place to organize the company, and as soon thereafter as a majority of the stockholders shall decide commence work on said road. When \$200 has been subscribed.

SEC. 3. That the company, when formed, shall have a corporate existence under the name and style of Hayesville and Murphy Turnpike Company, for the term of fifteen years, and in the organization and transaction of the business of the company each stockholder shall have 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 sixteen, nor less than eighteen feet wide. Grade.

SEC. 5. The company shall have two years for obtaining stock and commencing work on said road, and shall have exclusive control of the Hayesville and Murphy branch of Cheoah Turnpike established by this act. Exclusive control

Clay county authorized to subscribe a majority of the stock.

SEC. 6. The board of county commissioners of Clay county are hereby authorized to subscribe a majority of the stock necessary to build that portion of the road in Clay county, and to appoint a proxy to represent the count, in all elections held by said corporations, and in the transaction of all business by said company: *Provided*, Said commissioners shall not subscribe any stock to said road until the same shall have been submitted to and approved by a majority of the qualified voters of Clay county at an election opened and held as now prescribed for the election of state and county officers: *Provided further*, Should the county subscribe stock as herein provided, the citizens of Clay county shall pass over said road free of charge.

Proviso.

Proviso.

Substituting Cherokee for Clay.

SEC. 7. The provisions of section six of this act shall be applicable to Cherokee county, substituting Cherokee for Clay wherever it occurs in said section.

Clay and Cherokee to appoint each a commissioner.

SEC. 8. That when said road shall have been completed the county commissioners of Clay and Cherokee counties shall each appoint one discreet person, and the persons so appointed may select a third person to act as commissioners 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 establish a toll-gate at or near the Clay county line, and to collect tolls thereat from all persons passing over said road, not to exceed the rates established by this act, viz: for each six horse wagon, fifty cents; five horse wagon, forty cents; four horse wagon, thirty-five cents; three horse wagon, thirty cents; two horse wagon or carriage, twenty-five cents; one horse carriage or vehicle, twenty cents; horse and rider, ten cents; each head of loose horses, mules or cattle, five cents; all other loose stock, ten cents each: *Provided*, The company shall have no right to collect tolls of any person going to or from church, or to or from any public grist or saw mill, from any minister of the gospel, or from any person or their families required by law to work on said road.

Toll-gate.

Proviso.

SEC. 9. That any person passing over said road, who shall fail or refuse to pay the toll prescribed by law, shall be subject to a penalty of five dollars, which may be sued for before any justice of the peace, provided the company shall at all times, when demanding tolls, keep said road in good repair.

Persons failing to pay toll.

SEC. 10. 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 laws of said company.

Certificates of stock.

SEC. 11. That if the counties of Clay and Cherokee, or either of them, subscribe stock to said road as herein provided, the county commissioners of each county may select and assign hands to work on said road as now provided by law for working on public roads and highways, and such hands shall be subject to such rules and regulations, fines and penalties, as are now or may hereafter be prescribed by law: *Provided, however,* That nothing contained in this act shall be construed to lessen or abridge any of the rights of the county of Cherokee now existing by law to collect tolls on the Western Turnpike road leading through said county: *And provided, further,* That no tolls shall be charged on the road chartered by this act against horseback riders, residents of the counties of Cherokee and Clay.

Hands to work on the road.

Proviso.

Proviso.

SEC. 12. *And provided further,* That for the purpose of extending the said road to the Tennessee line and making connection with Messmore's turnpike, at the Tennessee line, in Cherokee county: *Therefore be it further enacted,* That the aforesaid B. K. Dickey, R. D. McConobe and J. W. Patton, of Cherokee county, or a majority of them, are hereby appointed commissioners, and authorized and empowered by themselves, and under the direction of such agents as they may select, to open books for subscription of stock in shares of twenty dollars each to build and construct another section to the said Hayesville and Murphy branch of said road, which section, when built, shall extend from Murphy, of Chero-

For the purpose of extending said road to the Tennessee line.

Commissioners.

kee county, to the Tennessee line in said county, at the end of Messmore's turnpike.

When \$1,000 has been subscribed. SEC. 13. That as soon as the sum of one thousand dollars has been subscribed the said commissioners, or a majority of them, shall, by public notice of at least ten days, notify the stockholders to meet at some convenient place or point on the line of said road to organize the company, and as soon as convenient to commence work: *And provided, further,* That the commissioners of Cherokee county are authorized to subscribe for a majority of the stock by the twelfth section of this act provided for, and to appoint a proxy to represent the same.

Proviso.

Corporate existence. SEC. 14. That the company, when formed, shall have a corporate existence under the name of "The Murphy and Tennessee Turnpike Company" for a term of thirty years, and that in the organization of the said company, and the transaction of its business, each stockholder has as many votes as he has shares of stock in the said company.

Grade. SEC. 15. That at no place shall the road have a steeper grade than one foot in fourteen, nor less in width than fourteen feet.

Exclusive control SEC. 16. The company shall be allowed for obtaining stock and commencing work two years, and for completing the road four years; and said company shall have exclusive control of the said Murphy and Tennessee branch established by this act.

Cherokee to appoint three persons to examine the road. SEC. 17. 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 traveling over said road with the following exceptions: First, all persons subject by law to work on said road and their families; secondly, persons

Toll-gate.

going to and from church, or going or returning from a public mill: *Provided*, That nothing in this act shall be construed to release any person subject by law from performing six days labor on said road under such overseer or overseers as may be appointed by the commissioners of Cherokee county. Proviso.

SEC. 18. The company shall have the right to collect the following tolls: For a two-horse carriage or peddler wagon, one dollar; for a one-horse buggy, fifty cents; for a six-horse wagon, one dollar; for a five-horse wagon, eighty cents; for a four-horse wagon, seventy-five cents; for a three-horse wagon, fifty cents; for a two-horse wagon or cart, thirty-five cents; for a one-horse wagon or cart, twenty cents; for horse, mule or ass, with rider, ten cents; for each horse, mule or ass, without rider, five cents; for each head of cattle, hogs or sheep, two cents. Collection of tolls

SEC. 19. That any person passing over said road who shall fail to pay the tolls 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 an 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 reasonable good condition. Persons failing to pay toll.

SEC. 20. That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner as may be directed by the company. Proviso.

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

Ratified the 8th day of March A. D. 1877.

CHAPTER LXVIII.

AN ACT TO INCORPORATE MOUNT MOURNE LODGE, NUMBER THREE HUNDRED AND FORTY-SEVEN, OF FREE AND ACCEPTED MASONS, IN THE COUNTY OF IREDELL.

Incorporated.

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 Mount Mourne Lodge, number three hundred and forty-seven, of Free and Accepted Masons, be and they are hereby incorporated under the name and style of "Mount Mourne Lodge, Number Three Hundred and Forty-Seven, 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 such real estate and personal property for the benefit of said lodge as may be required for the convenient transaction of its business: *Provided*, That the real and personal property exempt shall not exceed six thousand dollars in value from taxation.

Proviso.

By-laws.

SEC. 2. 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 9th day of March, A. D. 1877.

CHAPTER LXIX.

AN ACT TO ENABLE THE TRUSTEES OF THE PRESBYTERIAN CHURCH AT LOUISBURG TO TRANSFER CERTAIN PROPERTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the trustees of the Presbyterian church or religious society at Louisburg, in the county of Franklin, and state of North Carolina, shall have full power and authority by their deed in fee simple to transfer and convey to the trustees of the Presbytery of Orange, in said state, and their successors in trust for said Presbytery, the church lot and edifice thereon situate in Louisburg aforesaid and now vested in and held by the trustees of said church or religious society in trust for the same; and that such deed when executed and proved or acknowledged and registered according to law, shall be valid and effectual to transfer and convey to, and vest in the trustees of said Presbytery and their successors the title and estate in fee in said church lot and edifice in trust for said Presbytery: *Provided however*, That before the execution of such deed the said church or religious society in a public meeting of the same, to be convened by the trustees thereof for that purpose, shall signify its consent to such transfer by a majority vote of the members entitled by the rules or usage of said church, or religious society, to vote in the business meetings of the same.

To transfer certain property.

Proviso.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER LXX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE WILMINGTON AND COAST TURNPIKE COMPANY, RATIFIED THE NINETEENTH DAY OF MARCH, ANNO DOMINI, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the shares of the capital stock of the Wilmington and Coast Turnpike Company, subscribed for the construction of any branch to the main stem of the road of said company, with the consent of the holders of the shares of said stock subscribed for the construction of the main stem of the road of said company, may be merged or added together and considered as shares of the general capital stock of said company, and the property and franchise of any such branch and of the main stem shall be held as the general property of said company.

Shares of the capital stock.

SEC. 2. That so much of the second paragraph of section eight of the act referred to in the title of this act, beginning in the ninth line of said section to and including the word "default," in the fourteenth line of said section, be stricken out and the following inserted and substituted therefor, viz: Any person who shall use any part of such road or of its branches or constructions wilfully and fraudulently with the intent to avoid the payment of the toll or fare due and payable for such use.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER LXXI.

AN ACT TO AFFORD RELIEF TO THE SURETIES OF ISAAC PIPKIN,
LATE SHERIFF OF HERTFORD COUNTY.

WHEREAS, Isaac Pipkin, late sheriff of Hertford county, **Preamble.**
is an apparent defaulter in the sum of about eight thousand
dollars ;

AND WHEREAS, An action has been commenced by the
commissioners of said county in the superior court of the
same against his sureties, John W. Southall and James M.
Wynne, and judgment obtained at fall term, one thousand
eight hundred and seventy-six, against said sureties for over
eight thousand dollars, from which judgment an appeal
was taken and the case is now pending in the supreme
court ;

AND WHEREAS, Since the rendition of said judgment it
has become manifest that the amount of the same is largely
in excess of what is really due by reason of said defalca-
tion ; now therefore,

SECTION 1. *The General Assembly of North Carolina do*
enact, That the collection of said judgment, should the same
be affirmed in the supreme court, be suspended until the **Judgment to be**
suspended.
account between the sheriff and county aforesaid can be
properly and correctly stated, and the amount of his actual
defalcation, if any, be ascertained and the said sureties be
exempt from paying any more than is found to be actually
due the said county : *Provided*, Said time shall not exceed **Proviso.**
twelve months.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER LXXII.

AN ACT TO INCORPORATE THE ROAN MOUNTAIN STEEL AND IRON COMPANY.

Body politic. SECTION 1. *The General Assembly of North Carolina do enact*, That John T. Wilder, his associates, successors and assigns are constituted a corporation and body politic under the name and style of "The Roan Mountain Steel and Iron Company," with a capital stock of fifty thousand dollars with liberty to increase the same from time to time to any sum or sums not exceeding five hundred thousand dollars, and to have the privileges especially granted as well as those conferred by chapter twenty-six, of Battle's Revisal entitled "corporations" the shares of stock to be one hundred dollars each.

May elect officers SEC. 2. The stockholders of said corporation shall have power to elect such officers as they may deem fit, prescribe their duties and terms of service, and make by-laws for the government and proper conduct of the corporation and its business, not inconsistent with the public laws of the state and of the United States.

Powers, privileges, &c. SEC. 3. The said corporation shall have power to carry on the business of manufacturing and selling iron and steel and to engage in any manufacturing enterprise which may be in aid of said business; it may likewise make, and operate rail, turnpike, train or other roads all or either of them for the purpose of connecting its works in Mitchell county with other rail or other roads, and to that end it shall have power of condemnation of land and other property or other powers conferred on railroads and other companies by the sixty-second chapter of Battle's Revisal, entitled "internal improvements." It may purchase, hold, sell and lease, or otherwise convey real estate for the transaction of its business, and incidentally to its business may buy and sell merchandise.

Real estate.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER LXXIII.

AN ACT TO ESTABLISH A PUBLIC FERRY IN DAVIDSON AND DAVIE COUNTIES.

SECTION 1. *The General Assembly of North Carolina do enact*, That Nat. A. Peebles, of Davie county, and Joseph H. Thompson, of Davidson county, their heirs and assigns, are hereby authorized to establish a ferry across the Yadkin river at or near the residence of the said Nat. A. Peebles, on said river.

A ferry across the Yadkin river.

SEC. 2. That the right to establish and keep up said ferry, be and is hereby vested in the said Nat. A. Peebles and Joseph H. Thompson, their heirs and assigns, during the full term of twenty years.

The right to establish—in whom vested.

SEC. 3. That it shall be lawful for the said Peebles and Thompson, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated by the commissioners of the county of Davidson.

Rates of ferriage.

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

Ratified the 9th day of March, A. D. 1876.

CHAPTER LXXIV.

AN ACT TO EXTEND THE TIME TO INCORPORATE THE PORTIS GOLD MINING COMPANY, IN FRANKLIN COUNTY.

Continued in
force.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act to incorporate the Portis Gold Mining Company, in the county of Franklin, ratified the 6th day of February, one thousand eight hundred and sixty-six, be and the same is hereby continued and declared to be in full force and effect for the term of ten years.

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

Ratified the 9th day of March, A. D. 1877.

CHAPTER LXXV.

AN ACT TO RATIFY THE LAYING OFF AND ESTABLISHING OF A TOWNSHIP KNOWN AS CLEAR CREEK TOWNSHIP, IN THE COUNTY OF HENDERSON, AND RATIFYING THE BOUNDARY LINE OF THE SEVERAL TOWNSHIPS IN SAID COUNTY.

Cedar Creek
township.

SECTION 1. *The General Assembly of North Carolina do enact*, That the action of the county commissioners of Henderson county in establishing a township in said county by the name of "Clear Creek Township," be ratified, and all acts done in pursuance thereof are made valid.

The true lines.

SEC. 2. That the township lines now established by the commissioners of said county shall be the true lines of said township and valid to all intents and purposes.

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

Ratified the 16th day of March, A. D. 1877

CHAPTER LXXVI.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED THE SEVENTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

WHEREAS, An act entitled “An act for the benefit of the Farmers in Murphy’s swamp and Carvers neck, Rockfish township in Cumberland county,” passed the present session of the general assembly, and ratified the seventeenth day of February one thousand eight hundred and seventy-seven, is calculated to work great inconvenience and hardship upon the citizens of that territory should it go into immediate effect as now provided, therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That said act be and the same is hereby corrected and changed so that it shall have no force or effect until it shall be submitted to and ratified by a majority of the land owners in the territory effected at an election to be held after the month of July next under the supervision of the magistrates then in office of the townships of Gray’s creek and Rockfish, at such time and place as they may appoint, and if so ratified, shall be in force from and after the first day of February, one thousand eight hundred and seventy-eight.

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

Ratified the 10th day of March, A. D. 1877.

Preamble.

Shall be ratified
by the land owners.

CHAPTER LXXVII.

AN ACT TO AUTHORIZE CERTAIN PERSONS TO CONVEY TITLE TO CERTAIN LOTS OR PARTS OF LOTS IN FRANKLIN, MACON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That James G. Crawford, John B. Cunningham, David Mallonee, James H. Gray and H. G. Woodfin collectively or separately, as surviving members of Macon Division number forty-six, Sons of Temperance of North Carolina, a corporation created by an act of the general assembly of North Carolina, ratified the — day of — A. D. 18 —, be and they are hereby authorized and empowered to convey by proper and sufficient title to J. L. Robinson, his heirs and assigns, all that portion of town lot number —, being the lot sold by their said corporation to said Robinson, and on which he now lives.

May convey title.

SEC. 2. That when said deed has been executed, it shall, after being duly proven, be recorded by the register of deeds of said county of Macon, and shall be as valid and good in law as if it had been executed by said corporation and sealed with its seal.

To be recorded.

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

Ratified the 10th day of March A. D. 1877.

CHAPTER LXXVIII.

AN ACT TO INCORPORATE THE KING'S MOUNTAIN MINING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. Rose Snowden, Harry A. Gower, W. L.

Durant, Edwin Stevens, James W. Bonta, Jno. C. Jamison, their associates and successors, be and they are hereby created a body politic and corporate by the name, style and title of the "King's Mountain 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 whatever, and may have a common seal with power to change and alter the same at pleasure.

Body politic.

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 said shares shall be full paid and not liable to assessments.

Capital stock.

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 in the United States, and may encumber 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 company shall not hold at any one time more than three thousand acres of land.

May issue bonds.

Provido.

Provido.

SEC. 4. Said company may carry on the business of mining for gold, or other mineral substances, on any of its property, or any other property which it may have for the purpose, and may erect houses, mills, shops, stores and such other buildings, fixtures, machinery, works, dams, sluices, and any other improvements necessary for the operation of the company, and may buy and sell produce, supplies, merchandise, or goods and chattels of any description, in connection with its other business.

May erect buildings, &c.

SEC. 5. It shall be lawful for said company to create a 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

May hold stock in other corporations, &c.

purpose of working or operating any portion of the company's property, either under lease 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.

May issue notes,
&c.

Proviso.

SEC. 6. It shall be lawful for said company to contract 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 or territory of the United States.

May operate turn-
pike, tramway or
railway.

SEC. 7. The said company shall have power to build and 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 Richmond and Atlanta Air-Line Railway at or near King's Mountain station; and if said company shall construct a tramway or railway they may connect the same with said Richmond and Atlanta Air-Line Railway in such manner and at such point as may be agreed upon between the said Richmond and Atlanta Air-Line Railway Company and the said King's Mountain Mining Company.

May survey and
lay out the line.

SEC. 8. For the purposes of the foregoing section 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.

If the owner of
land and the com-
pany cannot
agree upon the
price.

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 in the superior court of the county in which said lands are situated, as in similar cases of special proceedings, praying for the appointment of three or more persons who are competent, as commissioners, to view said

premises, whereupon said court shall appoint three or more competent persons to view said premises and assess the damages thereon, if any. The said commissioners shall be duly qualified, under oath, to faithfully perform the said duty, and shall thereupon view the premises and assess the amount of damages, if any, to be paid for said right of way, and shall file with the clerk of the said court a certificate, under oath, setting forth the amount of said assessment. It shall then be lawful for said company to file its bond with said clerk, conditioned for the payment of said damages so assessed, as aforesaid, to the person entitled thereto whenever the same shall be demanded, and shall then be authorized, without further delay or hindrance, to enter upon said 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 so long as said company, its successors and assigns, may continue to use the same, and may transport freight and passengers for reasonable compensation.

May assess the amount of damages to be paid for right of way.

SEC. 9. The said company may make any by-laws for the purpose of carrying out the objects of the corporation not inconsistent with the 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 stockholders and the place of meetings, 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 provisions which may be necessary and convenient for the carrying out of the objects of the corporation, or for the management of the business of the company.

By-law

SEC. 10. The officers of the company shall consist of not less than five—a director, a president, vice-president,

Officers.

superintendent, treasurer and secretary, and such other officers as the company may by its by-laws provide.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER LXXIX.

AN ACT TO INCORPORATE MILL CREEK BAPTIST CHURCH IN THE COUNTY OF UNION.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That James M. Braswell, Shadrack Braswell, N. W. Braswell, the deacons, and Joab Griffin, the treasurer, and Isaac A. Clouts, the clerk of Mill Creek Baptist Church, in the county of Union, and their successors in office, be and they are hereby created a body politic and corporate by the name and style of the Trustees of Mill Creek Baptist Church, and by that name may have succession, sue and be sued, plead and be impleaded, in any court of record or before any justice of the peace in this state, may hold and dispose of personal property for the benefit of said church, and may acquire and hold for the benefit of said church the following real estate lying in said county of Union, bounded as follows, viz: beginning at the intersection of the Morgan road and the Price Spring branch and runs down to its mouth at Mill creek, thence up said Mill creek to the said Morgan road, thence with said road to the beginning.

Real estate.

Sale of liquor.

SEC. 2. That it shall not be lawful for any person to vend, sell or give away any intoxicating liquors within two miles of the corporate limits aforesaid, and any 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. 3. That this shall act be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

CHAPTER LXXX.

AN ACT TO INCORPORATE ZION METHODIST EPISCOPAL CHURCH, IN THE COUNTY OF UNION.

SECTION 1. *The General Assembly of North Carolina do enact*, That Zion Methodist Episcopal Church, in the county of Union, be and the same is hereby incorporated by the name of Zion Methodist Episcopal Church. Incorporated.

SEC. 2. That the corporate limits of the grounds of said church shall be as follows, viz: beginning at a hickory on Tilman Lanzo line and runs north sixty-six, east two and one-half chains to a pine; thence north eighty-eight, east five chains to a persimmon; thence north thirteen, east four chains to a stone in the road; thence north thirty-five, east one and ninety-two-one hundredths chains to a maple by the grave yard; thence north eighty-eight, east two and four-one-hundredths chains to a bee gum; thence north one, west one and eighty-one-one-hundredths chains to a stake; thence south eighty-five, west eight and one-half chains to a pine stump; thence north twenty, west five chains to a stone; thence south fifteen, west six chains and sixty-six two-thirds links to a hickory by a road; thence south seven, west four and twenty-seven-one-hundredths chains to the beginning. Corporate limits.

SEC. 3. That William A. Love, John E. Hagler, John Love, Sr., Adam Clants and J. H. Sosaman, the trustees of said Zion church, and their successors in office, shall be the commissioners of said church, one of whose number, to be chosen by themselves, shall be intendant. Commissioners.

By-laws.

SEC. 4. That the said commissioners, and their successors in office, shall have all the power of police force, and may make and establish such rules, regulations, by-laws and ordinances for the government of said church, and for the maintenance of order and decorum within the corporate limits thereof, 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.

Sale of intoxicating liquors.

SEC. 5. That it shall not be lawful for any person to vend or give away intoxicating liquors within the corporate limits aforesaid, nor shall it be lawful for any person during the time of religious exercises at said church to sell or give away intoxicating liquors within two miles thereof, and any person offending against the provisions of this section 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. 6. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1877.

CHAPTER LXXXI.

AN ACT TO CHANGE THE BOUNDARIES OF THE TOWN OF ELIZABETH CITY.

Corporate limits.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Elizabeth City be as follows: Beginning at the edge of Pasquotank river at the north side of that street immediately south of the planing mill; thence by the north side of said street westwardly to the west side of Road street at the lot of Frank Vaughan; thence southwardly by the west side of Road street to Cotton street; thence westwardly

by the north side Cotton street to a point two hundred and eight feet beyond that street that runs from Georgetown to Main street; thence from the said point southwardly by a line parallel to the street last mentioned to the south side of Main street; thence a straight line southwardly to the southwest corner of Church and African streets (north-east corner of G. D. Pool's lot); thence southwardly along the west side of African street to and across Ehringhaus street; thence from the south side of Ehringhaus street a straight line southwardly to the south side of Edenton road at the bridge in the said road, near the southwest corner of the Thomas Heath lot; thence eastwardly along Edenton road so as to include the same to Rose street; thence eastwardly a straight line to the west end of White's lane; thence eastwardly along White's lane including the same to and line the same line across Charles' creek to the east bank of the same; thence by a straight line eastwardly to a point at Butler's road, three hundred feet from the edge of the river; thence by the west side of Butler's road to the Pasquotank river, and on the same line to the channel of said river; thence by the channel of said river, its various courses, westwardly; thence northwardly to a point opposite the point of beginning; thence to the place of beginning.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER LXXXII.

AN ACT TO INCORPORATE THE FARMERS' SAVINGS BANK OF RIDGEWAY, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That John D. North, Allen Dodworth, J. A. Cheatham, Henry B. Hunter, Ben. Collins, James T. Russell, Body politic.

R. Y. Moore, John Hinman, William Whin, Marmaduke J. Hawkins, W. D. Taylor, Peter Wykoff, Charles Petar, A. S. Webb, T. P. Jennan and A. L. Hassard Short, their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Farmers' Savings Bank of Ridgeway," 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 incident or belonging to corporations, as set forth or referred to in the first, second and third sections of the twenty-sixth (26th) chapter of the Revised Code of North Carolina, entitled "corporations."

Capital stock.

SEC. 2. The capital stock of said corporation shall not be less than twenty thousand dollars in shares of twenty-five 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 and fifty thousand dollars

Books of subscription.

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 after the 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.

Shall call a meeting of the subscribers.

SEC. 4. Whenever twenty thousand dollars shall be subscribed, and fifteen thousand dollars shall be paid into the capital stock of said bank, the beforenamed corporators, or a majority of them, shall call a meeting of the subscribers to said stock, at such times 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 and vice-president to serve during their continuance in office.

SEC. 5. The president and directors of the bank may adopt and use a common seal, and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof, may do a general banking business on such terms and rates of discount and interest as may be agreed on, subject to the usury laws of this state, 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.

May appoint officers and agents, &c.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in, exchange gold and silver coin, bullions, 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 bank, or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount evidences of debt and lend money. It may receive on deposit moneys. The bank may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor, and all certificates and evidences of deposit, signed by the proper officers of the bank, shall be as a binding as under seal of the bank.

Real and personal property.

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 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 stocks may be sold by order of the directors for cash, at the banking house in Ridgeway, after advertisement of sale for twenty days in a newspaper pub-

Subscribers failing to pay their stock.

lished in the county of Warren, 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.

Assignment of stock before it is paid for in full.

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 motion as aforesaid, or by civil action, and in every case of delinquency in a subscriber, or others, the subscription shall be deemed a promissory note payable to the bank as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

May establish agencies.

SEC. 9. Agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Rules, regulations, &c.

SEC. 10. 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 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, subject to the restrictions before mentioned, and they shall direct when dividends of profits shall be made; they may 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 the county. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Lien on crops.

SEC. 11. That to aid planters, miners and 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 repayment of 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, 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 ^{Proviso.} laws of registration anterior to all other liens and mortgages for securing such loans or advances; 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, other produce, or any manufactured articles whatsoever, as a pledge or pledges for the repayment 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. 12. This act shall be in force from its ratification.

Ratified the 12th day of March, A. D. 1877.

CHAPTER LXXXIII.

AN ACT TO INCORPORATE THE TRUSTEES OF ANTIOCH METHODIST CHURCH AND CAMP GROUND, IN THE COUNTY OF UNION.

SECTION 1. *The General Assembly of North Carolina do enact*, That D. M. Fesperman, James B. Black, A. A. Houston, W. F. Rea, Amos Henly, E. Phifer, Wm. Warmick and Wm. Ritch, and their successors, shall be and ^{Body politic.}

are hereby declared a body politic and corporate, in deed and in law, by the name and style of the Trustees of Antioch Methodist Church and Camp Ground, in the county of Union, and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same by gift or otherwise; shall have perpetual succession, and 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, and have power to elect their officers consisting of a chairman, a secretary and treasurer.

Vacancies.

SEC. 2. That in case of death or refusal to act, or removal, or from any other cause, there becomes a vacancy the remaining trustees shall have power to fill the same: *Provided*, Their number shall not be less than five nor more than ten trustees.

Proviso.

Sale of spirituous liquors.

SEC. 3. That it shall not be lawful for any person to sell, give away, or dispose of spirituous liquors at or within one mile of Antioch Methodist Church and Camp Ground, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not less than ten, nor more than fifty dollars, or imprisoned not exceeding thirty days.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER LXXXIV.

AN ACT TO AMEND AN ACT RATIFIED MARCH TWENTY—SECOND, ONE THOUSAND EIGHT HUNDRED AND SEVENTY—FIVE, ENTITLED “AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF CERTAIN CORPORATIONS,” AND TO CHANGE THE NAME OF “THE HAW RIVER IRON COMPANY.”

SECTION 1. *The General Assembly of North Carolina do enact*, That the several corporations named in an act entitled “An act to extend the time for the organization of certain corporations,” ratified the twenty-second day of March, eighteen hundred and seventy-five, be allowed until the first day of March, Anno Domini one thousand eight hundred and seventy-nine, for the purpose of being organized under the provisions of their respective charters.

Time extended.

SEC. 2 That the name of “The Haw River Iron Company,” mentioned in said act, be changed to “The Western Mining and Manufacturing Company.” and the capital stock of the same be reduced to fifty thousand dollars with liberty to increase the same from time to time to any sum not exceeding one million of dollars.

The Western Mining and Manufacturing Company.

Capital stock.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER LXXXV.

AN ACT TO AMEND SECTION ONE, CHAPTER SIX, OF PRIVATE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY, AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY—ONE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, of chapter six, of private acts of

Section 1, chapter 6, private laws of 1870-'71, amended.

Weighing, measuring and gauging articles sold in Wilmington.

one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be amended by striking out all after the words, "*Provided however,*" and and inserting the following, "That no inspector licensed to inspect, weigh, gauge or measure any such articles as are sold in the city of Wilmington, North Carolina, by inspection, weight, guage or measure, and which he is authorized by said license to inspect, weigh, gauge or measure, shall take a license from or obligate himself to be governed in the discharge of his official duties by any person, party corporation, or combination of persons whatever, nor shall he engage for a salary as clerk, or otherwise to perform the duties of inspector, weigher, gauger and measurer for any person, party, or corporation, or be in any way connected with the interest of any merchant, distiller, purchaser, interested in the purchase or sale of any article so to be inspected, weighed, gauged or measured by him under a penalty of twenty-five dollars for each and every such act done by him in violation of the provisions of this chapter, and no persons shall engage in the business of inspection, weighing, gauging or measuring any turpentine, tar, rosin, cotton, hay, or spirits of turpentine, without having first procured a license as aforesaid under a like penalty.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER LXXXVI.

AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF MORGANTON, AND ACTS AMENDATORY OF SAID ACT.

SECTION 1. *The General Assembly of North Carolina do enact,* That the mayor of the town of Morganton, and his

The mayor an inferior court.

successors in office, shall be constituted an inferior court and as such shall have and exercise within the corporate limits of said town all the jurisdiction, powers and duties given to justices of the peace in the chapter of Battle's Revisal entitled "Criminal Proceedings," but without impairing the jurisdiction given by law to other justices of the peace.

SEC. 2. That the mayor and commissioners of said town shall also have the power to levy and collect an *ad valorem* Taxes. tax upon all property within the corporate limits of said town that may be subjected to a uniform tax not exceeding one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of property by the state, and shall have also power to levy a tax of not more than one hundred dollars on all persons who shall sell any spirituous liquors, wines or any intoxicating beverage within the corporate limits of said town in a quantity less than an unbroken package of three gallons.

SEC. 3. That no person shall sell, or offer to sell, within Sale of liquor. two miles of the court house in the town of Morganton, in Burke county, any whisky, brandy or other spirituous or malt liquors, wine or intoxicating beverage of any kind whatsoever, whether purporting to be bitters or any other medicinal preparation, except in unbroken packages of not less than three gallons, and no person shall, as agent, or under pretence of being the agent of any other person, deliver to any person within two miles of said court house any whisky, brandy or other spirituous or malt liquors, or intoxicating beverage of any kind, in a smaller quantity than an unbroken package of not less than three gallons for a consideration, whether such consideration pass directly to such person purporting to act as agent or through such person to some other person.

SEC. 4. That every person who shall violate any provision of the preceding section shall be deemed guilty of Penalty a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars for each separate offence or imprisoned not more than thirty days.

If the mayor fail to report any person violating the third section of this act.

SEC. 5. That any mayor of said town who shall fail or refuse when information shall have been laid before him, on oath, that any person has violated any of the provisions of the third section of this act, to issue a warrant for the persons charged, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars.

Ratified the 12th day of March A. D. 1877.

CHAPTER LXXXVII.

AN ACT TO INCORPORATE THE WILMINGTON AND NEW RIVER STEAM NAVIGATION COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of navigating by steamboats the waters of the sounds, from a point near Fort Fisher to the mouth of New river, and also other waters of the said New river, George Harris, Thomas B. Carr and Benjamin R. Moore, and their associates, successors and assigns, are hereby constituted a body corporate under the name and style of "The Wilmington and New River Steam Navigation Company," with a capital stock of fifteen hundred dollars, with power to increase the same to one hundred thousand dollars, which shall have a corporate existence the powers herein granted in perpetuity as a body politic, and by that name may sue and be sued, plead and be impleaded, in every court in the State of 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 of acquiring the same by gift or devise for the purposes herein contemplated, and the said company shall have and enjoy all the rights and immunities which other

Capital stock.

Real estate.

corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the United States, or of the State of North Carolina.

SEC. 2. That the said capital stock of said company may be created by subscriptions on the part of individual, municipal, or other corporations in shares of the value of twenty-five dollars each, which may be made in lands, timber, labor or money, as may be stipulated.

Capital stock to be collected by subscription.

SEC. 3. That books of subscription may be opened by the corporators herein named at such times and places, and under such rules and regulations, as they or a majority of them shall direct.

May open books of subscription.

SEC. 4. That when the sum of fifteen hundred dollars shall have been subscribed to the capital stock of said company, a general meeting of the stockholders shall be held after due notice, and such general meeting, a majority of the stockholders being present either in person or by proxy, shall elect a board of directors to consist of such members, not less than three, as the stockholders shall determine, and said directors shall elect one of their number president, and such other officers as the by-laws of said company shall prescribe, and may do and perform all other acts necessary to the complete organization of said company, and to carry into effect the object of its charter.

General meeting of the stockholders.

SEC. 5. That whenever any land shall be required for the construction of warehouses or landings, and for any cause the same cannot be purchased from the owner, the same may be taken by the directors at a valuation to be ascertained as follows: The Wilmington and New River Steam Navigation Company, by its president, shall select two disinterested freeholders of the county in which the canal lies, and the owner of said [canal] shall likewise select two such freeholders of the same county who shall ascertain the value of said land, they first deducting the enhanced value of the same caused by the establishment of such steamboat landing, and adding any particular

Land required for warehouses, &c.

loss or damage; and if these four assessors cannot agree they shall call in a fifth such freeholder and upon the payment, or tender of payment, of the amount so assessed by the president, the title to the property so seized and appraised shall thereby vest in the said corporation:

Proviso.

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 acre of land at any one landing shall be liable to be so condemned.

Proviso.

SEC. 6. That the president and directors shall have power at any time to borrow money upon the bonds of the company, and to secure the same by mortgage or other legal assurance.

May borrow.

SEC. 7. That the said company shall have the exclusive right to convey and transport freight and passengers over and along the waters of said sounds by steam navigation and sailing vessels at such rates as said company shall prescribe: *Provided*, That said company shall open a connection between the waters of said sounds by canal sufficient to carry into effect the objects of this charter.

Exclusive right to transport freight and passengers.

Proviso.

SEC. 8. That said company shall have the power and authority to construct and open a ship canal connecting the waters of Wrightsville sound, or Masonboro sound, with the waters of the Cape Fear river, and to this end may use the creeks and water courses at all intermediate points, and may seize and cause to be assessed all lands necessary therefor under the restrictions and provisions contained in section five of this charter, and shall have power to fix the tariff of tolls for all vessels that said company may allow to pass through the same; and the said company shall have the exclusive right for a term of thirty years from its full organization to construct the canals aforesaid.

May open and construct a ship canal.

Tariff of tolls.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER LXXXVIII.

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

SECTION 1. *The General Assembly of North Carolina do enact,*

That the town of Edenton shall be divided into three wards, as follows: That portion of said town embraced in the following boundaries, to-wit: Beginning at the south end of Mosely street, thence north along said street to Church street; thence east along said street to the southeast corner of the Episcopal church fence, embracing the voters living immediately on the north side of said street; thence south along Main or Broad street to its intersection by Water street; thence west along said street to Granville street; thence up Granville to Blount street; thence west along said Blount street to the first station, shall constitute and be known as the first ward. That portion of the said town embraced within the following boundaries, to-wit: Beginning at the wharf on the east side of Broad street, running along said street to the corner of Broad and Church streets; thence along Church street east to the southwest corner of Church and Oakum streets; thence along Oakum street to the corner of Queen and Oakum; thence east along Queen to the line of the "Rope walk" tract; thence south along said line to the creek; thence westwardly along the line of the various water courses to the first station, shall constitute and be known as the second ward.

To be divided into three wards.

First ward.

Second ward.

All that portion of said town lying outside of the two said wards, and extending to the north line of said line, beginning at the northwest corner of the lot owned by W. A. Moore, on the creek; thence east along said line, and along the line of the lots of John H. Garrett, to the Collins' line to the north side of Queen street; thence west along said street to the east side of Oakum street; thence north to the south side and corner of Oakum and Gale streets; thence west along Gale street to Mosely;

Third ward.

thence down Mosely to Blount; thence east along Blount to Granville; thence along Granville to Water street; thence along said street to west side of Broad street, shall constitute and be known as the third ward.

Officers.

SEC. 2. That the municipal affairs of the town of Edenton shall be controlled by a mayor and six councilmen who shall be known as "the board of councilmen of Edenton." Each of three wards shall elect two councilmen who shall hold their office for two years. The said election shall be held on the first Monday of May, one thousand eight hundred and seventy-seven, and on the first Monday of May every two years thereafter. In case of vacancies occurring in said board of councilmen, from any cause, the said board shall fill the same by an election among themselves.

Vacancies.

Mayor.

SEC. 3. That the six councilmen so to be elected shall, at their first meeting, elect from outside their number a mayor who shall hold office for two years, and shall preside at the meetings of the board of councilmen, but shall not be entitled to a vote except in case of a tie when he shall give the casting vote. In the absence of the mayor the board of councilmen shall elect one of their own number mayor *pro tempore*, who shall be allowed to vote as a councilman, and also to cast his vote in case of a tie.

Commissioners
to hold office un-
til May 1st, 1877.

SEC. 4. That the board of commissioners now in office for the town of Edenton shall hold their office until the first day of May one thousand eight hundred and seventy-seven, and until the councilmen herein provided are elected and qualified.

Eligibility.

SEC. 5. That at the municipal election herein provided for no one shall be allowed to vote unless he has resided in the state for twelve months, and in the ward in which he offers to vote for ninety days immediately preceding the day of election.

Registrars and
inspectors of
election.

SEC. 6. That the board of town commissioners, now in office, shall appoint registrars and inspectors of the election to be held on the first day of May, one thousand

eight hundred and seventy-seven, and the registrars so appointed shall open their registration books on Thursday, Friday and Saturday immediately preceding the day of election in some convenient place in each ward, between the hours of eight A. M., and five P. M., of each day, when all persons legally entitled to register may do so; and the registrars may transfer from the old registration books only such names as they know to be legally entitled to be transferred. At all future registrations the board of councilmen shall appoint registrars and inspectors, who shall be governed as above prescribed. That all laws and parts of laws in conflict with this act are hereby repealed. Conflicting laws.

SEC. 7. That this act shall take effect from and after its ratification.

Ratified the 12th day of March A. D. 1877.

CHAPTER LXXXIX.

AN ACT TO PROTECT THE FARMERS OF UNION COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the fees for weighing cotton in the town of Monroe, in the county of Union, shall in no case exceed the sum of fifteen cents, and said fees shall be exclusively applied in payment of the weighing fees, and for no other purpose whatsoever. Fees for weighing cotton.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER XC.

AN ACT TO INCORPORATE THE PIONEER FIRE COMPANY, NUMBER TWO, OF THE CITY OF CHARLOTTE.

Corporate rs.

SECTION 1. *The General Assembly of North Carolina do enact*, That F. A. McNinch, H. J. Elam, J. A. Durham, J. A. Vogler, A. A. Hand, W. T. Scott, G. A. Warlick, and such other persons as they may associate with them and their successors, be and they are hereby constituted a body corporate under the name and style of the "Pioneer Steam Fire Engine and Hose Company, Number Two," of the city of Charlotte.

By-laws, &c.

SEC. 2. That said body corporate shall have power to sue and be sued, plead and be impleaded by their corporate name, to use a common seal, to purchase and hold real and personal property not to exceed six thousand dollars in value, and to adopt such by-laws and regulations as may be necessary for the good government of the same.

Exempted from serving as jurors, &c.

SEC. 3. *Be it further enacted*, That all acting officers and members of the "Pioneer Steam Fire Engine and Hose Company, Number Two," of the city of Charlotte be and the same are hereby exempt from all liability to serve as jurors in any court of justice, or upon any jury of inquest, or grand jury, from all liability to serve in the militia or to work on the public highways.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER XCI.

AN ACT IN RELATION TO PILOTING WITHIN THE WATERS
OF CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of navigation for Beaufort harbor may, in their discretion, make such local rules and regulations concerning the qualifications of pilots applying for license to pilot vessels within the waters of Carteret county, including Old Topsail inlet, as they may deem best for the safety and interest of commerce using said waters, but this act shall not apply to Ocracoke inlet.

Rules and regulations about pilots

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER XCII.

AN ACT TO INCORPORATE THE TOWN OF SWANSBORO, IN
ONSLow COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Swansboro, in Onslow county, be and the same is hereby incorporated by the name and style of the town of Swansboro, and shall be subject to all the provisions contained in chapter one hundred and eleven, Battle's Revisal, not inconsistent with the constitution and laws of this state and the United States.

Incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake on White Oak river, below the school house lot, and on the line with W. R. Ward, which shall include the school house lot and Maj. Russell's tenant house; thence a direct line to the west-

Corporate limits.

ern corner of W. R. Ward's lot; thence in the direction and a direct line to White Oak river, by and including Mrs. Cranmer's lot; thence up White Oak river to the beginning.

Officers.

SEC. 3. The officers of said corporation shall consist of a mayor and four commissioners and constable, and the commissioners shall have power to appoint a secretary and treasurer.

Power of commissioners.

SEC. 4. That the commissioners shall have power to pass all by-laws for the government of said town not inconsistent with the laws of the state or of the United States, and shall have power to tax all taxables within the incorporation not to exceed one fourth of the state taxes.

SEC. 5. That until their successors are elected under the laws of the state, A. B. Carroll, W. P. Ward, J. A. Pittman and R. S. McLean shall act as commissioners, and shall have power to appoint some person to act as mayor.

Duty of commissioners.

SEC. 6. That it shall be the duty of the persons elected, under the laws of the state, to go before some justice of the peace for said county and take the oath prescribed by law, within five days after their election, and shall appoint a mayor and constable, and secretary and treasurer, if they deem it necessary.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER XCIII.

AN ACT TO INCORPORATE THE HOOK AND LADDER COMPANY, NUMBER ONE, OF TARBORO, EDGEcombe COUNTY, NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John W. Cotton, Alex. McCabe, T. W. Toler

D. W. Hartt, C. J. Austin, and other citizens of the town of Tarboro, who shall be associated with them for the object intended, and their successors duly elected and chosen according to the constitution and by-laws of the said company, shall constitute a body politic and corporate by the name and style of "The Tarboro Hook and Ladder Company, Number One," of the town of Tarboro, for the purpose of more united action in the extinguishment of fire in the town of Tarboro, and by said corporate name shall have power to acquire such real and personal estate as may be requisite to subserve the legitimate purpose of the company.

SEC. 2. That said company shall, by the name and style aforesaid, have succession, sue and be sued, plead Privileges. 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 the association not in conflict with the constitution of this state or of the United States.

SEC. 3. That the commissioners of the town of Tarboro are hereby authorized to place under the discretion of the said company one or more hook and ladder trucks belonging to said town and the appurtenances thereto belonging: *Provided, however,* That nothing in this clause shall Proviso. prevent the said company from purchasing such other apparatus and fixtures as they may deem necessary for their use and benefit, in such case such apparatus and fixtures shall be exclusively under the discretion of said company.

SEC. 4. That in case the truck and appurtenances thereunto belonging shall be furnished by the commissioners Duty of foreman. of said town, then it shall be the duty of the foreman of said company to cause to be taken care of and preserved, in the house prepared for that purpose, the truck and appurtenances thereto belonging, and when any repairs thereto be deemed necessary by a majority of the officers

of said company, the foreman shall cause the same to be made, the expense of which repairs shall be paid by the town treasurer upon the draft of the foreman of said company.

Exemptions, &c.

SEC. 5. That the members of said company, while they continue to act as firemen, shall be exempt from the performance of military duty, except in case of insurrection or invasion, from service on juries, from working on the streets of said town, and from any tax levied for working on said streets.

Certificate of discharge.

SEC. 6. That any officer or member of said company, after five years continuous service in the company, and upon application, shall be provided by the company with a certificate of discharge from said company, signed by the foreman and countersigned by the secretary, which certificate shall, from the date of issue of the same, forever exempt said officer or member from militia or jury duty.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER XCIV.

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

Preamble.

WHEREAS, Judgment has been taken against the sureties to the bond given by T. F. Lee, late sheriff of Wake county, for the collection of the taxes for the year one thousand eight hundred and seventy-three, for a penalty in addition to the amount of taxes due by said Lee.

purposes said company may purchase and hold, convey assign, and transfer at pleasure such real and personal property as it may deem necessary or convenient for its business, or any branch of its business; and may own or charter vessels of any kind, and build, or cause to be constructed, all such wharves, warehouses, offices and other buildings, as said company may consider judicious for any of the purposes aforesaid; said company may receive on storage or deposit for safe keeping or for shipment, all kinds of produce, goods, wares, merchandise, or other personal property of any kind whatever, including money, stocks, bonds, and any other securities for the payment of money, whatsoever the form or nature of the same may happen to be; may make advances on any article or thing received as aforesaid on storage or deposit, and may carry on and transact any and all kinds of business usually transacted and carried on by warehouses and trust companies, and may charge, collect, receive and receive interest, commission, brokerage and exchange compensation for storage and for deposits, and for all labor and expenses incident thereto, including the expenses of receipt, delivery and shipment, for insurance of any kind and for the custody of all property received on storage or deposit; and all such charges may be at such rates and on such terms as may be agreed on between said company, its officers or agents with the owner of the property received, or the agents of such owner, or in the absence of any such agreement at such rates and on such terms as may from time to time be adopted by said company and publicity posted at its office or warehouse. All advances made by said company on any property whatever received on storage or deposit, and all charges and expenses on any such property, or in connection therewith, shall be a preferred lien on said property, which shall be preferred and satisfied and paid before the company can be called on or required to deliver the same.

SEC. 5. For all property received by the company on storage, or deposit, a receipt or certificate in behalf of the

Receipt for property on storage, &c.

company shall be given, if required, binding the company to deliver the same to the party in whose favor such receipt or certificate is given, or to the endorsee or assignee of such receipt or certificate upon the return and surrender of the same, and the payment of all dues to the company for which the property is in any manner liable. Such receipts or certificates shall be negotiable by endorsement or assignment and delivery thereof, and the title to the property therein mentioned or referred to shall be thereby transferred to and vested in the *bona fide* holders of any such receipt or certificate so negotiated. All advances made by said company on any property held by it on storage, or deposit, shall be duly endorsed or otherwise entered on the receipt or certificate given by the same.

Power to sell
property on de-
posit.

SEC. 6. If, from any cause whatever, any property on storage or deposit with said company shall so decrease or depreciate in value as in the opinion of the proper officers of said company shall render the preferred lien or liens on such property a doubtful security for any advances, or for storage or any other charges or dues to said company in connection with such property, or when any property has been left on storage or deposit, and the charges and expenses, or any other dues in connection with such property, has not been paid at such time or times as may be required by the rules and regulations established by said company for the conduct of its business, it shall be lawful for the company to give notice to the party entitled to such property, or to his agent personally, or by written notice to him or his agent at their usual residence or place of business, or by mail, if such party and his agent are both non-residents of the city of Wilmington, requiring the party notified within ten days after service of such notice to pay to said company any and all dues to the same in connection with such property; and if, within twenty days after such notice such dues are not paid, it shall be lawful for said company to sell such property by public sale in the office or ware-

house of said company on five days' notice by advertisement in one or more of the newspapers published in said city, for cash, or on such other terms as said company may consider best, and after retaining from the proceeds of any such sale the aggregate amount of all dues as aforesaid to said company, and all costs and expenses in any way incident to such sale and advertisement, said company shall pay over the residue of such proceeds to the party entitled thereto on his surrender of the receipt or certificate for the property so sold: *Provided, however,* That nothing hereinbefore mentioned shall be construed to prevent said company from making any sale or sales of any such property as may be held by said company on storage or deposit at such earlier time and in such other manner as may be provided in any contract or agreement made by any person or persons with said company.

SEC. 7. The general business and affairs of said company shall be controlled and managed by a board of eight directors, to be chosen by the stockholders annually, at such time as they may deem best; and the directors so to be chosen shall elect and appoint some one of their body the president of said company, and the president and directors so appointed or chosen shall continue to hold their respective offices for one year, and until their successors are duly elected, as may be prescribed by the by-laws of said company. No omission to hold an annual meeting of the stockholders of the company, or to fill vacancies or to elect officers on the day prescribed, shall work a forfeiture of this charter, but the same may be done at a subsequent day.

Business, how managed.

SEC. 8. It shall be lawful for said company from time to time to borrow money for any purpose connected with its business; to make and issue and negotiate or otherwise dispose of its promissory notes or bonds for the amounts so borrowed, or which may be given in the liquidation or settlement of any indebtedness of said company, and may secure the payment of any such notes or bonds by a mortgage or pledge, or hypothecation of the property of

Loans, how made and secured.

said company, or of any part thereof, including the franchise of the company.

Elections, &c.

SEC. 9. The board of directors of the company shall appoint a suitable person as the secretary and treasurer of the company, and require him to enter into bond with good and sufficient security, payable to the company, in such sum as the by-laws shall prescribe, conditioned for the faithful performance of the duties of his office, and duly accounting for and paying over and surrendering all money, securities, books and other property belonging to said company. All other officers, clerks and employees of said company shall be appointed by the board of directors, but the by-laws of the company may provide for their appointment by the president of the company, subject to the approval of the directors. All officers, clerks and employees of the company shall hold their respective offices or employments at the pleasure of the board of directors, and the salaries or other compensation of all such officers, clerks or employees shall from time to time be fixed by the directors.

Annual and special meetings.

SEC. 10. Regular general meetings of the stockholders shall be held annually at such time and place, in the city of Wilmington, as the board of directors shall designate; and special meetings may be called by the directors, or by any five or more of the stockholders, who together are the holders of one-third of the shares of the capital stock of the company, under such regulations as may be prescribed by the by-laws of the company.

Penalty for embezzlement.

SEC. 11. If the president, the secretary and treasurer, or any other officer or agent, or employee of said company, shall embezzle any money with which he shall be charged by virtue of his office, agency or employment, as the case may be, 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, any of the property, or securities, or funds belonging to said company, or held by said company, or shall fraudulently issue any certificate or receipt of any kind whatsoever for any kind of property or security when the same shall not have been received and actually

deposited in the custody of said company, or for which a bill of lading of some responsible carrier has not been received, or in any way defraud said company by a false entry in any book of the company or otherwise, such president, or secretary and treasurer, or other officer, or agent or employee, offending in any of such particulars shall for any such offence be deemed guilty of a felony, and on conviction shall be imprisoned at hard labor not less than three years nor more than ten years, and fined not less than one hundred dollars nor more than one thousand dollars; and if any other person or persons shall join, or combine or collude or conspire with any one of the officers, agents or employees of said company to commit any of the offences aforesaid, any such person so offending shall also be deemed guilty of felony and upon conviction shall be imprisoned and fined as aforesaid.

SEC. 12. That said corporation shall continue to exist Duration. for the term of ninety-nine years.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER XCVI.

AN ACT TO CHANGE THE TIME OF HOLDING THE MUNICIPAL ELECTIONS OF THE TOWN OF ELIZABETH CITY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the charter of the town of Elizabeth City be amended so as to require that the election of all the municipal officers of the said town shall take place on the second Monday in April, one thousand eight hundred and seventy-seven, and on the same day in each succeeding year. Special time of election.

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

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

Ratified the 12th day of March A. D. 1877.

CHAPTER XCVII.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS OR BITTERS WITHIN TWO MILES OF FRANKLIN, MACON COUNTY, AND MARSHALL, IN MADISON COUNTY.

Preamble

WHEREAS, The qualified voters residing within two miles of Franklin, Macon county, voted under an act of the general assembly of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, to prohibit the sale of intoxicating liquors within the limits aforesaid; *and whereas*, the general assembly by an act ratified the sixteenth day of February, one thousand eight hundred and seventy-four, did prohibit the sale of any intoxicating liquors within the limits aforesaid; *and whereas*, in fraud of the laws and acts aforesaid, it is alleged that certificates or prescriptions are given by physicians and liquors are sold in violation of the spirit of the law to persons not *bona fide* needing such prescriptions or certificates for medicinal purposes; now therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful to sell any kind of bitters medicated, patented or otherwise, the base of which is alcohol in any of its forms, or any kind of intoxicating liquors, within two miles of the court house in Franklin, Macon county, and Marshall, in Madison county.

SEC. 2. It shall be unlawful for any physician to write, issue or make any certificate or other writing addressed or directed to, or to be presented to any druggist, or other-

Unlawful to sell liquors in certain localities.

Unlawful for physicians to issue certificate.

wise, as a prescription for any kind of bitters medicated, patented or otherwise, or any kind of ixtoxicating liquors whatever within the limits aforesaid.

SEC. 3. Any person violating either or any of the clauses or provisions of this act shall be deemed guilty of a mis-^{Penalty.}deemeanor and upon conviction shall be fined not less than ten dollars for each and every offence.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CXVIII.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF CERTAIN LOCKS AND DAMS ON THE CAPE FEAR RIVER.

SECTION 1. *The General Assembly of North Carolina do enact,* That the time mentioned in the sale made by the ^{Extension of time} board of managers of the Cape Fear and Deep River Navigation Company, dated eighth day of July, one thousand eight hundred and seventy three, be extended five years for the completion of each division of said work.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER XCIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HILLSBORO⁴ TO SELL THE ACADEMY LOT IN SAID¹ TOWN.

SECTION 1. *The General Assembly of North Carolina do enact,* That the² commissioners of the town³ of Hillsboro⁴,

Commissioners
authorized to sell
the Hillsboro
Academy.

be and they are hereby authorized and empowered to sell or lease, at their discretion, the property known as the Hillsboro Male Academy, and the lot of land attached thereto, and upon the payment of the purchase money to convey the same to the purchaser or purchasers by deed, signed and executed by the commissioners of said town who may be in office at the time of said payment: *Provided however*, That no sale of the said property shall take place until the proposition of making said sale shall be submitted to the qualified voters of the town of Hillsboro at the election to be held on the first Monday of May next, and approved by a majority of the qualified voters of said town.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER C.

AN ACT TO INCORPORATE THE TOWN OF YANCEYVILLE.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Yanceyville, in the county of Caswell, be and the same is hereby incorporated by the name and style of "The Town of Yanceyville," and shall be subject to and governed by all the provisions contained in chapter one hundred and eleven of Battle's Revision.

Corporate limits.

SEC. 2. That the corporate limits of said town shall extend one half mile in every direction from the court house.

Time of holding
election.

SEC. 3. That the first election for municipal officers and constable shall be held within two months after the rati-

fication of this act, and annually thereafter on the first Monday of May.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CI.

AN ACT FOR THE ENCOURAGEMENT OF THE WATERING PLACE AT WHITE SULPHUR SPRINGS, IN SURRY COUNTY, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the proprietors of the White Sulphur Springs, near Mount Airy, in Surry county, or their lessees, shall have license to retail spirituous or vinous liquors, and to keep open bowling alleys and billiard saloons, any local prohibitory law to the contrary notwithstanding, from the first day of October in each and every year. *Provided*, He shall pay to the sheriff of the county, in which such medicinal spring or watering place is situated, all the state and county taxes required by law for the time such license shall be taken out.

License to sell spirituous liquors

Proviso.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER CII.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS OR BITTERS WITHIN TWO MILES OF UNION AND MORRISON CHURCHES.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to sell spirituous liquors or bitters within two miles of Union and Morrison churches, in the county of Macon.

Unlawful to sell spirituous liquors in certain localities.

SEC. 2. That should any person violate the provisions of section one of this act, that such person or persons shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace, having jurisdiction of the offense, shall be fined not less than five dollars nor more than fifty dollars, and imprisoned in the county jail not more than thirty days, or both, at the discretion of the court.

Penalty.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CIII.

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.

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 and seventy and one thousand eight hundred and seventy-one, be amended as follows: after the word "permit," at the end of line eight, insert "and in like manner to construct one

Power to extend.

or more branches to the said road of a like capacity within the county of Cherokee.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CIV.

AN ACT TO PREVENT FELLING OR PLACING TIMBERS WITHIN THE HIGH WATER LINE OF FISHER RIVER, IN THE COUNTY OF SURRY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person to fell or place any tree or log within the high water line of Fisher river, in the county of Surry, except for the purpose of making fences and water racks, building dams for manufactory purposes, erecting mills, factories or other buildings, making fish traps or foot-way across the stream; and every person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, That the provisions of this act shall not be construed to extend to such bottom lands that may be subject to overflow at high water lying more than thirty feet from low water mark

Unlawful to fell trees in Fisher river.

Penalty.

Proviso

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

Ratified the 12th day of March A. D. 1877.

CHAPTER CV.

AN ACT TO PREVENT THE HAULING OF SEINES IN THE WATERS OF
TAR RIVER UPON CERTAIN DAYS.Unlawful to fish
on certain days.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to haul any seine in the waters of Tar river from the mouth thereof to Battle's Factory, in the county of Nash, from and after twelve o'clock P. M. of Saturday of each week until sunrise of Tuesday of each week.

Penalty.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, or imprisoned not more than thirty days.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CVI.

AN ACT TO INCORPORATE THE NORTH CAROLINA BORDER RAIL-
ROAD COMPANY.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate powers and privileges granted to a corporate body by the general assembly during the session of eighteen hundred and seventy-four and eighteen hundred and seventy-five, to be styled "The North Carolina Border Railroad Company," be extended three years after the expiration of its charter by its present conditions and limitations.

Time extended.

How constructed.
Proviso.

SEC. 2. That said road may be constructed in detached sections on said proposed line: *Provided*, That when

three thousand dollars worth of stock shall be subscribed for every ten miles of the road of any limited section, and ten per centum paid thereon, said subscribers being organized into a company, according to law, may assume the style and the privileges granted to the North Carolina Border Railroad Company.

SEC. 3. That the North Carolina Border Railroad Company shall have the power to construct any branch road or feeder in connection therewith with the same rights and privileges granted the main line.

Branch road.

SEC. 4. That the commissioners or proper authorities of the several counties through which this road may be located, may deliver over to said road, or any detached section thereof, the convicts sentenced to imprisonment for a term less than twelve months: *Provided*, That said company shall maintain and keep secure such convicts without expense to the several counties: *Provided further*, That the number of convicts shall be proportioned to each detached section operating in ratio to the amount of stock secured the same.

Delivery of convicts.

Proviso.

SEC. 5. That whenever lands shall be required for the construction of this road, or for warehouses, water stations, turn-outs, wood shops, depositories, or other building purpose, and for any cause the same cannot be purchased from the owner, the same may be taken by the directors at a valuation to be ascertained as follows: The sheriff of the county in which said lands may be situated, shall, at the request of the president of said road, summon five disinterested free-holders of his county, who shall ascertain the value (under oath to be administered by the sheriff) of such land: *Provided*, That either party may appeal to the superior court of the county upon the question of damages assessed.

Right to acquire title.

Proviso

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

Ratified the 12th day of March A. D. 1877.

CHAPTER CVII.

AN ACT TO INCORPORATE SUGAR CREEK PRESBYTERIAN
CHURCH, IN THE COUNTY OF MECKLENBURG.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. M. Davis, Elam Barnett, J. H. Robinson, Nicholas Gibbon, John H. Cheshire and John Orr, and their successors, be and are hereby declared a body politic and corporate to be known and distinguished by the name and style of "The Trustees of Sugar Creek Presbyterian Church," situated in the county of Mecklenburg, and the said trustees shall have succession, and may have and use a common seal, and be capable in law to sue and be sued, plead and be impleaded, in all the courts of this state, and may take, demand, receive and possess all lands and tenements, moneys, goods and chattels, which may be given them by will or otherwise, for the use of said church.

Powers of trustees.

SEC. 2. That said trustees shall have power to elect their officers, consisting of a chairman, secretary and treasurer, and to establish such rules and regulations for the observance of order and decorum at said church, and for the removal of any nuisance within a half mile thereof while occupied for worship.

Unlawful to sell spirituous liquors

SEC. 3. That it shall not be lawful for any person to sell or give away spirituous liquors with a view to compensation therefor, either directly or indirectly, within one mile of said church; and any one so offending shall be guilty of a misdemeanor, and on conviction, before any justice of the peace, shall be fined not more than thirty dollars or imprisoned not more than thirty days, or both, in the discretion of the court.

Penalty.

Vacancies.

SEC. 4. That in case of death, or refusal to act, or removal from the state, of any of the persons named as trustees in this act, then the remaining trustees shall have power to fill the vacancy: *Provided*, That not less

than five, nor more than ten persons, shall be trustees under this act.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CVIII.

AN ACT TO INCORPORATE THE SUFFOLK AND ALBEMARLE SOUND RAILWAY COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of constructing and maintain- Body politic.
 ing a railroad from the town of Edenton, in Chowan county, to the town of Suffolk, in the State of Virginia, or for the purpose of constructing and maintaining a railway from the said town of Edenton to the state line of North Carolina, in Gates county, to be operated in conjunction with a railway of three feet, six inches gauge, now being constructed from said town of Suffolk, Virginia, to the state line of Virginia, in Nansemond county, upon such line through the counties of Chowan and Gates and Nansemond, as the directors of said railroad or railway shall determine, Richard Dillard, C. W. Corporators.
 Cason, Jas. T. Coffield, Aug. M. Moore, Octavius Coke, Josiah Warren, J. A. Ward, E. J. Burke, W. Y. Warren and W. D. Ponder, of Chowan county; Mills L. Eure, H. A. Morgan, M. H. Eure, Joseph Parker, John F. Cross and W. P. Roberts, of Gates county; and John R. Kilby, of Suffolk, Virginia, and their successors, associates and assigns, are hereby constituted a body corporate under the name and style of "The Suffolk and Albemarle Sound Railway Company," with a capital stock of five Capital stock.
 hundred thousand dollars, which shall have a corporate

existence, and as such exercise the powers herein granted in perpetuity as a body politic, and by that name may sue and be sued, plead and be impleaded, in every court of the state, 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 of acquiring the same by gift or devise for the purposes herein contemplated; and the said company shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the laws and constitution of the United States, and of the state of North Carolina.

Shares, value of.

SEC. 2. That the capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations, in shares of the value of fifty dollars each, which may be made in lands, timber, labor, money or material necessary to the construction of said railway.

Books of subscription.

SEC. 3. That the corporators before named in this act, or any three of them, are hereby authorized to open books of subscription at such times and places as they shall deem best, and under such rules and regulations as they may prescribe, and as soon after the passage of this act as they may deem necessary for the purpose of creating the capital stock of said company.

Duty of corporators.

SEC. 4. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, by solvent subscribers, it shall be the duty of the corporators before named, any three of whom may act for the purpose, to call a general meeting of the stockholders of said company, of which said meeting due public notice for thirty days shall be given to the stockholders, which said notices shall specify the time and place of said meeting, and at which a majority of the stock subscribed shall be represented in person or by proxy; and such meeting of stockholders shall proceed to elect a board of directors to consist of seven stockholders, and the said

Notice to stockholders.

directors shall thereupon proceed to elect one of their number president and such other officers as the by-laws of their company shall prescribe, and may do and perform all other acts necessary to the complete organization of said company, and to carry into effect the objects of this charter.

SEC. 5. That whenever land shall be required for the construction of the road or for warehouses, water stations, turn-outs, work shops, or other building purposes, and for any cause the same cannot be purchased from the persons owning the said land, the same may be acquired by the directors at a valuation to be ascertained as follows: The sheriff of the county in which the said land shall be situate, shall, on the written petition of said president, summon five disinterested freeholders of his county, who shall, under oath administered by said sheriff, ascertain the value of said land, they first deducting the enhanced value of the said proposed condemned land caused by said railroad from such valuation and adding thereto any particular loss or damage, and upon the payment, or tender by the president of the amount so assessed, the title of the property so seized and appraised shall thereby vest in said corporation: *Provided, however,* That either party may appeal to the superior court of said county upon the question of the amount assessed: *And provided further,* That not than one hundred feet on each side from the center of the road shall be liable to be condemned.

Right to acquire title.

SEC. 6. That the capital stock of said company may be increased from time to time, with the concurrence of two-thirds in amount of all its stockholders. Such increase may be sanctioned by a vote in person or by proxy of two-thirds in amount of all the stockholders of the company at a meeting of such stockholders called by the directors and advertised as prescribed in section four of this charter, and specifying the amount of such intended increase of stock.

Capital stock may be increased.

SEC. 7. That said company shall have the power to

Power to lease. lease its franchises, or any part thereof, for such time and upon such terms as may be deemed advantageous to the interests of the company.

Power to construct branches. SEC. 8. That the said company shall have power to construct and operate branches to the main line in any direction not to exceed twenty-five miles long on either branch, and the gauge of said road and its branches shall not be less than three feet or more than four feet eight and one half inches, as the directors of said company may determine.

Power to issue bonds. SEC. 9. That the president and directors of said company shall have power at any time to borrow money upon the bonds of company, and to secure the same by mortgage or other legal assurance, and authority is hereby given the board of directors to issue bonds of said company for the construction and management of said road and its branches as the necessity for such issue may arise, and the said bonds so issued shall be signed by the president of said company under its common seal, and under such rules and regulations as the company may from time to time adopt.

Privileges. SEC. 10. That said company shall have the exclusive right to carry and transport freight and passengers over and along said road and its branches, and at such rates as said company shall prescribe.

Thirty years. SEC. 11. That this act shall take effect from its ratification, and the said company shall have the exclusive right for a term of thirty years from its full organization to construct the aforesaid road.

Ratified the 12th day of March, A. D. 1877.

CHAPTER CIX.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF THE ORPHAN ASYLUM, IN GRANVILLE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell any kind of spirituous liquors within two miles of the orphan asylum, or court house, in Oxford, Granville county: *Provided*, This act shall not apply to druggists, who may sell under a physician's certificate.

Sale of spirituous liquors within two miles declared unlawful.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days in the discretion of the court: *Provided, further*, That this act shall not apply to the town of Oxford until approved by a majority of the qualified voters of said town, at the election to be held as prescribed in the general law in regard to submitting the question of prohibition to the voters of the town aforesaid.

Penalty

Proviso.

SEC. 3. This act shall be in force from and after the first day of July, Anno Domini, one thousand eight hundred and seventy-seven.

Ratified the 12th day of March A. D. 1877.

CHAPTER CX.

AN ACT TO INCORPORATE THE ORPHAN'S HOME OF WESTERN NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. G. Martin, Thomas W. Talton, E. J. Aston, Corporators.

H. H. Webb, W. J. Bearden, Erwin Sleeder, Vivian R. Spears, James E. Reed, J. E. Rankin, R. B. Vance, Wm. W. McDowell, Wm. M. Cocker, Jr., D. F. Millard, G. M. Roberts, L. M. Peace, R. V. Blackstock, Thos. L. Gash, D. H. Graves, H. A. Gudger, C. F. Young, James L. Robinson, J. S. Adams and G. W. Spake, and their associates and successors, be and they are hereby created a body politic and corporate, under the name of "The Orphan's Home of Western North Carolina," with power to receive, purchase and hold property, both real and personal, not exceeding twenty thousand dollars, to sue and be sued, plead and be impleaded, contract and be contracted with, and do all other acts and things which may be necessary for the convenient and efficient management of the business of said corporation, and for carrying out the purposes and intentions of the same.

Place of business. SEC. 2. That the said corporation shall have its principal place of business at or near Asheville, in the county of Buncombe, and all buildings necessary to enable the said corporation to carry out the purposes of the organization shall be erected at or near said town, and not elsewhere.

Board of directors SEC. 3. That said corporation shall have power to choose from the corporators named in this act, or from such as may be associated with them hereafter, a board of directors to consist of nine, who, when chosen and duly organized by the election of a president and secretary, shall have power to make all necessary by-laws and regulations for the convenient and efficient management and control of the affairs of said corporation, and to appoint from the said board, or from the corporators generally, three trustees, who shall perform such duties as may be assigned them by said board of directors. The said trustees shall be subject to removal at the pleasure of the board of directors.

By-laws. SEC. 4. That said corporation shall have power to adopt such measures as will enable it to afford protection, and extend the benefits of education and correct training

to all such orphans unprotected, and friendless children as may be entrusted to the care of said corporation by any lawful authority.

SEC. 5. That said corporation shall have power to receive, for the purpose of protection, education and right Power to receive. training, all orphans, unprotected and friendless children, under such rules and regulations as said corporation may prescribe, and may discharge any of said children from said orphans' home when such discharge, in the judgment of the board of directors of said corporation, shall become necessary for the best interests of the child to be discharged, or of the institution.

SEC. 6. Said corporation shall have power to secure control of such orphans, unprotected and friendless children, in such manner as may be provided by the by-laws of the corporation, and it shall not be lawful for any person or persons, nor for any corporation, to interfere with the said Orphans' Home of Western North Carolina in its management and control of said children, after they shall be lawfully entered and received by said corporation. Right to control.

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

Ratified the 12th day of March A. D. 1877.

CHAPTER CXI.

AN ACT IN RELATION TO THE CITY OF RALEIGH.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor and board of aldermen of the city of Raleigh, who were in actual possession of the government of said city, on the first day of January, Anno Domini, one thousand eight hundred and seventy-seven, shall continue as the rightful governing authority of said Charter amended

city until their successors are duly elected and qualified as provided in private act one thousand eight hundred and seven-y-four, and one thousand eight hundred and seventy-five, chapter eighty.

SEC. 2 That private act, one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five. chapter eighty, being an act entitled "an act governing the city of Raleigh," ratified February sixteenth, one thousand eight hundred and seventy-five, be amended as follows: First, In section one, line eighteen, after the words "East with Martin street" by inserting the words, "North with East street," "East with Jones." Second, In section three, line one, by striking out the words "board of commissioners for Wake county" and inserting the words "board of aldermen of the city of Raleigh," and in line seven by striking out the word "sheriff" and inserting the words "city constable." Third, In section four, lines one and two, by striking out the word "county commissioners," and inserting the words "Board of Aldermen;" in line six by striking out the word "commissioners" and inserting the word "aldermen;" in line twenty-one by striking out the word "thirty" and inserting the word "ninety," and by striking out the proviso to said section, and inserting in lieu thereof the following: "*Provided*, That after the first registration shall have been made by virtue of the act of February sixteenth one thousand eight hundred and seventy-five, a new registration shall not annually be held unless the board of aldermen shall, at their regular meeting in March, determine that the same is necessary, and by the advertisement give notice of the same and of the places where the books of registration shall be opened, but a revision of the registration books should be made, beginning forty days and closing ten days prior to each succeeding election to be held for said city, in accordance with the provision of Battle's Revisal, chapter fifty-two, section eight. This revision or this new registration, if ordered by the board, may, if the board so determine, be conducted by

Wards.

Proviso.

one of the registrars hereinbefore provided for, to be designated by the board, who shall keep all the registration books of the city at the mayor's office." Fourth, In section five, line eight, by striking out the words "sheriff of Wake county," and inserting the words "clerk of the city of Raleigh." Fifth, In section six, line one, by striking out the words "board of commissioners of Wake county," and inserting the words "board of aldermen of the city of Raleigh;" in line eight by striking out the word "commissioners," and inserting the word "aldermen." Sixth, In section seven, line three, by striking out the word "thirty," and inserting the word "ninety." Seventh, In section nines, line four and five, by striking out the words "register of deeds of Wake county," and inserting the words "clerk of the city of Raleigh." Eighth, In section fifteen, line two, by striking out the words "sheriff of Wake county," and inserting the words "city constable or city marshal of the city of Raleigh."

SEC. 3. That private acts of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty seven, chapter ninety-eight, being an act entitled "An act to revise and consolidate the charter of the city of Raleigh," ratified February third, one thousand eight hundred and fifty-seven, be amended as follows: That section forty-eight be amended by adding: *Provided*, That the board of aldermen shall have the power to reduce the compensation of the collector to not less than three per centum on the amount collected.

SEC. 4. That the private acts of one thousand eight hundred and sixty-two and one thousand eight hundred and sixty-three, chapter forty-nine, section eleven, subdivision one, lines nine, ten and eleven, be amended by striking out the words "after advertising for twenty days in some paper published in the city which the collector shall do," and inserting in lieu thereof the following: "The collector shall, before selling the same, make a full advertisement of the said real estate at the court house door, and at three or more public places in said city for

twenty days', and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the city of Raleigh.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CXII.

AN ACT TO INCORPORATE THE DAN RIVER COAL AND MINING COMPANY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of mining coal and other minerals near Dan river, in the counties of Rockingham and Stokes, that Major Wm. D. Bethel, Christopher G. Holland, James Turner Morehead, John Lovsedge, Dr. H. W. Cole, W. H. Heidelberg, Julius A. Gray, William W. Crews, Rev. John T. Clarke, Willoughby Newton, Shelton, Thomas R. Sharp, Alex. Smith, George L. Aiken, Col. Thomas Flournoy, and such other persons as they may associate with them hereafter shall be a body politic and corporate by the name of the Dan River Coal and Mining Company, and by that name shall be capable in law to buy and sell, and hold such real and personal estate, make contracts, sue and be sued, to make by-laws and to do all other acts properly incident to such corporations, and which may be necessary and proper to carry into full effect the intention of this charter; to have and use a common seal and the same to alter at pleasure, and shall have, use and enjoy all other rights, powers and privileges

which by law usually belong to corporations for like purposes.

SEC. 2. That the said company be and is hereby authorized to make, construct and maintain buildings, shafts, and other works for the purpose of mining coal and other minerals, and utilizing and selling the same, also to make, construct and maintain tram roads with one or more tracks to be used with steam or other powers from any part of the workings to Dan river, or to such other point or points as may be determined by the board of directors.

Powers and privileges.

SEC. 3. The capital stock of the company shall be fifty thousand dollars in shares of one hundred dollars each, but it may be increased to the sum not to exceed one hundred thousand dollars whenever the board of directors may deem it expedient, and in order to get the requisite amount of stock the persons named in the first section may open books of subscription at such times and places as they may think best.

Capital stock.

SEC. 4. Whenever twenty thousand dollars of stock shall be subscribed, and one thousand dollars paid in, it shall be the duty of the persons named to call a general meeting of the subscribers who shall elect a board of directors to consist of such a number, not less than five, as they may determine, and such board of directors shall immediately elect one of their number president, whereupon the company shall be considered fully organized, and the said stockholders may provide in said meeting for the appointment of such other officers and agent as the company may require, fix the salaries of compensation for all its officers and agents, their term of office, the mode and time of their election and appointment, and the votes to which the stockholders shall be entitled in general meeting whether by scale or otherwise, and to make all needful rules and regulations for carrying out the intention of this charter. The board of directors may call in the remainder of the stock subscribed to be paid in such instalments and at such times as they may think proper, and in case any subscriber fail or refuse to make

When a meeting shall be called.

payment according to such call, the directors, after giving twenty days' notice, may sell by public auction the shares subscribed for by him or so many thereof as will pay the remainder then due upon his subscription whether it is then all called or not, and if there should be still a balance due after selling and applying the net proceeds of all his shares then the company may recover such balance before any court which has jurisdiction of the same so remaining unpaid.

Right to acquire
title.

SEC. 5. That whenever any lands for the said trainways, its branches, connections or works, and an agreement cannot be made with the owner thereof the company or such owner may apply to the clerk of the superior court in writing to cause the damages, if any, to be assessed by five referees who shall be entirely disinterested either directly or indirectly, whereupon it shall be the duty of the clerk to call upon the party filing the petition to name two of the referees and to notify the other party to name two others within five days of the service of this notice, and the clerk shall appoint the fifth referee in all cases, but should either party have failed to appoint at the expiration of five days after the notice is served upon the defendant as above provided, then the clerk shall appoint the others to make up the number of five and the whole of them in case both of the parties shall have failed to appoint, the clerk shall issue notice to the referees to attend on the lands, on account of which the petition is filed, and lay off right of way which shall extend ten feet or such additional land required for slopes on each side of the centre of the track, and also to condemn so much in addition for wharves and other necessary appurtenances, and assess the damages, if any, of the owners of the land, and return their award in writing under oath within ten days and the award when filed shall be recorded and become a judgment of the superior court and execution may issue thereon returnable in sixty days.

SEC. 6. Subscription for stock may be taken in lands or minerals at such valuation as may be determined by

the incorporators of this act, and when directors are duly appointed, then such directors shall determine such valuation.

SEC. 7. That the said company may dig mines and sell such coal and minerals as they may find on the lands on which they may purchase the rights so to dig mines and work coal and minerals in the counties aforesaid, and perform all necessary acts for the working of said coal and minerals.

SEC. 8. This act shall take effect from its ratification. Ratified the 12th day of March, A. D. 1877.

CHAPTER CXIII.

A ACT TO INCORPORATE THE STATESVILLE AND TAYLORSVILLE ROAD LOCOMOTIVE AND TRANSPORTATION COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dr. E. O. Elliott, of Catawba county, R. Z. Linney, N. C. McIntosh, J. M. Carson, Alfred Carson, J. T. Perry, Jere Smith, R. S. Barnes, E. Hedrick, Thomas Little and R. P. Matheson, of Alexander county, and their associates and successors, be and they are hereby constituted a body corporate and politic by the name and style of "The Statesville and Taylorsville Road Locomotive and Transportation Company," and as such shall have perpetual succession, and may have and use a common seal, and may sue and be sued, plead and be impleaded, may make and enforce all necessary by-laws not inconsistent with the constitution and laws of this state and of the United States, and the said corporation shall have all the powers, privileges and rights, necessary to enable them to purchase and place on the public road leading from Statesville, in Iredell county, to Taylorsville, in Alexander county, or on a road near said public road, any number of road engines or

Body corporate.

Powers and privileges.

locomotives, and to run and operate the same between the places aforesaid, and to transport by means thereof for hire, freight and passengers, between the towns aforesaid of Statesville and Taylorsville, for the space of ninety years.

Capital stock.

SEC. 2. The capital stock of said corporation shall not exceed the sum of fifty thousand dollars, and shall be divided into shares of twenty-five dollars each.

Books of subscription.

SEC. 3. The persons herein above named are hereby authorized to open books, or any of them may do so, at such times and places as any of them may deem fit, and to receive subscription to the capital stock of said corporation, and whenever twenty-five thousand dollars shall be subscribed to the capital stock of said company, a majority of the persons herein above named may call a meeting of the stockholders, who shall proceed to elect a board of directors, consisting of five stockholders, to govern said corporation and to operate and run said road engines and transport freight and passengers between the said towns of Statesville and Taylorsville, and said board of directors, when so elected, shall be the successors of the persons herein above named.

Annual meetings for electing directors.

SEC. 4. There shall be annually held, at such time and place as shall be determined by the stockholders, a meeting for the purpose of electing directors for this corporation, and at all elections for directors, and on all votes in meetings of the stockholders, the vote shall be by the stock, and one vote for each share of stock.

Rights and privileges.

SEC. 5. Said corporation shall have the right and privilege to run their said road engines or locomotives at all times in and along the public highway leading from the town of Statesville aforesaid, or from the depot of the Western North Carolina Railroad near said town, or from any point in five miles of said depot, to the said town of Taylorsville, in Alexander county, and to improve, repair and grade said public road or any part of the same so as to make it more suitable for the purpose aforesaid: *Provided*, They shall not injure said public road as a highway for ordinary travel by any alteration thereon.

Proviso.

SEC. 6. Said corporation shall have power to cause to be condemned for their use the right of way for a road for their said road engines over any lands lying between the said railroad depot, at the town of Statesville aforesaid or any point along said Western North Carolina Railroad within five miles of said depot at Statesville, and the said town of Taylorsville in the same manner, upon the same conditions and subject to the same restrictions as lands are now by law authorized to be condemned for a right of way for the Western North Carolina Railroad.

Right to acquire title.

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

Ratified the 12th day of March, A. D. 1877.

CHAPTER CXIV.

AN ACT TO INCORPORATE THE TOWN OF VANCEBORO, IN THE COUNTY OF CRAVEN.

SECTION 1. *The General Assembly of North Carolina do enact,* That the village of Swift Creek, in the county of Craven, be and the same is hereby incorporated under the name and title of "The Town of Vanceboro."

Incorporated.

SEC. 2. That the qualified voters of said town shall have power to elect a Mayor, three town commissioners, and a town constable, on the first day of May one thousand eight hundred and seventy-seven, which said officers shall be annually elected on the first day of each and every May thereafter, and shall hold their respective offices for the period of one year.

Mayor and commissioners.

SEC. 3. The boundaries of said town shall be as follows: Beginning at a marked black gum at Simpson's corner in Spring branch; then north seventy-four degrees west to a marked pine on the east side of the Washington

Limits.

road; then south fifty-two degrees west to the run of Swift creek; then down and with the various courses of said creek to lowest point of E. Clive's, deceased, still yard; then in a direct line to Mund's Swamp bridge on the main road; then up said swamp to Spring Branch, then up said branch to the beginning.

SEC. 4. That the mayor and common council of the town of Vanceboro shall have all the rights, privileges and powers usually vested in such officers.

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

Ratified the 12th day of March, A. D. 1877.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, April 25th, 1877.

I, JOSEPH A. ENGELHARD, Secretary of State, hereby certify that the foregoing are true copies of the original acts and resolutions on file in this office.

JOSEPH A. ENGELHARD,
Secretary of State.

INDEXES
TO THE
LAWS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY OF NORTH CAROLINA,
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ERRATA.

Page 481, line eight, for "Cumberland" read "Cleaveland."

" line twenty-five, for "Back" read "Buck."

" line twenty-seven, for "Wayne" read "Hyde."

" line thirty, for "Moriah" read "Hermon."

Page 482, line one, for "Haywood" read "Wayman's."

Page 483, line one, for "Berea" read "Beriah."

Page 483, line nineteen, for "sixty" read "fifty."





