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LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1881,

BEGUN AND HELD IN THE CITY OF RALEIGH,

ON WEDNESDAY, THE FIFTH DAY OF JANUARY, A. D. 1881.

TO WHICH ARE PREFIXED

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

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PUBLISHED BY AUTHORITY.

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RALEIGH:

ASHE & GATLING, STATE PRINTERS AND BINDERS.

1881.

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1981

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# OFFICIAL REGISTER

FOR THE

*YEAR 1881.*

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## STATE GOVERNMENT.

---

- THOMAS J. JARVIS,..... Pitt county,.....Governor.  
JAMES L. ROBINSON,.....Macon county,.....Lieuten't-Governor.  
WILLIAM L. SAUNDERS,.. Wake county, .....Secretary of State.  
WM. P. ROBERTS,.....Gates county,.....Auditor.  
JOHN M. WORTH,.....Randolph county,.....Treasurer.  
JOHN C. SCARBOROUGH,.. Johnston county, .....Supt. Pub. Instruct'n  
THOMAS S. KENAN,.....Wilson county, . ....Attorney General.  
JOHNSTONE JONES,.....Burke county,.....Adjutant General.  
WILLIAM C. KERR,.. .....Mecklenburg county,..Geologist.  
J. McLEOD TURNER,.....Buncombe county,.....Keeper of Capitol.  
SHERWOOD HAYWOOD, ....Wake county, .....State Librarian.  
G. L. DUDLEY,.....New Hanover, .....Private Sec. to Gov.  
E. B. ENGELHARD, .....New Hanover county,..Ch'f Cl'k to Sec. State.  
C. E. CROSS, .....Gates county,.. .....Chief Cl'k to Auditor.  
DONALD W. BAIN, . ....Wake county, .....Chief Cl'k to Treas'r.  
H. M. WORTH,.....Randolph county,.....Assist. Cl'k to Treas.

# THE JUDICIARY.

---

## SUPREME COURT.

NAMES.	RESIDENCES.
WILLIAM N. H. SMITH, Chief Justice,.....	Raleigh, N. C.
THOMAS S. ASHE, Associate Justice,.....	Wadesboro, "
THOMAS RUFFIN, Associate Justice,.....	Hillsboro, "
THOMAS S. KENAN, Reporter, .....	Wilson, "
WILLIAM H. BAGLEY, Clerk,.....	Raleigh, "
ROBERT H. BRADLEY, Marshal, .....	Raleigh, "

---

## SUPERIOR COURT JUDGES.

DISTRICTS AND NAMES.	RESIDENCES.
1. MILLS L. EURE, .....	Gatesville, N. C.
2. A. S. SEYMOUR,.....	Newbern, "
3. A. A. MCKOY,.....	Clinton, "
4. RILDEN T. BENNETT, .....	Wadesboro, "
5. JOHN A. GILMER, .....	Greensboro, "
6. WILLIAM M. SHIPP,....	Charlotte, "
7. JESSE F. GRAVES,.....	Mt. Airy, "
8. ALPHONSO C. AVERY,.....	Morganton, "
9. JAMES C. L. GUDGER,.....	Waynesville, "

## SOLICITORS.

DISTRICTS AND NAMES.	RESIDENCES.
1. C. W. GRANDY,.. . . . .	Elizabeth City, N. C.
2. JOHN H. COLLINS,.. . . . .	Halifax, “
3. SWIFT GALLOWAY,.. . . . .	Snow Hill, “
4. JAMES D. McIVER,.. . . . .	Carthage, “
5. F. N. STRUDWICK,.. . . . .	Hillsboro, “
6. W. J. MONTGOMERY,.. . . . .	Concord, “
7. JOSEPH DOBSON,.. . . . .	Dobson, “
8. JOSEPH S. ADAMS,.. . . . .	Bakersville, “
9. G. S. FERGUSON,.. . . . .	Waynesville, “

---

 CRIMINAL COURT JUDGE.

OLIVER P. MEARES,.. . . . .Wilmington, N. C.

## SOLICITOR.

BENJAMIN R. MOORE,.. . . . .Wilmington, N. C.





SENATE—Continued.

COUNTIES.	NAMES OF SENATORS.	RESIDENCES.
13 Bladen, .....	W. T. Pridgen,.....	French's Creek,
14 Sampson,.....	J. A. Oates,.....	Faison,
15 Columbus,.....	V. V. Richardson,.....	Whiteville,
16 Cumberland, .....	J. Blue,.....	Blue's X Roads.
17 Johnston,.....	J. J. Harper,.....	Smithfield,
18 Wake,.....	R. W. Wynne,.....	Raleigh,
19 Warren,.....	H. W. Carter,.....	Warrenton,
20 Orange and Person,.....	C. E. Parish,.....	Hillsboro,
21 Granville,.....	J. W. Cunningham,.....	Cuninghams Store,
22 Chatham,.....	W. H. Jenkins,.....	Oxford,
23 Rockingham, .....	A. H. Merritt,.....	Pittsboro,
24 Guilford and Alamance,.....	H. R. Scott,.....	Wentworth,
25 Randolph,.....	J. N. Staples,.....	Greensboro,
26 Montgomery, .....	B. F. Mebane,.....	Mebaneville,
27 Anson, .....	O. W. Carr,.....	Trinity,
28 Cabarrus, .....	O. Spears,.....	Troy,
29 Mecklenburg, .....	J. A. Lockhart,.....	Wadesboro,
30 Davie,.....	A. Foil,.....	Concord,
31 Davidson, .....	A. Burwell,.....	Charlotte,
32 Forsyth,.....	J. A. Williamson, .....	Mocksville,
33 Surry, .....	L. Hanes, .....	Lexington,
34 Iredell and Wilkes,.....	W. B. Glenn,.....	Winston,
	H. C. Hampton, .....	Dobson,
	T. S. Tucker, .....	Statesville,
	T. York, .....	Trap Hill,

N. C.

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35	Alleghany, .....	F. J. McMillan, .....	Mouth of Wilson,	Va.
36	Caldwell and Mitchell, .....	J. C. Newland, .....	Lenoir,	N. C.
	{ .....	J. W. Gudger, .....	Bakersville,	"
37	Catawba, .....	S. M. Finger, .....	Newton,	"
38	Gaston, .....	J. Stowe, .....	South Point,	"
39	Rutherford, .....	J. B. Eaves, .....	Rutherfordton,	"
40	Buncombe, .....	T. F. Davidson, .....	Asheville,	"
41	Transylvania, .....	J. P. Deaver, .....	Deaver's,	"
42	Cherokee, .....	B. K. Dickey, .....	Murphy,	"

## HOUSE OF REPRESENTATIVES.

C. M. COOKE, Franklin County, Speaker.

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Yancey, .....	W. M. Austin, .....	Burnsville.
Edgecombe, .....	C. W. Battle, .....	Battlesboro.
Chowan, .....	T. F. Benberry, .....	Edenton.
Watauga, .....	T. Bingham, .....	McBryde's Mills.
Perquimans, .....	J. S. Blaisdell, .....	Hertford.
Caswell, .....	A. Bigelow, .....	Yanceyville.
Wake, .....	J. E. Bledsoe, .....	Raleigh.
Polk, .....	James Blythe, .....	Columbus.
Mitchell, .....	J. W. Bowman, .....	Bakersville.
Sampson, .....	E. T. Boykin, .....	Clinton.
Rutherford, .....	J. P. Bradley, .....	Rutherfordton.
Randolph, .....	G. S. Bradshaw, .....	Ashboro.
Brunswick, .....	J. H. Brooks, .....	Smithville.
Transylvania, .....	W. Brooks, .....	Zachary's P. O.
Rowan, .....	Frank Brown, .....	Salisbury.
Swain, .....	T. Bryson, .....	Charleston.
Wake, .....	J. N. Bunting, .....	Raleigh.
Buncombe, .....	M. E. Carter, .....	Asheville.
Richmond, .....	J. Chappel, .....	Bostie's Mills.
Iredell, .....	J. D. Click, .....	Elmwood.
Wilkes, .....	W. M. Cooper, .....	Osbornville.
Pender, .....	W. E. Cowan, .....	Burgaw.
Currituck, .....	W. H. Cowell, .....	Currituck C. H.
Hyde, .....	A. Cox, .....	Middleton.
Sampson, .....	J. D. O. Culbreth, .....	Dismal.
Haywood, .....	F. M. Davis, .....	Iron Duff.
Madison, .....	D. F. Davis, .....	Marshall.
Halifax, .....	W. H. Day, .....	Weldon.
Wayne, .....	W. A. Deans, .....	Goldsboro.
Greene, .....	W. F. Dixon, .....	Snow Hill.
Lenoir, .....	W. W. Dunn, .....	Kinston.
Johnston, .....	J. T. Ellington, .....	Clayton.
Iredell, .....	A. F. Gaither, .....	Eagle Mills.
McDowell, .....	G. H. Gardin, .....	Marion P. O.
Gates, .....	J. J. Gatling, .....	Gatlington P. O.

HOUSE OF REPRESENTATIVES—*Continued.*

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Ashe,.....	L. C. Gentry,.....	Jefferson.
Rockingham,.....	J. D. Glenn,.....	Leaksville.
Stokes,.....	R. B. Glenn,.....	Danbury.
Montgomery,.....	G. A. Graham,.....	Wadesville.
Wayne,.....	H. F. Grainger,.....	Goldsboro.
Craven,.....	G. Green, Jr.,.....	Newbern.
Harnett,.....	D. E. Green,.....	Lillington.
Orange,.....	C. B. Green,.....	Durham.
Rowan,.....	J. L. Græber,.....	China Grove.
Surry,.....	R. R. Gwyn,.....	Elkin.
Northampton,.....	Paul Hailey,.....	Margarettsville.
Cleveland,.....	J. Y. Hamrick,.....	Boiling Springs.
Chatham,.....	O. A. Hanner,.....	St. Lawrence.
Caldwell,.....	G. W. F. Harper,.....	Lenoir.
Caswell,.....	T. S. Harrison,.....	Purley.
Granville,.....	J. Hays,.....	Townley.
Cabarrus,.....	A. Heilman,.....	Concord.
Washington,.....	Alex. Hicks,.....	Plymouth.
Randolph,.....	A. S. Horney,.....	Franklinville.
Yadkin,.....	A. E. Holton,.....	Yadkinville.
Henderson,.....	J. L. Hood,.....	Hendersonville.
Warren,.....	D. R. Johnson,.....	Warrenton.
Johnston,.....	W. H. Joyner,.....	Princeton.
Pitt,.....	J. B. Kilpatrick,.....	Johnson's Mills.
Warren,.....	G. King,.....	Warrenton.
Anson,.....	J. A. Leak,.....	Wadesboro.
Forsyth,.....	E. Lineback,.....	Bethania.
Nash,.....	J. E. Lindsay,.....	Rocky Mount.
Chatham,.....	J. Manning,.....	Pittsboro.
Lincoln,.....	J. G. Morrison,.....	Lowesville.
Pitt,.....	D. C. Moore,.....	Bethel.
Pasquotank,.....	W. J. Munden,.....	Woodville.
Clay,.....	W. H. McClure,.....	Haysville.
Union,.....	C. M. T. McCauley,.....	Monroe.
Robeson,.....	H. McEachern,.....	Lumber Bridge.
Mecklenburg,.....	A. G. Neal,.....	Charlotte.
Bladen,.....	J. Newell,.....	Elizabethtown.
Duplin,.....	D. B. Nicholson,.....	Kenansville.
Jones,.....	E. R. Page,.....	Trenton.

HOUSE OF REPRESENTATIVES—*Continued.*

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Orange, .....	W. K. Parrish,.....	Red Mountain.
Gaston,.....	Eli Pasour,.....	Dallas.
Wake,.....	W. R. Perry, .....	Raleigh.
Duplin,.....	J. E. Pigford,.....	Wallace.
Alexander,.....	J. B. Pool,.....	Ellendale.
Guilford,.....	J. A. Pritchett, .....	Greensboro.
Guilford,.....	J. S. Ragsdale,.....	Jameston.
Macon, .....	J. F. Ray,.....	Franklin.
Camden,.....	G. H. Riggs,.....	South Mills.
Bertie,.....	A. Robbins,.....	Windsor.
Davie,.....	Isaac Roberts, .....	Mocksville.
Granville, .....	G. W. Rogers, .....	Oxford.
Cumberland, .....	G. M. Rose,.....	Fayetteville.
Robeson, ..	A. Rowland,.....	Lumberton.
Halifax, .....	M. T. Savage,.....	Scotland Neck.
Dare,.....	J. Simpson, .....	The Cape.
Hertford,.....	E. T. Snipes, .....	Murfreesboro.
Wake, .....	G. M. Smedes,.....	Raleigh.
Carteret,.....	G. W. Smith,.....	Straits.
Wilkes, .....	R. A. Spainhour,.....	Moravian Falls.
Beaufort,.....	Thomas Sparrow, .....	Washington.
Tyrrell,.....	B. F. Sykes, .....	Columbia.
Burke, .....	S. McD. Tate,.....	Morganton.
Wilson,.....	R. J. Taylor, .....	Wilson.
Jackson, .....	J. W. Terrell,.....	Webster.
Davidson,.....	P. C. Thomas, .....	Thomasville.
Columbus, .....	T. F. Toon,.....	Fair Bluff.
Cumberland, .....	J. T. Townsend,.....	Fayetteville.
Moore, .....	Dr. H. Turner, .....	Cameron.
Stanly,.....	J. A. Turner, .....	Albemarle.
Alamance, .....	J. A. Turrentine,.....	Company Shops.
New Hanover,.....	W. H. Waddell,.....	Wilmington.
Davidson, ..	S. W. Wall, .....	Abbott's Creek.
Mecklenburg,.....	E. H. Walker, .....	Charlotte.
Onslow, .....	W. P. Ward, .....	Swainsboro.
Cherokee,.....	R. C. Washburn,.....	Valleytown.
Edgecombe,.....	W. W. Watson, .....	Whitakers'.
Buncombe, .....	W. E. Weaver,.....	Weaversville.
Rockingham,.....	J. R. Webster,.....	Reidsville.

HOUSE OF REPRESENTATIVES.—*Concluded.*

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Craven,.....	G. H. White, ... ..	Newbern.
New Hanover,.....	James Wilson,.....	Wilmington.
Person,.....	C. S. Winstead, .....	Roxboro.
Martin,.....	D. Worthington,.....	Williamston.
Alleghany,.....	E. L. Vaughn,.....	Sparta.
Catawba, .....	D. McD. Yount,.....	Conover.



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

B

*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, date of appointment, and date of qualification. Commissions expire two years after date of appointment.*

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Alabama,	H.M. Somerville,	Tuscaloosa Co.,	23 Dec., 1879,	31 Dec., 1879.
California,	Edwd. Chatlin,	San Francisco,	12 Jan'y, 1880,	12 Jan., 1880.
Connecticut,	David G. Gordon,	Hartford,	7 Jan'y, 1880,	10 Jan., 1880.
"	S. Arthur Marsden,	New Haven,	5 May, 1880,	7 May, 1880.
District of Columbia	John E. Beall,	Washington,	4 June, 1880,	9 June, 1880.
"	Sam'l C. Mills,	"	21 March, 1881,	22 March, 1881.
Georgia,	Frank H. Miller,	Augusta,	13 June, 1879,	16 June, 1879.
"	Lionel C. Levy, Jr.,	Columbus,	16 Feb., 1880,	18 Feb., 1880.
"	Wm. B. Adams,	Savannah,	9 June, 1880,	10 June, 1880.
"	John W. Burroughs,	Savannah,	5 March, 1881,	10 March, 1881.
Illinois,	Philip A. Hayne,	Chicago,	20 Nov. 1880,	23 Nov., 1880.
Kentucky,	Harry Stucky,	Louisville,	16 Feb., 1881,	21 Feb., 1881.
Louisiana,	Chas. T. Somiat,	New Orleans,	14 Nov., 1879,	20 Nov., 1879.
"	Geo. A. Hero,	"	15 April, 1880,	15 April, 1880.
Maryland,	Ph. H. Hoffman,	Baltimore,	27 Dec., 1879,	29 Dec., 1879.
"	G. Evett Reardon,	"	8 Jan., 1880,	12 Jan., 1880.

## LIST OF COMMISSIONERS OF AFFIDAVITS—Continued.

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Maryland,	J. D. Montague,	Baltimore,	15 July, 1880,	16 July, 1880.
"	Murray Hanson,	"	5 Aug., 1880,	6 Aug., 1880.
"	W. S. Bryan, Jr.,	"	26 Jan., 1881,	1 Feb., 1881.
Massachusetts,	Joseph B. Braman,	Boston,	1 July, 1879,	3 July, 1879.
"	Chas. Hall Adams,	"	9 Sept., 1879,	12 Sept., 1879.
"	Edward J. Jones,	"	19 April, 1880,	21 April, 1880.
"	Samuel Jennison,	"	1 Dec., 1880,	4 Dec., 1880.
"	Jas. W. Chapman,	"	11 Jan., 1881,	14 Jan., 1881.
Mississippi,	W. M. Stone,	Meridian,	26 Nov., 1879,	15 Jan., 1880.
Missouri,	Geo. W. Montgomery,	Lawson,	29 Sept., 1879,	17 Oct., 1879.
"	Chapman S. Charlat,	St. Louis,	11 May, 1880,	14 May, 1880.
"	Julius Robertson,	"	10 Aug., 1880,	14 Aug., 1880.
"	C. D. Greene, Jr.,	"	29 Nov., 1880,	3 Dec., 1880.
New Hampshire,	Charles E. Batchelder,	Portsmouth,	14 Oct. 1879,	17 Oct., 1879.
New Jersey,	H. J. Stratemeyer, Jr.,	Elizabeth,	18 Feb. 1880,	20 Feb., 1880.
-New York,	William H. Clarkson,	New York,	4 June, 1879,	6 June, 1879.
"	N. Pendleton Schenck,	"	22 June, 1879,	23 June, 1879.
"	James Taylor,	"	17 July, 1879,	19 July, 1879.
"	Fred'ick A. Burnham,	"	12 Dec. 1879,	15 Dec., 1879.
"	Louis Beekhardt,	"	2 Feb. 1880,	4 Feb., 1880.
"	Richard M. Bruno,	"	19 April, 1880,	21 April, 1880.
"	Thomas B. Clifford,	"	12 May, 1880,	19 May, 1880.
"	I. Spencer Smith,	"	16 June, 1880,	25 June, 1880.
"	Frank Saunders,	"	7 June, 1880,	10 June, 1880.
"	Wm. Edwin Osborn,	Brooklyn,	10 August, 1880,	14 Aug., 1880.

New York,	Wm. B. Stuyvesant,	New York,	8 Sept., 1880,
"	George R. Jaques,	"	9 Oct., 1880,
"	J. B. Nones,	"	8 Oct., 1880,
"	Francis P. Burke,	"	23 Oct., 1880,
"	A. C. Anderson,	"	7 Dec., 1880,
"	Spencer C. Doty,	"	11 Dec., 1880,
"	Thomas Kilvert,	"	9 Dec., 1880,
"	Jacob Du Bois,	"	16 Dec., 1880,
"	Rufus K. McHarg,	"	20 Dec., 1880,
"	Charles Nettleton,	"	7 Jan., 1881,
"	Henry C. Banks,	"	26 Jan., 1881,
"	E. D. Grant,	"	28 Jan., 1881,
"	Edwin F. Corey,	"	16 Feb., 1881,
"	John A. Hillery,	"	1 April, 1881,
"	Vincent Rosemon,	"	1 April, 1881,
"	Moses B. Maclay,	"	21 March, 1881,
"	Eleazer Jackson,	"	11 April, 1881,
Ohio,	Samuel S. Carpenter,	Cincinnati,	7 Jan., 1881,
Pennsylvania,	Thomas J. Hunt,	Philadelphia,	9 Nov., 1879,
"	H. E. Garsed,	"	6 Jan., 1880,
"	William F. Robb,	Pittsburg,	11 Feb., 1880,
"	Lewin W. Barringer,	Philadelphia,	17 Feb., 1880,
"	C. R. Lautz,	Lebanon,	9 Sept., 1880,
"	John Sparhawk,	Philadelphia,	11 Dec., 1880,
"	Charles Chauncey,	"	7 Dec., 1880,
"	Theo. D. Rand,	"	1 Dec., 1880,
"	Samuel L. Taylor,	"	8 Dec., 1880,
"	Edwd. Shippen,	"	12 Dec., 1880,
"	Kinley J. Tener,	"	6 Dec., 1880,
"	Alexander Ramsey,	"	3 Jan., 1881,
"	J. Paul Diver,	"	6 Jan., 1881,
			10 Sept., 1880.
			11 Oct., 1880.
			13 Oct., 1880.
			6 Nov., 1880.
			11 Dec., 1880.
			14 Dec., 1880.
			15 Dec., 1880.
			18 Dec., 1880.
			22 Dec., 1880.
			10 Jan., 1881.
			29 Jan., 1881.
			16 Feb., 1881.
			21 Feb., 1881.
			4 April, 1881.
			5 April, 1881.
			6 April, 1881.
			14 April, 1881.
			10 Jan., 1881.
			13 Nov., 1879.
			8 Jan., 1880.
			13 Feb., 1880.
			27 Feb., 1880.
			14 Sept., 1880.
			14 Dec., 1880.
			9 Dec., 1880.
			9 Dec., 1880.
			10 Dec., 1880.
			18 Dec., 1880.
			9 Dec., 1880.
			6 Jan., 1881.
			10 Jan., 1881.

## LIST OF COMMISSIONERS OF AFFIDAVITS—Continued.

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Pennsylvania,	Joseph Franklish, Jr.,	Philadelphia,	12 March, 1881,	14 March, 1881.
South Carolina,	A. B. Horton,	Cheraw,	23 Sept., 1879,	26 Sept., 1879.
"	J. M. Johnson,	Marion,	1 Sept., 1880,	22 Sept., 1880.
"	G. W. S. Hart,	Yorkville,	27 Jan., 1881,	4 Feb., 1881.
"	Thomas E. Dudley,	Beaufettsville,	2 March, 1881,	5 March, 1881.
"	Thomas Frost,	Charleston,	21 March, 1881,	24 March, 1881.
"	Augustus E. Cohen,	"	6 May, 1881,	7 May, 1881.
Virginia,	James R. Tyler,	Southampton,	24 January, 1880,	28 Jan., 1880.
"	E. R. Hunter,	Portsmouth,	17 January, 1880,	20 Jan., 1880.
"	Thomas Hamlin,	Danville,	4 May, 1880,	5 May, 1880.
"	William J. Baker,	Norfolk,	29 June, 1880,	28 July, 1880.
"	W. B. Martin,	"	24 Nov., 1880,	26 Nov., 1880.
"	T. R. Borland,	"	1 Jan., 1881,	4 Jan., 1881.
"	Alexander Donnan,	Petersburg,	7 Jan., 1881,	8 Jan., 1881.
"	L. D. Starke,	Norfolk,	7 Jan., 1881,	10 Jan., 1881.
"	E. M. Garnett,	Richmond,	17 Jan., 1881,	22 Jan., 1881.
"	John C. Baker,	Norfolk,	20 Jan., 1881,	22 Jan., 1881.
"	Warren G. Elliott,	"	21 Jan., 1881,	24 Jan., 1881.
"	Wilbur J. Kilby,	Suffolk,	9 Feb., 1881,	14 Feb., 1881.
"	L. J. Cobb,	Danville,	24 March, 1881,	28 March, 1881.
England,	Alfred Heales,	London,	29 Aug., 1879,	18 Nov. 1879.

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE, Raleigh, May 28, 1879.

I, WILLIAM L. SAUNDERS, 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 date of their appointments and places of residence, as recorded in this office.

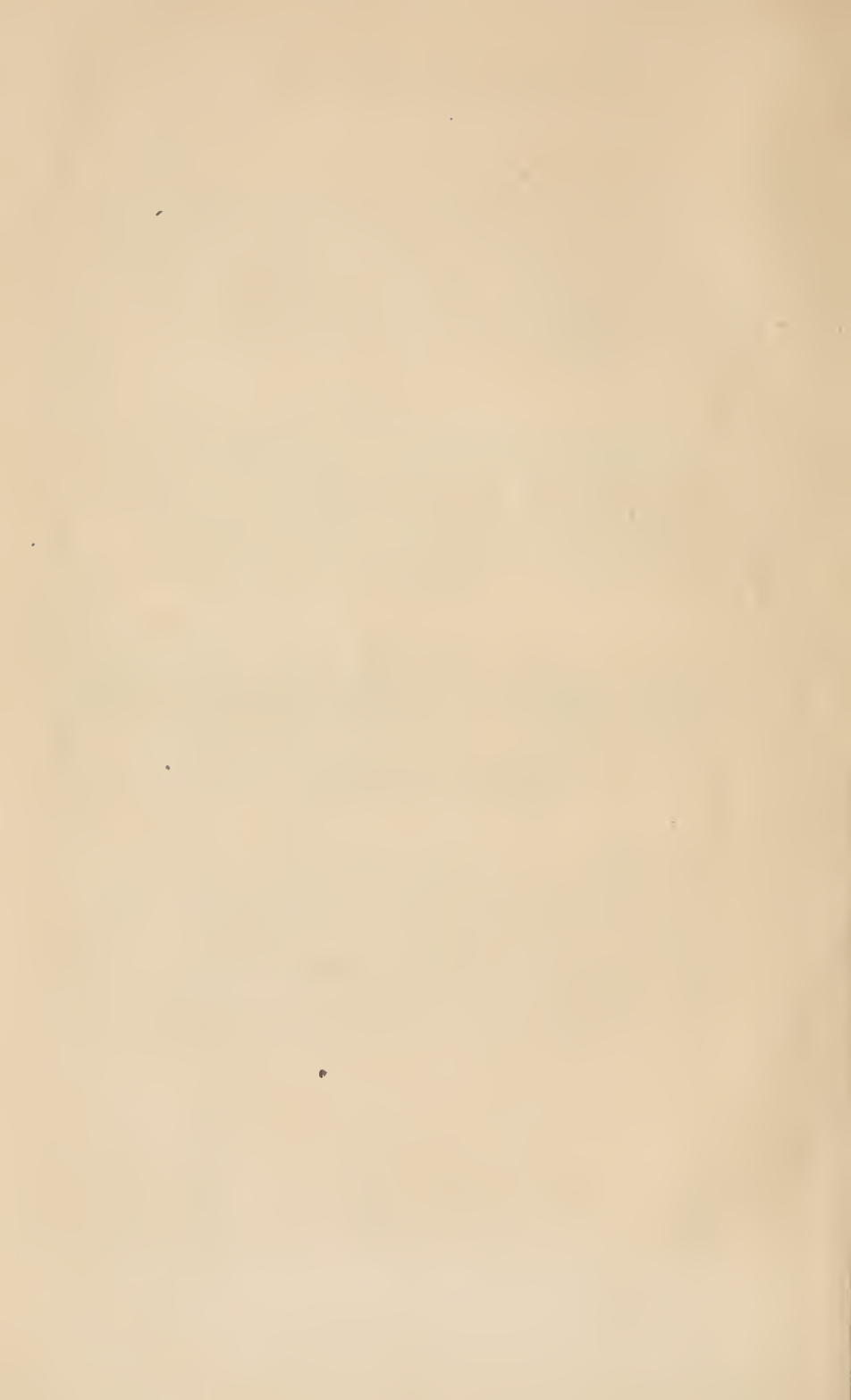
W. L. SAUNDERS, Secretary of State.

CAPTIONS

OF THE

LAWS AND RESOLUTIONS,

SESSION 1881.



# CAPTIONS

## OF THE

# PUBLIC LAWS,

## SESSION 1881.

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1711

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.



# CONSTITUTION

OF THE

# STATE OF NORTH CAROLINA.

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## 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 are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among The equality and rights of men.

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 for 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; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the legislature of the year one thousand eight hundred

Bonds issued under ordinance of convention of 1868 and under acts of 1868, 1868-'69, 1869-'70, declared invalid.

and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy except the bonds issued to fund the interest on the old debt of the State unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Exception.

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.

Exclusive emoluments, &c.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

The Legislative, Executive and 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 defence, 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.

- Excessive bail. SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.
- General warrants 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.
- Imprisonment for debt. SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.
- No person to be taken, &c., but by law of the land. SEC. 17. No person ought to be taken, imprisoned or disseized 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.
- 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.

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.

Militia and the right to bear arms.

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.

Right of the people to assemble together.

SEC. 26. All men have a natural and unalienated 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.

Religious liberty.

SEC. 27. The people have the 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.

- Slavery prohibited. 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 the State.
- State boundaries. SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open. 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.
- Soldiers in time of peace. 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.
- 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.

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## 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.

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 near 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 districting the State for Senators.

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.

Regulations in relation to apportionment of Representatives.

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.

- Qualifications for Senators. 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 Representatives. 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.
- Election of officers. 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*.
- Powers in relation to divorce and alimony. SEC. 10. The General Assembly shall have power to pass 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.

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

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

SEC. 17. Any member of either House may dissent Protest.  
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 Officers of the House.  
their own speaker and other officers.

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

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

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

SEC. 22. Each House shall be judge of the qualifica- Powers of the General Assembly.  
tions 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.

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

SEC. 24. Each member of the General Assembly, before Oath of members.  
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.

Terms of office.

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

Yeas and nays.

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.

Election for members of the General Assembly.

SEC. 27. The election for members of the General Assembly 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. 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.

Extra session.

## ARTICLE III.

## 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 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.

Officers of the Executive Department.

Terms of Office.

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 Governor.

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

Returns of elections.

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 ballot of both Houses of the General Assembly, in such manner as shall be prescribed by law.

Oath of office for Governor.

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 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 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.

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.

Commander-in-Chief.

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.

Extra sessions of General Assembly.

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

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

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 are 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 the President of the Senate to administer the Government, the Secretary of State shall convene the Senate, that they may elect such President.

Duties of other  
Executive officers.

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, resignation 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.

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.

Seal of State.

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.

Department of Agriculture, Immigration and Statistics.

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## 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

Division of Judicial powers.

Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Trial Court of Impeachment.

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.

Impeachment.

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

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.

Claims against the State.

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.

Judicial Districts for Superior Courts.

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 be 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 the said district.

Residences of 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.

**In case of waiver of trial by jury.** 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 by a jury.

**Special courts in cities.** 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.

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

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

SEC. 22. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury. Transaction of business in the Superior Courts.

SEC. 23. A Solicitor shall be elected for each Judicial 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. Solicitors for each Judicial District.

SEC. 24. In each county a Sheriff and Coroner shall be 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. Sheriffs and Coroners.

SEC. 25. All vacancies occurring in the offices provided 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. Vacancies.

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.

Terms of office of first offices under this Article.

SEC. 26. The officers elected at the first election held 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 may 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.

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.

Vacancies in office of Superior Court Clerk.

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.

Officers of other Courts inferior to Supreme Court.

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,

Removal of clerks of the various Courts for inability.

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.

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.

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## 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.

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.

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

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.

Qualifications of  
an elector.

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 felony, or 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.

Elections by peo-  
ple 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.

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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. Duty 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.

Officers of 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 the 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 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 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 the 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.

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.

Charters to remain in force until legally changed.

SEC. 13. No county, city, town or other municipal corporation shall assume to 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.

Debts in aid of the rebellion not to be paid.

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.

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## 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,

What corporations shall include.

and shall be subject to be sued in all courts, in like cases as natural persons.

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

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, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

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## 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 the 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.

Separation of the races.

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 in favor of, or to the prejudice of either race.

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.

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 the 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.

What property shall be devoted to educational purposes.

SEC. 5. All moneys, stocks, bonds, and other property, 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*, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

County School fund.

Proviso.

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

Election of Trustees, and provisions for maintenance of the University.

may be necessary and expedient for the maintenance and management of said University.

Benefits 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.

Board of Education.

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.

President and Secretary.

SEC. 9. The Governor shall be President, and the Superintendent 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.

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. Children must attend school.

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## 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. Exemptions

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.

Laborers' lien.

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.

Benefit of widow.

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.

Property of a married female secured to her.

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

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 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: *Provided*, 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.

Punishments.

Convict labor.

Proviso.

SEC. 2. The object of punishments being not only to 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.

Death punishment.

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

Penitentiary.

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

Houses of Correction.

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

**The sexes to be separated.** SEC. 6. It shall be required, by competent legislation, that 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.

**Provision for the poor and orphans.** SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and 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, blind and insane.** SEC. 10. The General Assembly may provide that the indigent deaf mutes, blind and 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.

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. Who are liable to militia duty.

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. Organizing, &c

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

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

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by 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, how called.

Convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the constitution may be altered.

SEC. 2. No part of the Constitution of this State shall be 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.

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## 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 the 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.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their position 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.

Governor to make appointments.

SEC. 6. The seat of government in this State shall remain at the City of Raleigh.

Seat of government.

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.

Holding office.

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

## Constitution of North Carolina.

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA.

1881.



# PUBLIC LAWS

OF THE

# STATE OF NORTH CAROLINA,

SESSION 1881.



## CHAPTER 1.

AN ACT TO APPOINT COTTON WEAHER FOR THE TOWN OF  
WILSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be appointed for the town of Wilson two public cotton weighers, one of whom shall be appointed by the county commissioners of Wilson county, and the other by the commissioners of the town of Wilson, at the first meeting of each after the passage of this act, and every two years thereafter. Any vacancy occurring in the said office of cotton weigher shall be filled in like manner.

Two cotton weighers to be appointed.

How appointed.

Vacancy, how filled.

SEC. 2. It shall be the duty of said weighers to weigh all baled cotton sold in the said town of Wilson at its true weight, making just and proper deductions for water or damage.

Duties.

SEC. 3. The said weighers before entering upon the duties of their office shall take the following oath before

Oath.

some justice of the peace, viz: I ..... do solemnly swear that I will faithfully perform the duties of cotton weigher, and that I will take no interest, near or remote, in buying or selling cotton in the town of Wilson.

Bond.

SEC. 4. Each of said weighers shall give bond in the sum of one thousand dollars, payable to the state of North Carolina, conditional for the faithful performance of his duty as cotton weigher. Said bond shall be taken by the county commissioners and filed in the office of the register of deeds of said county. Said weigher shall be entitled to ten cents per bale for weighing, one half of which compensation shall be paid by the buyer and the other half by the seller.

Compensation.

Unlawful for any other person to weigh cotton for sale.  
Penalty.

SEC. 5. That no other person than said weighers shall weigh baled cotton for sale in said town under a penalty of ten dollars for each offence, said fine to be applied to the school fund of said county of Wilson upon the conviction of the offender before any justice of the peace of said county.

Malfeasance in office.

Penalty.

SEC. 6. Any cotton weigher appointed under the provisions of this act, who shall wilfully or corruptly abuse the trust or power conferred upon him by this act, shall upon conviction thereof by the board of county or town commissioners by which he was appointed, be dismissed from office, and any damage sustained by any party by such wilful or corrupt abuse of trust or power shall be recoverable out of the bond of such cotton weigher so offending.

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

Read three times in the general assembly, and ratified this the 13th day of January, A. D. 1881.

## CHAPTER 2.

## AN ACT FOR THE RELIEF OF JURORS IN CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That out of the taxes annually collected in the county of Cherokee for general purposes there shall be set apart the sum of six hundred dollars for the payment of jurors of said county, which fund shall not be issued for any other purpose: *Provided however*, That in case a fund more than sufficient to pay said jurors shall accumulate under this act, then the surplus shall be paid into the general county fund: *Provided further*, That the provisions of this act shall only apply to the jurors regularly drawn by the board of county commissioners.

Six hundred dollars out of county taxes to be set apart for payment of jurors.

Proviso.

Proviso.

SEC. 2. That the board of commissioners of Cherokee county shall set apart from the taxes collected for the year one thousand eight hundred and eighty-one the sum of six hundred dollars for the payment of jurors for said county for the year one thousand eight hundred and eighty-two.

Six hundred dollars set apart out of taxes for 1881 for payment of jurors for 1882.

SEC. 3. That it shall be the duty of the county treasurer of Cherokee county, at the spring term of the superior court of said county for one thousand eight hundred and eighty-two, and at each succeeding term to which jurors are summoned in said county, to pay off the jurors when they are discharged from service out of the fund created under the provisions of this act.

Jurors to be paid out of fund.

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

Read three times in the general assembly, and ratified this the 18th day of January, A. D. 1881.

## CHAPTER 3.

AN ACT TO PREVENT HORSES AND MULES FROM RUNNING AT  
LARGE IN THE COUNTY OF JONES.

*The General Assembly of North Carolina do enact :*

Unlawful to permit any horse or mule to run at large.

SECTION 1. That it shall be unlawful for any person to permit any horse or mule to run at large upon any road in the county of Jones, unless the same shall be in charge of some person driving them.

Misdemeanor.

SEC. 2. That 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 less than five nor more than fifty dollars for each and every offence.

Penalty.

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

Read three times in the general assembly, and ratified this the 18th day of January, A. D. 1881.

## CHAPTER 4.

## AN ACT TO PUNISH INJURY TO TELEGRAPH LINES.

*The General Assembly of North Carolina do enact :*

Unlawful to wilfully injure, &c., any telegraph pole, &c.

SECTION 1. Any person who shall wilfully injure or destroy or pull down any telegraph pole, wire, insulator or any other fixture or apparatus attached to a telegraph line, shall be guilty of a misdemeanor and may be fined and imprisoned at the discretion of the court.

Penalty.

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

Read three times in the general assembly, and ratified this the 18th day of January, A. D. 1881.

## CHAPTER 5.

AN ACT TO PERFECT THE ORGANIZATION OF THE CAROLINA  
CENTRAL RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Carolina Central Railroad Company, a corporation organized under and by virtue of an act ratified the first day of March, one thousand eight hundred and seventy-three, and entitled "An act to regulate mortgages by corporations, and sales under the same," and the grantee in a deed executed the twenty-fifth day of June, A. D. one thousand eight hundred and eighty, by Nathan A. Stedman, Jr., and Junius Davis, commissioners appointed by a decree of the superior court of New Hanover county to sell the property, rights and franchises of the Carolina Central Railway Company, and to make title to the same is hereby declared to be a lawfully organized corporation, succeeding to and legally possessed of, all the rights, powers, privileges and franchises which were owned and possessed by the former corporation, the Carolina Central Railway Company, on and prior to the day of the said sale, to wit, the thirty-first day of May, one thousand eight hundred and eighty.

Declared to be a lawfully organized corporation.

Succeeds to all the rights, &c., of the former Carolina Central R. R. Co.

SEC. 2. That in order to effectuate and carry out the agreement between the bondholders of the said former corporation made in contemplation and for the purpose of their becoming the purchasers, at the said foreclosure sale of the property and franchises of the said former corporation, and which said purchase was afterwards made in pursuance of said agreement, the said corporation, the Carolina Central Railroad Company, is hereby authorized and empowered to mortgage its property, franchises and income, and to issue bonds to be secured by such mortgages, in such amounts and classification, and with such priorities of lien as may have been, or may here-

Empowered to mortgage its property and issue bonds.

Mortgage not to exceed \$21,000 per mile.

Mortgages and bonds subject to liens given by ch. 101, laws 1879.

after be, determined by the stockholders and board of directors of the said company: *Provided*, That the total amount of all such bonds and mortgages shall not exceed twenty-one thousand dollars per mile for every mile in length of the railroad of the said company: *Provided however*, That all mortgages made and bonds issued by the said corporation shall be subject to the liens given by virtue of chapter one hundred and one of the laws of one thousand eight hundred and seventy-nine, the same being "An act concerning mortgages issued by incorporate companies."

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

Read three times in the general assembly, and ratified this the 18th day of January, A. D. 1881.

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## CHAPTER 6.

AN ACT FOR THE RELIEF OF THE SURETIES OF ROBERT R. McCALL, LATE SHERIFF OF CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Authorized to collect arrears of taxes.

SECTION 1. That the sureties of the official bond of Robert R. McCall, late sheriff of Caldwell county, be and are hereby authorized to collect the arrears of taxes due the said Robert R. McCall for the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight and one thousand eight hundred and seventy-nine, and for that purpose a majority of said sureties may appoint one or more persons to make said collections under the same rules and regulations as are now prescribed for the regular collection of taxes; and the powers and authority hereby granted shall cease on the

Majority of sureties to appoint person to make collection.

Authorized to cease on January 1st, 1882.

first day of January, Anno Domini one thousand eight hundred and eighty-two: *Provided*, That this act shall not Proviso. apply to any person who will make oath that he has paid his taxes for the years aforesaid: and *provided further*, That this act shall not apply to executors, administrators or guardians, or in any case where the property taxed has changed hands.

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

Read three times in the general assembly, and ratified this the 18th day of January, A. D. 1881.

## CHAPTER 7.

### AN ACT TO PREVENT THE FELLING OF TIMBER IN TUCKASEEGEE RIVER IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who shall fell timber or put any other obstruction that by the rising of the river would form a drift in the Tuckaseege river in Jackson county and Lane's creek in Anson county, shall be guilty of a misdemeanor, and upon conviction by any court having jurisdiction, shall be fined not less than ten nor more than fifty dollars, or may be imprisoned not more than thirty days, in the discretion of the court.

Unlawful to put obstructions in Tuckaseege river in Jackson county, and Lane's Creek in Anson county.

Misdemeanor.

Penalty.

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

Read three times in the general assembly, and ratified this the 20th day of January, A. D. 1881.

## CHAPTER 8.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER FORTY-THREE  
SECTION TEN.*The General Assembly of North Carolina do enact :*

Ch. 43, §10, Battle's Revisal amended.

In actions on official bonds, evidence against principal, presumptive evidence only against sureties. Applicable to existing suits.

SECTION 1. That section ten, chapter forty-four of the Revised Code, brought forward in Battle's Revisal, chapter forty-three, section ten, be amended by inserting in the tenth line after the word "competent," the words, "and shall be presumptive evidence only."

SEC. 2. That this act shall be in force from and after its ratification, and shall apply to all existing suits.

Read three times in the general assembly, and ratified this the 20th day of January, A. D. 1881.

## CHAPTER 9.

## AN ACT FOR THE PROTECTION OF CROPS IN CRAVEN COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful to permit animals to run at large.

SECTION 1. That in the section of Craven county hereinafter named, it shall not be lawful for the owner or manager of any mule, horse, swine, sheep, goat or neat cattle of any description to permit the said animals to run at large beyond the limits of their own land.

Owner of animal going at large or upon the land of another guilty of misdemeanor.

SEC. 2. If any of the animals enumerated in the foregoing section shall hereafter be found going at large, or upon the land of any person other than the owner or manager, the owner or manager shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding thirty dollars, or imprisoned not exceeding thirty days.

Penalty.

SEC. 3. This act shall apply and be in force only in that portion of Craven county lying on the south side of Trent river, north side of Brice's creek, and a point on Brice's creek at the beginning of Wolfenden's and Gray's line, running with said Wolfenden's line to Richard Williams' line, and with said Williams' line to Neuse river.

Applicable only to a certain portion of Craven county.

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

Read three times in the general assembly, and ratified this the 20th day of January, A. D. 1881.

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## CHAPTER 10.

AN ACT TO AMEND CHAPTER NINETY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, AN ACT TO PROHIBIT THE DRIVING OF CATTLE FROM NORTH CAROLINA AND GEORGIA, AND OTHER PLACES IN CERTAIN COUNTIES WEST OF THE BLUE RIDGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter ninety-five of the laws of one thousand eight hundred and seventy-nine be amended as follows: Nothing in this act shall be construed to prevent any person or persons from bringing cattle from anywhere north of the Blue Ridge in the state of Georgia into any of the counties of Clay, Cherokee, Graham, Swain, Haywood, Macon or Jackson, at any time between the first day of January and first day of March.

Ch. 95, §1, laws 1879, amended.

Lawful to bring cattle from north of the Blue Ridge in Georgia into certain counties in North Carolina between Jan. 1st and March 1st.

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

Read three times in the general assembly, and ratified this the 20th day of January, A. D. 1881.

## CHAPTER 11.

AN ACT TO PREVENT OBSTRUCTING THE PASSAGE OF FISH IN  
HIAWASSEE RIVER.

*The General Assembly of North Carolina do enact :*

Unlawful to obstruct more than three-fourths of Hiawassee river.

SECTION 1. That it shall be unlawful for any person or persons to make, construct or build any dam, drag-net or seine across more than three-fourths of Hiawassee river in this state, so as to prevent or hinder the free passage of fish in said river.

One-fourth to be kept open for free passage of fish.

SEC. 2. That any person or persons making or using any dam, drag-net or seine in said river, shall leave open and unobstructed to the free passage of fish at least one-fourth of said river, in width, on the side most favorable to the passage of fish.

Misdemeanor.

SEC. 3. Any person or persons offending against the provisions of this statute shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of the same, shall be fined not more than ten dollars for each twenty-four hours said river is so obstructed, one-half to the use of the school fund, the other half to the use of the county in which such violation occurs.

Penalty.

SEC. 4. All laws in conflict with this statute are hereby repealed.

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

Read three times in the general assembly, and ratified this the 20th day of January, A. D. 1881.

## CHAPTER 12.

AN ACT TO PREVENT THE HAULING OF SEINES AND DRAG-NETS  
IN HIAWASSEE, NOTLEY AND VALLEY RIVERS IN CHEROKEE  
COUNTY IN CERTAIN SEASONS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful to fish with seines or drag-nets in the Valley river, Notley and Hiawassee rivers in the county of Cherokee, from the fifteenth of March to the first day of June in each year, in order not to disturb the fish in spawning season. Unlawful to fish with seines or drag-nets in certain rivers in Cherokee county from March 15th to June 1st.

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

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

Read three times in the general assembly, and ratified this the 24th day of January, A. D. 1881.

## CHAPTER 13.

AN ACT TO PREVENT THE FELLING OF TIMBER IN SUGAR FORK  
RIVER IN MACON COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to fell timber in the Sugar Fork river in Macon county. Unlawful to fell timber in Sugar Fork river in Macon county.

SEC. 2. Any person or persons violating this statute shall be guilty of a misdemeanor, and upon conviction, Misdemeanor.

Penalty.

shall be fined not less than ten dollars nor more than fifty dollars.

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

Read three times in the general assembly, and ratified this the 24th day of January, A. D. 1881.

## CHAPTER 14.

AN ACT TO PREVENT THE FELLING OF TIMBER IN NORTH FORK CATAWBA RIVER IN McDOWELL COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful to obstruct North Fork Catawba river in McDowell county.

Misdemeanor.

Penalty.

SECTION 1. That any person who shall fell any timber or brush, or otherwise obstruct the free passage of the water of North Fork Catawba river in McDowell county shall be deemed guilty of a misdemeanor, and upon conviction before any court thereof, shall be punished by a fine of not less than ten nor more than thirty dollars, or imprisoned not less than ten nor more than thirty days.

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

Read three times in the general assembly, and ratified this the 24th day of January, A. D. 1881.

## CHAPTER 15.

AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE ATLANTIC COAST RAILWAY AND THE FAYETTEVILLE AND FLORENCE RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

Consolidation authorized.

SECTION 1. That it shall be lawful for the Fayetteville and Florence Railroad Company and the Atlantic Coast

Railway Company to unite, consolidate and merge their stock, property, franchises, rights and privileges each with the other, upon such terms as may be agreed upon by the directors of the same, and after such consolidation, and the filing in the office of the secretary of state a certificate to that effect, the corporation so formed shall be known by the name that may be set forth in such certificate, and under such name so set forth, shall succeed to, have, hold and enjoy all the powers, rights, privileges, franchises and immunities secured by the charters of each of such consolidating companies, and of each of the charters of the several corporations out of the consolidation of which the said companies were formed, but there shall be no transfer to the successor company of the bonds of the town of Fayetteville, now owned and held by the said Fayetteville and Florence Railroad Company.

Name.

Powers.

Bonds of town of Fayetteville owned by Fayetteville and Florence R. R. not to be transferred.

Directors authorized to issue bonds and make mortgage.

SEC. 2. That the board of directors of such successor company, (and the directors thereof may be agreed upon and named in the certificate of consolidation,) may in their discretion issue bonds and lay a mortgage deed, to secure the payment thereof, on its entire railway, or on its main line, or on any branch or branches, or on any division or divisions of its railway, setting forth such bonded line, branch or division specifically in such deed; and may sell or negotiate such bonds at such rates as the board of directors shall deem for the best interests of the company; and the proceeds arising from the sale of such bonds shall be applied to the construction and equipment of the line, branch or division so bonded.

Application of proceeds.

SEC. 3. That such mortgage deed on the main line of the railway, when duly executed, may be registered in the county of Wayne, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatever, and shall give priority and preference over all claims against said corporation created subsequent to such recording, and it shall not be necessary to register or record the same in any other county, any laws

Mortgage, where registered.

to the contrary notwithstanding, and in like manner, and with the same force and effect, the mortgage deed on any branch or division may be registered in any one county through or into which such branch or division may run or extend, and it shall not be necessary to register the same in any other county.

Limitation of time as to commencement of work repealed.

SEC. 4. That the limitation contained in chapter one hundred and thirty of the laws of one thousand eight hundred and seventy three and one thousand eight hundred and seventy-four, ratified the fourteenth day of February, one thousand eight hundred and seventy-four, requiring the said corporation to commence work on said roads within four years, is hereby repealed, and the time shall be extended four years from the ratification of this act.

Time extended.

Commencement of work within four years, a compliance with this act.

SEC. 5. That the commencement of work by the said Atlantic Coast Railway Company, or by the successor company after the consolidation with the said Fayetteville and Florence Railroad Company as aforesaid, within four years shall be a compliance with this act, and the said company shall construct its main line through the corporate limits of the towns of Goldsboro and Fayetteville.

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

Read three times in the general assembly, and ratified this the 29th day of January, 1881.

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## CHAPTER 16.

AN ACT TO AMEND SECTIONS SEVENTEEN AND EIGHTEEN, CHAPTER NINETY-SEVEN, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

Ch. 97, §§17, 18, Battle's Revisal, amended.

SECTION 1. That sections seventeen and eighteen, chapter ninety-seven, Battle's Revisal, be amended so as to read as follows :

SEC. 17. Of the senate and house journals, of each of <sup>Senate and House journals.</sup> these there shall be printed three hundred and fifty copies, bound in full sheep, to be distributed as follows: one <sup>Distribution.</sup> each to the governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, each senator, representative, principal, assistant, engrossing and enrolling clerks; to the state library twenty copies; to the senate library ten copies; to the house library twelve copies.

SEC. 18. Of the public documents there shall be printed <sup>Public Documents.</sup> of each five hundred and eighty-five copies, seventy of which, stitched when necessary, shall be delivered to the secretary of the senate, as soon as printed, for the use of the senate, and one hundred and fifty to the clerk of the house, and the residue of said copies, three hundred and sixty-five, shall be bound in volumes in full sheep and distributed as follows: to the governor, lieutenant gover- <sup>Distribution.</sup> nor, treasurer, secretary of state, auditor, superintendent of public instruction, of the insane asylum, of the deaf and dumb asylum, of the penitentiary, attorney general, and each clerk of the superior courts, and one each to their respective officers, and to each representative and senator, and each judge of the supreme and superior courts, one copy each; to the state library ten copies; to the senate library ten copies; to the house library twelve copies.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

## CHAPTER 17.

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

*The General Assembly of North Carolina do enact :*

Ch. 32, 33, Battle's Revisal, amended.

Misdemeanor to steal or take for a fraudulent purpose any book, record, &c., in register's office.

SECTION 1. That chapter thirty-two, section thirty-three, of Battle's Revisal, be amended by adding the following as a part of said section: And if any person shall steal or for any fraudulent purpose shall take from the register's office, or from any person having the lawful custody thereof, or shall unlawfully and wilfully obliterate, injure or destroy any book wherein deeds or other instruments of writing are registered, or any other book of registration, or record required to be kept by the register of deeds, or shall unlawfully destroy, obliterate, deface or remove any record of proceedings of the county commissioners, or unlawfully and fraudulently abstract any records, record, receipt, order or voucher or other paper writing, required to be kept by the clerk of the board of commissioners of any county, shall be guilty of a misdemeanor.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

## CHAPTER 18.

AN ACT TO PROHIBIT THE OBSTRUCTION OF THE WATERS IN LITTLE RIVER.

*The General Assembly of North Carolina do enact :*

Unlawful to obstruct Little river between Pasquo-

SECTION 1. That it shall be unlawful for any person or persons to place any obstruction in Little river, dividing

the counties of Pasquotank and Perquimans, and allowing it to remain for a longer time than ten days, shall be guilty of a misdemeanor, and upon conviction for the same shall be fined not less than five dollars nor more than ten, at the discretion of the court: *Provided*, That nothing in this act shall be so construed as to prohibit citizens from fishing with dip-nets in said river during the months of March and April in each and every year.

tank and Perquimans counties.

Penalty.

Proviso.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

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## CHAPTER 19.

### AN ACT TO DEFINE THE WEIGHT OF COTTON SEED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That thirty pounds of cotton seed by the standard weight of this state shall constitute one bushel: *Provided*, That the provisions of this chapter shall not prevent the citizens of this state from buying and selling cotton seed by measure as may be agreed upon between the parties.

Thirty pounds of cotton seed to constitute one bushel.  
Proviso.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

## CHAPTER 20.

AN ACT FOR THE RELIEF OF THOMAS F. WORLEY, LATE SHERIFF  
OF JONES COUNTY.

*The General Assembly of North Carolina do enact :*

Board of Commis-  
sioners empower-  
ed to compro-  
mise.

SECTION 1. That the board of commissioners of Jones county be, and they are hereby fully empowered and authorized to compromise and adjust in any manner they may see proper with Thomas F. Worley, late sheriff of Jones county, or his bondsmen, any sum or sums of money due from the said Thomas F. Worley, as the late sheriff of said county, to the said county of Jones.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

## CHAPTER 21.

AN ACT TO AMEND CHAPTER THIRTY-FOUR OF THE PUBLIC LAWS  
OF NORTH CAROLINA PASSED AT THE SPECIAL SESSION OF  
ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact :*

Ch. 34, laws 1880,  
amended.

SECTION 1. That section one of chapter thirty-four of the acts of the special session of one thousand eight hundred and eighty be amended as follows: Strike out all after the words "Mount Airy," in line twenty-seven, down to and including the words "Old Fort," in line twenty-nine.

Construction of  
act.

SEC. 2. That this act shall not be construed to alter, amend or repeal any of the provisions of chapter forty-nine of the act of one thousand eight hundred and sev-

enty-six and one thousand eight hundred and seventy-seven, nor of chapter two hundred and twenty-nine of the public laws of one thousand eight hundred and seventy-nine, amendatory thereof; nor of chapter sixty-one of the private laws of one thousand eight hundred and seventy-nine, also amendatory of said chapter forty-nine of acts of one thousand eight hundred and seventy-six and seven, so far as the same may affect the Catawba river; but the provisions of said acts, so far as they may affect the said Catawba river, are hereby declared to be in full force and effect.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

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## CHAPTER 22.

AN ACT TO EMPOWER THE COMMISSIONERS OF CHOWAN COUNTY TO PAY CERTAIN SCHOOL ORDERS ISSUED PRIOR TO DECEMBER FIRST, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, OUT OF ANY SURPLUS IN THE TREASURY BELONGING TO THE SCHOOL FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of Chowan county are hereby empowered to pay out of any surplus in the treasury belonging to the school fund any outstanding school orders issued prior to December first, one thousand eight hundred and seventy-eight.

Board of commissioners empowered to pay outstanding school orders out of surplus in treasury belonging to school fund.

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

Read three times in the general assembly, and ratified his the 29th day of January, A. D. 1881.

## CHAPTER 23.

## AN ACT TO PROVIDE FOR THE ERECTION OF A HOSPITAL IN THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact :*

Board of commissioners and mayor and board of aldermen authorized to establish hospital.

SECTION 1. That it shall be lawful for the board of commissioners for the county of New Hanover, and the mayor and board of aldermen of the city of Wilmington, if they deem it proper, to conjointly provide, lease, erect, build or establish and maintain, as hereinafter provided, a necessary hospital and dispensary for the maintenance and medical care of all such sick or infirm poor persons as may from time to time become chargeable to the charity of said county and city.

Board of managers.

Name.

How appointed.

SEC. 2. That said hospital and dispensary shall be under the general supervision and control of a board of five managers, who shall be styled "The Board of Managers of the City Hospital of Wilmington." The said board of managers shall be composed of three members of the said board of county commissioners, to be elected by the said commissioners, and two members of the said board of aldermen, to be elected by said aldermen, and the said members of the said board of managers shall be elected by a majority of the aforesaid respective bodies in the first regular monthly meeting in March, Anno Domini one thousand eight hundred and eighty-one, and annually thereafter, and shall hold their positions until their successors are elected.

Fund for maintenance of hospital.

SEC. 3. That for the purpose of providing, leasing, erecting, building or establishing said hospital and dispensary, and for the maintenance and medical care of all such sick and infirm poor persons as may from time to time be placed therein by the authority of the said board of managers, the said board of county commissioners shall from time to time provide and set apart a fund, and the

said board of aldermen of the city of Wilmington shall from time to time provide and set apart a fund, which said fund shall be contributed in the proportion of three-fifths by the said board of county commissioners, and two-fifths by the said board of aldermen of the city of Wilmington, and the funds so provided and set apart shall be placed in the hands of the said board of managers to be paid out and disbursed under their direction according to such rules, regulations and orders as they may from time to time adopt or make.

To be placed in hands of Board of managers.

SEC. 4. That the said board of managers of the city hospital of Wilmington shall, as soon after their appointment as may be practicable and advisable, convene in the office of the county commissioners of said county, in the city of Wilmington, on a day to be named by the chairman of the said board of county commissioners, and shall then and there proceed to organize by the election of a president and such other officers as they may see fit for the purposes of this act, and shall adopt such by-laws and regulations for their own government and for the control and management of said hospital and dispensary as they may deem right and proper. A majority of said board of managers shall constitute a quorum, with power to fix their times of assembling, to adopt, alter, amend or repeal their by-laws, rules and regulations, and to do whatever, by law, the said board of managers have authority to do.

Organization of board of managers.

Officers.

By-laws.

Quorum.

SEC. 5. That the said board of managers of the city hospital of Wilmington shall on the first Monday in January in each and every year make two separate reports, one to the board of commissioners of said county, and the other to the mayor and board of aldermen of said city, which said reports shall contain a full, true and accurate account of the conduct and management of said hospital and dispensary, giving an itemized account of their receipts and disbursements, together with the number, sex, color, age and disease of all occupants of said hospital for the preceding year.

Board of managers to make report.

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

Read three times in the general assembly, and ratified this the 29th day of January, A. D. 1881.

## CHAPTER 24.

### AN ACT TO APPOINT COTTON WEIGHERS FOR THE TOWNS OF ENFIELD AND WELDON.

*The General Assembly of North Carolina do enact :*

Two cotton weighers to be appointed.

How appointed.

Vacancy.

SECTION 1. That there shall be appointed for the towns of Enfield and Weldon two public cotton weighers for each of the said towns, one of whom shall be appointed by the county commissioners of the county of Halifax at their regular meeting next after the ratification of this act and every two years thereafter; the other by the commissioners of the said towns respectively at their next meeting after the ratification of this act and every two years thereafter; and any vacancy occurring in the said offices of cotton weighers shall be filled in like manner for the unexpired term at the first meeting of said county or town commissioners after any vacancy in their respective appointments may occur.

Duties.

SEC. 2. It shall be the duty of said cotton weighers to weigh all baled cotton sold in the towns of Enfield and Weldon at its true weight, making just and proper deductions for water or damage.

Oath.

SEC. 3. The said cotton weighers, before entering upon the duties of their said office, shall take the following oath before some justice of the peace, viz: "I, ....., do solemnly swear that I will faithfully perform the duties of the office of cotton weigher, and that I will take no interest, near or remote, in buying or selling cotton in the town of ....."

SEC. 4. Said cotton weighers shall give bond in the sum of one thousand dollars, payable to the state of North Carolina, conditioned for the faithful performance of their duty. Said bond shall be taken by the county commissioners of the county of Halifax and filed in the office of the register of deeds for said county.

Bond.

SEC. 5. Said cotton weighers shall keep a record, open to the inspection of the public, showing the names of the purchaser and seller, and weight of the cotton sold and date of sale; and the said cotton weighers shall receive a compensation of ten cents for each bale of cotton weighed, one-half to be paid by the seller and one-half by the purchaser.

To keep record.

Compensation.

SEC. 6. That no other person than said cotton weighers shall weigh cotton sold in said towns, under a penalty of ten dollars for each offence, said fine to be applied to the school fund of the said county of Halifax upon the conviction of the offender before any justice of the peace of said county.

Unlawful for any other person to weigh cotton for sale.

Penalty.

SEC. 7. Upon its appearing to the board of county or town commissioners by which he was appointed, or their successors, that any cotton weigher appointed under the provisions of this act has wilfully or corruptly abused the trust conferred on him by this act, he shall be dismissed from his office, and any damage sustained by any person or persons by such wilful or corrupt abuse of trust shall be recoverable out of the bond of such cotton weigher so offending.

Dismissal from office.

Bond answerable for damages.

SEC. 8. That any cotton weigher appointed under the provisions of this act who shall wilfully or corruptly abuse the trust conferred upon him shall be guilty of a misdemeanor.

Malfeasance in office misdemeanor.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 25.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOWLANDS  
ON SECOND BROAD RIVER AND ITS TRIBUTARIES IN THE  
COUNTY OF RUTHERFORD.

*The General Assembly of North Carolina do enact :*

Commissioners.

SECTION 1. That A. G. Logan, J. L. Hampton, Sr., R. W. Logan, William Martin and Andrew Hudlow be appointed commissioners whose duty it shall be, as soon as practicable, to lay off Second Broad river, from Martin's mill to and through Dr. L. A. Mills' farm on which he lives, Robeson's creek from its mouth to Bostic's mill, Cathey's creek from its mouth to the Davis old mill place, Holland's creek from its mouth to Whiteside's mill, and Cane creek from its mouth to and through the farm of A. B. Long, Sr., into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for the term of two years, and who shall be a landowner or tenant in the section for which he was appointed overseer.

To lay off 2d  
Broad river in  
sections.

To appoint over-  
seers.

Chairman.

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 overseer, 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.

Vacancies.

Duties of com-  
missioners.

SEC. 3. The said commissioners shall estimate the number of acres of bottom land slobbered or overflowed, and also the entire number of acres of each individual in the county of Rutherford, on the streams between the points mentioned in section first of this act, and lying within one-fourth mile of the channel of said streams, and shall furnish each overseer with a copy of the estimate of his

section in which these lands lie, and upon notice of seven days by said overseer shall each furnish one sufficient hand with appropriate tools, such as shall be notified by the overseer to furnish, for every ten (10) acres of land sobbed or overflowed, and one hand for every twenty (20) acres not sobbed, and in that proportion for any number of acres less than ten (10) and twenty (20) acres in the meaning of this act; and on failing so to do shall forfeit and pay one dollar per day for failure in each hand, which may be recovered by said overseer by warrant as in case of failure to work on the public roads.

Hands to be furnished overseers on notice.

Penalty for failure.

SEC. 4. It shall be the duty of the commissioners in laying off said streams in sections, as provided for in section first of this act, to distribute the labor among the landowners in proportion to the number of acres of sobbed lands and other lands 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 lands embraced in his section.

How labor to be distributed.

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 or more than twenty days, at the discretion of the commissioners, on the channel of said streams, with power to remove obstructions and improve the banks thereof: *Provided*, That said commissioners may, in their discretion, order any or all the overseers, with their respective hands, when deemed necessary, to work at any point on said stream.

Duty of overseers.

Proviso.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber or otherwise obstruct the waters in the channels of said streams between said points of said boundary in said county, and shall permit the same to remain therein for the space of twenty (20) days, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined not less than five nor more than ten

Unlawful to obstruct streams.

Penalty.

Proviso.

dollars: *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 for indictment for such offence.

Penalties, &c., collected to be paid to overseers.

SEC. 7. That all moneys arising from failure to work on said streams, and all penalties collected under 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 channels of said streams ; and

Overseer failing to perform duty guilty of misdemeanor.

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 or more than twenty dollars: *Provided*, That no person shall be required, without his consent, to serve more than one term of two years at one time.

Proviso.

Act not to be construed to prevent building of bridges, &c.

SEC. 8. That nothing contained in this act shall prevent the building of public bridges or public roads across said streams, or private bridges or water gates by the landowners for their own convenience.

Act not to be construed to prevent persons from working public roads.

SEC. 9. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public roads.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 26.

AN ACT TO ALLOW JAMES C. ANDERSON, LATE TAX COLLECTOR FOR THE TOWN OF STATESVILLE, IN THE COUNTY OF IREDELL, TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That James C. Anderson, late tax-collector of the town of Statesville, in the county of Iredell, 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-two and one thousand eight hundred and seventy-seven inclusive, under the rules and regulations now prescribed by law for the collection of arrears of taxes by sheriffs.

Authorized to collect arrears of taxes for 1872-'77

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

Read three times in the general assembly, and ratified this the 31st day of January, 1881.

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 CHAPTER 27.

AN ACT TO AUTHORIZE THE TREASURER OF JOHNSTON COUNTY TO PAY CERTAIN SCHOOL ORDERS.

WHEREAS, in several of the school districts of Johnston county common schools were taught in conformity with law during the school year ending August thirty-first, one thousand eight hundred and eighty, and after the school funds apportioned to said districts for that year had been expended, and prior to the apportionment of said funds to said districts for the current school year :

Preamble.

AND WHEREAS, in consequence, the teachers of said schools have not been paid for their services, therefore,

*The General Assembly of North Carolina do enact :*

County treasurer  
authorized to pay  
school orders for  
1880 out of appor-  
tionment for  
present year.

SECTION 1. That the treasurer of Johnston county be and is hereby authorized to pay out of the school fund apportioned to said districts, respectively, any sum or sums due to persons, or their representatives, who may have taught the schools in said districts, upon their presenting to him orders, properly attested and signed by the school committees of said districts.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

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## CHAPTER 28.

AN ACT TO DECLARE QUEEN ANNE'S CREEK, IN CHOWAN COUNTY, A LAWFUL FENCE.

*The General Assembly of North Carolina do enact :*

Declared to be a  
lawful fence.

SECTION 1. That Queen Anne's creek, in the county of Chowan, shall be considered, and is hereby declared to be a lawful fence from the point at which it empties into Edenton bay to the point at which the bridge on the main road from Edenton to Yeopim church in said county crosses said creek.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 29.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Chowan county are hereby empowered to levy a special tax during the years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, not exceeding two thousand dollars annually, for the purpose of paying the indebtedness of said county contracted prior to the first Monday of December, one thousand eight hundred and seventy-eight.

Authorized to levy special tax in 1881 and 1882, not exceeding \$2,000 annually.

To pay county indebtedness.

SEC. 2. That the sheriff of said county shall be required to collect such taxes and account for the same in the same manner and under like penalties as other taxes are collected and accounted for.

Sheriff to collect and account for tax.

SEC. 3. That the taxes collected under this act shall be applied exclusively to the payment of the indebtedness aforesaid until the same shall be discharged.

To be applied exclusively to payment of county indebtedness.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 30.

AN ACT TO PREVENT THE DESTRUCTION OF FISH IN NANTAHALI  
RIVER AND ITS TRIBUTARIES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to use any drag-net, basket or seine for the purpose of catching fish in Nantahali river or its tributaries.

Unlawful to catch fish with drag-net, &c., in Nantahali river and tributaries.

Misdemeanor.

SEC. 2. Any person or persons violating this statute shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court having jurisdiction of the same, shall be fined not less than five nor more than twenty dollars for each offence, one-half to go to the school fund of the county where such offence is tried, the other half to the informer.

Penalty.

Where offenders to be tried.

SEC. 3. Whenever the Nantahali river forms the dividing line between any counties in this state, persons offending against the provisions of this act may be prosecuted and punished in the courts of any of the counties between which the said river constitutes the dividing line.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 31.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROTECT THE FISH INTEREST IN NORTH CAROLINA, CHAPTER THIRTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact :*

Ch. 34, laws 1880, amended.

SECTION 1. That chapter thirty-four, laws of one thousand eight hundred and eighty, "An act to protect the fish interest in North Carolina," be amended by striking out section four.

§4 stricken out.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 32.

AN ACT TO MAKE THE PROVISIONS OF CHAPTER THIRTY-FOUR,  
ACTS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY,  
APPLY TO JOHN'S RIVER IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter thirty-four, acts of eighteen hundred and eighty, "An act to protect the fish interest in North Carolina," be amended so as to include in the provisions thereof John's river from its mouth to the forks of said river near Carrell Moore in Caldwell county.

Ch. 34, laws 1880,  
amended.

John's river,  
Caldwell county.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 33.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Onslow county be and they are hereby authorized and empowered to levy a special tax in each of the years of one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three, at the same time with the other levies, on all subjects of taxation in said county, the said special tax to be applied to the payment of the present outstanding indebtedness of the county; said special tax not to exceed in the aggregate for the three years the sum of seven thousand dollars; the levies shall be so made as not to

Authorized to  
levy special tax  
in 1881-'2 and '83,  
not to exceed  
\$7,000 in the ag-  
gregate.

To be applied to  
payment of out-  
standing indebt-  
ness of county.

Levy not to exceed one-third of \$7,000 in any one year.

To be collected and accounted for by Sheriff.

Constitutional equation to be observed.

exceed the one-third part of seven thousand dollars in any one year, and the same shall be collected and accounted for by the sheriff or tax collector in the same manner and with like penalties and within the same time as other county taxes. The constitutional equation between property and poll shall be observed in said levy.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

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## CHAPTER 34.

### AN ACT TO PREVENT CRUELTY TO ANIMALS.

*The General Assembly of North Carolina do enact :*

Misdemeanor to maliciously kill, maim, &c., any animal.

SECTION 1. That any person who shall by his act or neglect maliciously kill, maim, wound, injure, torture or cruelly beat any horse, mule, ox, cattle, sheep or other animal belonging to himself or another, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of not more than fifty dollars, or imprisoned not more than thirty days.

Penalty.

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

In the general assembly read three times, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 35.

## AN ACT TO PREVENT THE FELLING OF TREES IN THE YADKIN RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to fell trees in the Yadkin river at any point between Patterson in Caldwell county and that point on said river where the North Carolina railroad crosses said river. Unlawful to fell trees in Yadkin river from Patterson to railroad bridge.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than ten dollars or imprisoned not more than thirty days, at the discretion of the court. Misdemeanor. Penalty.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 36.

## AN ACT FOR THE RELIEF OF THE SHERIFF OF WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sheriff of Warren county shall be allowed until the first day of May, one thousand eight hundred and eighty-one, to make his final settlement of taxes due said county. Allowed until May 1, 1881 to make final settlement of taxes.

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

In the general assembly, read three times and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 37.

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND NINETY-FOUR, OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

Ch. 194, §2, laws  
1879, amended.

SECTION 1. That section two of chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-nine, be amended by striking out all after the word "misdemeanor" in the sixth line, and inserting in lieu thereof the words, "and upon conviction therefor shall be fined or imprisoned at the discretion of the court."

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 38.

AN ACT TO PREVENT OBSTRUCTION TO THE FREE PASSAGE OF WATER IN IRISH BUFFALO CREEK FROM THE HEAD OF BARNHARDT AND FOARD'S MILL POND IN CABARRUS COUNTY, TO THE WIDOW STEREWALT'S MILL IN ROWAN COUNTY.

*The General Assembly of North Carolina do enact :*

Obstructions to  
be removed by  
June 1, 1881.

SECTION 1. That all persons owning lands on Irish Buffalo creek, from the head of Barnhardt and Foard's mill pond in Cabarrus county, to the widow Sterewalt's mill in Rowan county, shall remove all obstructions to the free passage of water in said creek on or before the first day June, one thousand eight hundred eighty-one: *Provided*, That no person shall be required by the provisions of this act to aid in removing any obstructions

Proviso.

other than on his own lands: and *Provided further*, That this act shall not be construed to apply to dams that are now or may hereafter be erected to utilize the water of said creek as a motive power.

SEC. 2. That any person mentioned in section one who shall fail to remove said obstruction, or who shall allow any such obstruction hereafter in any manner placed in said stream, between the points mentioned in section one of this act, to remain therein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined each day such obstruction shall be allowed so to remain not more than ten dollars, or be imprisoned not more than five days. Misdemeanor.  
Penalty.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 39.

### AN ACT TO ASSIGN CONVICTS TO THE ROXBORO RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the application of the president of the Roxboro Railroad Company, the board of directors of the penitentiary shall allot to the said Roxboro Railroad Company, for the purpose of working on said railroad, not less than one hundred convicts. Convicts to be allotted on application of President.

SEC. 2. That before said allotment or assignment is made the authorities of said railroad company shall execute a bond, to be approved by the directors of the penitentiary, conditioned for the proper maintenance of said convicts; and all expenses for feeding, clothing, guarding Authorities of company to give bond.

Proviso.

and the proper medical treatment of said convicts shall be borne by said railroad company: *Provided*, That nothing in this act be construed as authorizing the reduction of the number of convicts to be employed on the Western North Carolina railroad nor to affect the right of any other work to which the state has granted convicts.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

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## CHAPTER 40.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

Ch. 260, §1, laws  
1879, amended.

SECTION 1. That section the first of chapter two hundred and sixty of the laws of one thousand eight hundred and seventy-nine, entitled "An act to provide for the laying off of a road from Quaker Bridge, in Jones county, to a point near Tar Landing in Onslow county," be amended by striking out the words "from some point within a mile of Lower Quaker Bridge on the Trent river," and inserting the words, "from some point between the eleven and twelve mile post on the main road leading from the city of Newbern in Craven county to the town of Trenton in Jones county.

Route.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 41.

AN ACT TO INCORPORATE THE SOUTH ATLANTIC AND OHIO  
RAILWAY CONSTRUCTION AND OPERATING COMPANY.

WHEREAS, The Tinsalia Coal and Iron Company, a <sup>Preamble.</sup> corporation under the laws of the state of Virginia, represent that they are the owners of very extensive and valuable mines of bituminous, splint and cannel coals in that state, and that they are at this time, and have been for several months, engaged in the construction of a three feet gauge railroad, under a charter granted by the legislature of Virginia to the Bristol Coal and Iron Narrow Gauge Railroad Company, from their mines at Big Stone Gap in Wise county, Virginia, to Bristol, on the Tennessee and Virginia state line, a distance of about sixty-three miles; and that they have procured from the state of Tennessee a charter under the name of the Bristol and North Carolina Narrow Gauge Railroad Company, to extend their said line from Bristol to the North Carolina and Tennessee state line, at some convenient and practicable point for crossing the mountains through Mitchell or Watauga county, and that they are, at this time, engaged in locating the said line in the direction of the Cranberry iron mines in Mitchell county, and expect to complete and put in operation the entire line from Big Stone Gap to or near Cranberry during the current year of 1881: Said Coal and Iron Company further represent that they are negotiating with parties in Kentucky, who control two lines of projected and partially constructed narrow gauge railroads, for connections between Big Stone Gap and the Ohio river; and, desiring to extend this system of narrow gauge railroads into and across the state of North Carolina to some convenient point on the Atlantic for the shipment of their coals, and also to connect with the railway system of the state so as

to supply and distribute their coal and coke through all those portions of the state abounding in materials and facilities for iron and other manufactures; and the great trunk line herein indicated, passing through portions of four states, and necessarily fragmentary under separate charters, will be cumbersome, expensive and difficult to operate, unless combined under one general management and executive head: Now, therefore, to promote such combination and unification of the entire line from the South Atlantic to the Ohio river, in Kentucky,

*The General Assembly of North Carolina do enact:*

- Body politic. 1st. That E. K. Kyndman, C. P. Ford, C. H. Owen and W. H. Coldren, of Pennsylvania, and such other persons as may be associated as shareholders under this charter, be, and they are hereby created a body politic and corporate by the name and style of "The South Atlantic and Ohio Railway Construction and Operating Company," and as such shall be entitled to all the benefits of and be subject to all the general laws of the state applicable to the other railway companies in the state.
- Name.
- Capital stock. 2nd. The capital stock of the company shall be divided into shares of one hundred dollars each, to be issued as preferred and common stock to such an amount as the incorporators or company may determine, by resolution, to be entered of record, to be sufficient for the purposes of the company. Each share shall entitle the owner to one vote thereon in all meetings of the company; and at any general meeting a majority may increase the stock capital, or issue bonds secured on the property and franchises of to corporations, to raise the necessary funds to carry out fully the objects of its creation, not exceeding in the aggregate twenty millions of dollars.
- Stockholders authorized to increase capital stock or issue bonds.
- General office. 3d. Said company shall have its general office in the state of North Carolina; and by its by-laws shall fix
- Directors. the number of its directors, grade and designation of its

officers and prescribe their duties, and establish such Officers.  
 branch offices within or beyond the limits of the state as Branch offices.  
 the nature of its business requires, keeping at any of its  
 offices such books, papers, funds and officers as will best  
 promote its commercial interests.

4th. Said company shall have power to subscribe to, Powers.  
 receive and hold the capital stock, or any part thereof, of  
 any railroad company incorporated by this state, the con-  
 struction, improvement or equipment of whose line will  
 aid in the distribution of coals, coke, ores, timber or other  
 raw materials to any mines, furnaces or manufactories in  
 the state, and the transportation of their products to any  
 port on the Atlantic coast, south of Cape Hatteras. And  
 it may, by contract, made upon such terms as the con-  
 tracting parties may agree upon, manage, control and  
 operate any such railway line or lines in this state as  
 may now use and possess, or hereafter adopt, in whole or  
 in part, a three feet gauge of track and rolling-stock, in  
 conjunction with the lines of that gauge in Tennessee,  
 Virginia and Kentucky, which may by purchase, lease  
 or otherwise come under the control and management of  
 this company as a great trunk line of narrow gauge road  
 from the South Atlantic ports aforesaid, to the Ohio river,  
 in the state of Kentucky.

5th. Whenever said company, under this charter, Authorized to  
change name.  
 shall have constructed for itself, or as contractor with  
 some other chartered railroad company, and put in opera-  
 tion fifty miles of narrow gauge railway, from the Ten-  
 nessee boundary line of Mitchell or Watauga county  
 eastward and across the mountains, under its control and  
 management, it shall be lawful for said company to  
 change its name to that of the South Atlantic and Ohio  
 Railroad Company, retaining, however, under such change  
 of name, all and singular, the franchises, rights, powers  
 and privileges granted by this charter.

6th. Any railroad company in this state may law- Other railroad  
companies au-  
thorized to re-  
 fully permit this company to subscribe for so much of its

ceive subscrip-  
tions of stock,  
&c., from com-  
pany.

capital, or to purchase its bonds for such an amount as such railroad company may deem necessary to complete, improve or equip its line as a part of the narrow gauge system herein contemplated. And this company may pay for stock, preferred or common, or for bonds so subscribed for or purchased in money, labor, materials, rolling stock or machinery, as may be agreed upon between the parties, and enter into such running arrangements as their joint interests may require.

Transfer of cars  
or freight.

7th. Whenever the narrow gauge lines herein contemplated cross any road of the same or different gauge in this state, the parties may contract for a transfer of cars or freight for such terms or periods as may be agreed on between them.

Branch roads.

8th. The said company is further empowered to build branch roads to connect their line with any other railroad or other public highway that they may deem it to their interest to connect with in this state, and to any mines or manufactory affording tonnage to justify the construction of a branch road.

Banking privi-  
leges not confer-  
red.

9th. Nothing contained in this act shall be construed to give banking privileges to said company, or to exempt its property from taxation: and *Provided further*, That work on the mountain section of said railway line shall be commenced in the county of Mitchell or Watauga within two years from the ratification of this act, and be continuously prosecuted until the completion of the same to a connection with the North Carolina system of railroads east of the mountains.

Proviso.

10th. This act shall be in force from its passage.

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 42.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Henderson county be and they are hereby authorized and empowered to levy a special tax in one thousand eight hundred and eighty-one, at the same time with the other taxes, on all subjects of taxation in said county, the said special tax to be applied to the payment of the floating debt of said county; that said special tax shall not exceed three thousand dollars, and the constitutional equation between property and poll shall be observed in the levy of said special tax.

Authorized to levy special tax in 1881.

To be applied to payment of floating debt.

Not to exceed \$3,000.

Constitutional equation.

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 43.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three, chapter one hundred and thirty-five, laws of one thousand eight hundred and seventy-nine, be amended so as to make Indian creek, being a tributary of Catawba river, a legal fence from the Gaston county line to its forks near or above George Beam's in Lincoln county.

Ch. 135, §3, laws 1879, amended.

Indian creek declared a lawful fence.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 44.

## AN ACT TO PREVENT THE FELLING OF TIMBER IN THE WATER COURSES IN CABARRUS COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful to fell timber in the water-courses in Cabarrus county.

SECTION 1. That it shall be unlawful for any person to fell any timber or brush in any of the water courses in Cabarrus county in which there is a continual flow of water for at least two-thirds of the year, and allow the same to remain therein so as to obstruct the free passage of water.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days, for each and every offence.

Penalty.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 45.

## AN ACT TO RENEW THE CHARTER OF THE ROXBORO' RAILROAD COMPANY, TO CHANGE THE NAME, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact :*

Ch. 205, laws 1879, re-enacted and amended

SECTION 1. That the act of the general assembly of North Carolina entitled "An act to incorporate the Roxboro' and ..... Narrow Gauge Railroad," ratified the thirteenth day of March, A. D. one thousand eight hundred and seventy-nine, be re-enacted and continued in force, and amended to read as follows: That J. A. Long, A. R. Foushee, J. M. Barnett, W. F. Reade, W. T. Noell, A. J.

Body politic.

Hunter, J. D. Walker, J. J. Brooks, J. W. Cunningham and C. S. Winstead, their associates, successors and assigns, are hereby created a body politic, under the name of the Name. Roxboro' Railroad Company, with the same corporate powers and franchises that the North Carolina Railroad Company now possesses.

SEC. 2. That in order to carry into effect the purposes and Authorized to survey routes. objects of this act, the railroad company hereby created may survey one or more routes for such railway as they may deem practicable, and have the power and authority to appropriate and occupy as much land as may be necessary To appropriate land.

for the construction of said railway and branches, of the width of one hundred feet, and as much additional land as may be necessary for station-houses, depots and all other purposes necessary for the construction and maintenance of the aforesaid railway and branches, subject however to the valuation and appraisalment of value and damage to be determined under the provisions of chapter ninety-nine of Battle's Revisal, entitled railroad companies, and shall have authority to transport passengers, freight and To transport passengers, &c. merchandise over their own railway, its branches, or that of any railway it may have, upon such terms and conditions as may be determined by the board of directors of the company.

SEC. 3. The railroad company hereby created shall have Directors to determine gauge and route. power to construct a railroad with one or more tracks of such gauge as may be determined on by the board of directors of the company, from Roxboro' to Milton, North Carolina; Danville, Virginia; South Boston, Virginia; Clarksville, Virginia; Oxford, North Carolina; Henderson, North Carolina; Durham, North Carolina, or Hillsboro, North Carolina, or to any point on the Raleigh and Gaston Railroad or the North Carolina Central Railroad, it being left with the company hereby created to accept any of the points designated that may be considered the most feasible.

Capital stock.

SEC. 4. The capital stock of the company shall consist of fifteen hundred shares of the value of one hundred dollars each, and may be increased from time to time as a majority of the stockholders in interest may determine.

Books of subscription.

SEC. 5. The corporators named in this act, or any three of them, may open books and receive subscriptions to the capital stock of the company, and when ten thousand dollars of the said capital stock shall have been subscribed, the subscribers thereto shall proceed to elect a board of directors not exceeding five in number, who shall serve until the next annual election, or until their successors are elected, and said company shall be deemed to be, on such subscription, fully organized for all intents and purposes and may proceed in carrying out the object of this charter.

Organization.

Empowered to merge with other railroad company, &c.

SEC. 6. The company hereby created shall have power to merge with any railroad company and may change its name as may be desired, or determine by a majority of the stockholders thereof, and shall have power to contract with individuals, persons or corporations for the construction of said railroad and its branches and also for the equipment thereof.

Board of directors.

SEC. 7. The management of the company hereby created shall be vested in the board of directors to be elected annually at such time and place as may be prescribed by the stockholders. They shall have the power to make and adopt such rules and regulations, and appoint and create such offices as may be necessary for the transaction of the general railway business.

Officers.

Other railroad companies authorized to subscribe to capital stock or to purchase bonds.

SEC. 8. Any railroad company, whether incorporated under the laws of this or any other state, shall have power to subscribe to the capital stock of said Roxboro' Railroad Company, or to lend money to the same by purchase of its bonds or otherwise, and may pay for such subscriptions or purchase in cash, or by the issue of their bonds, or otherwise may borrow money for such purpose.

SEC. 9. The Roxboro' Railroad Company shall have power from time to time to borrow such money as may be necessary to complete and operate the road, and to issue and dispose of bonds for any amount borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid.

Authorized to borrow money upon mortgage.

SEC. 10. Nothing herein contained shall be construed to exempt from taxation any of the property of said company or its franchises.

Property not exempt from taxation.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

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## CHAPTER 46.

### AN ACT TO PROMOTE THE GROWTH OF OYSTERS IN NEW RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to remove oysters from natural oyster beds in New river from and after the fifteenth day of May to the first day of September in each and every year.

Unlawful to remove oysters from natural beds from May 15th to Sept. 1st.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty-five dollars for each and every offense.

Misdemeanor.  
Penalty.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 47.

## AN ACT TO INCORPORATE THE FAYETTEVILLE AND WINSTON RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

Incorporation authorized.

SEC. 1. That for establishing a communication by railroad between the town of Fayetteville and the town of Winston, by way of the towns of Ashboro' and High Point, or near thereto, the formation of a corporate company with a capital of two millions dollars is hereby authorized to be called "The Fayetteville and Winston Railroad Company;" and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for the period of ninety-nine years.

Name.

Authorized to construct road from Fayetteville to Winston.

SEC. 2. That said company is hereby authorized to construct a railroad from the town of Fayetteville to the town of Winston, with one or more tracks.

Books of subscription.

SEC. 3. For the purpose of raising the capital stock of said company, it shall be lawful to open books in the town of High Point, under the direction of the following commissioners, to-wit: A. J. Phelps, A. M. Farmem, J. A. Shepardson, A. M. Diffie, C. W. Hutt, and M. Jarrell, and at such other places and under direction of such other persons as a majority of the commissioners above named may deem proper, for the purpose of receiving subscriptions to an amount not exceeding two million dollars, in shares of one hundred dollars each.

Commissioners.

When books of subscription to be opened.

SEC. 4. The commissioners above named, and all other persons who may hereafter be authorized as aforesaid to open books for subscriptions, shall open the same at any time after the ratification of this act, first giving twenty days notice thereof of the time and place in one or more newspapers printed in Fayetteville and Winston aforesaid; and the said books when opened shall remain so

Notice.

opened as long as the commissioners above named shall deem necessary and direct.

SEC. 5. Whenever the sum of five hundred thousand dollars shall be subscribed in manner and form aforesaid, and five per cent thereof shall be paid in to the said commissioners, the subscribers, their executors, administrators and assigns shall be and are hereby declared incorporated into a company by the name and style of the Fayetteville and Winston Railroad Company, and by that name shall be capable of purchasing, holding, selling, leasing and conveying estates real and personal, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter and no further, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded in any court in this state, and may have and use a common seal, and shall have and enjoy all other rights and immunities which other corporate bodies may of right and do exercise, and make all such by-laws, rules and regulations as are necessary for the government of the corporation, or effecting the object for which it was created, not inconsistent with the constitution and laws of North Carolina.

When company declared incorporated.

Name.

Powers.

SEC. 6. It shall be the duty of the commissioners named in this act for receiving subscriptions as aforesaid, or a majority of them, so soon as the sum of five hundred thousand dollars shall have been subscribed, in manner aforesaid, to give public notice thereof and at the same time call a general meeting of the stockholders, giving at least thirty days notice of the time and place of such meeting; and at the said meeting, a majority of the stockholders being represented in person or by proxy, shall proceed to elect not less than five nor more than nine directors out of the number of stockholders; and the said directors shall have power to perform all the duties necessary for the government of the corporation and the trans-

When general meeting of stockholders to be called.

Notice.

Directors.

action of its business, and the persons elected as aforesaid shall serve such period, not exceeding one year, as the stockholders may direct; and at each meeting the stockholders shall fix on the day and place, or places, where the next subsequent election of directors shall be held; and such stockholders' meeting shall take place annually, and such election of directors shall thenceforth be annually made; but if the day of the annual election of directors should under any circumstances pass without an election the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election takes place.

Directors to be  
chosen by ballot.

SEC. 7. The selection of such directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the person having the greatest number of votes polled shall be considered duly elected a director, and at all elections and upon all votes taken at any meeting of the stockholders, upon any by-law, or any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and proxies may be verified in such manner as the by-laws of the company prescribe.

Each share of  
stock entitled to  
one vote.

Vacancies.

SEC. 8. The board of directors may fill any vacancies which may occur in it during the period for which they have been elected. The president of the company and the secretary and treasurer thereof shall be annually elected by the directors from among their number, in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors are elected. The secretary and treasurer may be one and the same person. In the absence of the president or secretary at any meeting the board of directors may appoint a president or secretary, *pro tempore*, to fill his place.

Officers.

Certificates of  
stock.

SEC. 9. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 10. The company may at any time increase its capital stock to a sum sufficient to complete or enlarge the facilities of said railroad for doing business, not exceeding the additional amount of one million dollars.

Capital stock may be increased.

SEC. 11. The said company shall have power to use any section of said railroad before the whole of the same shall be completed, and to charge for transportation thereon.

Authorized to use section of road before completion of whole.

SEC. 12. The said company shall have the right, when necessary, to construct their said railroad across any public road, or other railroad, or alongside of any such public road: *Provided*, Said company shall not obstruct any such public road without first constructing one equally good and as convenient as the one taken by the company.

Authorized to construct road across public road, &c.

Proviso.

SEC. 13. The said company may purchase, have and hold in fee or for a term of years any lands, tenements, or hereditaments which may be necessary for the said road, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used by the company, or for procuring stone, or other material necessary to the construction of the road, or effecting transportation, and for any other purpose pertaining to the business of the said company.

Authorized to purchase and hold real estate.

SEC. 14. When any lands or right of way may be required by the said company for the purpose of constructing their road, building warehouses, water-stations, workshops or depositories, and for want of agreement as to the value thereof, or from any cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by a jury of six good and lawful men, to be summoned by the sheriff of the county in which the land required by the company may lie; and in making the said valuation the jury shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage he, she or they may receive from the erection of the said

Authorized to condemn land.

Valuation, how determined.

railroad, etc.; and shall state particularly the value and amount of each and the excess or loss or damage over and above the benefit and advantage, and shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose land the said railroad may pass, or the company, should be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next superior court of the county to be held thereafter; and the sheriff shall return to said court the verdict of the said jury with all the proceedings; and the question of valuation may be re-tried under the rules hereinbefore recited in the said superior court before the judge and a jury thereof; and the lands or right of way so valued shall vest in the said company for the purposes herein recited, so soon as the valuation may be so ascertained and paid or, if refused, paid over to the clerk of the superior court of the county in which the lands may be situate.

SEC. 15. In the absence of any contract or contracts the said company in relation to lands through which the said road, or its branches may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road, or any of its branches may be constructed, together with a space of one hundred feet on each side of the centre of the said road, has been granted to the said company by the owner or owners thereof; and the said company shall have good right and title thereto and shall have, hold and enjoy the same as long as the same be used for the purposes of said road and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished or those claiming under him, her or them, shall apply for an assessment of the value of said lands, as hereinbefore directed, within two years next after that part of said road, which may be on the said land, was finished; and

Proviso.

Appeal.

When grant of land to be presumed.

To be held by company, how long.

Owner to apply for assessment of value within two years.

in case the said owner, or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment thereof, or compensation therefor: *Provided*,<sup>Proviso.</sup> Nothing herein contained shall affect the rights of infants until two years after the removal of their disabilities.

SEC. 16. The right of said company to condemn land in the manner recited in sections fourteen and fifteen shall extend only to the condemnation of one hundred feet on each side of the main track<sup>of said road and its branches,</sup> measuring from the center of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company in like manner shall have power to condemn any appropriate lands for the constructing and building of depots, shops, and other necessary structures, not exceeding ten acres in one lot or station.

<sup>Right to condemn land limited to 100 feet on each side of main track.</sup>

<sup>Except in deep cuts and fillings.</sup>

<sup>Right to condemn land for depots, &c., limited to ten acres at one station.</sup>

SEC. 17. The said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over said road, at such charges as may be fixed by a majority of the directors: *Provided*,<sup>Proviso.</sup> That said company shall not discriminate against towns and cities in the matter of transportation rates in the state of North Carolina.

<sup>Exclusive right of transportation.</sup>

SEC. 18. 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 each may own.

<sup>Dividends.</sup>

SEC. 19. The said company shall have power to construct branches to said railroad, diverging from the main stem, or to connect with any other railroad that has been or may be constructed; and any contract that may be entered into with any other railroad company, by the president and directors of said company after the consent

<sup>Branch roads.</sup>

of a majority of the stockholders first obtained, shall be binding on the said company.

Authorized to farm out rights of transportation.

SEC. 20. The said company may, when they see fit, farm out their rights of transportation over said railroad, subject to the rules hereinbefore recited.

Authorized to issue bonds secured by mortgage.

SEC. 21. The said company is hereby authorized to issue their bonds for such an amount and in such manner and form, payable at such time and place and bearing such interest as said company may authorize; and to secure the payment of the same, they are hereby authorized to make and deliver to such person or persons as they may select a mortgage or mortgages on all the real and personal estate of the same, together with all their franchises and privileges.

Directors to make annual report.

SEC. 22. The board of directors shall once in every year, at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener if required by a by-law; and shall have power to call a general meeting of the stockholders when the board may deem it expedient; and the company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof.

General meeting of stockholders.

Occasional meetings.

Majority of all votes to constitute general meeting of stockholders.

SEC. 23. To constitute a general meeting of stockholders, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, each share representing one vote, shall be present either in person or by proxy; and wherever in this act occur the words, "a majority of the stockholders," such words shall be construed to mean a majority of votes which could be given as in this section prescribed; and if a sufficient number to constitute a meeting do not attend on the day appointed, those who attend shall have the power to adjourn from time to time until a meeting shall be formed. To constitute a quorum of directors, at any meeting there must be a majority of such directors in attendance.

Quorum of directors.

SEC. 24. Whereas, the "Fayetteville and Western Plank Road Company" have heretofore closed their business and wound up their affairs, and their road having fallen into disuse as a plank road, and thereby to all intents and purposes having become forfeited as a right of way by said company; now, therefore, the Fayetteville and Winston Railroad Company are hereby invested with all the rights, privileges and immunities in and to such road-bed and right of way, which were originally granted in the charter of said Fayetteville and Western Plank Road Company, by chapter eighty-nine, laws of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, ratified the twenty-seventh day of January, one thousand eight hundred and forty-nine; and the said charter of the Fayetteville and Western Plank Road Company is hereby revived and amended as recited in the preceding sections of this act, whereby a railroad is substituted for a plank road; and it shall hereafter be lawful for the Fayetteville and Winston Railroad Company to use the said road-bed and right of way, in whole or in part, so far as the same may be desired for their railroad aforesaid.

Invested with the rights, &c., of the Fayetteville and Western Plank Road Co., ch. 89, laws 2348-'49.

SEC. 25. This act shall be in force from and after the ratification thereof, and shall be regarded as a public act.

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 48.

AN ACT TO RE-ENACT SECTION ONE, CHAPTER ONE HUNDRED AND EIGHT, OF BATTLE'S REVISAL, ENTITLED STATUTES, REPEAL AND CONSTRUCTION OF.

*The General Assembly of North Carolina do enact :*

Ch. 108, §1, Battle's  
Revisal, re-en-  
acted.

1. That section one, chapter one hundred and eight, of Battle's Revisal, entitled "Statutes, repeal and construction of," is re-enacted.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 49.

AN ACT RELATING TO ROADS AND HIGHWAYS IN THE COUNTIES OF STOKES, MECKLENBURG AND FORSYTH.

*The General Assembly of North Carolina do enact :*

Ch. 83, laws 1879,  
and ch. 19, laws  
1880, repealed.

SECTION 1. That the act of the general assembly of the session of eighteen hundred and seventy nine, chapter eighty-three, ratified March the thirteenth, eighteen and seventy-nine, entitled "An act relating to roads and highways," and the acts of the general assembly of the special session of eighteen hundred and eighty, chapter nineteen, ratified the twenty-seventh of March, one thousand eight hundred and eighty, entitled An act to amend an act relating to roads and highways, are repealed.

Ch. 30, §9, laws  
1880, repealed.

SEC. 2. That section nine of chapter thirty of the laws of the special session of eighteen hundred and eighty, relating to the public roads of Stokes and Forsyth, is repealed.

SEC. 3. That section eleven of chapter eighty-second of the laws of eighteen hundred and seventy-nine, be amended by striking out the word "Mecklenburg" in the twelfth line of said section.

Ch. 82, §11, laws 1879, amended.

Mecklenburg stricken out.

SEC. 4. That section eight of chapter thirty of the laws of the special session of eighteen hundred and eighty, be amended by striking out the words "Mecklenburg, Forsyth and Stokes," in lines fifth and sixth of said section.

Ch. 30, §8, laws 1880, amended.

Mecklenburg, Forsyth, and Stokes stricken out.

SEC. 5. That all taxes, fines and forfeitures levied or collected in the counties of Mecklenburg, Forsyth and Stokes under the act hereby repealed, shall be paid to the treasurers of said counties, and shall be disbursed by them under the order of the board of county commissioners: *Provided*, That the fund raised by taxation in the county of Mecklenburg for road purposes, and remaining on hand, shall be expended only for the improvement of the public roads in said county. Each and every township shall receive a pro-rata dividend of said fund.

Taxes, &c., levied or collected under act in Mecklenburg, Forsyth and Stokes, to be paid to county treasurers.

Proviso.

SEC. 6. This act shall be in force from and after the first day of May, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 50.

### AN ACT TO PROVIDE FOR A ROSTER OF NORTH CAROLINA TROOPS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That his excellency the governor of North Carolina and the other trustees of the state library be and are hereby empowered and instructed to contract with John W. Moore for the proper editing and prepara-

The governor and other trustees of state library authorized to contract with John W. Moore for preparation of roster of troops

furnished by  
North Carolina  
in late war.

tion of a roster of the troops furnished by North Carolina in the late war between the states, and for said Moore's supervision of the publication of the same by the public printers.

Copies of work,  
how distributed.

SEC. 2. That twenty copies of the said work shall be deposited in the state library, two copies apiece to each literary institution in the state empowered to confer degrees, one copy to each member of the general assembly and officer of the state government, and one copy to the office of each superior court clerk of the several counties.

Trustees of library  
authorized to  
sell copies not re-  
served for distri-  
bution.

SEC. 3. That the said trustees shall have authority to sell, on such terms as they may deem proper, any volumes printed under authority of this act, that may not be reserved for distribution under section second of this act.

Secretary of state  
to make distribu-  
tion.

SEC. 4. That it shall be the duty of the secretary of state to distribute the said work as herein set out.

Expenses, how  
paid.

SEC. 5. That the cost of said publication shall be paid by the treasurer, upon the governor's warrant, out of such funds as may not be otherwise appropriated.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 51.

AN ACT IN REFERENCE TO RESTRAINING ORDERS, AND THE APPOINTMENT OF RECEIVERS, AND TO AMEND CHAPTER SIXTY-THREE OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

When applica-  
tion for restrain-  
ing order or re-  
ceiver to be heard  
by judge resident

SECTION 1. That whenever an application for a restraining order, or for the appointment of a receiver, shall be made returnable before the resident judge of the district

or the judge assigned to hold the courts of the district, or holding by exchange the courts of the district where the civil action or special proceeding is depending, and such judge shall from sickness, inability or from any cause fail to hear said motion and application or to continue the same to some other time and place, then it shall be competent for any judge resident in some adjoining district, or a judge assigned to hold the courts of some adjoining district, or the judge holding by exchange the courts of some adjoining district, to hear and determine the said application, after giving five days notice to the parties interested for a restraining order, or for the appointment of a receiver, upon its being satisfactorily shown to him by affidavit or otherwise that the judge before whom the same was returnable failed to act upon the same or to continue the same to some other time and place, and that the effect of such removal shall continue in force the motion and application theretofore granted till the same can be heard and determined by the judge having jurisdiction thereof.

of or holding  
courts of adjoining  
district.

Notice.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 52.

AN ACT TO AMEND CHAPTER EIGHT, LAWS OF SPECIAL SESSION  
OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight, laws of special session one thousand eight hundred and eighty, in regard to classifying public roads in Buncombe and other counties,

Ch. 8, laws 1880,  
amended.

Alexander county added.  
 be amended as follows: In section first, in line five, strike out "and," and in line six, after the word "Surry," insert the words "and" and "Alexander county."

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 53.

AN ACT TO PROVIDE FOR PAYING JURORS SUMMONED TO ACT ON INQUESTS OVER DEAD BODIES.

*The General Assembly of North Carolina do enact :*

Jurors at Coroner's inquest allowed compensation.  
 SECTION 1. All persons who may be summoned to act as jurors in any inquest held by a coroner over dead bodies, and who, in obedience thereto, shall appear and act as such jurors, shall be entitled to the same compensation in per diem and mileage as is now allowed by law to jurors acting in the superior courts.

Proof of number of days of service and mileage to be filed by coroner with county commissioners.  
 SEC. 2. That the coroners of the respective counties are hereby authorized and empowered to take proof of the number of days of service of each juror so acting and also of the number of miles traveled by such juror in going to and returning from such place of inquest, and shall file with the board of commissioners of the county a correct account of the same, which shall be, by such commissioners, audited and paid in the manner now provided for the pay of jurors acting in the superior courts.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

To be audited and paid by commissioners.

## CHAPTER 54.

AN ACT TO PREVENT THE FELLING OF TREES IN SNOW CREEK,  
IN STOKES COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to fell any tree or trees, or obstruction, in the waters of Snow creek, in Stokes county, from Davis' mill near Dan river to the plantation of John P. Smith in Stokes county. Unlawful to obstruct Snow creek in Stokes county.

SEC. 2. If any person or persons shall violate the first section of this act, or shall procure any person or persons so to do, he, she or they so offending or procuring others to offend, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding ten dollars, nor imprisoned more than thirty days. Misdemeanor. Penalty.

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 55.

AN ACT TO CHANGE THE TIME FOR HOLDING ELECTIONS ON THE  
SUBJECT OF PROHIBITION IN THE COUNTY OF CHATHAM.

*The General Assembly of North Carolina do enact :*

SECTION 1. That when the election, as provided for in chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and as amended in chapter two hundred and fifty-nine of the laws of one thousand eight hundred and seventy-six and one thou- Election to be held on the first Monday in May.

sand eight hundred and seventy-seven, shall be ordered, it shall be the duty of the commissioners of Chatham county to order said election to be held on the first Monday in May instead of the first Thursday in June.

Act applicable only to Chatham county.

SEC. 2. This act shall apply only to the county of Chatham.

SEC. 3. All laws or parts of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 56.

### AN ACT CONCERNING THE RECORDS OF CERTAIN LAND GRANTS.

*The General Assembly of North Carolina do enact :*

Books of grants, Nos. 20 and 23, in office of secretary of state to be re-copied in well bound books.

SECTION 1. That the secretary of state be and he is hereby authorized and empowered to transcribe and copy, or caused to be transcribed and copied, in well bound books, two old books in his office numbered respectively twenty and twenty-three, containing records of grants issued from the year one thousand seven hundred and sixty-seven to the year one thousand seven hundred and seventy-one, both inclusive.

Secretary of state to compare the copies with the originals and to file the latter among the archives of the state.

SEC. 2. *And be it further enacted,* That when the secretary of state shall have thus transcribed and copied the said books, he shall carefully examine and compare the transcripts or copies with the original records, and upon ascertaining the fidelity and correctness of said copies, he shall carefully pack up in a close chest or trunk, to be procured for that purpose, the original books, and deposit the same among the archives of the state; and copy of

any grant taken from the said transcripts shall and may be given in evidence in all cases in the same manner as if it had been taken from the original books.

Transcript of grant taken from new books, admissible in evidence.

SEC. 3. That the treasurer upon the warrant of the auditor shall pay such expenses as shall have been actually incurred in carrying out the provisions of this act.

Treasurer authorized to pay actual expenses.

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 57.

AN ACT FOR THE BENEFIT OF THE FARMERS ON BEAVER DAM AND NECK LANDS, BETWEEN THE UPPER AND LOWER LITTLE RIVERS, STUART'S CREEK TOWNSHIP, HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a good and sufficient fence at least five feet high, shall be run from or near McBryde & Co.'s mill on Lower Little river along the west side of Day creek to a point on Upper Little river near the residence of J. L. Smith, then down said river to its confluence with the Cape Fear the most practicable route to be determined by the overseer of said fence.

Fence to run—where?

SEC. 2. That said fence and the Cape Fear river to the mouth of Lower Little river, then up said river to or near McBryde & Co.'s mill, 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 district 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

Fence, when erected, to be the only fence required by law.

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.

Board of commissioners to appoint registrar of live stock, &c.

SEC. 3. The board of commissioners of Harnett county shall appoint on the first Monday of April of each and every year, or at the next regular meeting thereafter, one registrar in said district, 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 at all times for inspection, Sundays excepted.

Power of removal.

SEC. 4. The commissioners of said county shall have power to remove said registrar and to appoint his successor.

Power to impound live stock.

SEC. 5. That it shall be lawful for any person to take up any live stock running at large in said district, and to impound the same in the district 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 registrar of the district, 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.

Proviso.

Power to sell impounded stock—regulations of sale.

SEC. 6. That if the owner of any live stock so impounded refuse or neglect to redeem said stock within twenty days after said description is filed with the registrar, the impounded [stock] shall after ten days written notice posted at three or more public places in said district where said stock 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.

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 in the said enclosed district, any justice of the peace in said township shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming the said stock, before it is delivered, and 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; and if any person shall wilfully with gun, dog, or otherwise unreasonably chase, worry, maim or kill any such stock, or permit, or cause the same to be done when trespassing upon his lands or crops, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars and imprisoned not exceeding thirty and not less than ten days.

Damage caused  
by stock—how  
assessed.

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.

Misappropriation by impounder, made a misdemeanor.

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.

Unlawful release of impounded stock, made a misdemeanor.

SEC. 10. That the word "stock" in this act shall be construed to mean horses, mules, jacks, jennetts, colts, cows, calves, sheep, goats and all such cattle or swine.

Definition of stock.

Appointment of  
overseer of fence.

SEC. 11. The commissioners of said county shall at their first sitting in April, one thousand eight hundred and eighty-one, or at any regular meeting prior to the first Monday in September, appoint some landowner of said district overseer of said fence for one year, and he shall have said fence put up and gates erected on the public highways, by the first of April, one thousand eight hundred and eighty-two, and shall apportion the cost of constructing said fence and gates among the landowners 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. on the amount.

Duties.

Annual appoint-  
ment of overseer.

SEC. 12. That said commissioners at their first meeting each and every year shall appoint some landowner of said district overseer of said fence, whose duty it shall be to keep it in good repair at the expense of said landowners and by the means aforesaid; as compensation for his service he shall receive one dollar for each day actually employed, and shall not be compelled to serve more than one year in five. For a wilful neglect of the duties imposed in this section he shall be deemed guilty of a misdemeanor.

Duties.

Powers and du-  
ties of overseer.

SEC. 13. Said overseer shall have power to take the necessary timber from the landowners of said district to construct and repair said fence. The owners 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.

How fence shall  
be built.

SEC. 14. Said fence shall be built with gates upon all the public highways leading through said district by the first of April, one thousand eight hundred and eighty-two, and when completed it shall be the duty of the overseer to give public notice by advertising in three public

places in said district of the establishment of said fence, and from and after ten days from the date of each [such] publication the provisions of this act shall go into operation and take effect.

SEC. 15. It shall be lawful to erect gates where said fence crosses the public roads, and anyone owning land within the enclosed district have the privilege of erecting at his own expense private gates in the said line of fence. Gates to be erected.

SEC. 16. That any person who shall wilfully leave open, 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 exceeding fifty nor less than ten dollars, and imprisoned not exceeding thirty nor less than ten days. Wilfully leaving open or injury to gate made a misdemeanor.

SEC. 17. This act shall take effect from and after the date of its ratification.

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 58.

AN ACT TO INCORPORATE THE NORTH STATE MINING COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William Brandreth, Marcus P. Bestow, George B. Flint, Isaac D. Spruil, Walter R. Denslow, Lucius O. Robertson, Richard Eames, Jr., Peter J. Sinclair, Joseph R. Irby, Jr., and their associates and successors shall be and are hereby constituted a body corporate and politic by the name and style of the "North State Mining Company," and by that name the said company may sue and be sued, may defend and be defended in all courts of law and equity whatsoever; may have a common seal and generally may have and possess the rights Body politic. Name. Rights and privileges.

and privileges generally possessed by similar companies, and may purchase, hold and convey such real estate and personal estate as may be necessary to carry into effect the purposes of this act, and do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits and grants herein contained.

Corporate existence.  
Objects of act.

SEC. 2. That the corporate existence of said company shall be the term of fifty years, and the object of said act is declared to be the opening, working and developing of mines of gold, silver, copper, lead, iron, mica and other marketable minerals in western North Carolina, the purchase and sale of the same, the working, reduction, smelting and refining of said ores, and the construction and working of railroads and telegraph lines connecting the mines with trunk lines of railroads and telegraph lines.

Construction of railroad and telegraph lines.

Authorized to enter upon lands, &c.

SEC. 3. That for the purpose of constructing said railroad and telegraph lines, the said company shall have the right to enter upon any lands over which said railroad or telegraph line may pass for the purpose of surveying the same, and locating said railroad or telegraph line, and to contract with the owners of said lands for the right of way for said railroad or telegraph line, and, upon failure of said company and the owners of said lands to agree upon the price of said right of way, the sheriff of the county in which the land may be situated, at the request of the president of said company, upon giving twenty days notice thereof to the landowners, shall summon five disinterested freeholders 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 if dissatisfied with the damages so assessed.

Capital stock.

SEC. 4. The capital stock of said corporation shall be ten millions of dollars (\$10,000,000) divided into four hundred thousand (400,000) shares of the par value of twenty-five dollars (\$25.00) each, which shall in all respects be

deemed personal property, and shall be transferable in such manner as the by-laws of said corporation may provide.

SEC. 5. The whole capital stock shall be issued upon the payment of one per cent. of its par value, and shall be assessable to the amount of twenty-five dollars (\$25) on each and every share, but not more than four assessments shall be levied in any one year, and no assessment shall exceed five per cent. of the par value of the stock whereon assessment is levied. Notice shall be given the stockholders by mailing notice of the same to their respective addresses, as shown by its stock ledger, at least thirty days prior to the date of payment thereof, and by advertising the notice in a newspaper nearest the principal office of the company once a week for three weeks, and in one daily newspaper in the city of New York for thirty days. At the end of thirty days the stock upon which the assessment has become delinquent shall be advertised as delinquent at the expense of the delinquent stock, once a week for three weeks in a newspaper nearest the principal office of the company, and in one daily newspaper in New York city; and in case stockholders shall neglect or refuse to pay in pursuance of such notice the stock held by them shall be forfeited absolutely to the use of the company and also all payments made on account thereof; but the board of directors may allow the redemption of said stock on such terms as they may prescribe in the by-laws.

When capital stock to be issued, &c.

SEC. 6. For the construction of railroads and telegraph lines connecting the mines of the company with trunk lines of railroads and telegraph lines and each other, the company shall have the right to issue mortgage bonds to the extent of twenty-five thousand dollars (\$25,000) per mile.

Mortgage bonds.

SEC. 7. That the affairs of the company shall be managed by a board of directors, nine in number, to hold office for such term as the by laws of said company shall

Directors.

- provide, and until their successors are duly chosen and qualified; said board shall elect from its number a president, vice-president and treasurer of the company, and they shall hold office for such terms as the by-laws of the said company may provide, and until their successors are duly elected and qualified.
- Officers.**
- By-laws.** SEC. 8. That for the management and disposition of the stock, property, estate, and effects of the said company, the board of directors shall make such by-laws, rules and regulations as may be consistent with this act, and shall fix the time of elections of directors, and in case of vacancy in said board, caused by death, resignation or otherwise, may fill the same. No person shall be a director who is not a stockholder, and any one ceasing to be a stockholder shall cease to be a director.
- Election of Directors, &c.**
- Each share of stock to be entitled to one vote.**
- Annual meetings** SEC. 9. That at all meetings of the stockholders every share of stock shall entitle the holder to one vote, to be given in person or by proxy. Annual meetings of the stockholders of said corporation shall be held for the election of officers, and the place and notice of such meeting to be prescribed in the by-laws; but failure to elect directors on the day appointed in said by-laws shall not be deemed to dissolve said company; but such election may be holden on any day thereafter appointed by the directors, upon due notice as prescribed by the by-laws. The directors, of whom five, including the president, shall be a quorum, shall have full powers touching the appointment of all officers and employees of the company, and the bonds to be required of them for the faithful performance of their duty, and said appointees shall hold office at the will and pleasure of said board. Said directors shall make an annual report to the stockholders of their proceedings and expenditures.
- Annual report.**
- Principal office.** SEC. 10. The principal office of the company shall be in Salisbury, Rowan county, North Carolina, and the
- Branch office.** company may have a branch and transfer office in the city of New York. But one or more of the directors of

said company shall always reside in the state of North Carolina, and all process against the said corporation served on any director, manager or other officer shall be deemed sufficient in law; and in case of death or removal of such director, manager or other officer, a copy of said process left at the office of said corporation, in Salisbury, with any person in charge, and if no one is in charge of said office by posting said process in a conspicuous place upon or about the door, shall be deemed and held sufficient service of process against said corporation in any and all courts of this state. <sup>Vacancies.</sup>

SEC. 11. This act shall take effect from and after its ratification.

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 59.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED AND FIFTY-EIGHT, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, ENTITLED "AN ACT CONCERNING APPLICATIONS FOR PROHIBITION OF THE SALE OF SPIRITUOUS LIQUORS, OR REPEAL OF PROHIBITORY LAWS IN THE STATE."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and fifty-eight 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 repealed. <sup>Ch. 158, laws 1874 '75, repealed.</sup>

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 60.

AN ACT TO INCORPORATE THE TOWN OF RUTHERFORD COLLEGE IN BURKE COUNTY, AND TO REPEAL CHAPTER THIRTY-TWO, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

*The General Assembly of North Carolina do enact :*

- Body politic. SECTION 1. That the town of Rutherford Colledge (heretofore incorporated and known as Excelsoir) is hereby incorporated as a body politic and corporate by the name
- Name. and style of "The Mayor and Commissioners of the town of Rutherford Colledge."
- Corporate limits. SEC. 2. That the corporate limits of said town shall be the lines of the four hundred acre tract of land donated to the trustees of Rutherford Colledge by the late John Rutherford.
- Sale of spirituous liquors prohibited. SEC. 3. That no spirituous liquors shall be sold within said corporate limits, nor shall it be lawful to sell or otherwise dispose of intoxicating drinks to any person a student of said colledge, within five miles of the same, and any person so offending shall be deemed guilty of misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Misdemeanor. Penalty. SEC. 4. That John T. Abernethy be appointed mayor and J. M. Kincaid, G. W. Henry, L. B. Abernethy and D. H. Perber be appointed commissioners, who shall hold their offices until the next regular election for municipal officers in this state, and until their successors are elected and qualified.
- Mayor and commissioners. Powers, &c. SEC. 5. That the officers herein named and their successors shall have all the powers, immunities, and shall be subject to all the restrictions and liabilities enumerated in chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

SEC. 6. That chapter thirty-two, private laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, ratified the thirteenth day of January, one thousand eight hundred and seventy-two, is hereby repealed.

Ch. 32, private laws 1871-72, repealed.

SEC. 7. That this act shall be in force from and after the first day of April, one thousand eight hundred and eighty-one.

Act in force from April 1st, 1881.

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 61.

AN ACT TO ASCERTAIN AND ESTABLISH THE DIVIDING LINES BETWEEN THE COUNTIES OF JONES AND LENOIR AND THE COUNTIES OF JONES AND CRAVEN.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of ascertaining and establishing the dividing lines between the counties of Jones and Lenoir and the counties of Jones and Craven, the board of county commissioners of each of said counties, shall, at their regular meeting in April, one thousand eight hundred and eighty-one, appoint one of their number, or any other suitable person, to represent their said county, and said persons so appointed shall meet together as soon as practicable after their appointment and select a competent surveyor to survey and establish said lines, and do all other things and acts necessary to accomplish said purpose.

Commissioners to be appointed. Survey.

SEC. 2. That a plot of the survey shall be filed in the office of the register of deeds of each of said counties.

Plot to be filed in office of register.

SEC. 3. The expenses of said survey shall be paid *pro rata* by said counties.

Expenses, how paid.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 62.

AN ACT MAKING IT A MISDEMEANOR FOR KILLING NEAT CATTLE IN THE RANGE AND NOT SHOWING HEAD, EARS, AND HIDE IN TWO DAYS, IN BERTIE COUNTY.

*The General Assembly of North Carolina do enact :*

Misdemeanor. §

SECTION 1. That any person or persons who shall kill any neat cattle in the range in the county of Bertie, and who shall fail within two days thereafter to show the head, ears and hide of such neat cattle to some substantial freeholder, 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.

Penalty.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 63.

AN ACT TO AMEND SUB-DIVISION SEVEN, SECTION FORTY-ONE, CHAPTER SEVENTY-EIGHT, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

Ch. 78, §41, sub-  
div. 7, Battle's  
Revisal, amend-  
ed.

SECTION 1. That sub-division seven, section forty-one, chapter seventy-eight of Battle's Revisal, be amended by

striking out the words: "To any person requesting him to do so," and inserting in lieu thereof the words: "In a registered letter at the expense of the grantee, unless otherwise directed." How grants to be sent.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 64.

AN ACT TO AMEND CHAPTER FIFTY-THREE OF BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter fifty-three, of Battle's Revisal, be amended by adding thereto the following: Ch. 53, §1, Battle's Revisal, amended.

"Or in case such father shall be dead and shall not have exercised his said right of appointment, then the mother, whether of full age or a minor, may do so; and whenever any such mother may have heretofore made such appointment by will and died leaving minor children who have not since had a guardian appointed by law, then such appointment by will shall be as valid and binding as if this act had been in existence at the time of her decease." Mother may appoint guardian in case the father shall die without having appointed.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 65.

AN ACT TO AMEND CHAPTER FIFTY-THREE OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, IN REGARD TO MECHANICS' LIEN.

*The General Assembly of North Carolina do enact :*

Ch. 53, §2, laws  
1876-'77, amended.

SECTION 1. That section two, chapter fifty-three of the acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, shall be and the same is hereby amended by striking out the words "sixty days" in the third line and in the eighth line of said section and inserting therein the words, "six months."

Time within  
which mechanics  
liens to be filed.

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 66.

AN ACT TO AMEND CHAPTER SEVENTY-NINE, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, AND TO FIX THE TIME OF IREDELL SUPERIOR COURT.

*The General Assembly of North Carolina do enact :*

When IredeLL su-  
perior court to be  
held.

SECTION 1. That the terms of the superior court of IredeLL county, in the eighth judicial district, shall be held on the second Monday before the last Monday in August and February in each and every year and continue for two weeks.

SEC. 2. This act to take effect at fall term one thousand eight hundred and eighty-one.

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 67.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Clay county are hereby authorized to levy a special tax on the property and polls of said county not to exceed two thousand dollars, for the purpose of paying county indebtedness, said taxes to be levied and collected as other taxes: *Authorized to levy special tax to pay county indebtedness.*  
*Provido.* Said commissioners may in their discretion levy and collect one-half of said taxes in the year one thousand eight hundred and eighty-one and the other half in the year one thousand eight hundred and eighty-two.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 68.

AN ACT TO REGULATE THE WEIGHING OF COTTON IN THE CITY OF NEWBERN.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Craven county shall appoint at their regular meeting in August, A. D. one thousand eight hundred and eighty-one, and every two years thereafter, three public cotton weighers for the city of Newbern, and any vacancy occurring in said office of cotton weighers shall be filled in like manner for the unexpired term, at the first meeting of said commissioners *Commissioners to appoint three public cotton weighers.*  
*Vacancies.*

after any vacancy in the respective appointments may occur.

Duties of cotton weighers.

SEC. 2. It shall be the duty of said cotton weighers to weigh all baled cotton sold in the city of Newbern at its true weight, making just and proper deduction for water or damage.

Oath.

SEC. 3. That said weighers before entering upon the duties of their office shall take the following oath before some justice of the peace: I, ....., do solemnly swear that I will faithfully perform the duties of the office of cotton weigher, and that I will take no interest, near or remote, in buying or selling cotton in the city of Newbern.

Bond.

SEC. 4. That each of said weighers shall give bond in the sum of five hundred dollars, payable to the state of North Carolina, conditioned for the faithful performance of his duty; said bond shall be taken by the said commissioners and filed in the office of register of deeds of said county, and the said weighers shall receive as compensation for each bale weighed the sum of ten cents, one-half to be paid by the buyer and the other half by the seller.

Misdemeanor for others to weigh cotton.

SEC. 5. That any other person weighing cotton sold in the city of Newbern shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of Craven county, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

Repeal of conflicting laws.

SEC. 6. That all laws in conflict with this act be, and the same are hereby repealed.

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 69.

AN ACT TO RE-ENACT CHAPTER FORTY OF THE REVISED CODE,  
ENTITLED DRAINING AND DAMMING LOW-LANDS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter forty of the Revised Code, entitled "Draining and damming low-lands," is hereby re-enacted, except that the proceeding provided for in said chapter, shall be a special proceeding, on summons in the superior court, and except further, that the number of commissioners therein provided for shall be five.

Ch. 40, Revised Code, re-enacted.

Proceedings to be a special proceeding.

Five commissioners.

Conflicting laws repealed.

SEC. 2. That all laws in conflict with this act are repealed.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 70.

AN ACT TO PROTECT FISH IN TYRRELL COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That no person shall throw or cause to be thrown into the waters known as the "Frying Pan," tributary to the Great Alligator river, in Tyrrell county, any fish offal in any quantities whatsoever, under a penalty of ten dollars for each and every offence, to be recovered before any justice of the peace of said county.

Unlawful to throw fish offal into certain streams.

Penalty.

SEC. 2. Every person offending against the provisions of this act, shall also be guilty of a misdemeanor, and, on conviction thereof, shall be fined a sum not to exceed fifty dollars or imprisonment not to exceed thirty days.

Misdemeanor.

Penalty.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 71.

AN ACT TO RELIEVE THE CITIZENS OF BUNCOMBE COUNTY FROM THE OPERATIONS OF A LAW PASSED AT THE SPECIAL SESSION ONE THOUSAND EIGHT HUNDRED AND EIGHTY, RELATING TO THE DRIVING OF CATTLE WEST OF THE BLUE RIDGE.

*The General Assembly of North Carolina do enact :*

Ch. 2, laws 1880,  
not applicable to  
Buncombe county.

SECTION 1. That the act entitled "An act to relieve the citizens of Burke county from the operation of an act prohibiting the driving of cattle west of the Blue Ridge," passed during special session of the legislature of eighteen hundred and eighty, shall not apply to the county of Buncombe.

Ch. 95, laws 1879,  
re-enacted so far  
as relating to  
Buncombe county.

SEC. 2. That the act entitled "An act to prohibit the driving of cattle from South Carolina and Georgia and other places in certain counties west of the Blue Ridge," passed during the session of the legislature of eighteen hundred and seventy-nine, is hereby re-enacted so far as it relates to the county of Buncombe.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 72.

AN ACT TO MAKE DAN RIVER IN STOKES COUNTY A LAWFUL  
FENCE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the Dan river in Stokes county shall be a lawful fence from the Rockingham county line upon said river to Davis' ford in the county of Stokes.

Dan river in Stokes county declared a lawful fence from Rockingham county line to Davis' ford.

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 73.

AN ACT TO INSURE THE ANNUAL REGISTRATION OF VITAL  
STATISTICS.

*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be the duty of each and every person annually, at the time when he or she or they shall list property for taxation, to make out and sign and deliver to the township assessor, on a blank prepared and furnished as hereafter provided, a statement as follows, to wit: 1st. Whether married, unmarried, widow or widower. 2nd. Number of births in the family within the year immediately preceding. 3rd. Number of deaths in the family within the same time and the names of the diseases causing the deaths as far as known. 4th. Whether any cases of the following diseases have occurred in the family for the year immediately preceding: Small-pox, scarlet fever, diphtheria, yellow fever, cholera.

Persons listing property for taxation to make a statement of vital statistics.

Diseases.

State board of health to furnish proper blanks to county commissioners.

SEC. 2. It shall be the duty of the state board of health annually to prepare and furnish to the commissioners of each county, at least thirty days before the time appointed by law for the listing of taxes, a sufficient number of blank forms, or lists, on which each taxpayer or lister shall make out the statement required by section one of this act, which said blanks shall be distributed by the commissioners aforesaid to the township assessors at least five days before the time appointed by law for the listing of taxes. The form of said blanks shall be prescribed by the secretary of the state board of health, and may be accompanied by a circular from said officer giving instructions in regard to filling out the same and information desired, and for every one hundred blanks filled and returned the tax lister shall receive ten cents.

To be distributed to township assessors.

Township assessors to return blanks when filled to clerk of board of commissioners.

SEC. 3. The blanks so made out and delivered to the assessors, as provided for in section one of this act, shall be forwarded by them to the clerk of the board of commissioners in each and every county at the same time required by law for the return of the abstract of the tax list to said clerk. And it shall be the duty of said clerk to forward at once all of said blanks so returned to him to the secretary of state, who, after noting the same for record in his office, shall forward them to the secretary of the state board of health.

Clerk to forward to secretary of state.

Secretary of state to forward to secretary of state board of health.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 74.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Graham county be and they are hereby empowered to levy a special tax for the payment of said county's indebtedness: *Provided*, That the constitutional equation between the poll and property be observed. Authorized to levy special tax.

SEC. 2. That the total amount authorized to be levied and collected under this act shall not exceed twelve hundred dollars, one-third to be collected in the year one thousand eight hundred and eighty one, one-third in the year one thousand eight hundred and eighty-two, and one-third in the year one thousand eight hundred and eighty-three. Amount not to exceed \$1,200.  
To be levied equally in 1881, 1882 and 1883.

SEC. 3. That the tax provided for in this act shall be collected in the same manner and with like penalties as other county taxes; and when collected shall be applied three-fourths to the payment of the general indebtedness of said county and one-fourth to the payment of school claims of the same. Tax, how collected.  
How applied.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 75.

AN ACT REGULATING THE METHOD OF ENFORCING JUDGMENTS  
RENDERED IN THE SUPREME COURT OF NORTH CAROLINA.*The General Assembly of North Carolina do enact :*

Supreme court clerk upon request to send certified copy of judgment rendered in supreme court to the clerks of such superior courts as he may be directed.

SECTION 1. It shall be the duty of the clerk of the supreme court, on the application of the party obtaining judgment in the said supreme court, directing in whole or in part the payment of money, or the like application of the attorney of record of said party, to certify under his hand and the seal of said court, the title of said court, the names of the parties thereto, that said judgment was so rendered by said court, the amount and date of such judgment, what part thereof bears interest and from what date, and the said clerk shall send such certificate to the said clerk of such county or counties in this state as he may be directed: and the clerk of the superior court to whom such certificate shall be so sent, shall forthwith, on the receipt of the same, docket the same in like manner as judgment rolls of the superior court may be docketed under existing laws; and such judgment, when such certificate of such judgment shall be so docketed, shall immediately be a lien on the real property in the county where the same is docketed, of every person against whom such judgment shall have been rendered, which he may have at the time of docketing of such certificate of judgment, in the county in which the same shall be docketed, and likewise on all such real property as he may thereafter acquire for ten years from the time of docketing such certificate of judgment in the county where the same is docketed; but the time during which the party or parties so recovering or ordering such certificate of judgment shall be or may or may have been restrained from proceeding thereon by an order of injunction or other order or otherwise according to law, shall not

Superior court clerk to docket the same.

Judgment to be a lien on real property in the county where docketed for ten years.

Time wherein party may be restrained not counted.

constitute any part of the ten years aforesaid, as against the defendant or defendants in such judgment, or the party obtaining such orders or other stay of proceeding in any way, or any other person who is not a purchaser, creditor or mortgagee in good faith; and all the provisions of the Code of Civil Procedure, in so far as the same are pertinent, shall apply to such judgments in the supreme court and such certificate of such judgment so docketed.

Exception as to purchaser creditor of mortgagee. Provisions of C. C. P. applicable to such judgments.

SEC. 2. All executions issuing on such judgments as are specified in the first section of this act shall issue from the said supreme court under the seal of said court, and be directed duly to the sheriffs or other proper officers respectively of the counties in which such certificates of judgment upon which executions shall so issue was docketed, and all such executions shall be duly returned to the supreme court; and when such executions shall be so returned the clerk of said court shall note the return, or the substance thereof, to the sheriff or other officer on the execution docket, and when such execution shall be returned satisfied or partially satisfied, it shall be the duty of the clerk of the supreme court to send a copy of such return under his hand and seal of said court to the clerk of the superior court of each county in which such certificate of such judgment is docketed, whose duty it shall be to note such copy in his execution and judgment docket opposite the docket of such certificate of judgment, and file said certificate of return with the certificate of judgment in his office.

Exceptions to issue from supreme court.

Supreme court clerk to send copy of sheriff's return to superior court clerk, when execution is satisfied in whole or in part.

Superior court clerk to enter same on his judgment docket.

SEC. 3. Executions upon such judgments shall issue duly from the supreme court and duly as in this act provided, and no executions shall operate as a lien upon real estate and the same shall operate as a lien upon personal property only from the date of the levy of the same.

Judgments to be a lien upon personal property from date of levy of execution.

SEC. 4. The party in whose favor such judgment may be rendered as is specified in this act, may have such certificate of judgment docketed as in this act provided, at

Party entitled to certificate of judgment upon rendition of same.

once after such judgment shall have been rendered, unless the court shall otherwise direct.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 76.

AN ACT TO AMEND SECTION THIRTY-ONE, CHAPTER SIXTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

*The General Assembly of North Carolina do enact:*

Ch. 60, §31, Battle's Revisal, amended.

SECTION 1. That the acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter one hundred and two, section thirty-one, as brought forward in Battle's Revisal, chapter sixty, section thirty-one, be amended by striking out the words, "Of one dollar in any worldly substance above such exemption as may be allotted by law," and inserting the words, "Of fifty dollars in any worldly substance, in debts owing or otherwise whatsoever."

Oath of insolvent debtor.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 77.

AN ACT TO MAKE HYCO RIVER FROM YARBOROUGH'S MILL IN THE COUNTY OF CASWELL TO THE VIRGINIA LINE A LAWFUL FENCE.

*The General Assembly of North Carolina do enact :*

SECTION. 1. That Hyco river from Yarbrough's mill in the county of Caswell to the Virginia line shall be a lawful fence. Hycø river in Caswell county declared a lawful fence from Yarbrough's mill to Virginia line.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 78.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Craven county be and it is hereby authorized and empowered to levy a special tax not to exceed twelve thousand dollars, one-third to be levied annually, beginning with the year one thousand eight hundred and eighty-one, for the purpose of building and furnishing a court house in said county. Authorized to levy special tax not exceeding \$12,000. One-third to be levied annually to build court house.

SEC. 2. That said special tax shall be levied on all property, privileges and subjects taxed by the state in said county, 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*, The constitu- Tax, how levied and collected. Proviso.

tional equation between polls and property shall be observed in the levy of said special tax.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 79.

AN ACT TO AMEND SECTION THIRTY-SEVEN, CHAPTER ONE HUNDRED AND FIVE, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

Ch. 105, §37, Battle's Revisal, amended.

SECTION 1. That section thirty-seven, chapter one hundred and five, of Battle's Revisal, be amended by striking out in lines fifteen and sixteen the words "each search ten cents."

Fees of secretary of state.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 80.

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

*The General Assembly of North Carolina do enact :*

Ch. 17, §43, Battle's Revisal, amended.

SECTION 1. That the Code of Civil Procedure, Battle's Revisal, chapter seventeen, section forty-three, be amended by adding to the end of the section the following: "But if the claim upon which such cause of action is based be

Action on claims, filed with ex't'r or adm'r and ad-

filed with the executor or administrator within the time above specified, and the same shall be admitted by him, it shall not be necessary to bring an action upon such claim to prevent the bar: *Provided*, That no action shall be brought against the administrator or executor upon such claim after the final settlement of said executor or administrator; and this shall apply to claims already filed.

mitted, not barred until after final settlement.

Applicable to claims already filed.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 81.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-THREE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ninety-three, laws of one thousand eight hundred seventy-nine, be and the same is hereby repealed.

Ch. 293, laws 1879, repealed.  
Fees of county officers in Pitt county.

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 82.

AN ACT TO REQUIRE THE PUBLIC TREASURER TO SELL CERTAIN BONDS AND APPLY THE PROCEEDS THEREOF TO THE COMMON SCHOOL FUND.

Preamble.

WHEREAS, The state treasurer reports that he, as treasurer of the state board of education, has on hand belonging to the educational fund, moneys and bonds as follows : United States four per cent. bonds, ninety-one thousand five hundred dollars ; North Carolina four per cent. bonds, ninety-nine thousand two hundred and fifty dollars ; cash on first October, one thousand eight hundred and eighty, twenty-two thousand twenty-eight dollars and forty-nine cents, to which is to be added the receipts since the first of October.

AND WHEREAS, The children of the present day greatly need the benefit of said fund,

*The General Assembly of North Carolina do enact :*

state board of education directed to distribute the proceeds of U. S. bonds and the cash in their hands during 1881.

SECTION 1. That the state board of education be and they are hereby authorized and directed to distribute during the year one thousand eight hundred and eighty-one, the proceeds of the sale of the United States four per cent. bonds and the money on hand which has not been heretofore invested.

To distribute the proceeds of the N. C. state bonds and other funds which may accumulate in their hands, during 1882.

SEC. 2. That during the year one thousand eight hundred and eighty-two, it shall be the duty of the said board to sell the ninety-nine thousand two hundred and fifty dollars of four per cent. state bonds, and to distribute during that year the proceeds thereof, with all other funds that may have accumulated at the time of the distribution.

Board to make no further investment of school funds, but to dis-

SEC. 3. That it shall be the duty of the said board to distribute from time to time, all funds belonging to the

school fund, instead of making any further investments. tribute the same from time to time.

SEC. 4. That all distributions shall be made among the several counties according to the number of school children in each county entitled to the benefits of the common schools. Distributions, how made.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

## CHAPTER 83.

AN ACT TO PREVENT THE FELLING OF TREES AND FISHING WITH HAND-SEINES IN FALLING CREEK IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to fell any tree or trees, or place any obstruction in Falling creek in Wayne county, between the Hall mill site on said creek and its confluence with Neuse river. Unlawful to obstruct Falling creek in Wayne county, between certain points.

SEC. 2. That it shall be unlawful for any person or persons to fish with any hand-seine in said creek, between said mill site and said river. Unlawful to fish in same with hand seine.

SEC. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Penalty.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

## CHAPTER 84.

AN ACT TO ALLOW THE COMMISSIONERS OF LINCOLN AND OTHER COUNTIES TO CONDEMN A FENCE WAY IN SAID COUNTIES.

*The General Assembly of North Carolina do enact :*

Empowered to  
condemn fence-  
way not exceed-  
ing 20 feet in  
width.

SECTION 1. That the commissioners of Lincoln, Catawba, Gaston, Cleveland, Iredell and Randolph counties, in building fences around any township or sections that may have now or may hereafter adopt the "no fence" law, under chapter one hundred and thirty-five, laws of one thousand eight hundred and seventy-nine, shall have power to condemn a fence way not exceeding twenty (20) feet in width for a fence around said township or section, under the same law by which land is now condemned for railroad purposes by the North Carolina railroad company, section twenty-seven, chapter eighty-two, laws of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine: *Provided, nevertheless*, That said commissioners shall have the power to make any contract that may by them be deemed proper, and for the best interest of said townships or sections.

Proviso.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

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 CHAPTER 85.

AN ACT TO AUTHORIZE THE COLLECTION OF ARREARS OF TAXES DUE THE TOWN OF MARION, FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact :*

Town commis-  
sioners author-  
ized to revise and

SECTION 1. That the commissioners for the town of Marion be and they are hereby authorized and empow-

ered to revise and correct the tax list, for the town of Marion, for the year one thousand eight hundred and eighty, by adopting the valuation of real and personal property made by the township board of trustees of Marion township, or by the assessor for said township for the years aforesaid for the state and county taxes, as the valuation of real and personal property situated within the town of Marion for town taxes.

SEC. 2. That when the said tax lists shall be revised and corrected, as provided by the first section of this act, then J. A. Scott, marshal for the town of Marion, or his successors, be and he or they are hereby authorized and empowered to collect all arrears of taxes due from taxpayers of said town for the year one thousand eight hundred and eighty, under such rules and regulations as are now prescribed by law for the collection of the taxes of said town, and the power and authority hereby granted shall cease the first day of July, one thousand eight hundred and eighty-one.

correct tax-list for 1880.  
When corrected, J. A. Scott, town marshal, authorized to collect.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

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## CHAPTER 86.

### AN ACT TO PREVENT THE FELLING OF TREES IN MILL CREEK IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who shall fell any timber or brush, or place any fish hedge in or otherwise obstruct the free passage of the water and fish in Mill creek between the bridge near Bentonville in Johnston county

Unlawful to obstruct Mill creek in Johnson co, between certain points.

Misdemeanor.  
Penalty.

Owners of adjacent lands authorized to remove obstructions.

and the confluence of said creek with Neuse river, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty dollars, or imprisoned for not more than thirty days.

SEC. 2. It shall be lawful for any person owning land on said creek between the points herein before mentioned, to remove any fish hedge, trap or other obstruction in said creek.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

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## CHAPTER 87.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO ORDER AN ELECTION IN TRENTON TOWNSHIP TO SUBMIT TO THE QUALIFIED VOTERS THE QUESTION OF LICENSE OR NO LICENSE.

*The General Assembly of North Carolina do enact :*

Board of com'rs of Jones co. authorized to submit to electors of Trenton township the question of license or no license for the sale of spirituous liquors.

SECTION 1. That the board of county commissioners of Jones county are hereby authorized to order an election in Trenton township of said county for the purpose of submitting to the qualified voters of said township the question of license or no license as to the sale of spirituous liquors in said township.

Election, when and where held.

SEC. 2. That said election shall be held at the court house in the town of Trenton on the first Monday in May, Anno Domini one thousand eight hundred and eighty-one, and the result of said election be proclaimed by the sheriff of said county within two days thereafter.

Result to be proclaimed by sheriff.

Election, how held.

SEC. 3. That the election shall be governed by the law regulating the election of members of the general assembly.

SEC. 4. That if at the said election the majority of the qualified voters voting shall be in favor of license, then and in that case all laws prohibiting the sale of spirituous liquors within three miles of said town of Trenton shall be and the same is hereby repealed.

If a majority vote license, then all laws prohibiting sale of liquors within three miles of Trenton are repealed.

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

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## CHAPTER 88.

AN ACT TO AUTHORIZE THE TRUSTEES OF PUBLIC LIBRARY TO PUBLISH CERTAIN PUBLIC RECORDS, &c., FOR THE USE OF THE LIBRARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the trustees of the public library are hereby authorized to publish such number of volumes of suitable size, of the records, papers, documents and manuscripts as they may deem proper, bearing date prior to the year 1781, belonging to the state of North Carolina :

Trustees of public library authorized to publish records, &c., belonging to state and bearing date prior to 1781.

*Provided,* That the printing and binding shall be done by the public printer and binder at the rates fixed by law and paid for out of the fund appropriated in section four, chapter ninety-six, Battle's Revisal, for the increase of the public libraries of the state.

Proviso.

Printing and binding to be done by public printer and binder at rates fixed by law.  
How paid.

SEC. 2. That the said trustees shall have authority to sell, on such terms as they may deem proper, any volumes printed under authority of this act that may not be reserved for the use of the said public libraries.

Trustees authorized to sell volumes printed under this act.

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

Read in the general assembly three times, and ratified this the 17th day of February, A. D. 1881.

## CHAPTER 89.

AN ACT FOR THE BETTER PROTECTION OF MARRIED WOMEN.

*The General Assembly of North Carolina do enact :*

Having carnal knowledge of a married woman by fraud in personating her husband declared a felony.  
Punishment.

SECTION 1. That every person who shall have carnal knowledge of any married woman by fraud in personating her husband, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the state's prison at hard labor for not less than ten or more than twenty years.

Penalty for an assault upon a married woman with intent to have carnal knowledge of her by fraud in personating her husband.

SEC. 2. That every person convicted by due course of law of an assault upon any married woman, with intent to have carnal knowledge of her by fraud in personating her husband, shall be punished by imprisonment in the state's prison at hard labor for not less than five or more than fifteen years.

Defendant a competent witness.

SEC. 3. That in any trial for any offense created by this enactment, it shall be competent for the defence to introduce the defendant as a witness: *Provided, however,* That failure to so introduce him shall not be used to the prejudice of the defence in said trial.

Proviso.

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

Read in the general assembly three times, and ratified this the 17th day of February, A. D. 1881.

## CHAPTER 90.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, BY EXEMPTING MANUFACTURES ON THE SOUTH FORK OF CATAWBA RIVER, &c.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter two hundred and forty-four, laws of one thousand eight hundred and seventy-nine, be amended by inserting as a proviso: That said act shall not apply to dams in existence, or which may be erected for manufacturing or milling purposes.

Ch. 244, §1, laws 1879, amended.

Act not applicable to dams erected for manufacturing or milling purposes.

SEC. 2. That sections three and four of said chapter be, and are hereby repealed.

Sections 3 and 4 repealed.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

115  
293  
776

## CHAPTER 91.

AN ACT TO RESTORE TO THE COMMON SCHOOL FUND THE MONEY EXPENDED FOR SUPPORT OF NORMAL SCHOOLS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the funds appropriated by an act of the general assembly at the session of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, chapter two hundred and thirty-four, entitled an act for the support of normal schools, and an act amendatory thereof, chapter fifty-four, laws of one thousand eight hundred and seventy-seven, ratified the twentieth day of February, one thousand eight hun-

Funds appropriated under ch. 234, laws 1876-77, and ch. 51, laws 1879, to be paid out of general funds in the treasury.

dred and seventy-nine, shall be paid out of any money in the treasury belonging to the general fund, other than the school fund, not otherwise appropriated.

Treasurer directed to transfer to board of education funds belonging to common school fund expended for support of normal schools, with four per cent. interest.

SEC. 2. That the treasurer of the state be, and he is hereby directed to transfer to the treasurer of the board of education, all sums of money belonging to the common school fund heretofore expended for the support of normal schools, together with four per cent. interest per annum on the same from the date of such expenditure.

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

Read in the general assembly three times, and ratified this the 17th day of February, A. D. 1881.

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## CHAPTER 92.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF WILKES COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to levy special tax for payment of county indebtedness not exceeding \$6,000. To be levied equally in 1881, 1882 and 1883.

SECTION 1. That the county commissioners of Wilkes county be, and are hereby empowered to levy a special tax, for payment of county indebtedness, for not more than six thousand dollars, two thousand to be levied annually for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three, on all the taxable polls and property of said county: *Provided*, That in levying said tax the constitutional equation between the poll and property shall be observed: *Provided*, *further*, That the state and county tax in any one of the above named years shall not exceed ninety cents on the one hundred dollars of property.

Proviso.

Proviso.

Tax, how collected.

SEC. 2. That said tax shall be collected under the same rules and regulations as other taxes are collected, and

shall be applied as said commissioners may direct in the How applied. payment of the indebtedness of said county.

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

Read in the general assembly three times, and ratified this the 17th day of February, A. D. 1881.

### CHAPTER 93.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

*The General Assembly of North Carolina do enact :*

SECTION 1. 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-six, one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight, one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, 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.

Sheriffs and tax-collectors of counties, cities and towns empowered to collect arrears of taxes from 1876 to 1880, inclusive.

How collected.

SEC. 2. This act shall not apply to any sheriff, tax collector, his or their bondsmen or legal representatives, who have not at the time they attempt to collect said arrears 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 levy the taxes, may, whenever such sheriff, tax collector and their bondsmen are insolvent, appoint a tax collector, who shall have the power given in section one of this act to sheriffs and to collectors to collect arrears of taxes for the years therein

Act not to apply to sheriffs and tax-collectors who have not at the time collection of arrears is attempted, made final settlement with proper authorities.

On failure to make such settlement, a tax-collector to be appointed when sheriff, tax-collector and bondsmen are insolvent.

named and be subject to the same rules and regulations which are, or may be prescribed for the collection of taxes : *Provided*, That this act shall not authorize any sheriff or tax collector who is not now in office, to collect any insolvent taxes when the same have been credited to him, but the county commissioners shall have the power to place such insolvent tax list 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 relieve 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.

Sheriffs, tax-collectors and bondsmen not relieved from liability.

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

Person making oath that tax has been paid not compelled to pay.

Executor and administrator not compelled to pay.

SEC. 5. That this act shall not be construed to revive any tax claims which are barred by the statute of limitations.

Claims barred by statute not revived.

SEC. 6. 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 eighty-two.

Authority to cease on December 31st, 1882.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

## CHAPTER 94.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, SO THAT CATAWBA COUNTY MAY BE INCLUDED IN ITS PROVISIONS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter one hundred and thirty-five of the public laws of eighteen hundred and seventy-nine, entitled an act to prevent live stock from running at large within Rowan, Davie, Cabarrus and other counties, be amended by inserting, after the word Randolph in line six of said act, the words "Catawba, Alexander, Burke and Guilford," so that the provisions of said act shall apply to Catawba, Alexander, Burke and Guilford counties also.

Ch. 135, laws 1879, amended.

Catawba, Alexander, Burke and Guilford counties inserted.

SEC. 2. That the said act be further amended by inserting immediately after section twenty (20) the following additional section: That upon the written application of one-fifth of the qualified voters of any district or territory in Lincoln, Catawba, Alexander, Burke, Guilford, Randolph, Rowan or Gaston counties, whether the boundaries of said district follow township lines or not, made to the county commissioners at any time, and setting forth well defined boundaries of said district, it shall be the duty of the said commissioners to submit the question of said "Stock law" or "No stock law" to the qualified voters of said district, and if, at any such election, a majority of the votes cast shall be in favor of said stock law, then the provisions of this act shall be in force over the whole of said district.

Election in regard to "stock law" in districts other than townships in certain counties.

SEC. 3. Whenever the board of county commissioners in any one of the counties mentioned in this act shall determine to order an election in any county, township or district, as provided in section two of this act, they shall establish convenient polling places therein, giving

Polling places to be established by county com'rs.

twenty (20) days notice thereof by advertising in some newspaper in the said county, township or district, or in lieu thereof in three public places in each township and district in which said election is to be held.

Registrars of election.

SEC. 4. The said board of county commissioners shall select, at least twenty (20) days preceding any election to be held under this act, one or more persons who shall act as registrars of voters for such townships and districts, and shall furnish to such registrars proper registration books.

Registrars to revise existing registration books when township or district is identical with township or precinct at general election of 1880.

SEC. 5. It shall be the duty of such registrars, if the township or district in which they are appointed to act is identical with a township or precinct established at the general election in the year one thousand eight hundred and eighty, to revise the existing registration books of that township or precinct in such manner that the said books shall show an accurate list of electors previously registered in said township or precinct and still qualified to vote therein, without requiring such electors to be registered anew.

When not identical commissioners to direct new registration.

SEC. 6. If the district in which said election is to be held, and in which said registrars are appointed to act, is not identical with a township or precinct established at the said general election in the year one thousand eight hundred and eighty, it shall be the duty of the said board of county commissioners to direct, upon giving twenty (20) days notice, that there shall be an entirely new registration of voters in said district, before any election therein under this act; and for this purpose they shall furnish the registrars for said district with the proper registration books.

Registration of electors.

SEC. 7. Such registrars shall, between the hours of sunrise and sun-set on each day (Sundays excepted) for twenty days preceding, and on the day of each election hereunder, keep open said books for the registration of any electors residing in said district, township and county, and entitled to vote therein.

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

Read in the general assembly three times, and ratified this the 18th day of February, A. D. 1881.

## CHAPTER 95.

AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF FRANKLINTON.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be appointed for the town of Franklinton a public cotton weigher, who shall be appointed by the county commissioners of Franklin county at their first meeting after the passage of this act, and every two years thereafter. Any vacancy occurring in said office of cotton weigher, shall be filled in like manner.

County commissioners of Franklin co. to appoint public cotton weigher.

Vacancy.

SEC. 2. It shall be the duty of said weigher to weigh all baled cotton sold in said town of Franklinton at its true weight, making just and proper allowance or deduction for water or damage.

Duties of cotton weigher.

SEC. 3. The said weigher before entering upon the duties of his office shall take the following oath before some justice of the peace, viz: "I ....., do solemnly swear that I will faithfully perform the duties of cotton weigher, and that I will take no interest, near or remote, in buying and selling cotton in the town of Franklinton.

Oath.

SEC. 4. Said weigher shall give a bond in the sum of one thousand dollars, payable to the state of North Carolina, conditional for the faithful performance of his duty as cotton weigher; said bond shall be taken by the county commissioners and filed in the office of the register of deeds of said county; said weigher shall be entitled to ten

Bond.

cents per bale for weighing, to be paid one-half by the purchaser and one-half by the seller.

Unlawful for other person to weigh cotton in Franklinton.

SEC. 5. That no other person than said weigher shall weigh baled cotton for sale in said town under a penalty of ten dollars for each offence, said fine to be applied to the school fund of said county of Franklin, upon the conviction of the offender before any justice of the peace of said county, excepting in case of the sickness of said weigher, in which case any person agreed upon by said weigher and the buyer and seller of the cotton shall be authorized to act in his place.

Penalty.

Exception in case of sickness of weigher.

Cotton weigher to be dismissed for malfeasance in office.

SEC. 6. Any cotton weigher appointed under this act who shall wilfully or corruptly abuse the trust or power conferred by this act shall, upon conviction thereof by the board of county commissioners by which he was appointed, be dismissed from office, and any damage sustained by any party, by such wilful or corrupt abuse of trust or power, shall be recoverable out of the bond of said cotton weigher.

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

Read in the general assembly three times, and ratified this the 18th day of February, A. D. 1881.

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CHAPTER 96.

AN ACT TO PROVIDE FOR THE SUPPORT OF THE INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

*The General Assembly of North Carolina do enact :*

\$34,000 per annum appropriated for 1881 and 1882.

SECTION 1. That the sum of thirty-four thousand dollars be and is hereby appropriated for the support of the institution for the deaf and dumb and the blind during the year one thousand eight hundred and eighty-one,

and that the same amount be and is hereby appropriated for the support of this institution for the year one thousand eight hundred and eighty-two.

SEC. 2. That the public treasurer is hereby authorized and directed to pay the amount appropriated by section first 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 year for which said appropriation is made, upon the order of the president of the board of trustees.

To be paid by public treasurer to treasurer of institution.

Proviso.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

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## CHAPTER 97.

### AN ACT TO MAKE BRUNSWICK RIVER A LAWFUL FENCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Brunswick river for its entire length, shall be regarded, and is hereby declared to be a lawful fence.

Brunswick river declared a lawful fence.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

## CHAPTER 98.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN  
AND AROUND MOUNT AIRY, COUNTY OF SURRY.

*The General Assembly of North Carolina do enact :*

Unlawful to sell  
liquor within  
three miles of  
Mt. Airy Acade-  
my, Surry co.

SECTION 1. That it shall be unlawful for any person or persons to sell or directly or indirectly receive any compensation for any spirituous or intoxicating liquors within three miles in all directions from the male academy in the town of Mount Airy, county of Surry.

Misdemeanor.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace having jurisdiction, shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not 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 offense, the superior court may take jurisdiction of the same and punish the offender at the discretion of the court.

Penalty.

Proviso.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

## CHAPTER 99.

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

*The General Assembly of North Carolina do enact :*

Ch. 120, 22, Bat-  
tle's Revisal,  
amended.

SECTION 1. That section two of chapter one hundred and twenty of Battle's Revisal, be and the same is hereby

amended by striking out the words "five thousand dollars," and inserting in lieu thereof the words "four thousand dollars." Bond of commissioners of wrecks.

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

Read in the general assembly three times, and ratified this the 18th day of February, A. D. 1881.

## CHAPTER 100.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of Alexander county be and 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 years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, said special tax to be applied to the building of a new court house in the town of Taylorsville, in said county. Said special tax shall not exceed three thousand dollars for both years, nor more than two thousand for either of said years, and shall be collected and accounted for by the sheriff or collecting officer of said county in the same manner as other taxes levied in said county: *Provided*, The question of levy of said tax shall first be submitted to a vote of the qualified voters of said county and a majority of said qualified voters shall vote in favor of the levy of said tax. Commissioners authorized to levy special tax in 1881 and 1882 to build new court house.

SEC. 2. This act shall be in force from and after its ratification. Tax not to exceed \$3,000 for both years nor \$2,000 for either year.

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881. How collected. Proviso.

## CHAPTER 101.

AN ACT FOR THE RELIEF OF SCHOOL DISTRICTS IN NEW SALEM TOWNSHIP, NUMBERS TEN AND TWELVE, IN THE COUNTY OF UNION.

Preamble.

WHEREAS, On the eleventh day of January, Anno Domini one thousand eight hundred and seventy-seven, the sum of seventy-four dollars and seventy cents (\$74.70) belonging of right to school district number ten, in New Salem township, in Union county, known as Gardner's, and on the same day the sum of forty-seven dollars seventy cents (\$47.70), belonging of right to school district number twelve, in New Salem township, in Union county, known as Gaddy's, was unintentionally ordered to be paid to and wrongfully drawn out of the county treasury in favor of school district now number eleven, in New Salem township, in Union county, known as Grove Spring, so that the said districts numbers ten and twelve were deprived of all benefits of the said sum which they were rightfully entitled to, and the said school district number eleven received full benefit thereof and was in no way entitled thereto; now, therefore,

*The General Assembly of North Carolina do enact:*

School committee in District No. 10, New Salem township, Union co., authorized to draw on county treasurer from time to time for \$74.70.

SECTION 1. That the school committee of district number ten, in New Salem township, in Union county, be and they are hereby authorized and empowered to draw upon the treasurer of Union county, from time to time, as the same may be necessary for school purposes, out of the funds in his hands belonging to school district number eleven, in New Salem township, until they have received therefrom the sum of seventy-four dollars and seventy cents (\$74.70); and in like manner the school committee of district number twelve, in New Salem township, are hereby authorized and empowered to draw upon the said

School committee in District No. 12, authorized to draw for \$47.70.

treasurer out of the funds aforesaid for the purpose aforesaid the sum of forty-seven dollars and seventy cents (\$47.70).

SEC. 2. That the treasurer of Union county shall pay no more orders made by the committee of school district number eleven, in New Salem township; until the several sums provided for in section one of this act shall have been paid by him to the districts entitled thereto under section one of this act.

Until above sums are paid, county treasurer to pay no more orders drawn by school committee of District No. 11.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

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## CHAPTER 102.

AN ACT TO AMEND CHAPTER FORTY-EIGHT (48) BATTLE'S REVISAL, DECLARING A FOUR FOOT FENCE A LAWFUL FENCE IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter forty-eight, (48) of Battle's Revisal, be amended by adding thereto the words: *Provided*, That a fence four feet high shall be deemed a sufficient and lawful fence in Pamlico county.

Ch. 48, §1, Battle's Revisal, amended.

Fence four feet high a lawful fence in Pamlico county.

SEC. 2. That the county commissioners shall have power to declare any of the creeks and rivers in said county sufficient water courses to be used instead of such fence upon the petition of the owner of the land on such creek or river to have the same bordering on his land declared a lawful fence, if they deem the said creek or river of sufficient size, and upon such terms as they deem right and proper.

Commissioners of Pamlico co. authorized to declare any creek or river in said county a lawful fence, upon petition, &c.

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

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

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## CHAPTER 103.

### AN ACT TO ASSIGN CONVICTS TO THE SCOTLAND NECK BRANCH OF THE WILMINGTON AND WELDON RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon the application of the directors, or duly authorized committee of the stockholders of the Scotland Neck branch of the Wilmington and Weldon railroad (the said branch railroad to run from the town of Scotland Neck to some point on the line of the Wilmington and Weldon railroad between Halifax and Enfield,) the board of directors of the penitentiary shall allot to the said branch railroad for the purpose of grading and supplying cross-ties for the same, not less than fifty nor more than one hundred convicts.

SEC. 2. That before said allotment or assignment is made the authorities of said branch railroad shall execute a bond in a sum to be approved by the directors of the penitentiary, conditioned for the proper maintenance of said convicts, and all expenses for feeding, guarding and the proper medical attention of said convicts, shall be borne by the stockholders or authority of said branch railroad: *Provided*, That nothing in this act shall be construed as authorizing the reduction of the number of convicts employed on the Western North Carolina railroad: *Provided*, That that this act shall not be so construed

Convicts to be allotted to the Scotland Neck branch of the Wilmington & Weldon R. R. Co.

Number.

Authorities of railroad to execute bond.

Expenses of convicts.

Proviso.

as to affect the right of any other work to which the state has granted convicts.

SEC. 3. That whenever a force of convicts not exceeding the number herein provided shall be at work upon said railroad, any court in the counties of Halifax, Martin, Edgecombe and Northampton, may order any prisoner under sentence for a crime which does not require his incarceration within the walls of the penitentiary, to be delivered to the officer in charge of said convicts instead of delivering the same to the penitentiary at Raleigh.

Courts of Halifax, Martin, Edgecombe and Northampton authorized to assign certain prisoners to work on said road.

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

Read in the general assembly three times, and ratified this the 18th day of February, A. D. 1881.

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## CHAPTER 104.

### AN ACT TO REDUCE THE PRICE OF THE LAWS AND SUPREME COURT REPORTS OF THIS STATE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section ninety-three, chapter ninety-seven, of Battle's Revisal, be amended by providing that the price of the public laws therein authorized to be sold shall not exceed one and half dollars per volume for full bound copies of the laws of this state.

Ch. 97, 223, Battle's Revisal, amended.

Price of public laws fixed at \$1.50 per volume.

SEC. 2. That chapter one hundred and sixty-four, laws one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, section two, is hereby amended in line six by striking out three and inserting two dollars as the price of supreme court reports of this state.

Ch. 164, 22, laws 1876-'77, amended.

Price of supreme court reports fixed at \$2.00 per volume.

SEC. 3. All acts and clauses of acts in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Read three times in the general assembly, and ratified this the 19th day of February, A. D. 1881.

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CHAPTER 105.

AN ACT TO PREVENT THE FELLING OF TREES IN TRENT RIVER.

*The General Assembly of North Carolina do enact :*

Unlawful to obstruct Trent river between certain points in Jones and Craven counties.

SECTION 1. That it shall be unlawful for any person or persons to fell any timber, brush, or otherwise obstruct navigation in Trent river below Tuckahoe bridge, in Jones county to the mouth of said river in Craven county.

Misdemeanor.

SEC. 2. That all persons violating this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten nor more than fifty dollars, or imprisoned not more than thirty days.

Penalty.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

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CHAPTER 106.

AN ACT TO SUSPEND THE OPERATION OF AN ACT ENTITLED AN ACT TO APPOINT COTTON WEIGHERS FOR THE TOWN OF WILSON, RATIFIED JANUARY TWELFTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.

*The General Assembly of North Carolina do enact :*

Operation of ch. 1, ante, suspended until February 1st, 1883.

SECTION 1. That the operation of an act entitled "an act to appoint cotton weighers for the town of Wilson,"

shall be, and the same is hereby suspended until the first day of February, A. D. 1883.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 107.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FIVE, SECTIONS ONE AND TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AS BROUGHT FORWARD IN BATTLE'S REVISAL, CHAPTER SEVENTY-EIGHT, SECTION SEVENTEEN, IN RELATION TO THE DISTRIBUTION OF THE PUBLIC LAWS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section seventeen, chapter seventy-eight, Battle's Revisal, be amended by inserting between the words "peace" and "the" in lines five and six the following: And one to each judge of the United States court, each district attorney, and each clerk of the United States court in the state, and also one to each sheriff in the state. Ch. 78, 217, Battle's Revisal, amended. Distribution of laws.

SEC. 2. The secretary of state is hereby directed to have Number. not exceeding one hundred and twenty-five copies of the laws printed, bound in sheep, for the above purpose.

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

Read three times in the general assembly, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 108.

## AN ACT TO INCORPORATE THE CLARENDON WATER WORKS COMPANY.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That Edwin E. Burruss, J. A. Cloud, Edward Kidder, John F. Divine, R. R. Bridgers, and all persons who may hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate by the name and style of "The Clarendon Water Works Company," with all the rights, powers and privileges granted to corporations by the twenty-sixth chapter of the Revised Code entitled "Corporations," and as such, shall have perpetual succession and a common seal.

Name.

Powers.

Capital stock.

SEC. 2. The capital stock of said corporation shall be (\$20,000) twenty thousand dollars, divided into shares of one hundred dollars each; and said corporation shall have power to increase its capital stock from time to time, to a sum not exceeding two hundred thousand dollars in shares of like amount. But no such increase shall at any time be made, unless authorized by a majority in interest of the stockholders. Each share of stock shall be entitled to one vote in all meetings of the stockholders.

Authorized to construct system of water-works in Wilmington and operate the same.

SEC. 3. The said corporation shall have power and authority to establish, construct, erect and at all times maintain, in the city of Wilmington, a system of water works for the purpose of supplying to the said city and its inhabitants water for drinking, cooking, fire and all other purposes and uses; to charge, demand and collect such reasonable rates for the use and privilege of water, as may be established by it; to make, ordain and establish rules and regulations not inconsistent with law, for the regulation and government of its dealings with consum-

ers of water, and to acquire, have, hold and convey real and personal property.

SEC. 4. The said corporation shall have power and authority and the free and unrestricted right at any and all times to lay, build, construct, maintain, repair, tap and remove all necessary pipes or convenient mains, pipes, conductors, stand pipes, hydrants, fixtures, and appurtenances in, upon, and through, and over any and all roads, streets, avenues, lanes, alleys and bridges within the said city, and in its vicinity: *Provided, however,* That the said corporation shall at its own proper cost and expense repair, replace and restore all streets, roads and avenues, under, over or through which it may lay, build or construct said mains, pipes and conductors, so as to have them in as good condition as they were in before.

SEC. 5. It shall be lawful for the said corporation to borrow money, to make, negotiate and dispose of its promissory notes, drafts, or bonds, given for money borrowed, or given in liquidation of any debt due or owing from said corporation, or made for the purpose of raising money and to secure the payment of any such obligation or obligations, by a mortgage or pledge of any or all its property, plant and franchise.

SEC. 6. If any person shall wilfully, wantonly, or maliciously tap, remove, obstruct, injure or destroy any main, pipe, fire-plug, hydrant, tank, standpipe, reservoir, aqueduct pump, fixture, machinery, structure or building of any kind, or shall open, use or tamper with any fire-plug or hydrant belonging or appertaining to the works of said corporation, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for such offense, and such person shall also forfeit and pay to said corporation, to be sued for and recovered in civil action, double the amount of the damages sustained by any such injury.

To lay pipes, &c.

Proviso.

To borrow money, issue mortgage bonds, &c.

Misdemeanor to wilfully injure, &c., any main pipe, &c.

Penalty.

Contract of Nov. 9th, 1880, between E. E. Burruss and J. A. Cloud and the city of Wilmington confirmed and ratified between this company and said city.

SEC. 7. That a certain contract bearing date November ninth, one thousand eight hundred and eighty, made and executed between the aforesaid Edwin E. Burruss, J. A. Cloud, of the one part, and the city of Wilmington of the other part, and approved by the board of audit and finance of said city, providing, among other things, for the establishment of water works in said city, and the furnishing of water to said city for fire purposes, wherein it is provided that said contract with all its stipulations, covenants and agreements shall extend, inure and belong to any corporation into which said Burruss and Cloud and their associates may become incorporated, is hereby ratified, confirmed and validated between the said corporation hereby created and the said city.

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

Read three times in the general assembly, and ratified this the 19th day of February, A. D. 1881.

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## CHAPTER 109.

### AN ACT TO INCORPORATE THE DAN VALLEY AND YADKIN RIVER NARROW GAUGE RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be lawful for the Dan Valley and Yadkin River Narrow Gauge Railroad Company, a corporation created by and under the laws of the state of Virginia, passed for that purpose, and approved January twenty-second, one thousand eight hundred and seventy-nine, to extend, construct and operate a railroad from the Virginia state line, on the border of Rockingham county in this state, in the vicinity of Leaksville, to connect with its road in Virginia when completed through the

Authorized to construct and operate road from Virginia state line.

counties of Rockingham, Stokes, Forsyth, Yadkin, Surry, and Wilkes, or either of them, and such other counties as may be deemed necessary by said company, to reach the most desirable points for such railroad or the most desirable connection with any other railroad in this state: and for this purpose the said company shall have, use and enjoy, in this state, all the rights, franchise and privileges, which other corporate bodies may lawfully exercise under chapter ninety-nine (99), Battle's Revisal, page seven hundred and twenty-seven, entitled railroad companies, or which were granted the North Carolina Railroad Company under its act of incorporation, or the several acts amendatory thereof: and shall have the exclusive right of conveyance or transportation of persons and things over their said railroad when constructed at such charges as may be fixed by them: *Provided*, That nothing herein contained shall be construed so as to exempt from taxation any of the property or franchises of said company.

Corporate rights.

SEC. 2. It shall be lawful to secure subscription to the capital stock of said company in money, labor, land or materials, such as timber, stone, lumber, or supplies of any kind usually required in the construction of a railroad; and it shall also be lawful to receive the bonds of any city, town, county or township in payment of subscription, and the said company may also acquire land by gift or purchase, and shall have power to hold and sell the same for construction or repair of their said road, for depots, or other necessary purposes.

Subscriptions to capital stock.

SEC. 3. That said company shall have power to build branch or lateral roads, not exceeding fifty miles in length, to connect with any mines, iron works or other manufactories.

Branch roads.

SEC. 4. Subscriptions to the capital stock of this company may be made by individuals, by any city, town, county or township, and by any railroad company, or any mining or manufacturing company.

By whom subscriptions to capital stock can be made.

Authorized to borrow money and issue mortgage bonds,

SEC. 5. It shall be lawful for said railroad company to borrow money for the construction, maintenance and repair of its road or any branch thereof, and also to issue bonds, and secure the same by mortgaging its property and franchises or otherwise.

Authorized to lease, consolidate, &c, road.

SEC. 6. It shall be lawful for said company to lease out its road, property, rights and franchises to individuals or to any other company or corporations, also to lease the road, property, rights and franchises of any other company connecting with said company's road: also to consolidate its stock and property with that of any other company connecting with it, whether chartered by this or any other state: also to make any contract or agreement by which the road-bed and rolling stock of said company or any part thereof may be constructed and used in whole or in part, by the Danville and New River Narrow Gauge Railroad Company, or any other whole line of railroad shall connect with said company's road.

To contract for construction and use of road by Danville & New River Narrow Gauge railroad or other connecting railroad.

SEC. 7. Whenever the company and the landowners 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 landowner by the construction of said road through his or her land.

Proceedings to condemn land.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 110.

AN ACT TO PERMIT DEFENDANTS IN CRIMINAL CASES TO TESTIFY  
IN THEIR OWN BEHALF.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter forty-three, section sixteen, Battle's Revisal, be amended by striking out the words "competent or compellable to give evidence for or against himself or shall render any person."

Ch. 43, §16, Battle's Revisal, amended.

SEC. 2. That in the trial of all indictments, complaints or other proceedings against persons charged with the commission of crimes, offenses and misdemeanors in the superior, inferior, criminal and justices of the peace courts of this state, the person so charged shall at his own request, but not otherwise, be a competent witness, and his failure to make such request shall not create any presumption against him.

Defendants in criminal proceedings made competent witnesses in their own behalf, at their own request.

Failure to make such request to create no presumption against defendant.

SEC. 3. That on the trial of all criminal actions, the wife of the defendant shall be a competent witness for defendant.

Wife made competent witness for husband.

SEC. 4. That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 111.

AN ACT TO AMEND AN ACT CONCERNING THE TOLL GATE BETWEEN FRANKLIN, NORTH CAROLINA, AND CLAYTON, GEORGIA.

*The General Assembly of North Carolina do enact :*

Commissioners of Macon co. authorized to regulate tolls at toll gate between Franklin, N. C., and Clayton, Ga.

Proviso.

Misdemeanor to fail or refuse to pay toll.

Penalty.

SECTION 1. That the commissioners of Macon county be and they are hereby authorized to increase or diminish at their discretion, the tolls at the toll gate between Franklin, North Carolina, and Clayton, Georgia: *Provided, however,* They do not increase the same to more than three times the present rates.

SEC. 2. Any person passing over said road, and failing or refusing to pay such tolls at said gate as may be established under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction before any acting justice of the peace, shall pay a fine of five dollars for each and every offense.

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

In the general assembly three times read, and ratified this the 23rd day of February, A. D. 1881.

## CHAPTER 112.

AN ACT DECLARING THE PUBLIC ROADS IN WILKES COUNTY BETWEEN BRUSH HILL AND THE AIR BELLOWS ON THE TOP OF THE BLUE RIDGE COMPLETED.

*The General Assembly of North Carolina do enact :*

Road declared completed.

SECTION 1. That the public road in Wilkes county between Brush Hill and the Air Bellows on top of the Blue Ridge is hereby declared completed and finished as re-

quired by special act for the completion of the same, and that the supervisors of Walnut Grove township are required to meet on the first Saturday in April, Anno Domini, one thousand eight hundred and eighty-one, and appoint overseers for the different sections of said road to keep the same in repair as now required for other public roads of the state.

Supervisors of Walnut Grove township to appoint overseers.

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

Read three times in the general assembly, and ratified this the 23rd day of February, A. D. 1881.

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## CHAPTER 113.

AN ACT TO LAY OFF AND ESTABLISH A NEW COUNTY BY THE NAME OF VANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a new county is hereby laid off and established to be formed out of portions of Warren, Franklin and Granville counties, and bounded as follows: Begin at a point on the south bank of Tar river in Granville county, just opposite the point where the dividing line between Fishing Creek and Kittrell's townships strikes said river; thence down said river to a point in Franklin county opposite the place where King's creek empties into said river; thence across said river north twenty-three and one-half degrees east to a pine tree near the old Moss house; thence due east to a rock on the road leading from Duke's store to Nat. Macon's place, about half-way between the Alston and the old Perry places; thence down said road to Duke's store; thence in a direct line to the point where the Millford road crosses the Warren and Franklin counties' line; thence in a direct line to Coley's x Roads in Warren county; thence

County of Vance established.

Boundaries.

in a direct line to the point where Nutbush creek crosses the Virginia and North Carolina state line ; thence along said state line to Big Island creek ; thence up said creek to the line between Townesville and Sassafras Fork townships ; thence along the boundary line between said townships, and between Henderson and Oxford townships, and Kittrell and Fishing Creek townships, south to the beginning.

Rights, powers,  
&c.

SEC. 2. That the said county of Vance shall be and is hereby invested with all the rights, powers and privileges of the counties of this state except as is hereinafter provided.

In case of division of any township, any officer thereof within the line of Vance to continue to exercise his office, &c.

SEC. 3. When the boundary line of said county shall divide any townships heretofore established in either of the counties of Franklin, Granville or Warren, any county officer heretofore elected in either of the said counties, who shall reside within the said county of Vance, shall continue to hold his office in the county of Vance to which he was entitled in the county in which he was elected or appointed. And if there shall be any vacancy in any of the said offices the said vacancy shall be filled by operation of the laws now in force and applicable to all the counties of the state: *Provided, however,* That the county commissioners of the said county of Vance, and the clerk of the superior court of said county, the sheriff and register of deeds of said county, shall be appointed and elected as is hereinafter directed.

Vacancies.

Proviso.

Election of county commissioners.

SEC. 4. That as soon after the proclamation, and election in pursuance thereof, as hereinafter provided, as practicable, not to exceed ten days thereafter, all the justices of the peace within the limits of the said county of Vance shall assemble together in the town of Henderson and shall then and there elect from the body of the qualified voters of said county five commissioners for said county, who shall be vested with and exercise all the powers and authorities, and be subject to the same liabilities and penalties that county commissioners of the several counties of the state

are vested with and subject to, and shall hold their offices till their successors in office shall be elected and shall have qualified according to the laws now in force pertaining to said election and qualification: *Provided*, That within ten days after the passage and ratification of this act and before the assembling of the justices of the peace as hereinbefore provided, it shall be the duty of the governor of the state to order and direct, by his proclamation in that behalf issued, an election to be held at such time and at such places within the bounds of the said county of Vance, as he may think best, by the registered voters of the said county of Vance within the boundaries set forth in section one of this act, upon the establishment of the said county of Vance, and thereupon the governor shall appoint registrars and poll-holders to receive the votes cast at said election, which said election shall be by ballot and be governed by the laws now in force regulating the election of members of the general assembly: *And provided, further*, That the ballots cast at said election shall be printed or plainly written and in the following words, "For the County" or "Against the County," and that the said poll-holders shall on the third day after the said election, by twelve o'clock meridian, of said day, assemble together in the town of Henderson, and then and there count the votes cast at their respective precincts, add up the same and forward the joint report of the result under their hands and seals to the governor of the state, who shall thereupon declare the result in accordance with said report, and, if a majority of said ballots shall be for the county, then the said justices of the peace shall assemble and act as is hereinbefore in this section provided: *Provided, however*, That it shall be the duty of the registrars appointed by the governor as aforesaid, after notice publicly given in their respective precincts, to open, for the purpose of such election at Kittrell, Townesville and Henderson and at some public places in in the portions of Warren and Franklin counties respec-

*Proviso.*

Governor to order election.

To appoint registrars, &c.

*Proviso.*

Ballots.

Poll-holders to count votes, &c., and forward result to governor.

Governor to declare result.

*Proviso.*

Duty of registrars.

Places of registration.

tively within the bounds set forth in section one of this act, books for the registration of the voters at such election, and thereupon it shall be the duty of such registrars to keep open the said books for ten days next preceeding said election, and to register therein the names of all persons within their respective precincts qualified to vote for members of the general assembly: *And provided further*, That the laws now in force for the prevention of illegal voting and registration in state elections shall apply to all persons who shall illegally register or vote at such election.

Penalty for illegal voting.

Clerk of superior court.

SEC. 5. That the resident judge of the superior court for the fifth judicial district shall appoint a clerk of the superior court of the said county of Vance, who shall hold his office until his successor in office shall be elected and have qualified, according to the laws of the state in regard to the election and qualification of clerks of the superior court.

Sheriff and register of deeds.

SEC. 6. That the county commissioners of the said county of Vance shall, as soon after their election and qualification as may be, appoint a sheriff and register of deeds, who shall have the qualifications, give the bonds, perform the duties, and be subject to the liabilities and penalties now prescribed by law concerning sheriffs and registers of deeds in other counties of this state, and shall hold their offices from their elections and qualifications, till their successors in office are elected and shall have qualified according to the laws in that regard now in force.

Jurisdiction of superior court.

SEC. 7. That the jurisdiction of the superior court be and is hereby extended to and over said county of Vance in the same manner as the said court has jurisdiction in the several counties of this state, and the judge of the superior court in and for the said fifth judicial district shall hold the superior court for said county for one week, commencing the Mondays after the termination of the spring and fall terms of said court in Rockingham county each and every year; and all cases, both civil and crim-

County to be in fifth judicial district.

Courts, when held.

inal, arising in said county of Vance and properly cognizable in the superior courts, shall be tried in the said court, and all criminal cases now pending in the superior courts of Franklin, Granville and Warren counties, wherein the defendants are citizens of or reside in the county of Vance, and all civil cases pending in the said superior courts where the parties plaintiff and defendant, or the party plaintiff shall be citizens of or reside in the county of Vance, shall be, on the motion of defendants in said criminal cases or the parties plaintiff or defendant or parties plaintiff as the case may be, in said criminal cases, transferred to the superior court of the said county of Vance for trial; and such transfer shall in no way work any prejudice.

Transfer of cases pending in courts of Franklin, Granville and Warren.

SEC. 8. That the county commissioners of the said county of Vance shall, immediately after their election and qualification as hereinbefore provided, select a site for a court house and other necessary county buildings for said county, within the corporate limits of the town of Henderson, and thereupon the authorities of the said town shall, in accordance with constitutional provisions in such cases made, immediately proceed to raise by taxation or in such other lawful manner as may be most practicable and convenient for the citizens thereof, the sum of four thousand dollars wherewith to erect a court house and suitable offices for said county: *Provided*, That the contract for the building of said court house and offices shall be let to the lowest responsible bidder by advertisement of the county commissioners, who shall thereupon enter into bond with security to be approved by said commissioners to build and complete said court house and offices according to such plans and specifications as may be agreed on by said commissioners: *Provided, further*, That until the completion of such court house the said commissioners shall procure a suitable building or buildings for said court house, etc.: *And provided, further*, That if the said town of Henderson shall in

Court house, &c.

Tax of \$4,000 to be levied by town of Henderson to build court house, &c.

Provlso.

Provlso.

accordance with the said constitutional provisions refuse to raise by taxation or otherwise the said sum of four thousand dollars, then this act and every part thereof shall be void.

Until erection of jail, prisoners to be committed to jails of Granville, Franklin and Warren.

SEC. 9. That until the erection of a public jail in said county, all persons who may be liable to imprisonment by virtue of any process either criminal or civil in said county shall be committed to the jails of Granville, Franklin and Warren respectively as the said persons may be residents of the portions of Franklin, Granville and Warren taken for the formation of said county of Vance.

Apportionment under census of 1880 to be made without reference to Vance co.

SEC. 10. That the apportionment under the census of one thousand eight hundred and eighty shall be made without reference to the county proposed to be created under this act; but if said county shall be organized, it shall thereafter vote for members of the general assembly with the county of Warren.

County to vote for members of general assembly with Warren.

SEC. 11. That all real estate which may be bought by the said commissioners for the purposes of this act shall be conveyed to the county commissioners of Vance county for the use of said county.

County commissioners to hold real estate for use of county.

SEC. 12. That it shall be lawful for the commissioners of said county, at a regular meeting, to provide for the expenditure of a greater amount than one thousand dollars for the court house of said county, in which case the said additional amount shall be raised by taxation on the polls and taxable property of Vance, and thereupon added to the said four thousand dollars to be raised by the town of Henderson, and expended for the erection of said building as it provides in section eight of this act.

County com'rs authorized to expend additional amount for court house.

To be raised by taxation.

SEC. 13. That the county commissioners of said county shall, as soon as practicable, appoint a suitable person to make a suitable plat and survey of said county.

Survey of county.

SEC. 14. That the said commissioners are hereby authorized to purchase a site for the court house and necessary buildings specified in section eight of this act, and to build thereon in addition to said court house a public

Site for court house and jail.

jail for said county, and they may lay a tax for raising the amount of money necessary for the same.

Commissioners authorized to levy tax for same.

SEC. 15. That that portion of the citizens and taxable property taken from the counties of Franklin and Granville and attached to the county of Vance shall not be released from their proportion of the outstanding public debts of the said counties of Granville and Franklin contracted before the passage of this act; said proportions to be ascertained and determined by the county commissioners of Granville, Franklin and Vance counties, in such manner and by such method as may be agreed upon.

Portions of Granville and Franklin included in Vance co. liable for proportionate part of debts of said counties.

How ascertained.

SEC. 16. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 114.

### AN ACT AMENDING THE CHARTER OF THE GRANVILLE RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three (3) of the acts of one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, entitled "an act to incorporate the Granville railroad company," and chapter forty nine (49) of the acts of the special session of one thousand eight hundred and eighty amending the same, be amended by adding the following:

Ch. 31, laws 1869-70, amended.

SEC. 2. That all persons, the commissioners of any county acting for their county, or any township thereof, or the chief officer of any incorporated town, shall have, and are hereby vested with full power and authority to

Guarantee of interest on first-mortgage bonds of company by counties, townships and incorporated towns.

guarantee the interest on the first mortgage bonds of said Granville railroad company to the extent they may be authorized to do by the inhabitants of said county, incorporated town or township, and the commissioners of any county, or the authorities of any incorporated town, are hereby empowered and authorized to levy and collect such taxes as may be necessary to carry out and execute the provisions and intent of this act.

Levy and collection of taxes.

Election, when to be ordered.

SEC. 3. Upon the petition of one-fifth of the qualified voters of any county, incorporated town or township, on or along the line of said company, the board of county commissioners acting for their county, or any township thereof, or the chief officer of any incorporated town, shall order and have held within sixty (60) days after the receipt of said petition, and after advertising the same in not less than four public places in every town or township in which said election is to be held in said county, incorporated town or township, or by publication in some newspaper in said county, an election submitting the question of "guarantee" and "no guarantee" to the qualified voters of said county, incorporated town or township, and if, at said election, a majority of the registered voters of said county, incorporated town or township, vote "guarantee," the chairman of said board of county commissioners, or the chief officer of said incorporated town, shall properly evidence said guarantee by signing such an amount or number of the first mortgage bonds of said Granville railroad company as he may be authorized by said election to guarantee the interest on: *Provided, however,* The interest guaranteed shall not exceed six per centum per annum; the returns of all elections held under this act shall be made to the board of county commissioners of the county wherein said election may be held, and said board of county commissioners shall canvass the same publicly within five days after receiving said returns, and cause the result to be published in some paper, or posted in the court house of their county.

On vote of "guarantee" bonds to be endorsed.

Proviso.

Election returns.

Publication of result.

SEC. 4. That said Granville Railroad Company shall reserve five (5) per centum of its gross earnings and apply the same, annually, to the purchase of such bonds as may have their interest guaranteed by any county, incorporated town or township along its line, and when any of said bonds are purchased they shall be cancelled, and within thirty days thereafter said cancelled bonds shall be destroyed by fire in the presence of the authorities of such county, incorporated town or township endorsing the same or either of them, or some persons authorized by them; and in every instance when such bonds are destroyed, a perfect and correct record of their numbers and dates, witnessed by two reputable persons, shall be made and recorded in the office of the register of deeds of the county of the guarantor.

Company to reserve five per cent. of gross earnings and same to be applied annually to purchase of bonds guaranteed.

Cancellation and destruction of bonds.

SEC. 5. Said company shall have the right to contract and operate a branch road from such point on its line or the line of any road it may acquire or consolidate with, to Henderson on the Raleigh and Gaston railroad: *Provided*, Said branch road does not run parallel with the Oxford and Henderson railroad.

Authorized to construct branch road to Henderson.

*Proviso.*

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

Read in the general assembly three times, and ratified this the 23rd day of February, A. D. 1881.

## CHAPTER 115.

AN ACT TO PROTECT DIAMOND-BACK TERRAPINS IN THE WATERS OF NORTH CAROLINA, AND TO REGULATE THE CATCHING OF THE SAME.

*The General Assembly of North Carolina do enact :*

Unlawful to take or catch diamond-back terrapins from April 15th to Aug. 15th.

SECTION 1. That it shall be unlawful for any person to take or catch diamond-back terrapins from any of the waters of this state between the fifteenth day of April and the fifteenth day of August in each and every year.

Unlawful to take or catch diamond-back terrapins of a less size than five inches in length on bottom shell.

SEC. 2. That it shall be unlawful for any person or persons to take or catch from the waters of this state any diamond-back terrapins, at any time, of a less size than five inches in length upon the bottom shell.

Unlawful to destroy eggs of diamond-back terrapin.

SEC. 3. That it shall be unlawful for any person to interfere with or in any manner destroy any egg or eggs of the diamond-back terrapin.

Misdemeanor.

SEC. 4. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be fined not less than five nor more than ten dollars for each and every diamond-back terrapin so taken or caught unlawfully, and a like sum for each and every egg interfered with or destroyed: *Provided*, This act shall not apply to parties lawfully empowered by the state to propagate said diamond-back terrapins.

Penalty.

Proviso.

Possession of diamond-back terrapin between April 15th and Aug. 15th *Prima facie* evidence of guilt.

SEC. 5. That the possession of any diamond-back terrapin between the fifteenth day of April and the fifteenth day of August shall be deemed *prima facie* evidence that said person or persons having the same have violated the provisions of this act.

Duty of sheriffs and constables to give information to justices of the peace of any violation of this act.

SEC. 6. That it shall be the duty of all sheriffs and constables to give immediate information to some justice of the peace of any violation of the provisions of this act that may come to their knowledge.

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

Read three times in the general assembly, and ratified this the 23rd day of February, A. D. 1881.

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## CHAPTER 116.

### AN ACT TO RAISE REVENUE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the taxes hereinafter designated are Assessment of taxes. payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law.

SEC. 2. On each taxable poll or male between the ages Poll tax. of twenty-one and fifty years (except the poor and infirm whom the county commissioners may have declared and recorded fit subjects for exemption) there shall be annually levied and collected a tax of eighty-four 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, not inconsistent with the apportionment established by section two of article five of the constitution of this state. If any poll-tax shall not be paid within sixty How collected. 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.

For the purpose of carrying into effect the provisions of this section, the following form shall be used as an Form of attachment of debt for poll tax. attachment, viz :

To A. B.: Take notice that this is to attach any debt that is now due, or may become due to C. D., a delinquent in his poll tax for the year 18....., and you are hereby summoned to appear before E. F., an acting justice of the peace for ..... county, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax, and cost of this proceeding.

..... day of ..... 18.....

A. B.,

*Sheriff or Tax Collector.*

Objects of taxation.

SEC. 3. The taxes hereinafter designated shall be applied to the payment of the expenses of the state government, the appropriations to charitable and penal institutions, and the interest on the four per cent. state bonded debt.

#### CLASS I.

Ad valorem tax.

SECTION 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 required to be listed in section six and eight of an "act to provide for the levying and 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:

General fund.

(1.) For the general fund, to be applied to the payment of the expenses of the state government, and appropriations not provided for by special taxation, six cents on every hundred dollars value.

Asylums.

(2.) For the support and completion of the asylums for the insane, and for the support of the institution for the deaf and dumb and the blind, eleven cents on every hundred dollars value.

Penitentiary.

(3.) For the support of convicts and construction of buildings connected with the penitentiary, five cents on every hundred dollars value.

(4.) For the payment of the interest on the four per cent. bonded debt of the state, six cents on every hundred dollars value. Interest on bonded debt.

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, 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 the individual stockholders; and the list-takers 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 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. Tax upon bank stock, &c.  
How paid.  
Stock of non-residents.

The provisions of "an act to provide for the levying and collection of taxes," 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." Form.

## CLASS II.

The subjects and persons mentioned in the following second class shall be taxed as specially mentioned :

SECTION 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 governments. In estimating the net income, the only deduction by way expense shall be : Income tax.

Deductions. (1.) Rent for the use of buildings or other property taxed.

(2.) Value of the labor, raw material, or other necessary expenses incidental to the business from which the income is derived, together with the necessary expenses of supporting the family, all of which deductions 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.

Net income to be returned to assessor.

Corporations. SEC. 2. That whenever in any law or act of incorporation, granted either under the general law, or by special act before or since the 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 at the present session of the general assembly.

#### SCHEDULE B.

License tax. The taxes in this schedule shall be imposed as a license tax for the privilege of carrying on the business or doing the act named; and nothing in the 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: *Provided*, That this act shall not apply to cities and towns where a rate of taxation is fixed in their charters.

Proviso.

Theatrical companies.

SECTION 1. Traveling theatrical companies 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.

SEC. 2. On each concert or musical entertainment for profit, three dollars, unless such concert, musical entertainment or lecture be given for religious or charitable purposes. Concerts.

SEC. 3. On each lecture for reward, three dollars. Lectures.

SEC. 4. On museums, wax works or curiosities of any kind, natural or artificial, on each day's and night's exhibition, three dollars. Museums.

SEC. 5. On every exhibition of a circus or menagerie, for each day or a part of a day, one hundred dollars, and on each side show, ten dollars. Circuses.

SEC. 6. On all companies or persons whatever, who exhibit for amusement of the public or for reward, or otherwise than is mentioned in the five 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: Other exhibitions.  
*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. Proviso.

SEC. 7. 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. Gift enterprises.  
Lotteries.

- Billiard saloons. SEC. 8. On billiard saloons, twenty dollars for each table. Every place where a billiard table is kept for hire or for use where liquor is sold, is considered a billiard saloon within the meaning of this act.
- Bowling alleys. 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, 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.
- Hotels. SEC. 10. On the gross receipts of hotels, boarding houses (except those used for educational purposes), restaurants and eating houses, one-half of one per centum.
- Public ferries, &c. SEC. 11. On public ferries, bridges and toll-gates across highways, five dollars, and one-half of one per centum on gross receipts.
- Livery stables. SEC. 12. On every person who keeps horses or mules for hire or to let, with or without vehicles, two dollars per annum for every horse or mule kept for that purpose. Such person 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 seventeen of this act: *Provided*, That this section shall not apply to draymen.
- Horse dealers. SEC. 13. On every person who buys and sells horses or mules as a business, five dollars annually for every county in which he shall conduct his business. On every hog drover five dollars annually for every county in which he shall conduct his business. The licenses issued under this section shall be countersigned by the register of deeds, by whom a record of all such licenses shall be per-
- Proviso.
- Hog drovers.
- License to be countersigned by register.

manently kept. This section shall not apply to persons who sell stock raised by themselves. Exception.

SEC. 14. On every itinerant dentist, medical practitioner, or portrait painter, daguerrean artist, and other persons taking or enlarging likenesses of the human face, five dollars for every county in which he carries on his business: *Provided*, Any such person may obtain a license from the state treasurer on payment of twenty five dollars, and shall not be liable to be taxed in any county. Itinerant dentists, &c.  
On every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars for each county in which said business is carried on. Proviso.

SEC. 15. On every commission merchant or agent, or dealer, buying or selling for another, one per centum on his commissions: *Provided*, That when spirituous, vinous or malt liquors are sold by commission merchants or agents, they shall pay a tax of five per centum on their sales of said liquors. Commission merchants, &c.  
Proviso.

SEC. 16. On every sleeping car used on any railroad in this state, fifty dollars per annum. Every person or company running such cars shall make returns and pay the tax to the state treasurer as and when other state taxes are returned and paid. On failure to comply with the requirements of this section, said persons or companies shall pay as taxes two thousand dollars, to be collected by the state treasurer. Sleeping cars.  
Returns to be made to state treasurer.  
Penalty.

SEC. 17. Every merchant, jeweller, grocer, druggist, and every other dealer, who shall buy and sell goods, wares, or merchandize, of whatever name or description, except such as are specially taxed elsewhere in this act, shall, in addition to his *ad valorem* tax on his stock, pay as a license tax, one-tenth of one per centum on the total amount of purchases in or out of the state, except purchases of farm products from the producer, for cash or on credit, whether such persons herein mentioned shall purchase as principal or through an agent or commission merchant. Every person mentioned in this section shall, Merchants, &c.  
Sworn statement of purchases,

within ten days after the first day of January and July in each year, deliver to the register of deeds a sworn statement of the total amount of his purchases for the preceding six months, ending on the thirty-first day of December, or the thirtieth of June. The sheriff shall require every transient dealer to furnish him with a statement of his purchases as often as may be necessary to secure the immediate payment of the tax on said purchases, and the sheriff shall collect said tax without delay. The sheriff shall furnish the statement to the register of deeds who shall record the same in the book kept as required in this section. Any agent or commission merchant making such purchases shall, for his principal, make and deliver the statement as herein required: *Provided*, That the persons mentioned in this section, except transient dealers, 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 same list to the register of deeds; the register of deeds shall keep a book in which shall be recorded the list 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 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. For the service required of the register of deeds in this section he shall be allowed by the county commissioners and paid by the county treas-

Duty of sheriff.

Proviso.

Duty of register.

Duty of sheriff.

Power of register to compel production of books.

Misdemeanor.

Penalty.

Duty of register.

Compensation of register.

urer fifteen cents for each return made by a merchant or agent.

SEC. 18. Every person who, as principal or agent, peddles goods, wares or merchandise of whatever name or description, either by land or water, whether such person shall travel on foot, or with a conveyance, or otherwise, shall apply to the sheriff of the county in which he proposes to peddle, for a license, and the sheriff shall issue the license upon the payment of a tax of ten dollars, said license to expire at the end of twelve months from its date.

The license issued as above provided shall not be valid until the same shall have been exhibited to, and countersigned by the register of deeds of the county, by whom a permanent record of all such licenses shall be kept:

Peddlers.  
License to be countersigned by register.

*Provided*, That every person, company, or manufacturer who shall sell or offer for sale any sewing machines in this state shall first pay to the state treasurer a license tax of two hundred dollars annually on the machines of each manufacturer. Any merchant, dealer or agent, selling sewing machines otherwise than is provided in this section, shall pay a tax of ten dollars in each county.

Proviso.

The following restrictions and exceptions shall be made:

Restrictions.

That not more than one person shall peddle under the license (except as to peddlers of sewing machines, whose state license shall not restrict the number of agents employed). The licenses issued by the state treasurer under this section shall not be taxed by any county or municipal government. That nothing in this section contained shall prevent any person freely selling live stock, except such as are taxed in section thirteen of this schedule, vegetables, chestnuts, pea-nuts, fruits or other products of the farm or dairy, oysters, fish, books, charts, maps, or printed music. 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: *Pro-*

Sale of live stock, vegetables, &c., not affected.

Not released from merchant's tax.

- Proviso.** *vided*, 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, tobacco, salt, and heavy cotton domestics, tin-ware, and barterers of their own manufacture.
- Duty to exhibit license.** That it shall be the duty of every person who peddles goods, wares, merchandise, drugs, nostrums or medicines, and of whom a license for that purpose is required by law, upon demand of any constable or any justice of the peace of any township in which he shall vend or offer to vend such commodities, to exhibit his license to such
- Penalty.** 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 the operation of this section any poor, infirm person, who has no other means of support.
- Proviso.**
- Drummers.** SEC. 19. Every person acting as a drummer in his own behalf or as agent for another person, or firm, who shall sell or attempt to sell goods, wares or merchandise, of any description, by wholesale, with or without samples, shall, before soliciting orders or making any such sale, obtain a license to sell one year from the state treasurer, by paying said treasurer an annual tax of one hundred dollars, and shall be exempt from any other tax, either state, county or municipal. But any dealer, whether as principal or agent, when such articles are sold by retail (by sample or otherwise), in this state, shall be considered a peddler, and as such shall be subject to the same tax and under the same provisions as peddlers are in section eighteen of this schedule: *Provided*, That the tax on each
- Sales at retail.** license for selling or offering to sell any spirituous, vinous, or malt liquors in the manner prescribed in this section,
- Proviso.**
- Sales of liquors.**

shall be two hundred dollars, and no tax on said license shall be imposed by any county or municipal government: *Provided*, This act shall not apply to any person who sells only wines of his own manufacture. 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.

Proviso.

Penalty.

SEC. 20. Every company of gypsies, or strolling company of persons who make a support by pretending to tell fortunes, fifty dollars for each county in which they offer to practice 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.

Gypsies.

SEC. 21. On every itinerant who deals in or puts up lightning rods, fifteen dollars annually, for each county in which he carries on business.

Itinerant lightning rod dealers.

SEC. 22. On every itinerant person or company peddling stoves, fifty dollars annually on each wagon (if wagons are used) in each county where he or they may peddle. If wagons are not used, the tax shall be paid on each agent.

Itinerant stove dealers.

SEC. 23. The taxes on insurance companies shall be as prescribed in the insurance laws of this state.

Insurance companies.

SEC. 24. Every state bank, savings bank or association, any private banker, 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 cap-

Banks, brokers, &amp;c.

- ital 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 any of said banks, associations, bankers or brokers have an agency. On failure to comply with the provisions of this section, the banks, associations or persons mentioned, shall pay as taxes two thousand dollars, to be collected by the state treasurer.
- Penalty.**
- Liquor dealers.** SEC. 25. Every person who in any manner, either by wholesale or retail, sells any 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, in or out of the state: *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. The persons mentioned in this section shall, within ten days after the first day of January and July in each year, deliver to the register of deeds a sworn statement of the total amount of his purchases for the preceding six months ending on the thirty first day of December, or the thirtieth day of June. And it shall be the duty of the register of deeds to give ten days notice prior to the first day of January and July to the persons aforesaid, to make the said statement. The register of deeds shall have the same power to compel such persons to submit their books for examination as is given in section seventeen in relation to merchants and other dealers, under the same penalties for failure to submit the books for such examination as is prescribed in said section seventeen.
- Proviso.**
- Statement of purchases to be made to register.**
- Duty of register.**
- Power of register to compel production of books.**

SEC. 26. Every person desiring to sell spirituous or malt liquors, wines or cordials or bitters, in quantities less than a gallon, 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 refuse at their option ; and if granted, he may take out license, and shall pay a tax therefor of sixty dollars per year in advance ; and every retail dealer of malt liquors only shall pay a license tax of thirty-six dollars per year in advance, and no license shall be issued for a shorter time than twelve months. Any grocer, druggist, dealer or other person who shall sell spirituous or malt liquors, wines or cordials, in any quantity, if the same or any portion thereof shall at any time be drunk upon the premises where such liquors, wines or cordials are sold, shall be considered to be a retail dealer within the meaning of this section : Retail liquor dealers. *Proviso.*

*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.

SEC. 27. Every auctioneer upon all goods, wares or merchandise, sold by himself or agent, whether by ascending or descending bids, or at public outcry, shall pay one-fourth of one per centum on the gross amount of his sales, subject to all the regulations and exemptions set forth in the eighth chapter of Battle's Revisal, entitled "auctions and auctioneers," but tobacco warehousemen shall pay an annual license tax of fifteen dollars and one per centum on the gross amount of their commissions on all sales of tobacco in excess of three hundred thousand pounds ; and persons who keep a warehouse exclusively for the sale of cotton, where cotton is exhibited for sale, shall pay a license tax of fifty dollars. Auctioneers. Tobacco warehouses. Cotton warehouses.

SEC. 28. 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, Receipts and sales to be listed on oath to register.

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 list, and the sheriff shall immediately proceed to collect the taxes imposed upon the copy of list furnished him. Any person failing to list his receipts or sales so 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 seventeen of this act in respect to merchants, etc., and the same penalties prescribed in said section seventeen 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.

**Duty of register.**      **SEC. 29.** Any person desiring to engage in any trade, profession or business taxed by this act, except such as

**Duty of sheriff.**      are otherwise provided for in this act, shall make application to the sheriff, stating the character of the trade, profession or business, and the place at which he proposes to conduct the same. The sheriff shall grant the license, giving the person to whom it is issued, the right to conduct the trade, profession or business therein specified, in that county and no other, unless the law imposing the tax shall otherwise direct, until the first day of January next ensuing. The license shall immediately be countersigned and recorded by the register of deeds, and no license shall be valid until so countersigned. The sheriff, for issuing the license, shall receive a fee of twenty-five cents and the register of deeds fifty cents from every person licensed: *Provided*, That said fees shall be paid only once a year by merchants and others who make returns to the register of deeds semi-annually. All licenses issued

**Penalty for failure to list.**

**Power of register to compel production of books.**

**Penalty.**

**Trader's license.]**

**How applied for.]**

**Sheriff to grant license.**

**To be countersigned and recorded by register.**

**Sheriff's fee.**

**Register's fee.**

**Proviso.**

as required in this section except such as are otherwise provided for, shall expire on the first day of January next ensuing, and be renewed within ten days thereafter.

When licenses to expire.

SEC. 30. The register of deeds shall keep a book in which he shall record the name 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 defence.

Record of licenses to be kept by register

Copy to be sent to auditor.

Penalty.

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.

Penalty for failure to obtain license.

Exception.

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

Sheriff to report penalties recovered to register.

each penalty recovered to the record of license required to be kept by him; the other fourth the sheriff may retain.

### SCHEDULE C.

Privilege tax.

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:

Railroad and canal companies.

SECTION 1. Every railroad or canal company incorporated under the laws of this state, or doing business in 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 to the sum of one per centum 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, one thousand eight hundred and seventy-nine; 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

Statement of gross receipts to be made to treasurer.

Penalty.

Proviso.

railroad or canal company, incorporated under the laws, or doing business in this state, 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 centum 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 a tax upon the property of said company, or the tax before mentioned in this section, shall pay a privilege tax of twenty-five dollars per mile per annum, to the treasurer of the state, for its use, on the first day of July, one thousand eight hundred and eighty-one, and each year thereafter.

Additional tax on companies whose real estate is exempt from taxation.

Privilege tax on companies whose property is exempt from taxation.

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 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.

Express companies.

Penalty.

SEC. 3. Every telegraph company doing business in this state shall, at the time and in the manner prescribed in

Telegraph companies.

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.

Penalty.

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 not including clerks of courts and other county officers, 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 into 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 state treasurer, to be collected by him and accounted for as other public moneys, fifty cents; and for the seal of a notary public 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

Accounts to be kept.

Tax on scrolls.

What seals exempt.

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, or used on commissions of officers in the militia, justices of the peace, or any other 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, except in the case of sheriffs, whose commissions shall be allowed by the auditor. 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

Officer's fees.

Embezzlement.

than five hundred dollars or imprisoned in the state prison in the discretion of the court. Penalty.

SEC. 5. On each marriage license one dollar, and the register of deeds shall be entitled to fifty cents as a fee for issuing said license, and no more. The tax on marriage licenses shall be paid to the register of deeds. It shall be the duty of the register of deeds to render annually to the sheriff, during the second week of the month of November, sworn statements in detail of the taxes received by him under this section, and at the same time pay him the money thus raised, less five per centum commissions, and thereupon the sheriff shall file the statement of the register of deeds with the clerk of the superior court. Marriage licenses.  
Register to render annual statement to sheriff, &c.

SEC. 6. Every bill introduced in either house of the general assembly to incorporate any company, or for the benefit thereof, or to amend any act relating to such company or corporation, shall be accompanied by a receipt from the state treasurer for twenty-five dollars. On every charter of incorporation of any company, organized under any general law, there shall be a tax of twenty-five dollars, paid directly to the state treasurer. No company shall be organized under any general law without first paying the tax herein required, and no clerk or court shall authorize any company to be organized unless the receipt for the tax herein required shall accompany the application for incorporation. This section shall not be construed to apply to benevolent, charitable, literary or religious associations. Bills of incorporation introduced in the general assembly.  
Charters of incorporation.  
Not applicable to benevolent, &c., associations.

SEC. 7. Whenever any officer receives or collect 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. Fines, &c., to be paid to county board of education.

Embezzlement. SEC. 8. Any officer convicted of violating the preceding section, or of appropriating to his own use, the 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.

Penalty.

Repealing clause. 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 or would have been listed, or which may be due previous to the ratification of this act.

Proviso.

Duty of auditor. SEC. 10. That the auditor of this state shall not make or cause to be made, any headings or blanks to or on the form which he is required to supply to the several counties of the state, other than such as are required, and as are indispensably necessary under the provisions of this act, or as may be hereafter required by law, nor shall any taxes be levied directly or indirectly by the said auditor, any law heretofore passed to the contrary notwithstanding; and if the auditor shall be guilty of any violation of this section he shall, on conviction, be punished in the discretion of the court.

Penalty.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 117.

AN ACT TO PROVIDE FOR THE LEVYING AND COLLECTION OF  
TAXES.*Assessment and valuation of lands :*

SECTION 1. *The General Assembly of North Carolina do enact :* The board of commissioners of the several counties in the state shall, at their April session, appoint one justice of the peace, or other suitable person, in each township, to list all the lands therein at the valuation of the year one thousand eight hundred and seventy-nine, and all personal property of said township, for the year one thousand eight hundred and eighty-one, and annually thereafter as hereinafter provided. And said commissioners shall allow such township list-takers, as compensation for their services, not exceeding two dollars per day for the time actually employed.

Township list  
takers.

Compensation.

SEC. 2. Each township list-taker, shall advertise in five or more public places within his township immediately after his appointment, notifying all tax-payers to return to said list-taker all the real estate and personal property which each tax-payer shall own on the first day of June; requiring said return to be made to said list-taker within twenty days after the first of June, under the pains and penalties imposed by law. That each list-taker shall attend at least two or more places in each township for the purpose of taking a list of taxes.

Notification to  
tax payers.List takers to at-  
tend at least two  
places in each  
township.

SEC. 3. Every person required to list property, shall make out and deliver to the township list-taker a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise, in his possession or under his control, on the first day of June, either as owner or holder thereof, or as parent, husband,

Statement of tax-  
able property.

guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise.

*When the list is to be given in :*

When and by whom tax list to be given in.

Proviso.

SEC. 4. The list shall be given in by the person charged, or his agent, within twenty days after the first day of June as herein prescribed: *Provided*, That agents for the purpose of listing property shall be appointed only by females or non-residents of the township. The property of a corporation shall be given in by the president, cashier, treasurer, or other person appointed for that purpose.

*Real property and farming stock, etc., shall be given in where situated on the first day of June :*

Real property, farming stock, &c., where listed.

SEC. 5. All real property and all stock or farming utensils, and other personal property used in connection with the cultivation of a farm, subject to taxation, shall be listed in the township in which said property is situated on the first day of June.

*All other property and polls to be given in where tax-payers reside on the first day of June :*

Other property, where listed.

SEC. 6. All other personal property whatever, including money on hand or on deposit, credits, investments in bonds, stocks in national, state and private banks, joint stock companies, railroad, canal, bridge, factory or other company, 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 purposes of this act, shall be deemed to be in the township in which its principal office or place of business is situated. If, however, the corporation, partnership or association, have

Residence of corporation.

separate places of business in more than one township, it shall give in in each township the property or effects therein.

SEC. 7. At the time and place appointed by the list-taker, the tax-payer shall attend and shall file with the list-taker, on a blank to be prepared and furnished by the state treasurer, a verified statement of all the property of every kind and description owned by the tax-payer. The tax-payer shall also swear to the true value of all his property and choses in action, except land, which oath shall be in the following form, to-wit:

Tax payer to list property on oath.

I, ....., do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief, so help me God.

Form of oath.

Any person making a false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a *feme covert*, shall be returned on separate lists.

Penalty for false return.  
Trust property, &c., to be returned on separate list.

*What the list shall contain:*

SEC. 8. The list shall state all the property of the person giving in, and also the age of the party, with reference to his liability to a poll tax, and shall refer to the first day of June in that year:

What tax list shall state.

(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.

Land.

(2.) The number of horses, mules, jacks, jennies, goats, cattle, hogs and sheep, separately, with the true value thereof.

Live stock.

(3.) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire arms, libraries and

Farming utensils.

scientific instruments, without specifying the articles, at the true value thereof.

Money on hand. (4.) Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever.

Solvent credits. (5.) The amount of solvent credits, including accrued interest uncollected, owing to the party, whether in or out of the state, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, or whether owing by any state or government, county, city, town, or township, individual company or corporation. Any certificate of deposit in any bank, whether in or out of the state, 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 true current or market value. The party may deduct from the amount of solvent credits owing to him, the amount of collectable debts owing by him, as principal debtor.

Deduction.

Bank stock, &c. (6.) Shares in national, state and private banks, railroad, telegraph, canal, bridge or other incorporated company or joint stock association, with their true value; and the cashier of each bank or banking association (whether state or national) in the state, shall give in to the list-taker 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 treasurer of each railroad or other incorporated company shall, in like manner, list the shares of non-resident holders. Stockholders in valuing their shares may deduct their ratable proportion of tax paid by the corporation upon its property, as such, in this state.

Deduction.

Other personal property. (7.) All other personal property whatever, including therein all cotton in seed or lint, tobacco, either in 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, at their true value.

(8.) The income of the party 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. Income.

(9.) If the party be a non-resident of the county, and owns land therein, the list shall state his address, and may name any agent in the county to whom notices may be given respecting his taxes. Non-residents.

SEC. 9. The list-taker shall be particular to examine each person on oath as to whether he has other property than that stated in his return, which he may claim is not liable to taxation. Such property, except bonds of the United States and of this state, shall be entered and noted on the tax list; and if the board of commissioners shall be unable to decide the legal questions involved, it shall be their duty to consult the state treasurer about the matter, and to be governed by his decision. Duty of list takers.  
Duty of county commissioners.

*Guardians, executors, &c., to give in separately :*

SEC. 10. Every guardian, executor, administrator, or trustee shall in like manner, but on separate lists, give in the property held by him in that capacity. Guardians, executors, &c.

*Valuation of franchise :*

SEC. 11. The value of the franchise of every railroad, canal, turnpike, plank-road, transportation and telegraph company, whether lying wholly or partly in this state, 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 Franchise of railroads, &c.

Monday in June each year, and their valuation shall be returned to the board of commissioners in any county in which any portion of said road, canal or navigation works 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 franchise 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 board of commissioners of Currituck county at their meeting in June, one thousand eight hundred and eighty-one, 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.

Albemarle and  
Chesapeake  
Canal Co.

*What property exempt from taxation :*

Exemptions.

SEC. 12. The property mentioned in this section shall be exempt from taxation, to-wit :

(1.) That belonging to the United States or this state, or to any county or incorporated town.

(2.) The property belonging to and set apart and exclusively used for the university, colleges, institutions of learning, academies, the Masonic fraternity, order of Odd Fellows, Knights of Pythias, Independent Order of Mechanics, Good Templars and Friends of Temperance, Knights of Honor, Good Samaritans and Brothers and Sisters of Love and Charity, Royal Arcanum, 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. Proviso.

(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.) Twenty-five dollars of personal property of each individual tax-payer.

*Real property divided in ownership :*

SEC. 13. Where the fee of the soil of any tract, parcel, or lot of land is in any person or persons, natural or artificial, and the right to any minerals therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests respectively. Real property divided in ownership to be listed in separate entries.

SEC. 14. If any person liable to be charged with taxes shall refuse to answer any questions respecting his property, or shall refuse to fill and swear to his return, 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 list-taker to have the offender prosecuted. Refusal of tax payer to answer questions, &c.  
Misdemeanor.

And every list-taker and county commissioner shall have power to send for persons and papers, and to examine witnesses and to administer oaths. Duty of list taker to prosecute.  
Powers of list takers and co. commissioners.

*Auditor to provide forms and sheriff's to distribute :*

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 Auditor to provide forms.

copies, and the sheriff shall deliver to the list-taker of each township a sufficient number of such forms for use.

*List-takers to make returns of their tax lists :*

List taker to return tax list to clerk of commissioners.  
List of property not given in.

SEC. 16. The list-taker shall, on or before the second Monday in July in each year, return 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 himself, 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.

Returns open to inspection, &c.

*Oath of list-taker making returns :*

Oath of list taker.

SEC. 17. The list-taker, upon making return to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any officer authorized to administer oaths: " I, ....., list-taker of ....., in the county of .. .., do solemnly swear that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, of any person, company or corporation, I have diligently, and by the best means in my power, endeavored to ascertain the real value thereof; and that I verily believe a full list with the value thereof, estimated by the rules prescribed by law, is set forth in the annexed returns;

that in no case have I knowingly omitted to receive of any person of whom by law I was required to receive a statement of the description and value of real and personal property, or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, of any kind, for taxation; and that I have returned to the board of commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return." And any list-taker making a false return as aforesaid shall be deemed guilty of perjury.

Penalty for false return.

*Board of commissioners to revise lists, when:*

SEC. 18. The board of commissioners of each county, after notice in one newspaper or by posters put up, shall meet on the second Monday in August, and revise the tax lists and valuation reported to them, and complete the list by computing the tax payable by each person and affixing the same opposite his name. They shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the lists of the list-takers 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 said board of commissioners on tendering the prescribed oath may take the lists of any person applying to list his taxables, at any meeting of the commisssioners held on or before the second Monday in

Revisal of tax list by commissioners.

July 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 may 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 :*

Complaints of over-valuation of excessive taxation.

SEC. 19. 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 witness necessary for a just decision of the question. If the board of 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 transmitted to the auditor, who shall credit the sheriff with the overcharge in his settlement for that year.

*Application for relief after settlement :*

Application for relief after settlement of sheriff.

SEC. 20. If the application for relief be made to the commissioners after the sheriff shall have settled the accounts with the state and 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 it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy 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 war-

rant on the treasurer of the state for the amount of state tax specified. The treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Treasurer to refund tax.

*Persons not giving in to be charged with double tax and be deemed guilty of a misdemeanor:*

SEC. 21. The board of commissioners shall insert in the tax-list for each township the description and valuation of all property not given in, with the name of the persons supposed to be 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 to the board of county commissioners on or before the first Monday in October, 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 or the board of commissioners, 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.

Double tax on unlisted property and poll.

Penalty for wilful failure to list.

SEC. 22. In all cases where the board of commissioners shall have omitted, or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county, subject to taxation, it shall be their duty, when they enter the same on the duplicate of the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto, as far back as the said lands have escaped taxation. Where no assessment has been made for the years in which said property has so escaped taxation, the commissioners shall be authorized to value and assess the same for those years.

Unlisted land.

Back taxes.

Assessment.

*The commissioners may exempt from poll tax :*Exemption from  
poll tax.

SEC. 23. The board of commissioners shall have power to exempt any person from the payment of a poll tax on account of both poverty and infirmity, and when such persons have been once exempted they shall not be required to renew their application unless the commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the commissioners shall furnish the person with a certificate of such action, and upon exhibiting said certificate to the list taker annually, the person to whom it was issued shall not be required to list his poll; but the list-taker shall enter in the column intended for the poll the word *exempt*, and the poll shall not be charged in computing the list. 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.

Certificate of ex-  
emption.Sheriff to be  
credited.*Copies of revised tax list, how distributed :*Copies of revised  
tax list, how dis-  
tributed.

SEC. 24. The board of commissioners shall cause to be made out two copies of the tax list 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 sums 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

Auditor to fur-  
nish form.Order of collec-  
tion to sheriff.

Effect of order.

perfected by the giving of a bond. Said order shall be in the following or some similar form :

STATE OF NORTH CAROLINA—.....county. Form of order.

*Office board of commissioners,.....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.....188....

.....  
*Clerk board of commissioners.*

*Tax liens :*

SEC. 25. The lien of the state and county taxes levied Lien of taxes. for all purposes in each year, shall attach to all real property subject to such taxes, on the first day of June annually, and shall continue until such taxes, with any penalty which shall accrue thereon, shall be paid; all personal property subject to taxation shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable in the hands of any executor or administrator, for any tax due on the same by any testator or intestate.

SEC. 26. Any tax assessed on any shares of stock, or the value thereof, of any bank or banking association, or any corporation, shall be and remain a lien on such shares from the first day of June in each year, until such taxes are paid; and in case of the non-payment of such taxes at the time required by law by any shareholder, and after notice received from the county treasurer of the non-payment of such taxes, it shall be unlawful for the cashier or other officer of such bank or banking association or corporation, to transfer or permit to be transferred, the whole or any portion of said stock until the delinquent taxes thereon, together with the cost and Lien on bank stock, &c. Stock not transferable until payment of tax.

penalties, shall be paid in full; and no dividend shall be paid on any stock so delinquent so long as such taxes, penalties and costs, or any part thereof, remain due and unpaid.

Banks, &c., authorized to pay taxes due from share-holders.

SEC. 27. It shall be lawful for any such bank or banking association or other corporation, to pay to the treasurer, sheriff or tax collector of the county in which such bank or banking association or corporation may be located, the taxes that may be assessed upon its shares as aforesaid, in the hands of its share-holders respectively, and deduct the same from any dividends that may be due or may thereafter become due on any such shares, or deduct the same from any funds in its possession belonging to any share-holder as aforesaid.

*Clerk to transmit abstract to auditor :*

Abstract of tax list to be returned to auditor by clerk of commissioners.

SEC. 28. The clerk of the commissioners, on or before the first Monday in November, after the lists are completed by the commissioners and deposited with him, shall return to 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 of state and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the auditor an abstract of the list 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.

*Penalty on clerk for default :*

Penalty for default of clerk to perform duties, &c.

SEC. 29. 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

forty of this act, he shall forfeit and pay to the state one thousand dollars, to be recovered against him and the sureties of his bond in the superior court of Wake county, 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, and at the same time furnish him with a certified copy of the official bond of said clerk. The clerk of the superior court shall transmit to the auditor, on or before the second Monday in October in each year, a certified copy of the official bond of the register of deeds and his sureties, under the same penalties for default as are prescribed in section forty-four of this act.

Duty of auditor.

*In case land be divided, how tax may be apportioned :*

SEC. 30. In case, within the interval between the regular periods for the valuation of lands or real property, any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may, at any time upon five days' notice to the other part owners, apply to the 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 effect that tax.

How valuation of land apportioned in case of division.

Proviso.

*Valuation altered, when :*

SEC. 31. 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 with the tax on such property may apply to the board of commissioners on or before the first Monday in September in each year, and upon proper proof may have the valuation reduced, and

Valuation of property, how reduced in case of destruction or depreciation.

the commissioners shall make the proper order in relation thereto. In like manner, if property shall have increased twenty-five per centum over the same at which it has been heretofore assessed, the list-taker, 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 and when due :*

**When taxes due.** SEC. 32 All taxes shall be due on the first Monday in 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 or tax collector shall not collect the taxes for any year until he shall have settled in full with the state and county 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 list he shall produce the receipts of the state and county (if he was the sheriff or tax collector for the previous year) to the clerk of the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipt or give the required bonds, the board of commissioners shall appoint a tax collector, who shall give bond, as required of the sheriff, to faithfully collect and pay out the taxes according to law. When the sheriff shall employ his deputies, 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 board

**Sheriff to give receipt.**

**Penalty for failure.**

**Proviso.**

**Sheriff to produce receipts for previous year before receiving tax-list.**

**On failure of sheriff, tax collector to be appointed**

**Oath of deputy sheriffs.**

of commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be Misdemeanor. guilty of a misdemeanor.

*When and where sheriff to attend and receive taxes:*

SEC. 33. 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 September and November, for the purpose of receiving taxes; he shall also in like manner attend at least one day during the month of October, at some one or more places in each township, of which fifteen days' notice shall be given by advertisement at Notice. three or more public places, and in a newspaper if one be published in the county: Proviso. *Provided*, That nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day.

*How sheriff to collect:*

SEC. 34. Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows: How sheriff to collect.

(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 levy or sale shall be the same as on other executions. Sale of personal property.

(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 board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of 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 When insolvent taxes allowed.

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 endeavored to collect the taxes; such list shall be recorded in the commissioners' docket, and a copy thereof shall be returned to the auditor of the state on or before the day of the settlement of the sheriff with the treasurer.

Sale of real estate.

(3.) If the party charged has not personal property to be found in the county, of sufficient value, the sheriff shall levy upon the lands of the delinquent, or any part thereof; said sheriff shall return a list of said levy to the clerk of the superior court, who shall enter the same in a book to be kept for 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 these 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 if there be such 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 execution are; if the delinquent resides out of the county, and his address be known, the sheriff, within one month after sale, shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the

Delinquent to be notified of levy.

Sale, when and where made.

sum bid, and the amount of taxes and cost 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 in 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 duly certified copy, may be sent for collection to the same or some 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 :

When and how  
taxes collected  
from property in  
another county.

Lands of minors,  
lunatics and per-  
sons *non compos*  
exempt from  
sale.

Property of guar-  
dian liable.

Form of levy.

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:*

Sale of land for taxes.

SEC. 35. 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.

*When bid in for the county:*

When sheriff to bid in property for county.

SEC. 36. If no one will or shall 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 county, and upon proving the fact and tendering to the chairman of the board of commissioners a deed to the county for the property, duly proven before the clerk of the superior court of the county, shall have credit for the amount of such tax and fee paid for registration. The deed shall be deposited without delay by the said chairman with the register of deeds and recorded by him, for which he shall be allowed a fee of twenty-five cents. The property so purchased by the county shall be under the control of the board of commissioners of the county, but may be redeemed as hereinafter prescribed; and the said board shall order the sheriff to pay the state treasurer the state tax due thereon out of the county funds in his hands, and on the payment thereof the said treasurer shall issue his certificate to the said sheriff; and the said board shall cause an allowance to be made to the said sheriff in his settlement with the treasurer of the county for the amount of state tax and costs.

Sheriff to execute deed to county.

Deed to be recorded.

Property to be under control of commissioners.

*The delinquent, his agent or attorney, may redeem the property within twelve months :*

SEC. 37. The delinquent, his agent or attorney, may retain possession of the property for twelve months after sale, and within that time redeem it by paying or tendering 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 delinquent, his agent or attorney, may cause the receipt of the purchaser or of the clerk to be registered, and the register of deeds shall refer to such registration on the margin of his registration of the receipts from the sheriff to the purchaser. After the payment to the purchaser or to the clerk for his use, as aforesaid, 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.

Redemption of land.

Remedy when purchaser refuses to give receipt.

Registration of receipt.

Sale by purchaser or delinquent within twelve months.

*If the delinquent, his agent or attorney, shall fail to redeem :*

SEC. 38. 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,

Failure to redeem.

Sheriff to execute deed to purchaser.

Fee of sheriff.

Registration of deed.

had at the time of the sale for taxes; and such deed shall, in any action at law, for the recovery of the land, be *prima facie* evidence that the sheriff has complied with all the requirements of the law in making the sale for taxes.

*Redemption, reconveyance:*

Redemption of land purchased by county.

SEC. 39. In case the county becomes the purchaser, under section thirty-six, then, within two months after the sale, the delinquent may pay to the county treasurer the amount due for state and county taxes together with the cost allowed the sheriff in the settlement, under section forty-five of this act, with twenty-five per centum added thereto; and upon the presentation of the said treasurer's receipt to the register of deeds, that officer shall endorse upon the deed conveying the property to the

Endorsement on deed by county treasurer.

county these words: "Taxes and cost paid, delinquent restored to his rights," and sign the said endorsement, and shall deliver the deed to delinquent or his agent, and he shall enter the same on the margin of that page of the county record in which is registered the deed, charging fifteen cents therefor; and such endorsement, delivery and marginal entry shall have the effect of re-investing the delinquent with all his rights in the premises. But

Registration of endorsement.

Land to be sold by sheriff if not redeemed in twelve months.

should the said delinquent fail to redeem the said land within twelve months from the day of sale thereof, then the said board of commissioners shall order the said sheriff, after notice given as prescribed in sub section three of section thirty-four, to sell the said land to the highest bidder for cash and to pay the proceeds of sale, less five per centum for his commissions, to the county treasurer, the one-half of the net proceeds thereof to the common school fund and the other half to the county fund.

Proceeds of sale, how distributed.

Deed *prima facie* evidence that requirements of law have been complied with.

Every deed made to the county authorities for land sold for taxes shall be *prima facie* evidence in any action at law for said land, that the sheriff in making sale of the land, has complied with all the requirements of the law.

*Sheriff to keep a record of unlisted articles :*

SEC. 40. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds, 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 December in each year shall deliver, on oath, to the board of 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 of the commissioners, 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 shall, by the second Monday in December, send an abstract of said statement with the affidavit to the auditor of the state, on a blank to be furnished by the auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court house until the first of January next ensuing.

Sheriff to keep record of taxes collected upon unlisted articles.

To make verified statement to commissioners.

Abstract to be furnished auditor.

*Settlement of sheriffs, when :*

SEC. 41. The sheriff or other accounting officer shall, on or before the second Monday in January in each year, settle his state tax account with the commissioners of his 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 place as he shall direct. The commissioners shall forthwith report to the state treasurer the amount due from such accounting officer, 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 or tax collector, in making his settlement as aforesaid, shall file with the commissioners

When and how sheriff to settle state taxes.

Duty of commissioners,

a duplicate of the list required in section forty of this act. In such settlement the sheriff or other officer 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.

Duty of auditor.

Deductions.

SEC. 42. The auditor in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the lists returned :

Insolvents' taxes on personal property.

(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.

Over payments in former settlements.

(2.) All over-payments made in former settlements, by reason of any error in the clerk's abstract of taxables.

Commissions.

(3.) Five per centum commissions on the amount collected.

*Compensation of sheriffs on settlement :*

Compensation of sheriff for settlement of state taxes.

SEC. 43. For his settlement with the state treasurer, the sheriff or tax collector shall be paid three dollars for each day he may be actually and necessarily engaged therein with the commissioners at the county seat, and ten cents per mile by the usual route of travel, for twice the distance between the court house and the place designated by the state treasurer, to be paid by him on the warrant of the auditor, upon the certificate of the sheriff or tax collector, duly verified before the board of commissioners.

Mileage.

*Penalty for failing to settle :*

Failure of sheriff to settle.

SEC. 44. In every case of failure by the sheriff or other accounting officer to settle his account within the time

prescribed by this act for such settlement, and to take the oath required in his settlements, and pay the amount due to 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 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 second 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 county under section thirty-six 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.

Duty of auditor.

Summary judgment by treasurer.

Superior court clerk to furnish copy of sheriff's bond to auditor.

Penalty.

Fraudulent failure of sheriff to account.

Penalty.

*Sheriffs to pay county taxes, when :*

When and how  
sheriffs to settle  
county taxes.

Penalty for re-  
taining money.

Verified state-  
ment.

Failure to ac-  
count.

How charged.

Deductions.

Proviso.

SEC. 45. 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 do so he shall pay 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 and three of section forty-two of this act, including all insolvent and uncollectable poll-taxes, respecting his settlement of state taxes, and also the amount of state tax on the lands bid off for the county and paid over to the state treasurer on producing said treasurer's certificate thereof as is provided in section thirty-six of this act. The costs allowed shall be, for making a deed, fifty cents; for registering, twenty-five cents; and such other necessary sums as were actually paid by the sheriff: *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.

*Board of commissioners to appoint a committee to assist in settlement :*

Commissioners to  
appoint commit-  
tee to assist at

SEC. 46. The board of commissioners, at the last regular or other subsequent meeting in each year, shall ap-

point one or more of their number, not to exceed three, <sup>settlement of sheriff.</sup> 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 board of 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, Proviso.* 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.

*Penalty of sheriff for failure to account:*

SEC. 47. 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 <sup>Failure of sheriff to settle.</sup> 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 board of 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 <sup>Penalty.</sup> penalty aforesaid; if the sheriff shall fraudulently and <sup>Suit to be brought on sheriff's bond.</sup> corruptly fail to account as aforesaid, he shall be criminally liable thereupon, in like manner and with the same <sup>Penalty for fraudulent failure of sheriff to account.</sup> penalties imposed, for such criminal defalcation in section forty-four.

*Other county officers, when to account, and penalties for failure:*

SEC. 48. In each year the county treasurer shall give <sup>When and how other county officers to account.</sup> five days' notice to all the county officers (except the

sheriff) authorized to receive or disburse the county funds, to appear at the court house on a certain day during the first ten days in January, before him and the committee appointed by the board of 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 board of 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.

Penalty.

*Tax collector :*

Duties of tax collector.

SEC. 49. Whenever 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.

Compensation and penalties.

*Collection of taxes :*

Time within which taxes to be collected.

SEC. 50. 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.

Extension of time.

*Township list-takers may employ assistants :*

Township list-takers authorized to employ assistants.

SEC. 51. Any township list-taker who shall deem it necessary to enable him to complete within the time prescribed the listing and valuation of the property, moneys and credits of his township, may, with the approbation of

the board of commissioners, appoint some well qualified citizen of his township to act as an assistant, and assign to him such portion of his township as he shall, think proper; and each assistant so appointed shall within the division of such township assigned him, under the directions of the list-taker, after being sworn, perform all the duties enjoined upon, vested in or imposed upon list-takers by the provisions of law; and the board of commissioners of Alleghany and Macon counties may, if they deem it to the interest of the county, appoint the same person to take the tax list in more than one township.

Duties of assistant.

#### MISCELLANEOUS.

SEC. 52. Every person shall be liable to pay tax for the lands or town lots of which he or she may stand seized for life, by courtesy, dower, or by a husband in right of his wife, or may have the care of as guardian, executor, or as agent, or attorney, having funds of the principal in his or her hands.

Tenants for life, &c.

SEC. 53. If any person who shall be seized of lands as tenant by courtesy or dower, or who shall be seized of lands for life or in right of his wife, shall neglect to pay the taxes thereon so long that such lands shall be sold for the payment of the taxes, and shall not within one year after such sale redeem the same according to law, such person shall forfeit to the person or persons next in title to such lands in remainder or reversion all the estate which he or she so neglecting as aforesaid may have in said lands, and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed after having been sold for taxes within one year after such forfeiture, and moreover, the person so neglecting as aforesaid shall be liable in action to the person next in title to the estate for all damages such persons may have sustained by such neglect.

Failure of life tenant to pay.

Sale of land.

Estate forfeited to remainderman.

Right of remainderman to redeem.

Action for damages.

Persons having a lien on land authorized to pay taxes.

SEC. 54. Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real estate, and the amount of taxes so paid shall, from the time of payment, operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for moneys paid to his use against the person or persons legally liable for the payment of such taxes.

Amount paid a preferred lien.

*Meaning of the words "lands and real property" in this act:*

Definition of "land and real property."

SEC. 55. 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.

Secretary of state to have printed 3,500 copies of this act and "act to raise revenue" for distribution.

SEC. 56. The secretary of state shall have printed thirty-five hundred copies of this act, and of the act passed at this session of the general assembly entitled "an act to raise revenue," and distribute the said acts among all the officers whose duty it is to carry into effect any portion thereof.

Five copies to be printed for each member of general assembly.

SEC. 57. The secretary of state shall in like manner have printed five copies of said acts for each member of the general assembly, and forward the same to them by mail.

Treasurer to furnish blanks.

SEC. 58. The state treasurer shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each taxpayer in the state shall make out under oath a true statement and return of all his property, with the value thereof, according to the provisions of this act.

SEC. 59. This act shall be in force from its ratification. Ratified this the 11th day of March, A. D. 1881.

## CHAPTER 118.

AN ACT TO AMEND AN ACT TO ESTABLISH A DEPARTMENT OF AGRICULTURE, IMMIGRATION AND STATISTICS, AND FOR THE ENCOURAGEMENT OF SHEEP HUSBANDRY.

*The General Assembly of North Carolina do enact:*

That the act to establish a department of Agriculture, Immigration and Statistics, and for the encouragement of sheep husbandry, be and the same is hereby amended by inserting the following clause between the word "condemnation" and the word "and," in the fourteenth line of section nine, to wit: *as hereinafter prescribed.*

Ch. 274, laws 1876-77, amended.

Seizure and condemnation of fertilizers.

That the said act be and the same is hereby further amended by inserting at the end of the first sentence of said section, which concludes with the words "Department of Agriculture," the following clause, to-wit:

SECTION 1. The proceeding to condemn the same shall be by civil action in the superior court of the county where the fertilizer is on sale, and in the name of the board of agriculture, who shall not be required to give bond for the prosecution of said action. And at or before the summons is issued, the said board shall, by its agent, make affidavit before the clerk of said court of these facts.

Proceedings to condemn fertilizers to be by civil action, &c.

Affidavit.

1st. That a license has been obtained for the sale of a fertilizer of a particular brand.

2nd. That samples of the same have been analyzed under authority of the board, and found to correspond with the label attached to the same.

3rd. That the defendant in the summons has in his possession, and on sale, fertilizers of the same name and brand, and bearing a label or stamp representing the analysis made.

4th. That the fertilizers on hand and on sale are spurious, and do not in fact contain the ingredients, or in the proportion represented by the stamp or label on

Clerk to issue order of seizure.	them. Whereupon the clerk shall issue his order to the sheriff of the county to seize and hold all the fertilizers in the possession of the defendant, labeled or stamped as the
Duty of sheriff.	affidavit described. And the sheriff shall seize and hold the fertilizers so seized until ordered to be surrendered by the judge in term time: unless the defendant shall give
Bond of defendant.	bond with justified surety, in double the value of the fertilizers seized, to answer the judgment of the court, in which case he shall surrender the fertilizer to the defendant and file this bond in the office of the clerk of the superior court, and thereafter the action shall be prosecuted according to the course of the court. And if it shall be established in the trial that the fertilizers seized are deficient, or inferior to the analysis represented on the stamp or brand, then the plaintiff in said action shall recover judgment on the defendant's bond for the value of the fertilizers seized.
Judgment.	
§8 amended.	SEC. 2. That section eight of chapter two hundred and seventy-four, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out the word "and" between the words "fine" and "imprisonment" in the last line of said section, and insert the word "or," so that it shall read "fine or imprisonment;" and by adding to the end of said section the following: "And all fertilizers so sold, or offered for sale, shall be subject to seizure and condemnation in the same manner as is provided in section one of this act for the seizure and condemnation of spurious fertilizers, subject, however, to the discretion of the board of agriculture to release the fertilizers so seized and condemned, upon the payment of the license tax, and all costs and expenses incurred by the department in such proceeding."
Penalty for violation of act.	
Seizure, &c., of fertilizers sold or offered for sale without license.	
§9 amended.	SEC. 3. That section nine of said act be amended by inserting after the word "stamp," in the third line of said section, the following clause: "a copy of which shall be filed with the commissioner of agriculture at or before
Copy of label to be filed with	

the shipment of such fertilizer into this state, and which shall be uniformly used, and shall not be changed during the year for which the license is issued;” and by striking out in the third line of said section the word “which,” and inserting the following words: “and the said label or stamp.”

commissioner at  
or before ship-  
ment into state,  
&c.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1881.

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## CHAPTER 119.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-NINE,  
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-  
NINE, AND REGULATE THE SALE OF FISH.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and eight-nine, laws of one thousand eight hundred and seventy-nine, be and hereby is amended as follows, viz: The barrels or packages, prescribed in section one of said act, to be thirteen inches head and twenty-five inches staves, shall be called “half-barrels,” and shall contain not less than one hundred pounds net of fish. The pork barrels described in section two of said act, and all other barrels of equal or greater capacity shall be called barrels, and shall contain not less than two hundred pounds of fish, net. Firkins, tubs, kits, and other smaller packages than half barrels, shall be sold by their net weight, which shall be marked upon said package. The offence and penalty for packing for shipment less than the above designated weights in said “half barrels” and “barrels,” or fraudulently marking the weight of said smaller packages, shall be the same as prescribed in section two of said act,

Ch. 189, laws 1879,  
amended.

Size of barrels.

Firkins, &c., to be  
sold by net  
weight.

Penalty for fraud-  
ulent marking,  
&c.

for violating the provisions regarding the prescribed dimensions of the barrels therein described : *Provided*, That the penalties of this act shall only apply to the packers and shippers of mullet.

Proviso.

County commissioners to appoint "inspectors of fish.

Duties.

Commissioners to prescribe duties, powers and fees of inspectors.

Act not applicable to fishermen selling fish to packers and shippers.

SEC. 2. The county commissioners of all counties, where fish are packed for sale or shipment, shall appoint and qualify one or more sworn "inspectors of fish" at or near all packing localities, whose duty it shall be to inspect all fish packed for sale or shipment, and all barrels, half-barrels and packages of fish inspected and approved by them, shall be branded with the word "inspected" and the name of the inspector. Said county commissioners shall regulate and prescribe the duties, powers and fees of said inspector, which fees shall not exceed ten cents per barrel and five cents per half-barrel and smaller packages, to be paid by the shipper. This act shall not apply to fishermen, who may sell their fish to packers and shippers by weight, or otherwise as they may agree.

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

In the general assembly read three times, and ratified this the 23rd day of February, A. D. 1881.

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## CHAPTER 120.

AN ACT TO PROVIDE FOR THE ERECTION OF A MONUMENT TO  
THE LATE GOVERNOR RICHARD CASWELL.

*The General Assembly of North Carolina do enact :*

Governor to contract for and superintend erection of monument.

SECTION 1. That his excellency, Thomas J. Jarvis, be appointed, and he is hereby authorized to contract for, and superintend the erection of a monument, to the memory of the late governor Richard Caswell, at his grave near the town of Kinston, in Lenoir county, North Carolina.

SEC. 2. That the said governor Thomas J. Jarvis be authorized to draw from the treasurer of the state, out of any money not otherwise appropriated, such sum of money as shall be necessary for the erection and completion of said monument, with an appropriate inscription, not to exceed the sum of five hundred dollars, and all necessary expenses incurred in the performance of the duty hereby imposed.

Governor to draw necessary amount from state treasurer.

Not to exceed \$500.00.

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

Read in the general assembly three times, and ratified this the 23rd day of February, A. D. 1881.

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## CHAPTER 121.

AN ACT TO INCORPORATE THE ORE KNOB MINERAL RAILWAY COMPANY OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That S. S. Clayton, James E. Tyson, John S. Williams and Herman Williams, of Baltimore city, state of Maryland, and L. C. Gentry, Albert Fairfax and James E. Clayton, of North Carolina, their associates, successors or assigns, be and are hereby created a body corporate and politic, under the name and style of the Ore Knob Mineral Railway Company of North Carolina, and by that name and style shall have all the powers, rights and privileges hereinafter granted, and shall hold succession for ninety nine (99) years, with all other rights, privileges, exemptions and powers granted to the North Carolina Central Railroad, as provided for in chapter forty-seven of the laws of one thousand eight hundred and thirty-six and one thousand eight hundred and thirty-seven, entitled an act to incorporate the North Caro-

Body politic.

Name.

Powers.

lina Central Railroad, now obsolete, ratified thirteenth January, one thousand and eight hundred and thirty-seven, and to the most favored of other railroad companies heretofore chartered in this state.

Purpose of corporation to construct railroad from Virginia line to Ore Knob and thence to Asheville, &c.

SEC. 2. The interest and purposes of this corporation is to construct a railroad of one or more tracks, commencing at some point on the Virginia state line, some where in the counties of Surry, Alleghany or Ashe, and extending southwesterly to or near Ore Knob, in Ashe county, and then in the general direction to or near Asheville, North Carolina, and then to the Georgia or Tennessee state line, and for the purposes and the carrying out of this act, the said corporation may survey and run such routes as they may deem most practicable, and shall have power and authority to appropriate and occupy so much land as may be necessary for the construction of said railway and branches along the route thereof, for the width of one hundred feet, and so much additional land as may be necessary for the other purposes of the corporation, subject, however, to the valuation and appraisement of value to be determined as provided under the provisions of an act entitled an act to authorize the formation of railroad companies and to regulate the same.

Survey.

Condemnation of land

Capital stock.

SEC. 3. That the capital stock of said company shall be five hundred thousand dollars, divided into ten thousand shares, of the par value of fifty dollars each, which may be increased from time to time as a majority of the stockholders, not however to exceed one million of dollars, and for which payment may be received in cash, lands, timber, labor, services or any real or personal estate.

Books of subscription.

SEC. 4. That the corporators, or any four of them, can open books of subscription to the capital stock of said company, and whenever fifty thousand dollars shall have been subscribed, the subscribers thereto shall proceed to elect a board of directors and all other necessary officers, who shall have power to make and adopt such by-laws for the management and government of the corporation,

Board of Directors.

By-laws.

and create such offices as may be necessary to carry out the purposes of this act, and do all other acts and things that a body corporate and politic may do, not inconsistent with the constitution of the United States and the constitution and laws of North Carolina. Officers.

SEC. 5. The liabilities of the stock or share holders shall only be to the amount which may be due on any share or shares held by each respectively, and the holders of a full paid share or shares shall be exempt from all liability whatever. Liability of stockholders.

SEC. 6. That the said corporation is empowered to purchase, lease, acquire, for and in behalf of this corporation, and to be included as a part of its line, or to be incorporated with it as a branch, as the case may be, any existing railroads or road that may hereafter be built, at sale, auction or otherwise, and upon such terms as the directors or a majority of the share holders may agree, and the said corporation shall have power to merge or consolidate with any other railroad company created by the laws of North Carolina or any other state, as may be desired or determined by a majority of the stock or share holders, and no sale, or lease, or consolidation with any other company or companies shall effect or destroy the powers, rights, privileges, franchises, and all other benefits secured to this corporation by this charter. Empowered to purchase or lease other railroads.  
To merge or consolidate with other roads.

SEC. 7. That the said corporation shall have power to construct such branch roads, for the opening, operating, developing any mines or mineral properties close to and in proximity to their line or for any other purpose: *Provided*, That no one branch line shall exceed twenty-five miles in length. Branch roads.

SEC. 8. That said corporation shall have power to purchase, lease, operate mines, and work their products, and to do all other things that are necessary and right, to further the mineral interest of the corporation. Empowered to purchase, lease and operate mines.

SEC. 9. That the directors, for the purpose of building and constructing and carrying out the purposes and in- Empowered to borrow money and issue mortgage bonds.

tents of this act, shall have power to borrow money from time to time upon the bonds, stock or other securities of the company, and to secure the same by mortgage or mortgages upon the whole or any part or parts of the property and franchises of the company, upon such terms as they may deem best.

Subscriptions by counties and incorporated cities and towns.

SEC. 10. That it shall and may be lawful for any incorporated city or town, or any county in which said railroad may be constructed, or any counties, towns or cities adjacent thereto, to subscribe for such amounts of stock in said company, as they or either of them shall be authorized to do by the inhabitants thereof, in the manner and form as provided for in sections eighteen, nineteen and twenty of an act to incorporate the Planters' Railway Company, ratified March 1st, 1870.

Property of corporation not exempt from taxation.

Not authorized to do any banking business.

SEC. 11. That nothing in this act shall, in any way, exempt any real or personal property of the corporation from all lawful taxation, and that no powers are herein granted to do any banking business.

SEC. 12. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 23rd day of February, A. D. 1881.

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## CHAPTER 122.

AN ACT TO GIVE THE COUNTY COMMISSIONERS OF PASQUOTANK COUNTY THE POWER TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact :*

Authorized to levy special tax, not exceeding \$20,000, to build court house.

SECTION 1. That the county commissioners of Pasquotank county are hereby authorized to levy a special tax not exceeding twenty thousand dollars, for the special purpose of building a court house for said county, said

taxes to be collected under the same rules and regulations as other taxes are now collected.

SEC. 2. That the said county commissioners are further authorized, in order to raise the sum of twenty thousand dollars, to issue and negotiate bonds to the amount of twenty thousand dollars in such denominations as they deem best, though not less than one hundred dollars each, and the county commissioners, in addition to the twenty thousand dollars that they are hereby given power to levy, shall have power also to levy a tax to pay the interest upon these bonds as said interest becomes due.

Authorized to issue bonds.

To levy tax to pay interest.

SEC. 3. That all taxes collected by virtue of this act, shall be applied to the paying of the principal and interest of these bonds, and for no other purpose.

Taxes collected under this act to be applied to payment of bonds.

SEC. 4. That these bonds when issued shall be placed only in the hands of responsible parties, the responsibility of which said parties are to be judged of by the concurrent action of the justices of the peace of the county, and the county commissioners.

Bonds to be placed in hands of responsible parties.

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

Read in the general assembly three times, and ratified this the 23rd day of February, A. D. 1881.

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## CHAPTER 123.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS OF JONES, ONSLOW, WAYNE AND CARTERET COUNTIES, IN THE THIRD JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the regular terms of the superior courts of the counties of Jones, Onslow, Wayne and Carteret counties, shall be held at the following times, to-wit: Jones county, on the fifth Monday after the first Monday of March and September; Onslow county, on the sixth

Terms of court changed.

Jones co.

Onslow co.  
Carteret co.  
Wayne co.

Monday after the first Monday of March and September; Carteret county on the eighth Monday after the first Monday in March and September; Wayne county on the ninth Monday after the first Monday of March and September, and to continue two weeks unless the business shall be sooner disposed of.

Process, &c.

SEC. 2. That all process, mesne or final, civil or criminal, issued and returnable, or which may be issued and returnable to the next terms of the superior courts for said Jones, Onslow, Wayne and Carteret counties, shall be returnable to the terms as regulated by this act, and all persons who have been recognized, bound or summoned to appear at the next superior courts for said counties are hereby required to appear at the times prescribed by this act.

Conflicting laws repealed.

SEC. 3. That all laws and parts of laws in conflict with this act are repealed.

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

Read in the general assembly three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 124.

AN ACT TO AMEND SECTION TWENTY-EIGHT, CHAPTER ONE HUNDRED AND NINETY-NINE, OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

*The General Assembly of North Carolina do enact:*

Ch. 199, §23, laws 1871-'72 amended.

SECTION 1. That section twenty-eight, chapter one hundred and ninety-nine, of the laws of eighteen hundred and seventy-one and eighteen hundred and seventy-two, be amended by inserting after the word "Companies," in line two of said section, the words, "and for supplying the cities and towns of this state with water."

Corporations for supplying cities and towns with water entitled to hold more than 300 acres of land in fee.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## CHAPTER 125.

AN ACT TO INCORPORATE THE "RUTHERFORDTON, MARION AND TENNESSEE RAILWAY."

*The General Assembly of North Carolina do enact :*

SECTION 1. That Peter J. Sinclair, John G. Yancey, Body politic. Samuel H. Flemming, William McD. Burgin, Alfred M. Irwin, William A. McCall, Joseph C. Brown, Joseph K. Irby, Aden A. Wiseman, Jacob W. Bowman, Gen. John T. Wilder, John W. Gudger, Franklin Cox, William L. Twitty, George W. Logan, Lewis F. Churchill, Martin Walker and Guilford E. Young, and such other persons as may hereafter be associated with them, their successors or assigns, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic by the name of the "Rutherfordton, Marion and Tennessee Railway Company," and by that name may sue and be sued, Name. defend and be defended in all courts whatsoever, may Corporate powers. have a common seal, and generally may have and possess the rights and privileges usually possessed by similar companies; and may purchase, hold and convey any lands, tenements, goods and chattles whatsoever, necessary or expedient to the object and purposes of this corporation.

SEC. 2. That the capital stock of said company shall Capital stock. be five hundred thousand dollars (\$500,000) with liberty to said company to increase the same to one million of dollars (\$1,000,000), and shall be divided into shares of Shares,

fifty dollars (\$50) each to be denominated preferred and common stock, as the by-laws may provide, which shall be deemed personal property, and shall be transferred in such manner as the by-laws of said corporation shall prescribe.

Commissioners.

SEC. 3. That the persons named in the first section of this act shall constitute a board of commissioners, a majority of whom shall constitute a quorum for the transaction of business, to be known as the Rutherfordton, Marion and Tennessee Railway Commissioners, who shall meet in the town of Marion, North Carolina, within ninety days after the passage of this act, at a time to be designated in a notice to be signed by the person first named in the list of corporators, and a majority of his associates named in this act, and to be published once a week for two weeks, in the local newspapers published in the towns of Marion and Bakersville, North Carolina, and when so met they may cause books to be opened for subscription to the capital stock of said company; and when one thousand shares (1,000) are subscribed, amounting to fifty thousand dollars (\$50,000), and five per centum actually paid thereon in money to the treasurer to be elected by said commissioners, who shall give bond for its safe keeping and payment to the treasurer of said company when organized, then it shall be lawful for such subscribers or stockholders, or a majority in interest thereof, to organize said company in accordance with this act, and to elect not less than five (5) nor more than thirteen (13) directors, a majority of whom shall be necessary to the transacting of business, and who shall hold their offices one year, and until their successors shall be elected and qualified; and who shall make such rules and regulations and by-laws for the government of the company and the conduct of its business as they may deem expedient and proper, and the directors chosen at such meetings, or at the annual elections of said corporation, shall, as soon as may be after every election, proceed to elect

Books of subscription.

Bond of treasurer.

Organization of company.

Directors.

By-laws, &c.

Officers.

is president and vice-president, who shall be chosen from their own number. In case of death or resignation or removal of the president, or vice president, or any director, such vacancy may be filled for the remainder of the year Vacancies. wherein it may happen, by said board of directors, or a majority of them may appoint a president *pro tempore*, who shall have such power as the by-laws shall provide, and also to elect such other officers as they may deem necessary to properly carry out the provisions of this act and perform the business of the company, and fix the amount of salaries, and who shall hold office during the pleasure of the directors, under such rules and regulations as the by-laws may prescribe. At all elections for directors each share shall entitle the holder to one vote; to be given in person or by proxy. Meetings of stockholders shall be held as the by-laws direct.

SEC. 4. Should no election of directors be made or had on the day when pursuant to this act it ought to be made, the said corporation shall not for this cause be deemed to be dissolved; but such election may be held at any other time by resolution of the board of directors or a majority of the stockholders, notice being given as provided in the by-laws; but the directors shall hold office until their successors are chosen. Corporation not dissolved by reason of failure to elect directors.

SEC. 5. That a majority of the directors present, (not less than three) at any regular or called meeting of said corporation, shall have power to call in the capital stock of said company by such installments (not to exceed five dollars (\$5) on each share any one time), and at such time as they may direct: *Provided*, That such installments Directors authorized to call in capital stock. shall not be called for at a shorter period than thirty days from each other; and in case of new [non] payment of said installments, or any of them, to forfeit the share or shares, upon which such default may arise, and shall be so forfeited if so declared by a vote of the board of directors, sixty days' previous notice having been given in writing to the holder of such stock. The directors shall Proviso.

By-laws, &c.

have power to make such by-laws, rules and regulations touching the management of the stock, property and estate of the company. Subscriptions to the capital stock of said company may be made in lands, labor and material upon such terms as may be agreed upon by the directors and owners thereof.

Authorized to construct railroad from Rutherfordton to Marion.

SEC. 6. That the president and directors of said company shall have full power and authority to survey, locate and construct, maintain and operate a railway from some point at or near the town of Rutherfordton, in the county of Rutherford, North Carolina; to the town of Marion, in McDowell county, in said state, and by or near the North Fork of the Catawba river, on either side of said river, and with or near the course, and on either side of the North Cove, a tributary of said river, or by the easiest and most accessible route, in the discretion of the company, to ascend the Blue Ridge mountains and to the Tennessee line by or near Cranberry or Bakersville. That said company may build one or more tracks, adopt any gauge that to the directors may seem best, and to construct branch roads, connecting their said road with other roads in this state, and to any place, mine or manufactory affording tonnage to justify the construction of such branch roads.

Route.

Right of way.

SEC. 7. The president and directors of said railway company, shall have power to contract with the owner of the lands, over which said railway may be located, for the right of way over their said lands, upon such terms as the said company and the said owner may agree; and in case of failure of said company to agree with said owner, upon the value of said right of way, then said right of way may be valued and condemned as prescribed in chapter sixty-two (62) Battle's Revisal, and said company shall have all the rights, privileges and immunities granted to railroad corporations by the general laws of the state, and be subject to like disabilities.

Condemnation of land.

Authorized to construct railroad across or along public

SEC. 8. The said company shall have the right to conduct the said railway across or along any public road or

water course when necessary: *Provided*, The said company shall not obstruct any public road without constructing another equally as good. roads and water courses. Proviso.

SEC. 9. That all lands not granted to any person heretofore, within one hundred (100) feet of the centre of said railway, shall vest in the said company as soon as the line of the road is definitely laid out through it. Certain public lands to vest in company.

SEC. 10. That the said company shall have the right to demand and receive such prices and sums for fare and transportation of freights as may be authorized and fixed by the board of directors, not inconsistent with the laws of this state: *Provided*, No discrimination of rates be made against towns and cities in North Carolina. Rates of fare. Proviso.

SEC. 11. The said company shall have full power and authority to contract with any other railway company already built, or hereafter to be built under the laws of this state, or any other state, across whose road the track of said company may be built or laid, or at either terminus of said company's road in Rutherfordton, or at such point on the Tennessee line in Mitchell county, as the said company shall select for a transfer of cars or freight, upon such terms and for such period as may be agreed upon between them. Contracts with other railroad company.

SEC. 12. That the said company shall have the right to contract with any railway company at either of its said termini, or with any other road with which it may connect at any part of its said line, whether the same may be already chartered and built, or hereafter to be chartered and built, under the laws of this state or any other state, and to consolidate with such road or roads on such terms as may be agreed upon, and still have and maintain all the rights, privileges and immunities granted by this charter, and to accept donations or grants of lands, or other property from states or individuals for the purpose of aiding in carrying out the objects of this charter. Consolidation with other railroads.

SEC. 13. That for the construction and equipment of said railway, the directors, if they deem it necessary, may Mortgage bonds.

Not to exceed  
\$20,000 per mile.

issue mortgage bonds to bear such interest as the directors may designate; not exceeding that prescribed by law, to the extent of twenty thousand (\$20,000) dollars per mile, and the same shall be a lien upon all the road-bed, iron, equipments, work shops, depots, rolling stock and franchises of the company, both corporate and of use, and registration of the same in the register's office at Marion, in McDowell county, shall be deemed and held to be sufficient in law, to effectuate said lien as to all the property real and personal, together with all the rights, privileges and franchises of said company, wherever the same may be situated: *Provided, however,* That no mortgage made, nor bonds issued thereunder, shall contravene the operation and effect of chapter one hundred and one of the laws of one thousand eight hundred and seventy-nine.

Proviso.

Corporate existence, ninety-nine years.

SEC. 14. That the corporate existence of said company shall be for the period of ninety-nine (99) years.

SEC. 15. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 126.

### AN ACT TO ABOLISH FENCES IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large in Wake co.

SECTION 1. That it shall be unlawful for any live stock to run at large in the county of Wake.

Misdemeanor.

SEC. 2. That any person who shall wilfully permit his or her live stock to run at large within the county of Wake shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars.

Penalty.

SEC. 3. It shall be lawful for any person to take up any live stock running at large in said county, and impound the same in the township where it is so taken up; and each impounder may demand fifty cents for each animal so taken up, and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same, with 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 owners of said stock and said impounder, said freeholders to select an umpire, if they cannot agree, and their decision to be final with right of appeal.

Lawful to impound live stock running at large.

Fees.

Damages, how ascertained.

SEC. 4. 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 in three or more public places in the township where said stock is impounded, and describing the said stock and stating the 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 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 taken up and impounded, subject in their hands, within six months, to the claim of the legally entitled owner.

Impounder to notify owner of stock.

Sale of stock.

Application of proceeds.

SEC. 5. 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.

Action for damages.

SEC. 6. Any impounder wilfully misappropriating money that he may receive under this act, or in any

Misappropriation of money by im-

pounder a misdemeanor. manner wilfully violating any of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Penalty.

Unlawfully receiving or releasing impounded stock a misdemeanor. SEC. 7. Any person, unlawfully rescuing 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 more than thirty days.

Penalty.

Definition of "stock."

SEC. 8. The word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, jennets and all neat cattle and swine.

Proceeding by impounder before justice of the peace on failure to select freeholders under section 3.

SEC. 9. That in the event of the failure or refusal by either the owner or impounder to select the freeholders provided for in section three of this act, and the said impounder shall make to any justice of the peace in his said township written application, under oath, stating that he has sustained damage by reason of stock running at large, then the said justice of the peace shall appoint three disinterested freeholders who shall estimate said damages, which shall be paid by the person claiming the said stock, together with the costs of said proceedings, before the said stock is delivered, and in case of sale, before the owner shall be entitled to demand any part of the proceeds of sale.

County commissioners to build fence around county.

SEC. 10. It shall be the duty of the county commissioners of Wake county\* to erect a good and lawful fence around the entire county, and to erect gates on all the highways leading into the said county, and to keep the same in good repair. The said commissioners may appoint such inspectors of fences and gates as they may deem proper, and they are hereby granted power for that purpose, to be exercised according to their best discretion.

Inspectors of fences.

Condemnation of land.

SEC. 11. If the owner of any land should object to the building of the said fence, his land, not exceeding twenty feet in width, shall be condemned for the fence way as land is now condemned for railroad purposes by the

North Carolina Railroad Company: *Provided*, That no fence shall divide a tract of land against the consent of the owner, but may follow the boundary line thereof: *Provided further*, That where a public highway divides a tract of land, the fence may follow the highway even against the consent of the owner of the land so divided.

Proviso.

Proviso.

SEC. 12. That all expense incurred by reason of building, repairing and keeping said fences and gates, shall be paid out by the county treasurer on the order of said county commissioners.

Expenses, how paid.

SEC. 13. Any person wilfully tearing down or in any manner breaking a fence or gate established or erected in pursuance of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Wilful injury to fence, &amp;c., a misdemeanor.

Penalty.

SEC. 14. Any person who shall leave open any gate erected under the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars.

Misdemeanor to leave open gate.

Penalty.

SEC. 15. The provisions of this act shall not be construed to apply to persons driving stock to market.

Act not applicable to persons driving cattle to market.

SEC. 16. That within sixty days after the passage of this act, the board of county commissioners of Wake county shall cause to be distributed among the electors of said county ten thousand copies of this act: *Provided*,

County commissioners to distribute 10,000 copies of act.

That this act shall not go into effect until the same shall be ratified by the qualified electors of said county, and to this end the board of county commissioners shall order

Proviso.

Act not to go into effect until ratified by electors of county.

an election not less than ninety days after the ratification of this act, under the same rules, regulations and provisions in all respects as are now provided by law for the election of members of the general assembly. At such election those in favor of said act shall vote "for the abolition of fences," and those against said act shall vote "against the abolition of fences," and said vote shall be

Election.

How held.

Canvass of vote.

Conflicting laws repealed.

canvassed as provided by law in election for members of the general assembly.

SEC. 17. All laws or parts of laws in conflict with this act are hereby repealed.

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 127.

AN ACT AUTHORIZING THE EMPLOYMENT OF CONVICT LABOR UPON THE HIGHWAYS AND STREETS IN THE COUNTIES, CITIES AND TOWNS IN THIS STATE.

*The General Assembly of North Carolina do enact:*

County commissioners and authorities of cities and towns authorized to contract with directors of penitentiary for employment of convict labor.

SECTION 1. That it shall be lawful for the county commissioners of any county, and likewise for the corporate authorities of any city or town in this state, in their discretion, to contract in writing with the board of directors or managers of the state penitentiary for the employment of such convicts, as by existing laws may be hired to railroad companies, upon the highways or any of them, or the streets or any of them, for the construction or improvement of the same, of the county, city or town whose authorities shall so hire such convicts.

Board of directors of penitentiary to hire convicts on application of commissioners, &c.

SEC. 2. Upon application to them it shall be the duty of the board of directors or managers of the penitentiary to hire to the county commissioners of any county, and to the corporate authorities of any city or town in this state, for the purpose specified in the first section of this act, such convicts as may lawfully be hired for service outside of the penitentiary, as shall not at the time of such application be hired for service outside of the penitentiary; but the convicts hired for service upon the highways and streets shall be fed, clothed and quartered, while so employed, by the board of directors or mana-

Expenses of convicts, how paid.

gers of the penitentiary as in case of the hiring of convicts to railroad companies under existing laws, and if any person charged in any way with the control or management of such convicts or any of them, shall negligently permit them to escape, or shall maltreat them or any of them, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction in the superior court, shall be fined or imprisoned in the discretion of the court; but this provision shall not be deemed or held to relieve any person from any criminal liability under existing laws: *Provided*, That nothing in this act shall be construed to authorize the board of directors to reduce the number of convicts now allowed by law to the railroads of the state in which the state has an interest.

Misdemeanor to permit escape, &c.

Proviso.

SEC. 3. The county commissioners of any county, and the corporate authorities of any city or town so hiring such convicts, shall pay into the treasury of the state for the labor of any convict so hired a sum of money equal to the average cost in money of feeding, clothing, guarding and transporting such convicts to and from the place of employment for the town of such hiring, and the money so to be paid shall be paid at such times as may be agreed upon in the contract of hire, and if any such county, city or town shall fail to pay the money due for such hiring, the same shall bear interest from the time it shall become due until paid, at the rate of six per centum per annum, if such rate is agreed upon in such written contract, and an action to recover any sum of money so due and imposed may be brought by the attorney general in the superior court of the county of Wake, in the name of the state.

Hire of convicts, how paid.

Failure to pay.

Action to recover.

SEC. 4. That the county commissioners of any county, and the corporate authorities of any city or town so hiring such convicts, shall have power to appoint and remove at will all such necessary agents to superintend the construction or improvement of such highways and streets as they may deem proper, and pay the cost and

Work to be under supervision of agents of commissioners, &c.

Amounts necessary to pay expenses to be raised by taxation.

expenses incident to such hiring, may levy taxes and raise money as in other respects.

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1881.

## CHAPTER 128.

AN ACT TO PROVIDE ADEQUATE CLERICAL FORCE IN THE TREASURY DEPARTMENT.

*The General Assembly of North Carolina do enact :*

\$300 appropriated to enable treasurer to execute duties as treasurer of charitable and penal institutions, &c.

SECTION 1. That the sum of eight hundred dollars is hereby annually appropriated to enable the treasurer of the state to execute the duties required of him by section two of chapter two hundred and forty of the laws of one thousand eight hundred and seventy-nine, as treasurer of the several charitable and penal institutions of the state, and the agricultural department.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## CHAPTER 129.

AN ACT TO PROTECT CLIENTS AGAINST FRAUDULENT ATTORNEYS.

*The General Assembly of North Carolina do enact :*

Judgment against attorney at law for willful

SECTION 1. That any attorney at law of this state into whose hands shall be placed for collection any promis-

sory note, bond, account, chose in action, writing obligatory or any claim calling for the payment of money, who shall collect the same, and, upon the demand of his client, wilfully fail to pay over the amount or amounts so collected, shall, upon the ascertainment of the fact by jury, have judgment taken against him for the amount of his delinquency together with interest on the amount of the judgment until the same shall be paid.

failure to pay over money collected for client upon demand.

SEC. 2. Any practicing attorney of this state who shall wilfully fail as aforesaid to pay over on demand to his client any moneys which may be due as above set forth, may, upon motion before any superior court judge of this state, and the production of the judgment mentioned in the preceding section, be debarred from practicing in any courts of the state.

To be disbarred for such failure upon notice and production of judgment.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 130.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That to enable the county commissioners of Mitchell county to improve the county jail and make needful additions thereto, and to provide for the payment of jurors, and other county liabilities, they are hereby authorized to levy a special tax upon all the real and personal property and polls in said county.

Commissioners authorized to levy special tax for improvement of county jail and payment of county liabilities.

SEC. 2. That the taxes herein authorized to be levied shall not exceed the sum of two thousand dollars, one-

Not to exceed \$2,000.

When to be levied.

Proviso.

half of which may be levied in the year one thousand eight hundred and eighty-one, the remainder in the year one thousand eight hundred and eighty-two, in the discretion of said commissioners: *Provided*, That the concurrence of a majority of the justices of the peace in said county shall be necessary in levying said tax.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 131.

### AN ACT TO AMEND THE LAWS IN RELATION TO THE CALDWELL AND WATAUGA TURNPIKE COMPANY.

*The General Assembly of North Carolina do enact:*

Authorized to surrender to Watauga county part of turnpike road, and upon doing so to extend southern terminus of road.

SECTION 1. That the Caldwell and Watauga Turnpike Road Company, be and they are hereby authorized to surrender to the county of Watauga so much of said turnpike road as lies west of the top of the Blue Ridge at the Yadkin Springs, and upon doing so, shall have power to extend the southern terminus of said road from the Yadkin meeting house to the town of Lenoir, locating the same on or near the present public road between those points, so as to include in said turnpike the entire road from Lenoir, in Caldwell county, to the top of the Blue Ridge at the Yadkin Springs, near the county line between Caldwell and Watauga counties.

Certain hands liable to work on public roads assigned to turnpike road.

SEC. 2. That all hands liable by law to work on public roads, between the Yadkin meeting house and Lenoir, who do not reside nearer to some other public road, shall be liable to work on the turnpike road, not exceeding six days in each year, under the direction of the president of

said road or his duly appointed overseers under the same provisions and penalties as apply by law to hands working on other public roads: *Provided*, That before this section shall take effect the president of said company shall present to the justices of the peace of the several townships through which the road runs, a list, to be renewed annually, of all hands claimed to belong to said road in said township[s], and upon said list being approved by a majority of the justices of said townships, and endorsed by them, the same shall become effective, and the hands thus assigned to said road shall be exempt from ordinary work on other public roads.

SEC. 3. That for the term of five years from the date of this act, the president of [the] company shall annually make a written report to the justices of the several townships aforesaid of the condition of the road within said townships, stating therein the number of days worked by each of the road hands, and the amount of money expended on the road in addition thereto, which report shall be returned by said justices to the clerk of the superior court for Caldwell county, as other road reports are required by law to be returned: *Provided*, That any criminal negligence on the part of the president of said road in using the means at his disposal in making and keeping said road in lawful repair, shall be punishable as a misdemeanor, on conviction thereof in the superior court of Caldwell county, and all laws in conflict with this proviso are hereby repealed.

SEC. 4. That after the expiration of five years from the date of this act, the said turnpike company shall be liable to all the penalties imposed by the laws to which this act is an amendment, for failure to keep said road in due repair.

SEC. 5. That said company shall not be at liberty to erect any toll gate or collect tolls upon the extension herein provided for, nor shall they claim or collect any higher rates of toll from persons passing through the

Proviso.

President to make annual report to justices of the peace of townships through which road runs.

Report to be returned by justices to clerk of Caldwell superior court.

Proviso.

After five years company liable to penalties imposed under former laws.

Company not entitled to tolls upon extension of road authorized by this act.

Tolls upon present road to remain unchanged. present gate than are now allowed by law on account of said extension.

Change of location of road.

SEC. 6. That should said turnpike company desire to change the location of it at any point along said extension, and shall fail to come to terms with the land owners for the right of way, at such points, the president of said company shall apply in writing to the board of commissioners for Caldwell county, setting forth the change desired, and the said commissioners shall order a jury, to be composed of six disinterested men, who after being duly sworn shall examine the same, and taking into consideration the benefit secured to said land owners by the change, shall assess the damages, if any, sustained by said land owners, and shall make report thereof to said board of commissioners. On approval of this report by the commissioners, the change shall be made, after payment by the president of the damages as assessed and the cost of proceedings.

Proceedings to obtain right of way.

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

Read in the general assembly three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 132.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW-LANDS OF BRUSHY FORK CREEK AND ITS TRIBUTARIES IN THE COUNTY OF DAVIDSON.

*The General Assembly of North Carolina do enact :*

Commissioners.

SECTION 1. That B. F. Beckardite, Charles Clinard, Andrew Hine, Jacob Yokely and Daniel Sink, be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Brushy Fork creek and its tributaries, from Spurgeon's and Lindsay's mill-pond, to their

Duties.

sources, into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for Overseer. the term of two years, and who shall be a land owner in the section for which he is appointed overseer.

SEC. 2. That a majority of said commissioners shall Chairman. have power to elect one of their number chairman, and may fill vacancies in their own number, or that of over- Vacancies. seers, 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.

SEC. 3. That said commissioners shall estimate the Duty of commis- number of acres of bottom land sobbed or overflowed, and also the entire number of acres of each individual in the county of Davidson on the streams between the points mentioned in section first of this act, and lying within one-fourth of a mile of the channel of the main stream, and one-eighth of a mile of the channel of its tributaries, and shall furnish each overseer with a copy of the estimate of his section, in which these lands lie, and upon notice of seven days by said overseer, shall each furnish Hands to be fur- one sufficient hand with appropriate tool, such as shall be notified by the overseer to furnish, for every ten (10) acres of land sobbed or overflowed, and one hand for every twenty (20) acres not sobbed, and in that proportion, for any number of acres less than ten (10) and twenty (20) acres in the meaning of this act, and on failing so to do, shall forfeit and pay one dollar per day for failure on Penalty. 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 Distribution of laying off the streams and sections, as provided for in labor. section first of this act, to distribute the labor among the land owners in proportion to the number of acres of sobbed lands, and other lands owned by them within the estimate provided for in section three of this act, as equal-

ly as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in his section.

**Duty of overseers.** 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 channels of said streams, with the power to straiten, remove obstructions, and improve the banks thereof: *Provided*, That said commissioners may, in their discretion, order any or all the overseers, with their respective hands, when deemed necessary, to work at any point on said streams.

**Misdemeanor to obstruct streams, &c.** SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into or otherwise obstruct the waters in the channels of said streams, between said points of said boundary, in said county, and shall permit the same to remain therein, for the space of twenty (20) days, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five (\$5) nor more than ten (\$10) dollars: *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 such offenses.

**Application of penalties collected.** SEC. 7. That all moneys arising from failure to work on said streams, 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 channels of said streams or in stopping the washes on either side of the same; 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 (10) nor more than twenty (20) dollars: *Provided*, That no

**Penalty for neglect of duty by overseer.**

**Proviso.**

person shall be required without his consent to serve more than one term of two years at one time.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into the said streams so as to prevent the same from filling with sand, and may exercise such power in the same way and under the same rules and regulations as are prescribed in this act, for draining the low lands, by opening the streams as fully as the power given in the foregoing section.

Commissioners authorized to stop washes emptying into streams.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said streams, or private bridges or water gates, by the land owners for their own convenience.

Building of bridges, &c., not prohibited.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

No exemption from working roads.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 133.

### AN ACT FOR THE BETTER GOVERNMENT OF THE NORTH CAROLINA INSANE ASYLUM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the "North Carolina Insane Asylum," situated near Raleigh, shall be and remain a corporation under that name, and the said North Carolina Insane Asylum may acquire and hold for the purposes of the establishment of the institution all such property and estate as may be devised, bequeathed, or in any way given or conveyed to it.

To remain a corporation.

Name.

Authorized to acquire and hold property.

Directors.

SEC. 2. The affairs of the North Carolina Insane Asylum shall be managed by a board of nine directors, of whom five shall be a quorum for the transaction of business. And the term of office of the first board appointed under this act shall begin on the first day of March, Anno Domini one thousand eight hundred and eighty-one (1881), or as soon thereafter as the board appointed under this act shall be confirmed by the senate. At the first meeting of said board, the directors shall be divided into three classes; the seats of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, from the time of their appointment, and afterwards their successors shall be appointed at the expiration of the respective terms for six years.

Quorum.

Term of office.

To be divided into three classes.

Executive committee.

SEC. 3. The board of directors shall out of their number appoint three members as an executive committee, two of whom shall reside in or near the city of Raleigh, who shall hold their office as such for one year, and shall have such powers and be subject to such duties as the board of directors may delegate to them.

Duties and powers of board of directors.

SEC. 4. The board of directors shall direct and manage the affairs of the institution, and for its better government make all necessary by-laws not inconsistent with the laws of the state; shall have power to receive, hold, manage, convey or otherwise dispose of, in the name of the institution, all such property or estate as may hereafter be given or otherwise conveyed to the asylum; and the members of the board shall serve without reward, save their travelling expenses incurred in the discharge of their official duties.

Meetings of board.

SEC. 5. The board of directors shall convene at the asylum on the first Wednesday after the first Monday in January, and quarterly thereafter. They shall investigate the administration of the affairs of the institution, and report on the same to the general assembly, with

To make report to general assembly.

such remarks and recommendations as to them shall seem expedient.

SEC. 6. 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 kindly disposition, and a married man. He shall hold his office for six 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.

SEC. 7. The board of directors shall appoint an assistant physician, and, with the advice and consent of the superintendent, prescribe his duties. He shall hold his place for four years from and after his appointment unless sooner removed by the board, for good cause, which shall be specified and recorded in the proceedings.

SEC. 8. The board of directors, at their annual meeting, shall appoint a steward, matron and engineer, who shall hold their places for one year, unless sooner removed by the board for good cause, which cause shall be specified in their proceedings, and other officers shall be appointed for the unexpired term of those removed. The public treasurer shall be treasurer *ex-officio*.

SEC. 9. The board of directors shall fix the salaries and compensation of the superintendent, and the officers and employees whose services may be necessary for the management of the asylum: *Provided*, That the salaries shall not be diminished during the term of the incumbent.

SEC. 10. The superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of the asylum, and in every case of misconduct may discharge such employees as have been employed by himself or his pre-

Superintendent.

Qualifications.

Term of office.

Removal.

Assistant physician.

Term of office.

Removal.

Steward, matron and engineer.

Term of office.

Removal.

Treasurer,

Salaries, &amp;c.

Proviso.

Superintendent to have exclusive control of subordinate officers and employees.

cessors, and shall report to the board of directors the misconduct of all other subordinates.

By-laws, &c.

SEC. 11. The board of directors shall make all such by-laws and regulations for the government of the institution as shall be necessary, among which regulations shall be such as shall, in the language of the constitution, [be] as nearly self-supporting as is consistent with the purpose of its creation. The board shall cause the by-laws and regulations, the report of the superintendent and that of the treasurer to be published with their report to the general assembly, copies of which shall be sent to the clerk of the superior court of each and every county in the State.

To be published with report to general assembly.

Insane person confined in jail removed to asylum on order of superior court clerk.

SEC. 12. Every insane person confined in jail for any other cause than crime, may be removed to the asylum upon the order of the clerk of the superior court of the county in which the jail is situated.

Superior court judges to allow to be committed to asylum persons confined in jail on criminal charges, who are found to be insane.

SEC. 13. The judges of the superior courts in their respective districts shall allow to be committed to the asylum, as a patient, any person who may be confined in jail, on a criminal charge of any kind, or degree, or upon a peace warrant, whenever the judge shall be satisfied by a verdict of jury of inquisition that the alleged criminal act was committed while such person was insane.

Proceeding to obtain admission to asylum.

SEC. 14. For admission into the asylum in other cases, the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with a justice of the peace of the county, an affidavit in writing, which shall be substantially as follows:

Affidavit before justice of the peace.

STATE OF NORTH CAROLINA, }  
.....County. }

The undersigned, residing in said county, maketh oath that he hath carefully examined ....., the alleged lunatic, and believes him (or her) to be an insane

person and is, in the opinion of the undersigned, a fit subject for admission into the insane asylum.

Dated, ..... day of ..... , 18.....

A..... B....., (Affiant.)

Subscribed and sworn to C..... D . ....., J. P.

Whereupon, unless the person or persons in whose care or custody the alleged insane is, will agree to bring him or her before the said justice without a warrant, the justice shall issue a precept, directed to the sheriff or a constable as follows :

THE STATE OF NORTH CAROLINA,

Warrant of justice of the peace.

*To the Sheriff or Constable of ..... County—Greeting:*

Whereas, information on oath has been laid before me that ..... is an insane person: You are hereby commanded to bring him (or her) before me or some other justice of the peace of said county within the next ten days, in order that necessary proceedings may be had respecting his insane condition.

Given under my hand, this ..... day of ..... 18.....

C..... D....., J. P.

Upon the bringing of the alleged insane person before the justice by his or her friends, or upon the return of the precept with the body of the insane person, the justice shall cause to be associated with him two or more justices of the county, who together shall proceed to examine into the condition of mind of the supposed insane person, and shall take the testimony of at least one respectable physician, and such other of them as they may think proper. If the justice, or any two of them, shall decide that such person is insane, and some friend, as he may do, will not become bound, with good security, to restrain him or her from committing injuries, and to keep, support and take care of him or her until the cause for confinement shall cease, the said justices, or any two of them, shall direct

Proceedings before justice.

the insane person to be removed to the asylum as a patient; and to that end they shall direct a warrant to the sheriff or constable, and at the same time shall transmit to the board of directors the examination of the witnesses, and a statement of such facts as the said justices shall deem pertinent to the subject matter, which warrant shall be substantially as follows:

Warrant.

THE STATE OF NORTH CAROLINA,

*To the Sheriff or Constable of.....County—Greeting:*

WHEREAS, it has been made to satisfactorily appear to us C..... D..... and E..... F....., justices of the peace of said county, that A..... B....., a citizen of the state, is an insane person, that he has a legal settlement in said county, and is a fit subject for the insane asylum, and that his being at large is injurious to himself, and disadvantageous, if not dangerous, to the community: You are hereby commanded to take the said A..... B..... and convey him to the North Carolina Insane Asylum, and there deliver him to the superintendent thereof for safe keeping.

Given under our hands this.....day of.....18 .....

C..... D....., J. P.

E..... F....., J. P.

Justices to report proceedings to superior court clerk.

SEC. 15. Whenever the justices of the peace, under the provisions of the preceding section, shall direct any insane person to be removed to the asylum as a patient for safe keeping, it shall be their duty to make a full report of their proceedings to the clerk of the superior court of their county.

Interrogations and answers to be forwarded to board of directors.

SEC. 16. The following interrogations with their respective answers by competent witnesses, shall likewise be transmitted with the other papers to the board of directors:

Question 1. What is the name of the patient?

Question 2. Is he or she white or colored?

Question 3. What is his or her age?

Question 4. Is he or she married or single?

Question 5. What is the supposed cause of insanity?

Question 6. In what way is the disease exhibited?

Question 7. Has any medical treatment been pursued?

If so, what kind and by whom?

Question 8. How long has he or she been insane?

Count from first symptoms.

Question 9. Has the patient manifested any propensity to injure himself or others? If so, in what way?

Question 10. Has he or she been subject to epilepsy?

Question 11. Have any of his or her ancestors been insane? If so, state what ancestor, and what was the character of their insanity?

Question 12. Has he or she any family, and, if so, what persons compose it?

Question 13. Are any of them insane, and what is the character of such insanity?

Question 14. What is the occupation of the patient?

Question 15. How many attacks of mental disease has the patient had?

Question 16. Are parents of the insane person related by blood? If so, what is the degree of relationship?

Question 17. Has the applicant property? If so, state in what such property consists, and what is the value thereof.

Question 18. Is the applicant under any forcible restraint? If so, what?

Question 19. Has the patient received any aid from the county? If so, what?

Question 20. Give name and address of the friends of the patient, with whom the superintendent of the insane asylum can correspond, as circumstances require, for the benefit of the patient.

Question 21. Give any information in your possession, not embraced in the above questions, which may throw light on the mental or physical condition of the patient.

Superintendent  
to refer doubtful  
cases to board of  
directors.

SEC. 17. Whenever an insane person shall be conveyed to the asylum, and the superintendent is in doubt as to the propriety of his or her admission, he may convene the board of directors (any three of whom shall constitute a board) for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such board decide that he or she is such, he shall be received into the asylum; but such board may at any time thereafter deliver said insane person to any friend, who will become bound, with good security, to restrain him or her from committing injuries, and to keep, maintain and take care of him or her, in the same manner as he or she might have become bound under the authority of the justices of the peace.

Incurable insane.

SEC. 18. Whenever the superintendent shall deem an insane person to be incurable, and that his or her being at large would not be injurious to himself or herself, or dangerous to the community, he shall certify the fact to the clerk of the superior court of the county from which the patient was sent, and also to the board of directors (any three of whom shall constitute a board) who may, if deemed expedient, remove such patient from the asylum, and it shall be the duty of the sheriff of the county from which the patient was sent, to convey said patient from the asylum to the county of his settlement, at the expense of said county.

When insane  
person, &c.,  
whose estate is  
sufficient to sup-  
port him to be  
brought before  
justice of the  
peace.

SEC. 19. When an affidavit in writing shall be made before a justice of the peace, by any citizen of the state, that any person, who has been found, by the inquisition of a jury, to be an idiot, lunatic or *non compos mentis*, and whose estate in the hands of his or her guardian shall be sufficient to support him or her and family, if he or she has any, is mischievously inclined, and that his or her going at large is dangerous to the community, it shall be lawful for said justice to issue his warrant requiring the sheriff to bring him or her before two justices of the peace within ten days, in order that the complaint

may be duly examined, and the sheriff, when he executes the warrant, is to notify the guardian.

Notice to guardian.

SEC. 20. If the said justices, on the return of the warrant, are satisfied that the facts stated in the complaint are true, it shall be their duty to issue process to the sheriff, commanding him to take such insane person and convey him or her to the North Carolina Insane Asylum, and there deliver him or her to the superintendent thereof for safe keeping: *Provided, however,* That the mischievous disposition of such insane person shall have been proven by at least two competent witnesses who have been acquainted with him or her for more than twelve months.

To be conveyed to asylum.

Proviso.

SEC. 21. If the insane person mentioned in the preceding section be sent to the asylum, a copy of the proceedings shall be returned by the justices to the clerk of the superior court of his county, who shall have power from time to time to make such orders or decrees concerning the payments of the expenses of sending him or her to said asylum, or sending him or her back, should he or she be discharged therefrom, as to said clerk shall seem just and reasonable under all the circumstances of the case.

Proceedings before justice to be certified to superior court clerk.

Clerk to make proper orders concerning expenses, &c.

SEC. 22. Any judge of the superior or supreme court may make an order for the discharge from the asylum of any person confined there under this act, if the superintendent thereof shall certify to him in writing that he is well satisfied that such person is not mischievous, and would not be dangerous to the community if discharged: *Provided,* That the signature to the certificate be duly acknowledged or proved before the clerk of the superior court for Wake county, and shall be certified by him under his official seal. All bonds executed for restraining insane persons from committing injuries, and for their safe keeping, support and care, shall be payable to the state of North Carolina in the sum of five hundred dollars at least, and shall be transmitted to the clerk of

Discharge of person from asylum by order of judge of supreme or superior court.

Proviso.

Bonds for restraining insane person from committing injuries, &c.

the superior court of the county wherein the insane person is settled for safe keeping, and may be put in suit by any person injured by the insane person by reason of his or her insane condition, and shall be put in suit by the solicitor for the judicial district in which the county of the insane person's residence is situated, for any other breach thereof, wherein the damages received shall be for the use of the insane person, and shall be at least fifty dollars.

Action on bond.

Form of bond.

SEC. 23. The form of the bond mentioned in the preceding section shall be as follows:

STATE OF NORTH CAROLINA, }  
 County of..... }  
 .

Know all men by these presents, that we, A..... B....., principal, and C..... D..... and E..... F....., sureties, are held and firmly bound unto the state of North Carolina, in the sum of.....dollars, for the payment whereof we bind ourselves and each of us.

Witness our hands and seals this.....day of.....18...

The condition of the above obligation is this: Whereas, the said A..... B....., with the view of hindering G..... H....., an insane person resident in the county aforesaid, from being sent to the North Carolina Insane Asylum (or effect his release from the said asylum, as the case may be,) hath undertaken to restrain him or her from committing injuries, and to keep, maintain, support and take care of him or her. Now if the said A..... B..... shall faithfully comply with the conditions of this obligation, then the same shall be void: otherwise it shall be in full force.

A..... B..... [SEAL.]

C..... D..... [SEAL.]

E..... F..... [SEAL.]

If conditions of bond are not complied with,

SEC. 24. Whenever it shall be made to appear to the clerk of the superior court of the county in which such

insane person was resident, that the conditions of the bond are not faithfully complied with, the insane person shall be sent to the asylum by such clerk of the superior court, unless some other responsible and discreet friend will undertake to fulfil the duties of said obligations; and whenever said insane person shall be sent back to the asylum, he or she shall not be delivered on any new bond of the defaulting obligor.

insane person to be sent to asylum.

SEC. 25. All dues to the asylum from any and all sources shall be paid into the public treasury; and the said asylum shall be supported by appropriations from the public treasury.

Dues to asylum payable to treasurer. Support of asylum.

SEC. 26. The board of directors shall have power to regulate admissions into the asylum, having regard to the probabilities of curing the parties of their mental diseases.

Directors to regulate admissions.

SEC. 27. All money applied for the use and support of the insane asylum, and the insane therein, shall be paid out of the public treasury on warrants drawn by a majority of the board of directors, or by the superintendent, and countersigned by at least two of the board of directors and approved by the governor.

How appropriations for asylum to be drawn from treasury.

SEC. 28. All money and the proceeds of property given to the asylum, and all money arising from any estate which may be owned by the asylum, shall be paid into the public treasury, and all donations in which there shall be special directions for their application, shall be kept as a distinct fund, and shall be faithfully applied as the donor may have directed. The public treasurer shall keep all accounts of the institution as may be regulated by the board of directors, and he shall pay out money only upon the warrant of the superintendent.

Money, &c., belonging to asylum to be paid into treasury.

Donations.

Public treasurer to keep accounts.

To pay money on warrant of Superintendent.

SEC. 30. In order to secure their constant supervision and attendance, the officers and employees of the asylum shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

Officers and employees exempt from jury duty, &c.

SEC. 31. The board of directors shall cause all their proceedings to be faithfully and carefully written and

Board of directors to keep record of proceedings.

Clerk.

recorded in books, and to this end may employ a clerk

Compensation of clerk.

and pay him a reasonable compensation for his services.

Books open to inspection of board of public charities and general assembly.

The books shall at all time be opened to the inspection of the board of public charities and of the general assembly.

Board of public charities and members of general assembly *ex-officio* visitors to asylum.

SEC. 32. The board of public charities and the members of the general assembly shall be *ex-officio* visitors of the insane asylum. It shall be the duty of the board of public charities to visit the asylum from time to time as they may deem expedient to examine into its condition, and make report thereon to the general assembly, with such suggestions and remarks as they think proper. And to said board of public charities, and to the board of directors of the asylum, and to the general assembly only, shall the superintendent be required to make reports or furnish statistics.

Duty of board of public charities.

Superintendent to make reports and furnish statistics.

Fiscal year to close Dec. 31st.

SEC. 33. The close of the fiscal year shall be the thirty-first of December in each and every year, and all accounts and estimates shall be made with reference thereto.

Proceedings to place insane person possessed of sufficient income in asylum outside of state.

SEC. 34. Whenever any person shall be found to be insane in the mode hereinbefore prescribed, and such person shall be possessed of an income amply sufficient to support those who may be legally dependent for support on the estate of such insane person, and moreover to support and maintain such insane person in any named asylum situated out of the state; and such insane person, if of capable mind to signify such preference, shall in writing declare his or her wish to be placed in such asylum without the state, instead of being in the asylum established by the state; and two respectable physicians who shall have examined such insane person with the justices appointed by said act to make the examination shall deem it proper, then it may be lawful for said justices of the peace, together with the said physicians, to recommend in writing that such insane person shall be placed in the asylum so chosen as a patient thereof.

SEC. 35. It shall be the duty of any person having the legal custody of the estate of such insane person, to supply the funds for his or her support in the asylum in which he or she may be placed, during his or her stay therein, and so long as they may be sufficient for that purpose, over and beyond maintaining and supporting those persons who may be legally dependent on the estate as aforesaid.

Duty of person having custody of estate of such insane person to supply necessary funds, &c.

SEC. 36. It shall be the duty of said justices to report the proceedings in all such cases to the clerk of the superior court of the county in which such insane person may reside or be domiciled as provided.

Justice of the peace to report proceedings to superior court clerk.

SEC. 37. The clerk of the court shall lay the said proceedings before the judge of the superior court of the district in which the insane person may reside or be domiciled, and if he approve them he shall so declare in writing, and such proceedings, with the approval thereof, shall be recorded by said clerk.

Clerk to lay proceedings before judge, &c.

SEC. 38. A certified copy of such proceedings with the approval of the said judge, shall be sufficient warrant to authorize any friend of the insane person appointed by the said judge to remove him or her to the asylum designated.

Certified copy of proceedings with approval of judge sufficient warrant to authorize removal to asylum designated.

SEC. 39. In the admission of patients to the North Carolina Insane Asylum, priority of admission shall be given to the indigent insane: *Provided, however,* That the board of directors may regulate admission, having in view the curability of patients, and the welfare of the institution.

Indigent insane to have priority of admission to asylum.  
Proviso.

SEC. 40. All laws and clauses of laws in conflict with this act, are repealed.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

CHAPTER 134.

AN ACT TO AMEND SECTION ONE HUNDRED AND SEVENTY-SEVEN OF THE CODE OF CIVIL PROCEDURE.

*The General Assembly of North Carolina do enact :*

C. C. P., §177, amended.

SECTION 1. That section one hundred and seventy-seven of the Code of Civil Procedure, be amended by adding after the word "sixty-eight" in line three, the words, "or before some person competent to administer oaths."

Affidavit in action of claim and delivery.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

CHAPTER 135.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND TWENTY-EIGHT, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

*The General Assembly of North Carolina do enact :*

Ch. 128, laws 1874-75, repealed.

SECTION 1. That chapter one hundred and twenty-eight, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, to allow the commissioners of Montgomery county to levy a special tax, is hereby repealed.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## CHAPTER 136.

AN ACT TO CHANGE THE NAME OF DAVIDSON RIVER TOWNSHIP  
IN TRANSYLVANIA COUNTY TO THAT OF BREVARD TOWNSHIP.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of Davidson River town- Name changed.  
ship in Transylvania county is hereby changed to that  
of Brevard township.

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

Read in the general assembly three times, and ratified  
this the 25th day of February, A. D. 1881.

## CHAPTER 137.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS  
WITHIN TWO MILES OF THE COURT HOUSE IN THE TOWN OF  
TAYLORSVILLE, ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to Unlawful to sell  
or give away in-  
toxicating li-  
quors as a bever-  
age within two  
miles of court  
house in Taylors-  
ville.  
sell intoxicating liquors, or to give the same away to be  
used as a beverage, within two miles of the court house  
in the town of Taylorsville, Alexander county.

SEC. 2. That if any one shall violate the provisions of Misdemeanor.  
this statute, he shall be deemed guilty of [a] misde-  
meanor, and upon conviction thereof, shall be fined or Penalty.  
imprisoned, or both, at the discretion of the court.

SEC. 3. That in all prosecutions under this act, proof Presumptive evi-  
dence.  
that the liquor was given by the defendant to another  
shall be presumptive evidence that it was given to be  
used as a beverage, and the defendant shall be required

to show that it was given to be used for medicinal purposes.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 138.

AN ACT TO ESTABLISH AND PROVIDE FOR ORGANIZING THE COUNTY OF DURHAM.

*The General Assembly of North Carolina do enact :*

County of Durham established.

Boundaries.

SECTION 1. That a county by the name of Durham be and the same is hereby created and established out of and embracing parts of the counties of Orange and Wake, the whole to lie within and have the following specified bounds, that is to say : Beginning at the north-east corner of Orange county, thence with the Orange and Person line north eighty-seven degrees, west, eight miles, to the corner of Mangum and Little River townships of Orange county ; thence south ten degrees west, twenty-five and one-quarter miles, to the Chatham county line, at the corner of Patterson and Chapel Hill townships ; thence with the Chatham county line south eighty-seven degrees east, seven miles, to the Wake county line ; thence the same course four miles, to a point in Wake county in Cedar Fork township ; thence a line parallel to the Wake and Orange line north fifteen degrees east, thirteen and one-half miles, to the corner of New Light and Oak Grove townships ; thence continuing the same course two and one-quarter miles, and following the dividing line between said townships to the Granville county line, at the corner of the aforesaid townships ; thence with the

Wake and Granville line to their corner on Neuse river, in the Orange county line; thence with the Granville line about north nine and three-quarter miles to the beginning.

SEC. 2. That the said county of Durham, hereby created, be and the same is hereby invested with all the rights, powers, privileges, advantages and immunities that belong and appertain to other counties in this state.

SEC. 3. That Isaac N. Linke, of said county of Durham, be and he is hereby appointed a commissioner to survey and mark the line between the said county of Durham and the said counties of Orange, Chatham, Wake, Granville and Person, as designated and specified in the first section of this act, and he shall within thirty days next after the ratification of this act, make a report

of such survey under his hand and seal to the commissioners respectively of said counties, which report shall form and be a part of the record of the proceedings of said commissioners of said counties; and said commissioner shall furnish the commissioners of said county of Durham with a map thereof. Said commissioner to survey said line shall have power to employ such persons as may be necessary for making such survey, and he and such other persons shall be allowed a reasonable compensation for such service, to be allowed by the commissioners of said county of Durham. And if, for any cause, the said Isaac N. Linke cannot make such survey, then and in such case, David G. McDuffie is hereby appointed to make the same, and he shall be paid for his services as herein provided.

SEC. 4. That if said boundary line shall divide any township of any of said counties of Orange and Wake, any officer of any such township, who shall reside within said county of Durham, shall continue to hold and exercise his said office in the said county of Durham until his

Rights, powers, &c.

I. N. Linke appointed commissioner to survey county line.

Survey to be reported to commissioners of circumjacent counties.

Commissioner authorized to employ assistance in making survey.

Compensation.

In case of failure of I. N. Linke to serve, D. G. McDuffie appointed in his place.

In case of division of any township any officer thereof within the line of Durham co. to continue to exercise his office, &c.

successor shall be elected or appointed, and qualified according to law.

County officers of Wake and Orange to continue to exercise their offices within detached portions of said counties, until qualification of officers of Durham co.

SEC. 5. That the sheriffs and other county officers of Orange and Wake counties respectively, shall continue to exercise the functions of their respective offices in the detached portions of said last mentioned counties, until the county officers of said county of Durham shall be elected or appointed and qualified according to law.

Justices of the peace to be appointed for Durham co.

SEC. 6. That ..... justices of the peace shall be appointed as now provided by law for said county of Durham; and said justices of the peace shall, on the first Monday of May, Anno Domini one thousand eight hundred and eighty-one, assemble at the town of Durham and elect five commissioners for said county, who shall thereupon be forthwith qualified by any one of the said justices of the peace, and he shall certify such qualification and deliver his certificate in such respect to the clerk of said commissioners, and he shall file the same among the records and papers of his office; and said commissioners so elected shall hold their offices respectively until their successors shall be elected and qualified according to existing laws.

Commissioners to divide county into districts, &c.

SEC. 7. That it shall be the duty of said county commissioners, forthwith after their qualification, to divide the said county into convenient districts; to determine and fix the boundaries of the same, and prescribe names therefor, and designate voting places in said districts according to law, at which all elections by the qualified electors of said county of Durham shall be held.

Registration of electors, and election of county officers.

SEC. 8. That the said county commissioners, as soon as they shall establish said districts and voting places, shall provide, according to law, for the registration of electors and the election of county officers for said county, except as in this act otherwise provided, and an election for such officers shall be held on the first Thursday of August, Anno Domini one thousand eight hundred and eighty-one.

SEC. 9. That said commissioners, at their first meeting, shall appoint a sheriff, a coroner and constables for said county, who shall give bond and qualify as such officers according to existing laws, and said last named officers and all county officers so to be elected shall hold and exercise their offices respectively until their successors shall be elected or appointed according to existing laws, regulating the elections of sheriffs, coroners, constables, and other county officers.

Commissioners to appoint sheriff, &c.

To hold office until election of successors.

SEC. 10. That the town of Durham shall be the county town of said county of Durham, and the court house and jail thereof shall be located in said town on a site or sites to be selected by the county commissioners, and the site for the court house shall embrace at least one acre and a half of land, and the site for the jail at least one-half acre of land; and said county commissioners shall purchase or receive by donation lots or parcels of land sufficient for the last mentioned purposes; and shall proceed according to existing laws to have a court house and jail for said last mentioned county constructed; and until the same shall be completed or may be used, said commissioners shall select and provide a temporary place and suitable building for holding the court and preserving the records and transacting the business of said county of Durham, as in other counties.

County town.

Court house and jail.

SEC. 11. That the superior courts of this state shall have jurisdiction in and over said county of Durham, as such county, on and after the second Thursday of August, Anno Domini, one thousand eight hundred and eighty-one, to the same extent and in the same manner as the said courts have in and over the several counties of this state; and the said courts shall be within the fifth (5th) judicial district, and a superior court therefor shall be held on the first Monday in February and the first Monday in August of each succeeding year, and all actions, both civil and criminal, of which the said last mentioned court would have had jurisdiction, had the same

Superior courts to have jurisdiction in county after 2d Thursday in August, 1881.

County to be in fifth judicial district.

Superior court, when held.

Transfer of actions pending in courts of Wake and Orange.

Proviso.

existed at the time of the beginning of said actions, shall be removed into and tried or disposed of according to law in said last mentioned court: *Provided, nevertheless*, both civil and criminal, to which citizens of said county of Durham are parties, pending in the superior courts of said counties of Orange and Wake, may be continued in the courts of said counties respectively, at the option of the party residing in said county of Durham; but, when such actions shall be so transferred to the court of said county of Durham, it shall be without prejudice by reason of such transfer; and all persons who shall be adjudged to be imprisoned in said county of Durham, before the completion of a jail for said last named county, shall be committed to the jail of Orange county. But, until the second Thursday of August, Anno Domini one thousand eight hundred and eighty one, all actions, both civil and criminal, shall be begun and prosecuted as now provided by law.

Until 1st Thursday in Aug. 1881, actions to be begun and prosecuted as now provided by law.

Commissioners to be appointed to confer with commissioners of Wake and Orange in relation to proportionate part of debt of said counties to be assumed by Durham co.

Basis of settlement.

Tax to be levied.

Election to be held to ascertain will of people concerning establishment of county.

SEC. 12. That the county commissioners of Durham county shall be, and are hereby empowered to appoint three or more commissioners to confer with the commissioners of Orange and Wake counties, for the purpose of ascertaining the proportionate part of the public debt of Orange and Wake counties to be assumed by the county of Durham, and such settlement shall be based upon the amount of taxable property and polls according to the valuation of property in the year one thousand eight hundred and eighty; and said county commissioners shall proceed according to law to levy and collect a tax sufficient to pay such proportionate part of the debt of the counties of Orange and Wake, when it shall have been so ascertained.

SEC. 13. That, nevertheless, an election shall be held in said county of Durham, on second Thursday in April, Anno Domini, one thousand eight hundred and eighty-one, for the purpose of ascertaining whether or not a majority of the electors of said county shall be in favor of

the establishment thereof; that at such last mentioned election every male person born in the United States, and every such person who has been naturalized, twenty-one years old and upwards, and who shall have resided in the boundary line of said county for thirty days next before the said last specified day of election, except such persons as by the constitution and laws of this state are not deemed electors, shall be entitled to vote at said election in, and only in, the township or precinct where he shall reside, and be duly registered on the day of such election, except as hereinafter otherwise provided; and every elector voting at said election, who shall be in favor of the establishment of the said county of Durham, shall have printed or written on his ballot the words, "For the county of Durham," and every elector who shall be opposed to the establishment of said county of Durham shall have printed or written on his ballot the words, "Against the county of Durham," and the judges or inspectors of election, appointed by this act to hold said election in the several precincts respectively, shall carefully count the votes cast at such election, and designate the number so cast "For the county of Durham," and likewise the number so cast "Against the county of Durham," and respectively certify the result under their hands to the commissioners herein provided to canvass the votes cast at the several voting places in said county.

SEC. 14. That said election shall be held in that part of Durham township in said county of Orange, embraced in said county of Durham, in the town of Durham, by and under the superintendence of John C. Angier, registrar, S. W. Chamberlain and B. L. Duke; that said election shall be held in that part of Patterson township in said county of Orange, embraced in said county of Durham, at Patterson's Mills, by and under the superintendence of A. B. Couch, registrar, C. H. Carlton and A. P. Stroud; and likewise at Asa Gunter's in said last mentioned township, by and under the superintendence of G.

Electors.

Ballots.

Judges of election to count and certify result of election.

Polling places and inspectors of election.

A. Barbee, registrar, Rufus Massey and Simon Barbee; that said election shall be held in Mangum's township as now constituted in said county of Orange embraced within said county of Durham, and likewise that part of Little River township in said county of Orange embraced in said county of Durham, the whole making one township for the purpose of the said election at Mangum's store, by and under the superintendence of S. G. Scruggs, registrar, W. D. Lunsford and William Bass; that said election shall be held in Lebanon township, as now constituted in said county of Orange embraced in said county of Durham, at Bladen Springs, by and under the superintendence of J. G. Latta, registrar, S. H. Johnson and Thomas Lipscomb; and such electors as may reside in that part of said Little River township embraced in said county of Durham, shall register and vote at either of the last mentioned voting places in their discretion; that the said election within that part of Cedar Fork township, as now established in Wake county embraced in said county of Durham, shall be held at Cedar Fork church, by and under the superintendence of Ransom O'Brien, registrar, Hiram Weatherspoon and Asa Green; that the said election within that part of Oak Grove township, as now constituted in said county of Wake embraced in said county of Durham, shall be held at Sandy Level church, by and under the superintendence of John Hall, registrar, John Pollard and William Evans.

Registration of  
electors.

SEC. 15. The electors residing within the said county of Durham, whether they have heretofore been registered in the counties of Orange and Wake or not, shall each be registered in the township or precinct where he shall reside, before he shall be entitled to vote at said election, and to this end the several registrars, in section sixteen of this act appointed, shall, each in the township or precinct for which he is appointed, open a registration book for the registration of such electors as may reside in said last referred to township or precinct and be entitled to

vote; he shall open such registration book for the registration of such electors on Thursday next before the day of said election, and keep the same open for the registration of such electors from day to day, Sunday excepted, until and including Wednesday next before the day of said election; electors shall take the oath, which said registrars are hereby authorized to administer, now prescribed by law for electors, and registration shall be conducted as now prescribed by law, except as otherwise provided by this act; electors residing in that part of said Little River township in said county of Durham may, in their discretion, be registered either in said Mangum township in said county of Durham, or in that part of said Lebanon township in said county of Durham, but they shall vote only in the township where they shall so register.

SEC. 16. That John C. Angier be and he is hereby appointed such registrar for that part of the said township of Durham in said county of Durham, and the registration book for this township shall be so kept open for the registration of electors at Angier's store in Durham; A. B. Couch, registrar for the precinct in that part of Patterson's township in said county of Durham, embracing Patterson's mills, and the registration book for the precinct shall be so kept open at Patterson's store; G. A. Barbee, registrar for the precinct in said part of Patterson township embracing Asa Gunter's, and the registration book for this precinct shall be so kept open at G. A. Barbee's house; Ransom O'Brien, registrar for that part of said Cedar Fork township in said county of Durham, and the registration book for that township shall be so kept open at Ransom O'Brien's residence; John Hall, registrar for that part of said Oak Grove township embraced in said county of Durham, and the registration book for that township shall be so kept open at F. M. Barbee's store; S. G. Scruggs, registrar for said township of Mangum in said county of Durham, and the registration

Registrars of election.

[book] for that township shall be so kept open at Mangum's store; J. G. Latta, registrar for that part of Lebanon township in said county of Durham, and the registration book for that township shall be so kept open at J. G. Latta's residence.

Duty of registrars of election.

SEC. 17. Each of said registrars shall be as herein provided one of the judges or inspectors of election in the township or precinct for which he is such registrar; he shall have the registration book containing the names of the electors so registered by him at the proper voting place on the said day of election as now required by law; and he shall preserve such registration book and deposit the same in the office of the county commissioners of said county of Durham, as soon as they shall be organized.

Oath of inspectors of election.

SEC. 18. That the said judges or inspectors, so appointed to hold and superintend such election, shall each be sworn by an acting justice of the peace to well, truly and fairly hold such election, and certify the result thereof, as in this act provided; no elector after registration shall be challenged, except when he offers to vote, and if the right of any person offering to vote shall be challenged, any one of the said judges or inspectors at the voting place where such person so offers to vote, may administer an oath to such person and examine him touching his right to vote, and the said judges or inspectors holding said election at such last named voting place shall determine whether or not such person has the right to vote, and to allow or disallow his vote according to law, and the said judges or inspectors so holding said election shall respectively keep a written list of the names of the electors voting, and return the same with their certificate of the result of the election so held by them, and said judges or inspectors of election designated and charged to hold the said election at each voting place shall respectively, as soon as the result of the election shall be so ascertained, designate one of their number to convey the certificate of the result of the election so held by them to the town

Challenges.

List of voters.

Certificates of result of election to be sent to Durham.

of Durham by twelve o'clock meridian of Friday next after the day of said election; and the judges or inspectors so conveying such certificate of the result of said election at the voting places represented by them respectively, shall compose and constitute a board of canvassers to compare and count and ascertain the result of the vote so cast and certified in said county of Durham, and this shall be done on the said last mentioned day; and the canvassers so comprising said board shall be sworn by any justice of the peace to well and faithfully so ascertain the result of the said vote so cast in said county; and as soon as the said board shall so ascertain the result of said vote in said county of Durham, they shall certify the said result under their hands to the governor, and he shall forthwith make known such result by proclamation, and if it shall turn out that a majority of the votes so cast in the said county of Durham were "For the county of Durham," then in that case the said county of Durham shall thenceforth continue to be such county, as by this act established; but if, on the contrary, it shall turn out that a majority of the votes so cast in the said county of Durham were "Against the county of Durham," then in that case the said county of Durham shall cease to be such county, and this act shall be inoperative and of no further effect, and the counties of Orange and Wake shall remain respectively as they now are.

Board of Canvassers.

Result to be certified to governor.

Governor to make proclamation.

If result of election in favor of county, the county of Durham to continue to exist.

If not, this act to become inoperative.

SEC. 19. If for any cause any one of the judges or inspectors, so appointed to hold said election, shall fail to discharge the duty with which he is by this act charged, then the acting judges or inspectors or judge or inspector may appoint a judge or inspector to supply his place.

Vacancies.

SEC. 20. The polls at the said voting places as to time, shall be opened and closed as now provided by law for the election of members of the general assembly.

Polls, when opened and closed.

SEC. 21. If any person shall disturb, prevent or in any way interfere with said election, any person so offending shall be deemed guilty of a misdemeanor, and, on conviction,

Penalty for interfering with election.

tion in the superior court, shall be fined and imprisoned in the discretion of the court.

Penalty for illegal voting.

SEC. 22. If any person shall vote at such election, who is not entitled to vote, however said judges or inspectors may decide every person so voting, shall be deemed guilty of a misdemeanor, and, on conviction in the superior court, shall be fined and imprisoned in the discretion of the court.

Registrars of election to be sworn, &c.

SEC. 23. Said registrars shall be sworn to faithfully discharge their duty as such by any acting justice of the peace, and such registrar shall respectively register such persons as shall become qualified in respect of age and residence or otherwise on the day of election, and such person so registered shall be allowed to vote.

If majority of votes cast in Cedar Fork and Oak Grove townships are against county, the portions of said townships within the proposed line of Durham county shall not constitute part of said county.

SEC. 24. If at the election provided by this act a majority of those who vote in the township[s] of Cedar Fork and Oak Grove, in the county of Wake, shall vote "Against the county of Durham," then those portions of said townships comprehended within the line of the county of Durham shall not be part of said county of Durham, but shall be and remain portions of the county of Wake, notwithstanding the townships in Orange may vote for said county of Durham, and in that event said county of Durham shall consist of the territory mentioned in this act exclusive of said portions of Cedar Fork and Oak Grove townships.

SEC. 25. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 28th day of February, A. D. 1881.

## CHAPTER 139.

AN ACT FOR THE BETTER PROTECTION OF PORTIONS OF ROWAN COUNTY WHERE THE STOCK LAW NOW PREVAILS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That sections one, two and three of chapter twenty-four of the acts of the special session of the year one thousand eight hundred and eighty, are hereby made a part of this act.

Ch. 24, §§ 1, 2, 3, laws, special session 1880, made part of this act.

SEC. 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction may be punished by fine or imprisonment, or both, in the discretion of the court.

Misdemeanor.  
Penalty.

SEC. 3. That sections eight, nine, ten, eleven, twelve, thirteen and fourteen, of chapter one hundred and thirty-five of the public laws of the year one thousand eight hundred and seventy-nine, are hereby re-enacted and made a part of this act.

Ch. 135, §§ 8, 9, 10, 11, 12, 13, 14, laws 1879, made part of this act.

SEC. 4. That this act shall apply immediately to the following portions of Rowan county, viz: To the townships of Atwell, Mt. Ulla Locke and Franklin, to that portion of Scotch-Irish township, included within the limits of the boundaries which are defined in section two of said chapter one hundred and thirty-five of the public laws of the year one thousand eight hundred and seventy-nine, to that portion of Salisbury township bounded on the north by Grant's creek, on the south by the North Carolina Railroad, on the east by the Yadkin river, and on the west by the Salisbury town line and the Western North Carolina Railroad ; and to all those portions of said county where a stock law prevails, pursuant to section sixteen of the said chapter one hundred and thirty-five of the public laws of one thousand eight hundred and seventy-nine. This act shall also apply to all those portions of said county where a stock law now prevails or shall

Act applicable immediately to certain portions of Rowan co.

hereafter prevail in pursuance of said chapter one hundred and thirty-five as aforesaid.

Ch. 24, §§ 4, 5, laws  
special session  
1880, repealed.

SEC. 5. That sections four and five, of chapter twenty-four of the acts of the special session of one thousand eight hundred and eighty are hereby repealed.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

## CHAPTER 140.

### AN ACT TO INCORPORATE THE DANVILLE AND HAW RIVER RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That a company by the name and style of the Danville and Haw River Railway Company be and the same is hereby incorporated with a capital stock of five hundred thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a railroad from some point on the Virginia and North Carolina line, near Danville, Virginia, to Yanceyville in Caswell county, thence to Graham in Alamance county, and thence on the western side of Haw river to intersect with the Raleigh and Augusta Air-Line Railroad at or near Moncure in the county of Chatham, the termini to be fixed by the president and directors of said company; and, when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for the term of ninety-nine years.

Capital stock.

Route.

Termini, how fixed.

Commissioners.

SEC. 2. That for the purpose of creating the capital stock of said company, the following persons be and they are hereby appointed general commissioners, A. E. Hen-

derson, W. B. Graves, J. A. Long, George Williamson, I. O. Anderson and Henry Hodges, of the county of Caswell, Jas. H. Holt, Jno. W. McCauley, Nathaniel Wooley, Lawrence S. Holt, P. R. Harden and J. W. White of the county of Alamance, Matthew Atwater and S. S. Webb of the county of Orange, R. James Powell, Capt. W. L. London, Luther B. Bynum, Capt. J. H. Wissler and Major John W. Scott of the county of Chatham, to open books of subscription at Yanceyville, Graham, Pittsboro, Bynum's Mills, and at such other places and under the directions of such other persons as a majority of the commissioners above named may deem proper, for the purpose of receiving subscriptions to the capital stock of said company, at any time after the ratification of this act, first giving twenty days' notice; and the said books when opened shall be kept open for the space of thirty days at least, and as long thereafter as the commissioners above named shall deem proper, and the said first named commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, and to make return of subscriptions of stock by them respectively received.

Books of subscription.

SEC. 3. That whenever the sum of twenty-five thousand dollars shall have been subscribed in manner and form aforesaid, the subscribers, their executors, administrators and assigns shall be and they are hereby declared incorporated into a company by the name and style of the Danville and Haw River Railway Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or demise, so far as may be necessary for the purposes embraced within the object and intent of this charter; and shall have succession, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law and equity in this state, and may have and use a

When subscribers to become incorporated.

Name.

Powers.

common seal, and shall have and enjoy all other rights and immunities which other corporate bodies may, and of right do enjoy, and exercise and make all by-laws, rules and regulations as are necessary for the government of the corporation or effecting the object for which it was created, not inconsistent with the constitution and laws of the state.

General meeting  
of stockholders.

SEC. 4. That it shall be the duty of the commissioners named in this act for receiving subscriptions, or a majority of them, as soon as the sum of twenty-five thousand dollars shall have been subscribed in manner as aforesaid, and five per centum paid to the commissioners aforesaid, to give public notice thereof, and at the same time to call a general meeting of the stockholders, giving at least twenty days' notice of the time and place of meeting, a majority of the stockholders being represented in person or by proxy, shall proceed to elect a president, treasurer and nine directors out of the number of stockholders, and enact such by-laws as they may deem necessary for their government, and the said president and directors shall have power to perform all the duties necessary in the government of the corporation and the transaction of the business of the company, and at that meeting the stockholders shall fix on the day and place when the annual election shall be held for president, treasurer and directors, who shall hold their office for one year only; but if the day of annual election of officers should under any circumstances pass without an election, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election takes place.

Officers.

Annual election.

Failure to elect  
officers not to  
cause a dissolution  
of corporation.

Vacancies.

SEC. 5. That the board of directors may fill any vacancies, which may occur in it during the period for which they have been elected, and in the absence of the president may appoint one *pro tempore* to fill his place.

Subscriptions,  
how payable.

SEC. 6. That the board of directors may call for the sums subscribed as stock in said company in such install-

ments as the interest of the company may, in their opinion, require: due notice of such call shall be given at least one month before day of payment; and, on failure of any stockholder to pay each installment as thus required, the directors may sell at public auction, on a previous notice of twenty days for cash, all the stock subscribed for in said company by such stockholders and convey the same to the purchaser at said sale, and if the sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder in the company, then and in that case the whole of such balance shall be held at once to the company, and may be recovered of such stockholder or his executor, administrator or assigns at the suit of said company, or by action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum is within the jurisdiction of a justice of the peace; and all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on said stock, both the original subscriber and the first and all subsequent assigns shall be liable to the company, and the same may be recovered as before described.

Sale of stock for failure to pay installments, &c.

SEC. 7. That the said company shall issue certificates of stock to its members; and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates of stock.

SEC. 8. That all contracts or agreements authenticated by the president and secretary of the board shall be binding on the company, with or without a seal: such mode of authentication shall be used by the company as may be prescribed by their by-laws.

Contracts.

SEC. 9. That for the purpose of constructing said road, the company are hereby authorized and empowered by a vote of the stockholders in general meetings assembled to increase their capital stock to an amount, sufficient in their opinion to effect the object, and to raise money by

Increase of capital stock.

Power to borrow  
money upon  
mortgage bonds.

loan or otherwise, sufficient to complete and equip said road upon such securities and in such manner as the stockholders may direct, and 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.

Condemnation of  
land.

SEC. 10. That when any lands or right of way be required by the said company for the purpose of constructing their roads, buildings, warehouses, water stations, work shops, depositories, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five good and lawful freeholders to be summoned by the sheriff of the county in which the land required by the company may lie; and in making the said valuation, the said jury shall take into consideration the loss or damages which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefits or advantages he, she or they may receive from the construction of said road, and shall state particularly the value and amount of each; and the excess of loss or damages, if any, over and above the advantages and benefits shall form the measure of valuation of said land or right of way: *Provided, nevertheless,* That if any person or persons over whose land said road may pass or the company may be dissatisfied with the valuation thus made, then in that case either party may appeal to the next court having jurisdiction thereof to be held thereafter, and the sheriff shall return to the said court the verdict of the jury with all the proceedings thereon, and the lands or right of way so valued by the jury shall vest in the company, so long as the same shall be needful for the purposes of said railroad, so soon as the valuation may be paid or tendered to the owner or owners of said lands: *Provided further,* That the right of said company shall not authorize the condemnation of any lands which may

Proviso.

invade the dwelling-house, yard, garden or grave-yard of any individual without his or her consent.

SEC. 11. That for the purpose of laying off and constructing a railroad, known as the Dauville and Haw River Railroad Company, the directors shall have the right of way in accordance with laws of North Carolina now in existence, and may exercise all other rights and privileges that are now enjoyed by other boards of directors of all other corporations of a like character in the state, and shall have full power to construct said railroad upon such plan as they may deem expedient.

SEC. 12. That all the officers of said company, and servants and persons in the actual employment of said company, be and they are hereby exempt from performing ordinary militia duty, working on public roads and serving as jurors.

SEC. 13. The said railroad company may receive subscriptions in real estate, stocks, labor, timber, money, &c., at such valuation as the president and directors may accept.

SEC. 14. That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise, coal, mineral, ores, produces, &c., over said road at such charges as may be fixed on by a majority of the directors; and that the profits of the said company, or so much thereof as the board of directors may deem advisable, shall, when the finances of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock each may own.

SEC. 15. That the said railroad company shall have the power to cross the track of other railroads, and to build branches to their main stem in any direction not exceeding twenty-five miles.

SEC. 16. That it shall be lawful for said company to receive not exceeding one hundred thousand acres of land in payment for subscription of stock: *Provided*, That it

shall not be lawful for said company, at the expiration of ten years after the completion of this road, to hold more land than shall be necessary for the use of the road.

Construction of road, where to begin.

SEC. 17. That the said company may begin the construction of said road at any point on the line of location, according to their discretion, and that for any portion of said road actually constructed, the company shall be entitled to all the privileges of this act into and over such part so constructed.

Privileges of act applicable to any portion of road constructed.

Authority to lease, sell, consolidate, &c.

SEC. 18. That the said railroad company is hereby fully authorized and empowered, by a majority vote of the capital stock of this company subscribed and paid, to sell, lease or otherwise dispose of as they may deem proper, said railroad, or consolidate with other connecting railroads in or out of this state, and that all laws and parts of laws militating against this act be and the same are hereby repealed.

Salary of president.

SEC. 19. That the salary of the president shall be fixed by the stockholders in general meeting.

Subscriptions by corporations.

SEC. 20. That it shall be lawful for any corporation in their corporate capacity to subscribe stock in said company.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

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## CHAPTER 141.

AN ACT TO CARRY INTO EFFECT CERTAIN PROVISIONS OF THE CONSTITUTION OF THE STATE IN REGARD TO THE UNIVERSITY.

Preamble.

WHEREAS, The constitution of this state, by section sixth, chapter ninth, provides that the general assembly

shall have authority to provide for the maintenance and management of the University of North Carolina ;

AND WHEREAS, By article ninth and section seventh of the constitution, it is made the duty of the general assembly, as soon as practicable, to provide that the benefits of the University shall be extended to the youth of the state free of charge for tuition ;

AND WHEREAS, By article ninth, section fourteenth of the constitution, it is made the duty of the general assembly " to establish and maintain in connection with the University, a department of agriculture, of mechanics, of mining and of normal instruction ;"

AND WHEREAS, Twelve years having elapsed since the adoption of the foregoing provisions of the constitution, in the opinion of the general assembly, it is now practicable, and it therefore becomes their duty to the extent hereinafter mentioned, to carry the same into effect ;

AND WHEREAS, An efficient system of public schools cannot be obtained without competent teachers for the same, and it is of vast importance to the well-being of the state that its young men of all pursuits shall be able to secure the advantages of higher education as cheaply as possible ; therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. The sum of five thousand dollars shall be and is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable to the treasurer of the trustees of the University of North Carolina, in equal semi-annual installments, on the first days of April and October of each and every year, beginning on the first day of April, one thousand eight hundred and eighty-one.

Annual appropriation of \$5,000 to University.

Payable in semi-annual installments.

SEC. 2. It shall be the duty of the trustees of the University to use said appropriation, as far as may be practicable, in carrying into effect the above recited sections of

Manner in which appropriation shall be used.

the constitution, and particularly they shall provide such advanced instruction as may enable their students to learn the art of teaching in the University normal school, and to be well qualified to become teachers of the schools of the state.

SEC. 3. No person shall be appointed as a county student in the University of North Carolina under the act of the general assembly ratified February eleventh, one thousand eight hundred and seventy-seven, chapter second, unless it shall be proved to the satisfaction of the board of commissioners of said county, by the oaths of the applicant and of one or more credible witnesses, which shall be by affidavit in writing, to be kept in the office of said board, that neither said applicant, nor his guardian, nor parents, or either of them, has the requisite means to pay his tuition and room rent at the University, that he is a citizen of the state and a resident of said county, and that he is of good moral character and capacity for usefulness. The said appointment shall be revocable, if at any time the board shall be satisfied that the facts sworn to, or either of them, are untrue, or that the applicant, or his guardian, or parents, or either of them, shall have become able to pay such tuition and room rent. If the faculty of the University shall become satisfied that said student is not really entitled, they shall, after ten days' notice given to the said student, bring the facts to the attention of the board, and ask that his appointment be revoked, which it shall be the duty of the board to do, if satisfied of the truth of the allegations. If any student shall obtain the county appointment as aforesaid without being entitled thereto, he shall be liable to pay tuition and room rent to the same extent as if the appointment had not been made, and if he be a minor, his father or guardian shall be liable to pay the same.

SEC. 4. The trustees shall require each student who may receive tuition free of charge at the University, to promise in writing to teach in some school in the state

Who eligible to appointment as county student under ch. 2, §3, laws 1866-'67.

Appointment revocable by board of commissioners.

When trustees to ask commissioners to revoke appointment.

Student obtaining county appointment without being entitled liable for tuition, &c.

Student receiving free tuition to promise in writing to teach after leaving University.

after leaving the University, for a period of time of at least half the length of that during which he may receive such free tuition at the University.

SEC. 5. That the state board of education be directed to establish other normal schools than those at Fayetteville and the University, and that the sum of two thousand dollars per annum is hereby appropriated for such schools for white teachers, and the sum of two thousand dollars for such schools for colored teachers authorized by this act, in addition to the appropriation heretofore made for normal schools: *Provided, however,* That the number of schools shall not be less than four for each color.

State board of education to establish normal schools other than those at Fayetteville and the University.  
Appropriation.  
Proviso.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

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## CHAPTER 142.

AN ACT ALLOWING ALEXANDER COUNTY IN THE EIGHTH JUDICIAL DISTRICT TWO WEEKS TERM FOR SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the superior courts for the county of Alexander shall begin on the tenth Monday after the fourth Monday in March and September of each and every year, and shall continue for two weeks.

When superior courts of Alexander to be held.  
To continue two weeks.

SEC. 2. That all processes, recognizances and other legal proceedings in civil and criminal actions, which have already been issued and had, or which may hereafter be made returnable to the next term of the superior court for the county of Alexander, shall be deemed and held returnable to the term of said superior court as now fixed by this act, and all persons who have been recognized or bound and summoned to appear at the next term of said

Process, &c.

superior court are hereby required to appear at the term as prescribed in 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 be in force from and after its ratification.

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

### CHAPTER 143.

AN ACT TO DECLARE HIAWASSEE RIVER A LAWFUL FENCE.

*The General Assembly of North Carolina do enact :*

Hiawassee river from Fiar's creek to Georgia line declared a lawful fence.

SECTION 1. That Hiawassee river, from its confluence with Fiar's creek to the Georgia state line, be and the same is hereby declared a lawful fence between enclosed lands, and shall be held as such for all purposes.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

### CHAPTER 144.

AN ACT TO EMPOWER COUNTY SURVEYORS AND THEIR DEPUTIES TO ADMINISTER OATHS IN CERTAIN CASES.

*The General Assembly of North Carolina do enact :*

County surveyors and deputies empowered to administer oaths in making partition of lands, &c.

SECTION 1. That the county surveyors of the several counties of this state and their authorized deputies, are empowered to administer oaths to all such persons as are

required by law to be sworn in making partition of real estate in laying off widows' dowers, in processioning land lines and in surveying vacant lands under warrants.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

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## CHAPTER 145.

### AN ACT TO PROVIDE FOR REVISING AND DIGESTING THE PUBLIC STATUTE LAWS OF THIS STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William T. Dortch, John Manning and John S. Henderson, Esquires, be and they are hereby appointed commissioners to collate, digest and revise all the public statute laws of this state now in force, and including those which may be enacted during the present session of the general assembly.

W. T. Dortch,  
John Manning  
and J. S. Henderson  
appointed  
commissioners to  
revise and digest  
public statute  
laws.

SEC. 2. The commissioners shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subjects, ought, in their judgment, to be so arranged and consolidated; distributing them under such titles, divisions and sections as they shall think proper, with marginal notes of such statutes or parts of statutes as may be collated and digested in each title, division or section, with full references under each section to the decisions of the supreme court pertaining to the subject matter thereof. They shall also prepare a good and full alphabetical index of the matters contained in such revision or digest; and follow and retain as near as may be the general arrangement and plan of revision adopted by the commissioners for revising

Duties of com-  
missioners.

the statute laws of this state, under the act of the general assembly as passed at the session of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, and in every other respect they shall complete the said revision in such manner as to them shall seem most useful and proper to render the said act more plain and easy to be understood.

Commissioners to designate such acts as should be repealed, &c.  
To suggest the passage of necessary acts.

SEC. 3. The said commissioners shall designate such acts or parts of acts, if any, as in their judgment ought to be repealed, changed or modified; and may also suggest the passage of such new acts or parts of acts, as shall seem to them necessary in order to improve and perfect the whole.

What revisal to contain in addition to public statutes.

SEC. 4. The said revisal or digest, in addition to the public statutes as aforesaid, shall contain the constitutions of this state and the United States, and the several acts of Congress regulating the naturalization of foreigners, and prescribing the mode in which records and judicial proceedings shall be authenticated in every other State. Each of the said constitutions shall be furnished with a good alphabetical index with full references under each section thereof and of the said acts of Congress to the decisions of the supreme courts of the United States and of the state of North Carolina pertinent thereto.

Revisal to be submitted to next general assembly.  
To be printed, &c.

SEC. 5. Said commissioners shall prepare the said digest and revisal so that the same may be submitted to the next general assembly; and shall cause to be printed in convenient form five hundred copies thereof for the use of the said general assembly.

Compensation of commissioners.

SEC. 6. Said commissioners shall receive as compensation for their services one thousand five hundred dollars each, to be paid out of the public treasury upon the warrant of the governor; and they may employ a clerk at a compensation not exceeding seven hundred and fifty dollars, who shall also be paid out of the public treasury upon the warrant of the governor.

Clerk.

Compensation.

SEC. 7. Any vacancies, occurring in the commissioners Vacancies. herein provided, shall be filled by the appointment of the governor.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

## CHAPTER 146.

AN ACT TO REGULATE THE SIZE OF THE MESHES OF DRAG-NETS AND SEINES TO BE USED [IN] NEUSE AND TRENT RIVERS AND THEIR TRIBUTARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to use any drag-net or seine with meshes of a less size than one and a quarter inches, in the Neuse and Trent rivers, or in any of the tributaries thereof: *Provided, however,* That any person may use drag-nets and seines with meshes of a less size, from the fifteenth day of January to the fifteenth day of May for the purpose of catching herring: *Provided, further,* That the provisions of this act shall not apply to the waters of the Neuse and its tributaries above the Wayne and Johnston county lines. Unlawful to use drag net or seine with meshes less than one and a quarter inches in size. Proviso. Proviso.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than fifty dollars for each and every offence. Misdemeanor. Penalty.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

## CHAPTER 147.

AN ACT TO REGULATE PILOTAGE IN CERTAIN CASES AT HATTERAS, OCRACOCKE AND BEAUFORT INLETS.

*The General Assembly of North Carolina do enact :*

Vessels required to pay pilotage only as agreed between pilots and commanders of vessels when such commanders produce certificate from boards of navigation of certain towns that they are competent pilots, &c.

SECTION 1. That no vessels sailing in or out of the inlets at Hatteras, Ocracoke or Beaufort shall be required to pay pilotage in or out of said inlets or over the swashes thereof, except upon stipulations or agreement of pilots with the commanders of such vessels, whenever said commander shall produce a certificate from the board of navigation of the towns of Beaufort, New Berne, Washington, Elizabeth City or Edenton, or the commissioners of navigation at Hatteras inlet, setting forth that the said commander is a competent pilot for said inlet through which such vessel is about to pass.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

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 CHAPTER 148.

AN ACT TO AMEND CHAPTER SIXTY-TWO, LAWS ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact :*

Ch. 62, §1, laws special session, 1880, amended.

SECTION 1. That chapter sixty-two of the laws of the special session, one thousand eight hundred and eighty, entitled an act to amend an act entitled an act to provide for the laying off of a road from Quaker bridge in Jones county, to a point near Tar Landing in Onslow county, be and the same is hereby amended by striking out the

words twenty-five in line ten of section first, and by inserting the word *fifty*. Further, by striking out the words "for the period of twelve months, unless said road is sooner completed," and inserting the words *until the said road is finished*. Further, by adding after the words "that the expenses of superintending" the word *guarding*.

SEC. 2. That said act be further amended by adding at <sup>22</sup> amended. the close of the second section the following: That when the said road is completed the said convicts shall be transferred to the projected road running from Trenton in Jones county, to Core creek in Craven county, and be required to work on the same until said last named road is finished.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 149.

AN ACT TO DONATE ONE ACRE OF STATE LAND TO SHAW UNIVERSITY FOR THE PURPOSE OF ERECTING A COLORED MEDICAL COLLEGE.

WHEREAS, Certain philanthropists have contributed <sup>Preamble.</sup> and placed in the hands of Henry M. Tupper, president of Shaw University, a sufficient sum of money to erect the necessary buildings for a colored medical college;

AND WHEREAS, It is very necessary to have said college located upon ground contiguous to said University; now therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That one square acre of ground, to be taken from the southeast corner of the lot on which the gov- <sup>One acre of land from lot, on which governor's</sup>

mansion is located, donated to Shaw University. erpor's mansion is now located, shall be and the same is hereby donated to the trustees of Shaw University, to be How to be held. by them held in trust for the purpose of establishing a medical college for colored students.

Governor to have survey made. SEC. 2. That the governor shall be, and he is hereby authorized and empowered to have the same laid off by some competent surveyor immediately after the passage

Proviso. of this act: *Provided, however,* That the erection of the buildings for said college shall commence within one year and be completed within three years from the pas-

Proviso. sage of this act: *And provided, further,* That if the buildings herein mentioned are not commenced and finished within the time prescribed, or if at any time the property hereby donated shall cease to be used for the purposes set forth in this bill, or shall be used for any other purpose, then the title to the land hereby donated shall be vested again in the state of North Carolina.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 150.

AN ACT TO AUTHORIZE THE ENTRY AND PATENT OF LANDS IN JONES, CRAVEN, ONSLOW, TYRRELL, CARTERET AND DARE COUNTIES, BELONGING TO THE LITERARY BOARD OF THIS STATE.

*The General Assembly of North Carolina do enact :*

Lands held by literary board in certain counties subject to entry, &c.

SECTION 1. That it shall be lawful for any and all persons to enter any land known as the lands belonging to the literary board in the counties of Jones, Craven, Onslow, Tyrrell, Carteret and Dare under the same laws pertaining to entry and patent of state lands.

SEC. 2. That the price of said lands shall be agreed upon between the parties purchasing or entering said lands and the state board of education. Price of land.

SEC. 3. That all laws or parts of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 151.

### AN ACT IN RELATION TO THE FRAUDULENT DISPOSITION OF CERTAIN PUBLIC DOCUMENTS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be the duty of the clerk of the superior court of each county, and every other person to whom the acts of the assembly, supreme court reports or other public documents are transmitted or deposited for the use of the county or the state, to safely keep the same in their respective offices; and if any such person having the custody of such books and documents for the uses aforesaid, shall negligently and wilfully dispose of the same by sale or otherwise, or refuse to deliver over the same to his successor in office, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine or imprisonment at the discretion of the court. Duty of superior court clerks and other public officers to safely keep supreme court reports and other public documents, &c. Misdemeanor to dispose of them, &c. Penalty.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 152.

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

*The General Assembly of North Carolina do enact:*

County commis-  
sioners author-  
ized to levy spe-  
cial tax to mac-  
adamize exten-  
sion of West De-  
pot street.

SECTION 1. That the commissioners of Cabarrus county be and they are hereby authorized and required to levy a special tax, at the same time with other levies, upon the taxable property and polls of said county for the year one thousand eight hundred and eighty-one, and apply said special tax to macadamizing the extension of West Depot street, of the town of Concord, in said county, from the corporate limits of said town to the railroad-bed at the depot of Concord station, on the North Carolina railroad. The said special tax shall not exceed the sum of twenty-five hundred dollars, and shall be collected and accounted for by the sheriff or other collecting officer of said county, in the same manner, under the same penalties and within the same [time] as other taxes levied in said county: *Provided*, That nothing in this act shall be construed to exempt from the levy and collection of said special tax, the property or polls of said town of Concord: *And provided, further*, That the constitutional equation between property and polls shall be observed in the levy of said tax.

Tax not to exceed  
\$2,500.  
How collected.

Proviso.

Proviso.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 153.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW LANDS OF THE COUNTIES OF CATAWBA, LINCOLN, ROWAN, DAVIE, IREDELL, MECKLENBURG, CALDWELL AND BURKE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any number of citizens in the counties of Catawba, Lincoln, Rowan, Davie, Iredell, Mecklenburg, Caldwell or Burke, desirous of draining their lands along any stream or water course therein, may petition the board of county commissioners of the county in which said land is situated, or if the said land desired to be drained lies in more than one of said counties, then to the judge of the superior court of either county, in which said land is situated, to appoint five commissioners, whose duties shall be as hereinafter prescribed.

Commissioners to be appointed on petition of citizens.

SEC. 2. That said petition shall set forth the points between which they desire to drain their lands, and that the same cannot be drained and said water course kept free from obstruction, unless by the combined efforts of the land owners along said stream or water course.

What petition shall set forth.

SEC. 3. That the contents of said petition shall be advertised at the court house door and in three other public places in the county for one month, if the application is made before the county commissioners; if made before the judge of the superior court, then in a public newspaper, if any there be in either county through which said stream runs and is to be drained, and if none in said counties, then in any other public newspaper in said state.

Contents of petition to be advertised.

SEC. 4. That other land owners along said stream or water course may file a counter petition to the same, and the tribunal before whom the said application is made may grant or reject the same.

Counter petition.

SEC. 5. That if said commissioners or judge grant the said petition, then it shall be the duty of the said county commissioners or judge, as the case may be, to appoint

If petition granted county commissioners to appoint commissioners.

five commissioners, land owners on said stream or water course, whose duty it shall be, as soon as practicable, to lay off said water course or stream, between the designated points into convenient sections, and for each section appoint one overseer, who shall also be a land owner on the section for which he is appointed, and he shall hold his office for the term of three years, or until his successor is appointed.

Duties of commissioners.

Overseer.

Chairman.

Vacancies.

SEC. 6. That a majority of said commissioners shall have power to select one of their number chairman, and may fill any vacancies in their number or that of the overseers, and in case they fail to fill any vacancy, then the commissioners of the county or the judge of the superior court, as the case may be, shall fill the same upon application of any one or more persons interested in the same.

Duty of commissioners.

SEC. 7. The said commissioners, so appointed, shall estimate the number of acres of bottom land on said stream or water course between said designated points, and shall furnish each overseer with the said estimate for his section, and after five days' notice by said overseer, each land owner shall furnish appropriate tools and work on said stream or water course under the supervision of the overseer for not more than four days in any one year for every fifteen acres of land so estimated, or in that proportion for a greater or less number of acres: *Provided*, That in lieu of such work any such land owner may pay in money such sum as the commissioners may assess against him as a fair compensation according to the benefits accruing to such land owners: *Provided, further*, That said commissioners, in their discretion, may order any or all the overseers with their respective hands, when deemed necessary, to work at any point on said stream or streams.

Land owners to furnish tools, &c.

Proviso.

Proviso.

Duty of overseers.

SEC. 8. That it shall be the duty of the said overseers, under the directions of the said commissioners with the persons so assigned, or the money so received by assessment against the land owners, to clean out the channels,

remove all obstructions, improve the banks, widen and deepen the stream, or cut a new channel, or straighten the same as the said commissioners may deem necessary.

SEC. 9. That any person who shall wilfully and knowingly fell timber or otherwise obstruct the waters in the channel of said creek or water course between said points of said boundary, and shall permit the same to remain therein for the space of twenty days, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any competent tribunal, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Unlawful to obstruct waters, &c.

Misdemeanor.

Penalty.

SEC. 10. That any person failing to work on said creek or water course, or pay the assessment made against him, who is a land owner as aforesaid, and who has been duly notified as aforesaid, shall be subject to all the fines and penalties as in case of a failure to work on public roads, to be received by the overseer of the section in which the delinquency occurred, and the money so received shall be applied to the drainage of said creek or water course as aforesaid, and any overseer neglecting the duties required by 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 and every offense.

Failure to work, &c.

Penalty.

Money received from fines, &c., how applied.

Overseer neglecting duty guilty of misdemeanor.

Penalty.

SEC. 11. That said commissioners so appointed shall be a body politic and corporate, and shall have power to sue and be sued, plead and be impleaded in all the courts of this state, and shall have a common seal and a perpetual succession, and shall have all the powers necessary to carry out the purposes of this act.

Commissioners a body politic. Powers.

SEC. 12. That any person or persons being endamaged by the fully carrying into effect this act shall have his remedy at law or in equity, as the case may be, against said commissioners.

Action for damages.

SEC. 13. That said commissioners, in order to pay off any damage that may be secured against them, shall have power to assess the respective land owners along

Assessment of land owners to pay damages.

said stream or water course, according to the benefit that they may receive by reason of any removal of any obstruction or otherwise in said stream.

Right of appeal. SEC. 14. That any person, when assessed, shall have the right to appeal from the decision of said commissioners to the superior court, which shall hear the same as in other cases in said court.

Building bridges, &c., not prohibited. SEC. 15. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream or water course, and necessary water-gates by the land owners for their convenience.

No exemption from working roads. SEC. 16. That nothing herein contained shall be so construed as to prevent persons therein mentioned from working on public roads.

Repeal of conflicting law. SEC. 17. That all acts and clauses of acts inconsistent with this act are hereby repealed.

SEC. 18. That this act shall be in force from and after its ratification.

Read in the general assembly three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 154.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, ENTITLED AN ACT TO PROVIDE FOR DRAINING SWAMP LANDS IN COLUMBUS AND ROBESON COUNTIES, WITH CONVICT LABOR.

*The General Assembly of North Carolina do enact :*

Ch. 129, laws 1879, amended. SECTION 1. That chapter one hundred and twenty-nine, laws of one thousand eight hundred and seventy-nine, entitled an act to provide for draining swamp lands in Columbus and Robeson counties with convict labor, be and the same is hereby amended by adding after the

words "Robeson county," wherever they occur in said act Bladen county added.  
the words "or Bladen county."

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 155.

AN ACT TO AMEND AN ACT TO INCORPORATE THE SULPHUR SPRINGS AND PAINT ROCK TURNPIKE COMPANY IN BUNCOMBE AND MADISON COUNTIES, BEING CHAPTER TWO HUNDRED AND NINETY-SEVEN OF THE PUBLIC LAWS OF NORTH CAROLINA, PASSED BY THE GENERAL ASSEMBLY AT ITS SESSION OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ninety-seven (297) of the public laws of one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, entitled an act to incorporate the Sulphur Springs and Paint Rock Turnpike Company, be amended as follows: Ch. 297, laws 1854-55, amended.

(1.) Insert after the word "from" in the secune line of section one the words *Asheville and* Route.

(2.) Strike out the words "James Gudger, Peter Plemmons, Robert L. Henry and Robert Paine," in section two, and insert in lieu thereof the following: *B. G. Gudger, Solomon Hampton, W. L. Henry and Garrison Roberts.* Commlsstoners.

(3.) Strike out in line two of section five the words "county court" and insert in lieu thereof the words *the board of county commissioners.* Appointment of commissioners to examine road.

(4.) Strike out all between the words "upon" in line nine in section seven down to and including the word

Persons exempt  
from toll.      “Shuten” in line ten of said section, and insert in lieu thereof the following: *the west side of the French Broad river in the county of Madison, and upon the west side of said river, and north of the western turnpike road in the county of Buncombe.*

When toll gates  
to be erected, &c.

SEC. 2. That whenever twenty miles of said road shall have been completed, and notice thereof given as provided in section five of said act, it shall be lawful for said company to erect a toll-gate thereon and charge and collect tolls; and the labor assigned to said road by section eight of said act shall then be available.

Ch. 297, laws 1854  
'55, re-enacted as  
amended.

SEC. 3. That the said chapter two hundred and ninety-seven (297) of the public laws of one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, as amended by this act and all amendatory thereof, are hereby re-enacted.

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

Read three times in the general assembly, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 156.

AN ACT TO AMEND AN ACT TO INCORPORATE THE NORTH-WESTERN RAILROAD COMPANY, RATIFIED THE TWENTY-THIRD DAY OF FEBRUARY, ANNO DOMINI, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

*The General Assembly of North Carolina do enact:*

Ch. 100, §1, laws  
1866-'7, amended.

SECTION 1. That section first of an act entitled an act to incorporate the North Western Railroad Company, (being chapter one hundred of the acts passed by the general assembly at its session of one thousand eight hundred and sixty-six and one thousand eight hundred

and seventy-seven), ratified the twenty-fifth day of February, Anno Domini, one thousand eight hundred and seventy-seven, be amended, by striking out all of said section from the beginning thereof, to the word "and" and including the words "McDowell county," and inserting in lieu thereof the following words, to-wit: That a company is authorized to be formed with a capital stock of not more than four millions of dollars, under the corporate name of "The Cumberland and Catawba Railroad Company," for the purpose of constructing a railroad with one or more tracks from a point at or near Cranberry Iron Works, in Mitchell county, by way of Morganton, in Burke county, to either the town of Lincoln or the town of Shelby, as may be determined by the stockholders of said company; and such company may construct a branch of its road from some convenient point on its main line, south of the Blue Ridge through Rutherford county to the South Carolina state line: *Provided*, Nothing in this act shall be construed to prohibit any other company which has been or may hereafter be authorized to build a railroad from Marion to Rutherfordton.

Incorporation  
authorized.  
Capital stock.

Name.

Authorized to  
construct rail-  
road.

Route.

Branch road.

Proviso.

SEC. 2. That said act be further amended by striking out the second section and inserting in lieu thereof the following, to-wit: That for the purpose of procuring subscriptions to the capital stock of said company, John D. Shaw, of Richmond county, Elin Childs, John F. Hoke and Dennis Cobb, of Lincoln county, W. H. Miller, Reuben McBrayer and W. A. Hoke, of Cleaveland county, J. A. Claywell, J. W. Wilson and L. A. Bristol, of Burke county, Montrose Tull, Samuel Lander and A. A. Wiseman, of Mitchell county, R. F. Hoke, of Wake county, and Samuel Wiley, of Rowan county, are hereby appointed general commissioners, and any two of said commissioners are hereby empowered to open books and receive subscriptions to the capital stock of said company, and any five of said commissioners may appoint other

§2 amended.

Commissioners.

commissioners and empower them to receive subscriptions to said capital stock, at such times and places as they may deem proper.

23 amended.

General meeting  
of stockholders.

SEC. 3. That the third section of said act be amended by striking out the words "two hundred thousand dollars," and inserting in lieu thereof the words "twenty thousand dollars," and also by striking out all of said third section after the words "one vote" and preceding the word "Provided," and that the fifth section of said act be amended by striking out all after the word "secretary," and inserting the words "and such other officers as they may deem necessary."

25 amended.

Officers.

27 amended.

Subscriptions to  
capital stock by  
corporations.

SEC. 4. That said act be further amended by striking out the seventh section and inserting in lieu thereof the following: "That subscriptions to the capital stock of said company may be made by any municipal corporation or other corporation, whether resident or non-resident, and any corporation so subscribing shall be entitled to representation in the meeting of the stockholders of said company according to the number of shares of stock subscribed.

28 and 9 amend-  
ed.

SEC. 5. That said act be further amended by striking out the words "North-western Railroad Company" where the said words appear in the eighth and ninth sections of said act, and inserting in lieu thereof the "Cumberland and Catawba Railroad Company."

211 amended.

Survey.

Authorized to ap-  
propriate land,  
&c.

SEC. 6. That the said act be further amended by striking out the eleventh section and inserting in lieu thereof, the following, to-wit: That the Cumberland and Catawba railroad company shall have the right to survey and locate said railroad as they may deem practicable, and shall have the power and authority to appropriate, hold and occupy the land for a distance of one hundred feet from the center of its track or road-bed on either side along its entire line, and in all cases where said company shall fail to purchase the right of way from any owner of lands, through which said railroad may be located and

built, such owner of land shall proceed to recover damages as provided in "an act to incorporate the Western North Carolina railroad company, passed by the general assembly at its session of one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, and the said Cumberland and Catawba railroad company shall have all of the rights, privileges and powers as to the right of way granted in said act to said Western North Carolina railroad company.

Proceeding by owner of land to recover damages.

Rights of company.

SEC. 7. That chapter one hundred of the laws of eighteen hundred and sixty-six, and eighteen hundred and sixty-seven, as amended by this act, is hereby re-enacted, and that this act shall be in force from and after its ratification.

Ch. 100, laws 1866-67, as amended, re-enacted.

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 157.

AN ACT SUPPLEMENTAL TO AN ACT TO DECLARE QUEEN ANNE'S CREEK IN CHOWAN COUNTY A LAWFUL FENCE, RATIFIED JANUARY THIRTY-FIRST, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words occurring after the words, "Edenton Bay" in the first section of the above recited act be stricken out and the following words, *to the saw-mill on said creek, known as Johnston's saw-mill*, be inserted.

Ch. 28, laws of this session, amended.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 158.

## AN ACT TO CHARTER THE DANVILLE AND NEW RIVER RAILROAD.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That W. T. Sutherlin, W. T. Clark, John M. Johnston, L. M. Shoemaker, Abner Anderson, P. Bouldin, A. M. Peyton, John D. Glass, Robert H. Trotter and Frank Gravely, of the county of Pittsylvania, Virginia; B. F. Gravely, W. D. Stultz, John F. Pedigo, C. Y. Thomas, Geo. D. Gravely, John Rangeley, John H. Schoolfield, Wm. Martin, D. H. Spencer and Samuel J. Mullins, of Henry county, Virginia; Frank R. Penn, Edwin Zentmyer, Perry McArthur, H. W. Reynold, John Staples, W. T. Noel, M. Turner, J. N. Akers, Charles Ross, Jr., Stephen H. Turner, Wellington Thomas, M. T. Lawson, Thomas Dehart, John W. Gates, Jefferson Moore and Samuel Dobyms, of the county of Patrick, Virginia; Edward Marshall, James L. Mitchell, James B. Johnson, Aaron Cox, Judge A. W. C. Nowlin, Martin Dalton, Jas. Early, John Early, B. W. Dobyms and Judge Garland Hale, of Carroll county, Virginia; Alexander Chafin, Robert Jackson, Albert Oglesby, J. C. Roper, Thos. Wood, S. C. Crockett, D. C. Graham, John Robinson and Joseph J. Graham, of Wythe county, Virginia; Lewis H. Bryant, S. M. Fulton, P. G. Hale, John Dickenson, M. B. Cox and J. B. Hask, of Grayson county, Virginia; or such of them as may accept the provisions of this act, and such persons and corporations as may become associated with them in the manner hereinafter provided, shall be, and they are hereby constituted a body politic and corporate by the name of the Danville and New River Railroad Company; and by that name shall have all the powers, rights and privileges, necessary and proper to locate, construct and maintain a railroad to be known as the Danville and New

Name.

Authorized to  
construct rail-  
road.

River railroad, to begin at or near Danville, at some point on the Washington City, Virginia Midland and Great Southern railroad, between the town of Danville and Pittsylvania court house in the county of Pittsylvania: *Provided*, That the county of Henry, in general meeting of the stockholders, through its constituted authorities, consent thereto; thence by Martinsville, in Henry county; Patrick court house, Hillsville, in Carroll county, to some point on the Atlantic, Mississippi and Ohio railroad, not east of Christiansburg.

Route.

Proviso.

SEC. 2. That the capital stock of said company may be two millions dollars, to be divided into shares of one hundred dollars; and may be increased from time to time by the board of directors to such an amount as may be necessary for the completion of said road; and said company may be fully organized whenever a sufficient amount of said stock has been taken to justify, in the opinion of the corporators, the commencement of said work. And the board of directors of said company, to fully construct and equip said railroad, shall also have the power to issue bonds in such sums not less than one hundred dollars each, and bearing interest not exceeding the rates allowed by law, payable (principal and interest) at such times and places and in such manner as may be deemed most advantageous to said company, and may secure the same by one or more mortgages on the road, franchises, income and real and personal property of the company, or such parts thereof as may be designated in the mortgage or mortgages.

When company to organize.

Directors authorized to issue mortgage bonds.

SEC. 3. The corporators enumerated in the first section of this act, or any fifteen of them, a majority of them resident in each county having been first notified of the time and place of meeting, may meet for the purpose of effecting a temporary organization, which temporary organization shall continue in force for two years, unless a permanent organization shall be sooner effected. A president, directors and such other officers as the corpo-

Temporary organization.

Officers.

General laws concerning corporations applicable to company. rators may deem necessary and expedient shall be elected; and the general law of the state in reference to incorporated and internal improvement companies shall, in all respects consistent with this act, apply to said company.

Subscriptions to capital stock. SEC. 4. And it shall be lawful for the said company to acquire in subscriptions to the capital stock of said company, or by donations or otherwise, lands, mines, property, materials or labor, or to receive subscriptions from other companies, associations and corporations, and to make such arrangements as shall be mutually agreed upon by the respective boards of directors of such companies, associations and corporations, for the endorsement of sale and exchange of stock and bonds, as to increase facilities for the speedy completion of said road, and the said company may sell, lease or otherwise dispose of any lands or other property acquired under this section at their pleasure.

Branch roads. SEC. 5. The said railroad company shall have power to build branch lateral roads, not exceeding twenty miles each in length, from their main line, to connect with any mines, lands, works or manufactories owned or operated by said company, or any other association or individual.

Subscriptions by municipal corporations. SEC. 6. Any county or incorporated town or city along the line of said road, or any of its connecting branches, is hereby authorized, in the manner and under the rules and regulations prescribed by law, to subscribe to the capital stock of said company; and to this end it shall be the duty of the county courts of such counties or the hustings court of such town or city, in their discretion, to cause a vote of the qualified voters to be taken in a manner prescribed by law, at such times as the president and directors of the Danville and New River Narrow Gauge Railroad Company may ask, and to issue bonds in such form, running such length of time, and bearing such rates of interest, and payable at such periods and places as such courts may determine.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 159.

AN ACT TO AUTHORIZE THE TREASURER OF PITT COUNTY TO SETTLE WITH THE SURETIES OF EDWARD WILSON, LATE SHERIFF OF SAID COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Pitt county be and he is hereby authorized to settle with the sureties of Edward A. Wilson, late sheriff of Pitt county, after deducting the commissions and any errors and insolvents to which the said Wilson would have been entitled had he settled within the time prescribed by law ; and the treasurer of the said county of Pitt is hereby authorized to receipt for the balance, and give the said sureties a receipt for said balance in full.

Treasurer of Pitt co, authorized to settle with sureties of E. A. Wilson, late sheriff.

Deductions.

Treasurer to give sureties receipt.

SEC. 2. That upon settlement as aforesaid by the sureties of the said Wilson, they shall be relieved from the payment of all penalties incurred by reason of the delinquency of said Wilson : *Provided*, That such relief shall not extend to cost : *And, provided further*, That said settlement be made on or before the first day of January, one thousand eight hundred and eighty-three.

Sureties relieved of penalties upon settlement.

Proviso.

Proviso.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 160.

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

*The General Assembly of North Carolina do enact:*

Commissioners  
authorized to  
levy special tax  
in 1881, 1882, 1883  
and 1884, to pay  
co. indebtedness.

SECTION 1. That the county commissioners of Surry county are hereby authorized and empowered to levy a special tax for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four. Said levy not to exceed two thousand dollars for each year, for the purpose of paying off the indebtedness of said county: *Provided*, That the constitutional equations between the property and poll shall be observed.

Not to exceed  
\$2,000 per annum.

Proviso.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 161.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TURNPIKE  
ROAD FROM COOPER'S STATION AND BLACK MOUNTAIN STA-  
TION ON THE WESTERN NORTH CAROLINA RAILROAD, IN  
BUNCOMBE, TO MITCHELL'S PEAK AND CRAGGY, IN SAID  
COUNTY, AND GREENE POND, IN YANCEY COUNTY.

*The General Assembly of North Carolina do enact:*

S. F. Dougherty  
and others au-  
thorized to con-  
struct road.

SECTION 1. That S. F. Dougherty, A. D. Cooper, V. S. Lusk, E. B. Kerlee, G. N. Alexander, J. G. Mastin, W. A. Gragg, George W. Young, C. M. McLoud, M. L. Barnett, J. W. Walker, Senior, John Stepp, James McNair, W. Y

Porter and J. M. Watkins, of the county of Buncombe; and Leander Ray, Samuel Riddle, Wiley McCleave, Thomas Wilson, Govan Blankenship, of Yancey county; and D. R. Murchison, of Wilmington, their associates, successors and assigns, be and they are hereby authorized and empowered to construct a turnpike road to be known as the "Black Mountain Turnpike," from Cooper's station Name of road. and Black Mountain station, on the Western North Carolina Railroad to Rhodd Wheeler's below the Greene Ponds, in Yancey county, and to Mitchell's Peak and to the top of Craggy, in Buncombe county, upon such line Route. or route as by survey may be most feasible and practicable for such road.

SEC. 2. That when the said S. F. Dougherty and others, Commissioners of Buncombe and Yancey counties to review road when completed. or their associates, successors and assigns shall have completed the construction of said road to either of the above named points, it shall be reviewed by the board of commissioners of Buncombe county as to that portion of it in said county, and by the board of commissioners of Yancey county as to that portion of the same in said county, and if they or a majority of them as to their respective counties, shall give to the said S. F. Dougherty and others, their associates, successors or assigns, a certificate To give certificate, &c. under their hands, that said road is reasonably well constructed, upon a grade to be determined upon and required by the said board of commissioners in their respective counties, and that it is in as good condition as it can practicably be made; they, the said S. F. Dougherty and others, their associates, successors or assigns, shall have power to erect a gate on any part of said road, north Toll gate. of the junction of the branches from Black Mountain station and Cooper's station, and collect such tolls as they may fix for passage over said road, not to exceed the following terms, to-wit: For hogs and cattle each, five cents; Tolls. loose horses, five cents; single horsemen, twenty cents; one-horse wagon, twenty-five cents; two-horse wagon, fifty cents; three-horse wagon, seventy-five cents; four,

five or six-horse wagon, one dollar; one-horse buggy, fifty cents; two-horse buggy, one dollar: *Provided*, That said S. F. Dougherty and others, their associates, successors or assigns, shall at all times keep said road in good condition: *And, provided, further*, That no tolls shall be collected on said road from any person passing over the same to any church or public mill only, nor shall any person residing within three miles of said road be charged any tolls.

Proviso.

Authority, how long granted.

SEC. 3. That the said S. F. Dougherty and others, their associates, successors or assigns, shall have the power and authority herein granted for the term of fifty years, and shall be subject to indictment, and liable for all the pains and penalties for failing to keep said road in proper repair and condition, as is affixed by law to such failure and neglect on the part of the Buncombe turnpike company in relation to their said road; and all persons passing through said toll-gate, and wilfully refusing to pay the lawful tolls, or who shall wilfully pass around said gate with the intent to avoid the payment of lawful tolls, shall be guilty of misdemeanor, and upon conviction before a justice of the peace of such offence, shall be fined not exceeding ten dollars, or imprisoned not twenty days, in the discretion of the court.

Penalties.

Misdemeanor to refuse to pay toll, &c.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 162.

AN ACT TO AUTHORIZE THE NORTH-WESTERN NORTH CAROLINA RAILROAD COMPANY TO EXTEND ITS ROAD AND TO BUILD BRANCHES THEREOF.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be lawful for the North-western North Carolina railroad company to extend and construct its line of road, or a branch thereof, to commence at or near Winston in the county of Forsyth, through the counties of Forsyth, Davidson, Yadkin, Davie, Rowan and Iredell, or any or either of them, to Statesville or some other point on the Western North Carolina railroad, and may build and operate additional branches thereto, or from its present main line to any important mines or manufactories in any of said counties, or counties adjacent to them: *Provided*, That nothing contained in this act shall operate or be construed so as to prevent or interfere with the construction of the North Carolina extension of the Virginia Midland railroad from Danville, Virginia, via Winston, Forsyth county, and Mocksville, Davie county, to some point on the Atlantic, Tennessee and Ohio railroad in Iredell county; but said company is hereby authorized to build said road under the organization and consolidation heretofore made by the stockholders and directors of the consolidated line composing the North Carolina extension.

SEC. 2. That to provide the means in whole or in part for this purpose, the said company may receive subscriptions in money, labor, property or otherwise, as the said company may agree, and may mortgage or otherwise pledge its property and franchises and the work constructed, or to be constructed, with the franchises and rights connected therewith.

SEC. 3. That any corporation, county, city, town or township interested therein, may subscribe to stock for

Authorized to extend road.

Route.

Branch roads.

Proviso.

Subscriptions.

Mortgage.

Subscriptions by corporations.

said purpose, or otherwise contribute to such work in such manner and in such amount as shall be determined by the proper authorities of such corporation, county, city, town or township, and agreed on with the said North-western North Carolina railroad company.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 163.

AN ACT TO AMEND SECTION ONE, CHAPTER TWO HUNDRED AND FORTY-TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, AN ACT TO DRAIN CERTAIN LANDS IN LINCOLN COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter two hundred and forty-two, laws of one thousand eight hundred and seventy-nine, be amended by substituting the first day of July, one thousand eight hundred and eighty-one, and each year thereafter, in lieu of the first day of August, one thousand eight hundred and seventy-nine; and that said section be further amended by requiring all owners of bottom lands on said streams to furnish an equal *pro rata* of labor according to the number of acres of bottom lands owned, and in such quantity as said commissioners may think necessary. And is further amended by making any owners of land on said streams liable to a fine of one dollar for each laborer they may neglect or refuse to furnish each day under this act. Said fines to be collected by the township constable, on order of the commissioners named in section one, chapter two hundred and forty-two,

Ch. 242, §1, laws  
1879, amended.

When commis-  
sioners to lay off  
streams.

Labor.

Penalty for fail-  
ure of land owner  
to furnish labor.

laws of one thousand eight hundred and seventy-nine, and applied to employing labor on said streams.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 164.

### AN ACT TO ALLOW THE COMMISSIONERS OF RUTHERFORD COUNTY TO ISSUE BONDS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Rutherford county may issue bonds of the county for an amount not exceeding the present bonded debt of said county, and to be used for the purpose of discharging the bonds now outstanding and for no other.

Commissioners  
authorized to  
issue bonds.

To pay outstand-  
ing bonded debt.

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

Form of bonds,

When to mature.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 165.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF PITT COUNTY TO APPOINT TWO COTTON WEIGHERS FOR THE TOWN OF GREENVILLE.

*The General Assembly of North Carolina do enact:*

County commis-  
sioners to appoint  
two cotton weigh-  
ers for Green-  
ville.

SECTION 1. That the county commissioners of Pitt county shall be and they are hereby authorized and empowered to appoint two cotton weighers for the town of Greenville.

Compensation.

SEC. 2. That said weighers shall be paid the sum of ten cents for each and every bale of cotton that they may weigh, said amount to be paid one half by the buyer and the other half by the seller.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 166.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PITT COUNTY TO COMPROMISE AND SETTLE WITH THE SURETIES OF JOHN PEBBLES, LATE TREASURER OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Authorized to  
compromise with  
sureties of John  
Peebles, late co.  
treasurer.

SECTION 1. That the county commissioners of the county of Pitt be and they are hereby fully authorized and empowered to compromise, commute and settle with the sureties of John Peebles, late treasurer of said county, by remitting and forgiving such part of either principal or interest, fines and forfeitures of the indebtedness of

said Peebles as such treasurer, as to said commissioners may seem equitable, just and proper.

SEC. 2. That said commissioners be and they are hereby fully authorized and empowered to accept from said sureties in full payment and discharge of said indebtedness, such sum or sums as may be agreed upon by said commissioners and said sureties.

Commissioners authorized to accept in payment such sum as may be mutually agreed upon.

SEC. 3. That upon the payment to the county treasurer of said county of the amount so agreed upon by said commissioners, he is hereby fully authorized and empowered to give to said sureties full discharge and release from said indebtedness, and the said sureties, upon the payment of said sum, shall be forever so discharged.

Co. treasurer authorized to give sureties full release.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 167.

### AN ACT TO INCORPORATE THE SUFFOLK LUMBER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Elish E. Jackson, William H. Jackson, Wilber F. Jackson, Hugh Jackson, Isaac B. Jackson and Richard W. Jackson, their associates, successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Suffolk Lumber Company, which shall exercise its corporate powers in perpetual succession, and by that name shall have power to contract, and to acquire, hold and dispose of property and estate, real, personal and mixed; to sue and be sued, plead and be impleaded in every court of the state, and may have and use a common seal, and shall

Body politic.

Name.

Powers.

have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and for its government may make all necessary by-laws and regulations, not inconsistent with the constitution and laws of the United States and of the state of North Carolina.

SEC. 2. That the said company are hereby authorized to construct and maintain a narrow gauge railroad from the state line of Virginia, near Somerton, in Nansemond county, through the county of Gates to the Chowan river, at a point near Winton, in Hertford county; the said railroad to be an extension of the narrow gauge road of said company, now operating from Suffolk, Virginia, to the state line of North Carolina, at the point above mentioned.

SEC. 3. That said company shall have power to construct and operate by steam or otherwise, branches not more than twenty miles long in any direction from the main line of said road.

SEC. 4. That whenever land may be needed for the construction of said road or for warehouses, water stations, turn-outs, workshops or other necessary buildings, and for any cause it cannot be purchased, or a right to its use cannot be obtained, the same may be acquired by the said company at a valuation to be ascertained as follows: The clerk of the superior court of Gates county upon the written petition of said company, shall order the sheriff to summon five disinterested freeholders of his county, to ascertain, under oath administered by said sheriff, the value of such land, after deducting the enhanced value on account of said railroad, or adding any particular loss or damage caused thereby, and upon the payment or tender by said company, their agent or attorney, of the amount so assessed, the title of the property so appraised shall thereby vest in said company: *Provided*, That either party may appeal from the judgment of such assessors, to the superior court of Gates county: *And provided further*, That not more than one hundred

Authorized to  
construct narrow  
gauge railroad.

Route.

Branch roads.

Condemnation of  
land.

Proviso.

feet from the centre of the road shall be liable to be condemned.

SEC. 5. That the said company shall have the exclusive right at reasonable rates to carry passengers and to transport freight over and along said road, and its branches, and shall have the right to connect the said road or any branch thereof with any railroad or other transportation company that may have been heretofore or that may be hereafter chartered by this state, and to the interchange of traffic upon reciprocal terms; and shall also have the exclusive right for a term of five years to construct the aforesaid road.

Exclusive right to carry passengers, &c.

Exclusive right to construct road within five years

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

In the general assembly read three times, and ratified this the 3rd day of March, A. 'D. 1881.

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## CHAPTER 168.

AN ACT TO PROHIBIT THE OBSTRUCTION OF FISH IN THE SCUPPERNONG RIVER IN TYRRELL COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That no person shall set any kind of a fish weir or pod net or fish net in the Scuppernong river using more than one half of the main channel of said river, nor within one-fourth of a mile of the public bridges at Columbia and the Cross Landing crossing said river.

Unlawful to set net, &c., using more than one-half of channel, &c.

SEC. 2. Every person offending against the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined a sum not to exceed fifty

Misdemeanor.

Penalty.

dollars, or imprisoned not to exceed thirty days. All fines collected shall be applied to the school fund of the county.

Fines, how applied.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 169.

AN ACT TO APPOINT COTTON WEIGHERS FOR THE TOWN OF APEX,  
IN WAKE COUNTY.

*The General Assembly of North Carolina do enact :*

Co. commission-  
ers to appoint  
cotton weighers  
for town of Apex.

SECTION 1. That the board of commissioners of Wake county shall have power to appoint one or more public cotton weighers for the town of Apex, in Wake county, when it shall appear to said board that there is good cause to appoint such public cotton weighers.

Term of office.

SEC. 2. That said weigher or weighers shall hold their office for two years from the date of appointment, subject to the provisions of section seven of this act.

Duties.

SEC. 3. It shall be the duty of said weighers to weigh all baled cotton sold in the town of Apex at its true weight, making just and proper deduction for water and damage.

Oath.

SEC. 4. That said weigher or weighers, before entering upon the duties of their office, shall take the following oath before some justice of the peace of Wake county, viz: I, ....., do solemnly swear that I will faithfully perform the duties of the office of cotton weigher, and that I will take no interest near or remote, in buying or selling cotton in the town of Apex.

Bond.

SEC. 5. Said weigher or weighers shall give bond in the sum of one thousand dollars payable to the state of North Carolina, conditioned for the faithful performance of their duty. Said bond shall be taken by the county

commissioners of Wake county and filed in the office of the register of deeds of Wake county, and said weigher or weighers shall receive such compensation as may be allowed by the board of county commissioners. Compensation.

SEC. 6. That no other person than said weigher or weighers shall weigh cotton sold in said town of Apex, under a penalty of ten dollars for each offense, said fine to be applied to the school fund of Wake county, upon the conviction of the offender before any justice of the peace of Wake county. Unlawful for others to weigh cotton. Penalty. How applied.

SEC. 7. Any cotton weigher appointed under this act who shall corruptly abuse his trust shall, upon conviction thereof, by the board of county commissioners be dismissed from his office, and any damage sustained by any party by such wilful or corrupt abuse of such trust shall be recoverable out of the bond of such cotton weigher so offending. Penalty for abuse of trust. Bond liable for damages.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

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## CHAPTER 170.

AN ACT TO AMEND SECTION FOUR, CHAPTER EIGHTY, PRIVATE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter eighty of private laws of one thousand eight hundred and seventy-nine, as amended by chapter thirty-two, laws of one thousand eight hundred and eighty, be amended by adding at the end of said section after the word "seller," the words: *Provided*, That the compensation for cotton weighers for Ch. 80, §4, laws 1879, amended. Compensation of

cotton weighers  
in Goldsboro,  
Kinston and  
Newbern, how  
paid.

the town of Tarboro shall be ten cents per bale, one-half to be paid by the seller and the other half by the buyer.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

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## CHAPTER 171.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN ONE MILE OF TRAP HILL ACADEMY IN WILKES COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful to sell  
or give away spir-  
ituous liquors  
within one mile.

SECTION 1. That it shall be unlawful for any person to sell or give away any spirituous liquors or bitters within one mile of Trap Hill Academy in the county of Wilkes.

Misdemeanor.

SEC. 2. That should any person violate the provisions of this act, he shall be deemed guilty of a misdemeanor, and, on conviction before any justice of the peace or court, be fined or imprisoned, or both, at the discretion of the court.

Penalty.

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

In the general assembly read three times, and ratified this the 3rd day of February, A. D. 1881.

## CHAPTER 172.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN  
THE COUNTIES OF DAVIE AND ANSON.

*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be unlawful for any live stock to run at large within the counties of Davie and Anson. Unlawful for live stock to run at large in Davie and Anson counties.

SEC. 2. Any person who shall wilfully permit his or her live stock to run at large within the counties of Davie and Anson, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars. Misdemeanor. Penalty.

SEC. 3. It shall be lawful for any person to take up any live stock running at large in said counties and impound the same in the township where it is so taken up, and such impounder may demand fifty cents for each animal so taken up, and twenty-five cents for every day such stock is kept impounded, and may retain the same, with 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, one by the owner of said stock and one by said impounder, said freeholders to select an umpire if they cannot agree, from whose decision the right of appeal shall be allowed to either party. Lawful for any person to impound live stock running at large. Fees. Damages.

SEC. 4. 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 in the township where said stock is impounded, and describing the said stock, and stating the 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 Notice to owner. When stock impounded to be sold.

house door, shall sell the 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 taken up and impounded, subject in their hands within six months to the claim of the legal owner.

**Application of proceeds.**  
**Action for damages.**  
SEC. 5. Any person who may sustain damages by reason of said stock running at large, may recover the amount of damages so sustained by an action at law against the owner of said stock.

**Misappropriation of proceeds of sale a misdemeanor.**  
**Penalty.**  
SEC. 6. Any impounder misappropriating any money received by him under this act, or in any manner wilfully violating any of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both, at the discretion of the court.

**Unlawful rescue of impounded stock a misdemeanor.**  
**Penalty.**  
SEC. 7. Any person unlawfully rescuing or releasing any impounded stock, or wilfully attempting to do so, 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.

**"Stock," how construed.**  
SEC. 8. The word stock in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, and all neat cattle, and swine and geese.

**Damages, how ascertained when impounder or owner fail to select freeholder under 23.**  
SEC. 9. That in case of the failure or refusal, by either the owner or impounder of said stock, to select the freeholder provided for in section three of this act, and the said impounder shall make written application to any justice of the peace of the township where said stock is impounded, under oath, stating that he has sustained damage by reason of stock running at large, then the said justice of the peace shall appoint three disinterested freeholders, who shall estimate said damages, which shall be paid by the person claiming said stock, together with the costs of said proceeding, before the said stock is de-

livered, and in case of sale, before the owner shall be entitled to demand any part of the proceeds of the sale.

SEC. 10. It shall be the duty of the board of county commissioners of Davie and Anson counties to erect a good and lawful fence around the entire counties of Davie and Anson, or such townships therein as shall avail themselves of the provisions of this act, and to erect gates on all the highways leading into said counties, and to keep the same in good repair.

Co. commissioners to erect fence, &c.

SEC. 11. If the owners 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 railroad purposes by the North Carolina railroad 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*, That when a public highway divides a tract of land the fence may follow the highway even against the consent of the owner of the land so divided.

Condemnation of land.

Proviso.

Proviso.

SEC. 12. That for the purpose of carrying out the provisions of section ten of this act, the county commissioners may levy and collect, as they do other taxes, a special tax upon all the real property taxable by the state and county within the county or township which may avail themselves of the provisions of this act.

Special tax.

SEC. 13. Any person or persons wilfully tearing down or in any manner breaking a fence or gate, or leaving open any gate erected in pursuance of this act, 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.

Misdemeanor to tear down fence, &c.

Penalty.

SEC. 14. That it shall be the duty of the board of county commissicners of Davie and Anson counties, within thirty days after the passage of this act, to cause two thousand copies of the same to be distributed among the electors of said counties.

2,000 copies of act to be distributed by commissioners.

Provisions of act to be in force when majority of voters in county or in any township signify their approval of the same by petition to county commissioners.

SEC. 15. That whenever a majority of the qualified voters of said counties, or any township thereof, as appears by the returns of votes cast for the various electors for president of the United States at the last presidential election, shall by petition duly signed signify to the board of county commissioners of Davie and Anson counties, their approval of the provisions of this act, that thereupon the provisions of this act shall be in full force and effect, and the said board of county commissioners shall thereupon advertise by posted notices at five or more public places in each township in said counties, and in a newspaper in the town of Mocksville, the enforcement of the provisions of this act, and proceed to execute the duties imposed upon them by the provisions of this act, and the board of commissioners of Anson county shall likewise advertise by posting as aforesaid, and by publication in a newspaper established in Wadesboro: *Provided*, That before the commissioners of Anson county shall declare the provisions of this act in force, they must be satisfied that a majority of the qualified voters of said county have signed the petition herein provided for.

Proviso.

Certain streams declared lawful fences.

SEC. 16. That all streams or water courses in or bounding said counties which are now by law declared lawful fences, are hereby declared good and lawful fences for the purposes of this act.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Read three times in the general assembly, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 173.

AN ACT TO MARK OUT CERTAIN PORTIONS OF THE MARION AND ASHEVILLE TURNPIKE ROAD, AND OTHER PURPOSES, AND FOR THE EMPLOYMENT OF CONVICTS ON THE SAME.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Samuel Bennett, of the county of Yancey; Isaac N. Wise and Charles F. Baker, of the county of Mitchell; Lewis Barnum, Jr., of the county of Watauga, and ..... .., of the county of McDowell, be and are hereby appointed commissioners, any three of whom shall have power to act, whose duty it shall be to re-establish and mark out that portion of the Marion and Asheville turnpike road between Isaac Coxes at the foot of the Blue Ridge in McDowell county and McDonald's store in the county of Mitchell, following as near as may be the survey made by *Smith*, and known as the "Smith survey."

Commissioners.

To re-establish and mark out road.

SEC. 2. They shall also survey and mark out such amendments, as to them may seem proper, on the public road from McDonald's store to Little Crab Tree creek at the Thomas Young place in the county of Yancey. That said alterations and amendments as may be made by said commissioners shall constitute the public road, and shall be of like width of other public roads, to-wit: twenty feet wide, and in no part of the road shall it rise in ascending any hill or mountain more than one foot in sixteen.

To survey, &c., road from McDonald's store to Little Crab Tree creek.

SEC. 3. That said commissioners, or any three of them, shall review and re-mark and re-establish that portion of the said Marion and Asheville Turnpike between Hawk mines and mouth of ..... creek in Mitchell county, following as near as possible the route known as the "Montgomery survey."

To re-establish road from Hawk mines to mouth of ..... creek.

SEC. 4. That said commissioners shall survey and make such amendments and alterations, as to them may seem proper, on the public road leading from George Dugger's

To survey, &c., road from Geo. Dugger's to H. Taylor's.

to Henry Taylor's in the county of Watauga, to be of the same grade and width as hereinbefore provided for the above amendments, and made as hereinafter directed.

Fifty convicts to be furnished by board of directors of penitentiary.

SEC. 5. That upon application of said commissioners, the penitentiary board of directors shall detail fifty convicts, who are allowed by law to be farmed out, to be worked upon said road until completed, under the charge of sufficient guard, to be selected by the said board and subject to their control and the prison rules and regulations as far as practicable, and that said convicts shall be furnished with necessary tools to construct a suitable stockade or quarters and to work upon said road, and shall be fed and clothed and transported to and from said road by the said board of directors and paid for out of the funds appropriated for the penitentiary.

Expenses, how paid.

Superintendent and guard. Compensation.

How paid.

SEC. 6. That said board of directors shall employ a superintendent and guard, whose compensation shall be fixed by the penitentiary board of directors, and paid out of the funds appropriated for the same.

Persons convicted in Watauga, Mitchell, Yancey and McDowell counties to work on road.

SEC. 7. That all persons who may be convicted of any criminal offense in any of the counties of Watauga, Mitchell, Yancey and McDowell counties, and in consequence thereof be sentenced to imprisonment in the county jails for a term of less than twelve months, shall, on the application of these commissioners, be delivered by the sheriff to said commissioners, or their agents or appointees, for the purpose of working on said road, and if any prisoner, after being delivered by the sheriff as aforesaid, shall escape, on conviction thereof shall be fined or imprisoned at the discretion of the court.

Penalty for escape.

Damages sustained by land owners.

How ascertained.

SEC. 8. That if the owners of any lands through which said road shall pass, shall consider themselves injured thereby, it shall be competent for such person so injured, by petition to the county commissioners of the county praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the said commissioners to order said jury to be summoned by

the sheriff as in cases of public roads, and it shall be the duty of the jury to take into consideration the benefit to the lands and the convenience to the public, as well as the injury to the land by making such road, and on the report of the jury made to and confirmed by the county commissioners the damages shall be paid by the county in which damages are claimed: *Provided*, That if any person shall claim damages and call for a jury, he shall defray the expenses and pay the costs of the case.

How paid.  
Proviso.

SEC. 9. That when the said road has been completed or any part of it as herein provided, it shall be kept in order in the same manner as other public roads.

Road to be kept  
in order as other  
public roads.

SEC. 10. That if any of the commissioners herein provided for shall decline to act at any time, the vacancy shall be filled by the appointment of the board of commissioners of the county in which the person so declining shall reside. It shall be the duty of the sheriffs of the counties of McDowell, Yancey, Mitchell and Watauga, to see that this act is carried into effect, and assist the commissioners if any person shall refuse to allow them to go upon his land to make such road.

Vacancies.

Duty of sheriffs.

SEC. 11. That portion of the road surveyed by Smith, and that portion surveyed by Montgomery, shall be made in all respects as prescribed for the making of the Marion and Asheville turnpike road.

Portions of road  
surveyed by  
Smith and Mont-  
gomery.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 174.

## AN ACT INCORPORATING THE DANVILLE, MOCKSVILLE AND SOUTH-WESTERN RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

Purpose of act.

SECTION 1. That for the purpose of constructing a railroad of one or more tracks from some point on the Virginia state line, in the county of Rockingham, through the counties of Rockingham, Stokes, Forsyth, Guilford, Davidson, Davie, Rowan, Iredell, Catawba, Lincoln, Cleaveland, Mecklenburg, Gaston and Union, to a point on the South Carolina state line, and also through the counties of Surry, Yadkin, Wilkes, Caldwell, Watauga, Mitchell, Burke, McDowell, Yancey, Buncombe, Madison, Haywood, Jackson and Swain to the Tennessee state line, or through such of said counties as the company hereby incorporated may hereafter deem proper and determine,

Commissioners.

Thomas R. Sharp, N. P. Ford, E. C. Winstanly, C. C. Sharp and Alexander Smith, be and they are hereby appointed commissioners, under the direction of whom, or

Books of subscription.

a majority of them, books of subscription to the capital stock of the railroad company hereinafter incorporated may be opened at such time and places, and kept open for such period in North Carolina or elsewhere, as they or a majority of them shall deem necessary, and when the sum of fifty thousand dollars, payable in lawful money has been subscribed to the capital stock of said company, and five per centum paid thereon, said commissioners or a majority of them shall have power, and

General meeting of stockholders.

it shall be their duty to call a general meeting of such subscribers at such convenient place in this state and upon such notice as they shall deem reasonable, for the purpose of organizing said company as herein provided, and thereupon the said subscribers, their associates, suc-

Incorporation.

cessors and assigns are hereby created and constituted a

body politic and corporate, under the name and style of Name.  
 the Danville, Mocksville and South-western Railroad  
 Company.

SEC. 2. The capital stock of said company shall be five Capital stock.  
 hundred thousand dollars in shares of one hundred dol-  
 lars each, and the same may be increased to three mil-  
 lions dollars, as shall be authorized by the said company  
 when organized. Subscriptions for said capital stock may Subscriptions.  
 be made by individuals, cities, towns, townships or other  
 companies or corporations, and may be made payable in  
 money, lands or other property or labor as shall be agreed  
 on with the company. The said company, when organ- Corporate pow-  
 ized, may sue and be sued, plead and be impleaded, in ers.  
 any of the courts of this state. They shall have a com-  
 mon seal and may alter the same at pleasure. They shall  
 have power to contract and be contracted with by deed or  
 otherwise. They shall have power to acquire, hold, and  
 own property real, personal and mixed for the purposes  
 of such corporation as specified in this act, with power to  
 sell and convey or otherwise dispose of or encumber the  
 same, and they may acquire by purchase or otherwise the  
 stocks or securities of other corporations, when deemed  
 necessary or useful in carrying out their work. They  
 shall have power to borrow money and to issue their  
 notes, bonds or other corporate obligations for the same,  
 and to make such deeds of trust, mortgages or other liens  
 as they may deem proper from time to time, to secure the  
 payment of any debts or obligations so created. They  
 shall have power to embrace in any such deed of trust or  
 mortgage, all and every the franchises granted by this, and  
 all such property of every kind as they may own. They  
 shall have power to let their said road, property, and  
 rights of transportation in such manner and on such terms  
 as they may deem proper to natural persons or to other  
 railroad corporations, and they shall have like power to  
 take a lease or leases from other railroad companies of  
 their roads, properties and rights on such terms as may

be agreed on, and to hold and to use the same, or to unite or consolidate with such other railroads; and authority for making and entering into any such contract of lease, union, or consolidation with the company hereby incorporated, is hereby granted to any other railroad company incorporated under the laws of this state. They shall have power to create such officers with such authority as they may deem proper for the government of said company, and appoint officers therefor, and to make all such by-laws, rules and regulations from time to time and alter the same as they may deem proper, for the due administration of said company's affairs, not inconsistent with the constitution of this state and of the United States.

Meetings of stockholders.

SEC. 3. That said company shall hold annual meetings of the stockholders and such other meetings as may be necessary, and at its organization and the annual meetings subsequent thereto, they shall elect six directors who shall hold their office for one year or until their successors shall be elected, and the stockholders of said company shall have power at any of said meetings to alter their by-laws; but no meeting of such stockholders shall be held for business other than an adjournment from time to time, unless the majority of the stockholders holding and owning a majority of the capital stock of said company shall be represented either in person or by proxy in said meeting, and each stockholder shall be entitled to vote one vote for each share of stock owned by him. That it shall be the duty of their directors to elect one of their number president of said company to hold office for one year or until his successor is elected, and to fill all vacancies in the board of directors.

Directors.

Majority of stockholders required to transact business.

President.

Vacancies in board of directors.

Company to locate and construct road.

Route.

SEC. 4. That when said company shall be organized as aforesaid, it shall proceed to locate and have constructed as speedily as practicable, on the route they may find most eligible therefor, a railroad with one or more tracks within the limits hereinbefore indicated therefor, and may commence the same at such point or points as they may

deem best, and may open and put the same into operation as the same may be completed and ready therefor in sections of five miles or more, and the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce thereon, and to make such reasonable charges therefor as shall be authorized and approved by the directors of said company.

SEC. 5. Said company shall have power to compel payment of the stock subscribed for as provided in the charter granted to the North Carolina railroad company by its original act of incorporation, and it shall likewise have the power to condemn lands for the use of the company, when a contract of purchase cannot be made with the owner thereof, to the same extent and in the same manner under the same rules, regulations and restrictions as the said North Carolina railroad company was authorized to do by its said act of incorporation.

Company empowered to compel payment of subscriptions to stock as provided in original charter of N. C. R. R. Co.

To condemn lands.

SEC. 6. That all contracts made and entered into by the president of the said company as authorized thereto, whether with or without seal and within the scope of his office, shall be binding upon said company, and the president thereof, as authorized by the by-laws or the board of directors, shall issue certificates of stock to stockholders entitled thereto, which shall be transferable as the by-laws of the company shall provide.

Contracts.

Certificates of stock.

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

Read three times in the general assembly, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 175.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS OR MALT LIQUORS WITHIN THREE MILES OF THE CONRAD HILL GOLD AND COPPER MINES IN DAVIDSON COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

Unlawful to sell, give away, &c., spirituous liquors within three miles of Conrad Hill Gold and Copper Mines.

SECTION 1. That it shall be unlawful for any person, or persons, to sell, give away or otherwise dispose of, with a view of remuneration, any kind of spirituous or malt liquors, within three miles of what is known as the Conrad Hill Gold and Copper Mines in Davidson county, North Carolina.

Penalty.

SEC. 2. Any person or persons violating the provisions of this act shall upon conviction be fined fifty dollars, one-half of which fine shall be paid to the party informing of the violation of this act, and can be imprisoned for sixty days at the discretion of the court.

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

Read in the general assembly three times, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 176.

AN ACT IN REGARD TO COSTS IN CRIMINAL PROCEEDINGS.

*The General Assembly of North Carolina do enact :*

No prosecutor to be imprisoned for non-payment of costs except when prosecution adjudged to be frivolous or malicious.

SECTION 1. That no prosecutor shall be imprisoned for the non-payment of costs, except when the judge, court or justice of the peace before whom the case was tried, shall adjudge that the prosecution was frivolous or malicious.

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

In the general assembly read three times, and ratified this the 3rd day of February, A. D. 1881.

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## CHAPTER 177.

### AN ACT TO INCORPORATE THE FRENCH BROAD STEAMBOAT COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That B. C. Langford and J. L. Gash of Trans- Body politic.  
sylvania county, Jonathan Williams, A. Canon, R. W. Allen and S. V. Pickens of Henderson county, and James P. Sawyer and C. M. McLeod of Buncombe county, their associates, successors and assigns, be and they are hereby created and made a body politic and corporate, by the name and style of "The French Broad Steamboat Com- Name.  
pany," for the purpose of acquiring, building, keeping and running a steamboat on the French Broad river or any of its tributaries within the counties of Transylvania, Henderson and Buncombe; and by that name may sue Powers.  
and be sued, and plead and be impleaded, may have a seal and all the rights and privileges of a body politic and corporate, and may exist as such company for seventy years.

SEC. 2. That said company shall be and is hereby authorized to consolidate with any company heretofore Authorized to consolidate with other companies  
formed, or hereafter to be formed, under and by virtue of the general incorporation laws of North Carolina, and for like purposes and on such terms as the said companies may designate; and any company so formed shall have all the powers of this act or charter.

- Capital stock.** SEC. 3. The capital stock of said company shall not be less than three thousand dollars, with the power to increase the same to twenty-five thousand dollars when desired by said company. The stock shall be divided into shares of twenty-five dollars each; no stockholder shall be individually liable for the debts or liabilities of the company beyond the par value of his stock.
- Shares.**
- Stockholders not individually liable.**
- By-laws, &c.** SEC. 4. The said company shall have power to make, alter and amend by-laws and regulations for the management of its business, to regulate the number and terms of officers, to provide for purchase or sales and transfers of property, and to regulate the times and places of meetings.
- Board of directors.** SEC. 5. The company shall be governed by a board of directors chosen by and from among the stockholders. The stockholders at the election of said board shall also elect a president of said board. The said board shall have full power to fill all vacancies and appoint all necessary subordinate officers.
- President.**
- Vacancies.**
- Authority to carry freight, &c.** SEC. 6. That said company shall be authorized and empowered to carry freight passengers, express packages and United States mail, under contract, and charge for same.
- Books of subscription.** SEC. 7. That a majority of the said corporators are authorized to open books for the subscription of stock in said company, and when two thousand dollars stock has been subscribed to said company, a majority of the stockholders, after ten days' notice in some newspaper in the state of the time and place, shall organize said company by the election of officers and also a board of directors.
- Organization.**
- Misdemeanor to obstruct waters.** SEC. 8. That any person who shall fell trees in, or in any other way whatsoever wilfully hinder or obstruct the current of the said waters, or in any manner prevent the free passage of boats run by said company upon the lines or waters aforesaid, shall be guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned at the discretion of the court.
- Penalty.**

SEC. 9. Any land owner through whose land said company shall extend its lines, who may think him or herself damaged by the establishment of said lines, may, by ten days' notice to the company, on motion before the superior court clerk of the county in which the said land lies, obtain the appointment of three disinterested freeholders as commissioners, who shall view and assess the damages, considering all the facts and circumstances diminishing or enhancing the value of said land, and make a report thereof to the said clerk, who shall enter judgment accordingly: either party shall be allowed an appeal, as in other cases to the superior court of the county.

Proceedings by land-owner to recover damages, &c.

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

Read in the general assembly three times, and ratified this the 3rd day of February, A. D. 1881.

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## CHAPTER 178.

### AN ACT TO CHANGE THE TIME OF THE SITTING OF THE SUPREME COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be held at the seat of government of the state in each year, two terms of the supreme court, commencing on the first Monday in February and the first Monday in October.

Supreme court to convene on the 1st Mondays in February and October.

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

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 179.

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

**Preamble.**

WHEREAS, The tax levies made for general county purposes and expenses, by the board of commissioners of Perquimans county, for the year one thousand eight hundred and eighty, have proved insufficient to meet such expenses and also pay the balance due for the rebuilding of the common jail of said county: *Therefore,*

*The General Assembly of North Carolina do enact:*

Board of commissioners of Perquimans co. authorized to levy special tax, not exceeding \$2,000.

SECTION 1. That the board of commissioners of Perquimans county be, and they are hereby authorized and empowered to levy a special tax not to exceed the sum of two thousand dollars, to pay the balance due for the rebuilding of the county jail, and the remainder of such levy to supply the deficiency of the former levy of one thousand eight hundred and eighty, for the payment of general county expenses.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 180.

AN ACT TO REGULATE FISHING IN THE WATERS OF PAMLICO AND TAR RIVERS.

*The General Assembly of North Carolina do enact:*

Lay days from Feb. 15th to May 1st, established.

SECTION 1. That for the purpose of regulating fishing in the waters of Pamlico and Tar rivers, the following

lay days or embargo days, to be in operation from the fifteenth day of February to the first day of May of each year, are hereby established.

SEC. 2. It shall be unlawful for any person or persons to fish with seines or nets of any kind, name or class, for shad or herring from the tenth of May to the first day of June in each and every year, and the same is hereby prohibited.

Unlawful to fish with seines, &c., for shad or herring from May 10th to June 1st.

SEC. 3. It shall be unlawful for any person or persons, from the fifteenth day of February to the first day of May, to fish from twelve o'clock meridian of Saturday to sunrise of Monday morning of each week any seine, set net, drift net, skim net, dip net, pod net, dutch net, or any other net, of any name or kind whatsoever, or to leave open for the entrance of fish, any pod or dutch net, and the same is hereby prohibited.

Unlawful to fish with seines, &c., from 12 o'clock m. on Saturday to sunrise on Monday from Feb. 15th to May 1st.

SEC. 4. It shall be unlawful for any person or persons, to set or drift a net in any seine-hole in use, and the same is hereby prohibited.

Unlawful to set or drift net in seine hole in use.

SEC. 5. It shall be unlawful for any person or persons to rob any gill net or fish weir, and the same is hereby prohibited.

Unlawful to rob gill net or fish weir.

SEC. 6. Any person or persons, violating any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars, (one-half to go to the county, the other half to the informer,) or be imprisoned more than thirty days.

Misdemeanor to violate provisions of this act.  
Penalty.

SEC. 7. All laws in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

Repeal of conflicting laws.

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1881.

## CHAPTER 181.

AN ACT AMENDATORY OF AND SUPPLEMENTAL TO AN ACT PASSED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA, AT ITS PRESENT SESSION ENTITLED "AN ACT TO PROVIDE FOR THE ERECTION OF A HOSPITAL IN THE CITY OF WILMINGTON."

*The General Assembly of North Carolina do enact :*

§1 amended.

Concurrence board of audit and finance requisite to establish hospital.

SECTION 1. That section one of the above recited act be amended by inserting immediately after the words "city of Wilmington," the words *with the approval and concurrence of the board of audit and finance of the city of Wilmington.*

§3 amended.

Concurrence of board of audit and finance requisite in setting apart fund for maintenance of hospital.

SEC. 2. That section three of said act be amended by inserting immediately after the words "city of Wilmington" where said words first occur in said section, the words *with the approval and concurrence of the said board of audit and finance of the city of Wilmington.*

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1881.

## CHAPTER 182.

AN ACT MAKING APPROPRIATIONS FOR THE SEVERAL INSANE ASYLUMS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

\$50,000 per annum appropriated for two years, for maintenance of asylum at Raleigh.

How paid.

SECTION 1. That the sum of fifty thousand dollars per annum, for the next two years, be and is hereby appropriated for the support of the North Carolina Insane Asylum at Raleigh, to be paid by the public treasurer out of

the fund authorized by law to be levied and collected, or out of any fund in the treasury not otherwise appropriated, from time to time, upon the warrant of the board of directors, or of the executive committee approved by the governor.

SEC. 2. That the sum of seven thousand five hundred dollars per annum, for the next two years, be and the same is hereby appropriated for the necessary improvements and repairs of the main building, and the various administrative buildings and other needful repairs, and that the sum of fourteen hundred dollars be and the same is hereby appropriated for the reconstruction of the water-works of said North Carolina Insane Asylum, or so much of the said amounts as may be necessary for the purposes aforesaid.

\$7,500 per annum appropriated for two years, for improvement and repair of buildings.

\$1,400 appropriated for reconstruction of water-works.

SEC. 3. That the sum of forty thousand dollars per annum, for the next two years, be and the same is hereby appropriated for the completion of that portion of the Western North Carolina Insane Asylum at Morganton, now being built by authority of former acts of the general assembly, to-wit: The south wing, the center building and the necessary administrative buildings, to be paid by the public treasurer out of the fund authorized by law to be levied and collected, or out of any fund in the treasury not otherwise appropriated, from time to time, upon the warrant of the board of directors, or of the executive committee approved by the governor.

\$40,000 per annum appropriated for two years for completion of portion of western asylum now being built.

How paid.

SEC. 4. That the sum of twenty thousand dollars only be and the same is hereby appropriated, or so much thereof as may be necessary to equip and properly fit said institution for the purposes of its establishment, when the said asylum shall have the buildings now authorized by law complete and ready for the admission of patients.

\$20,000 appropriated to equip asylum for admission of patients.

SEC. 5. That the sum of fifteen thousand and five hundred dollars per annum, for the next two years, be and the same is hereby appropriated for the support of the Eastern North Carolina Insane Asylum at Goldsboro, and

\$15,500 per annum appropriated for two years for support and further equipment of eastern asylum.

How paid.

for its further equipment and the preparation of its grounds, to be paid by the public treasurer out of the fund authorized by law to be levied and collected, or out of any fund in the treasury not otherwise appropriated, from time to time, upon the warrant of the board of directors, or of the executive committee approved by the governor.

\$8,099.19 appropriated to legalize payments already made by treasurer for support, &c., of eastern asylum.

SEC. 6. That the sum of eight thousand and ninety-nine dollars and nineteen cents be and the same is hereby appropriated to legalize the payments already made by the state treasurer for furnishing and supporting the Eastern North Carolina Insane Asylum at Goldsboro, said asylum having been opened for the reception of patients in August, eighteen hundred and eighty, by authority of chapter two hundred and seventy eight, laws of one thousand eight hundred and seventy-nine.

\$10,000 per annum appropriated for two years for erection of additional wing to eastern asylum.

SEC. 7. That the sum of ten thousand dollars per annum, for the next two years, be and the same is hereby appropriated for the erection of an additional wing and the completion of the Eastern North Carolina Insane Asylum.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

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## CHAPTER 183.

AN ACT FOR THE RELIEF OF R. M. McMILLAN, LATE SHERIFF OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Sheriff and sureties exonerated from liability on account of insolvents.

SECTION 1. That Roderick McMillan, late sheriff of Robeson county, and the sureties on his several official bonds, are hereby exonerated from all liability on account

of the insolvents whose names appear upon the tax lists placed in his hands during the time he held said office of sheriff.

SEC. 2. That said McMillan is hereby authorized to return and file the list of insolvents as aforesaid, with the present board of commissioners of said county, under oath, and the same shall be allowed him in any future settlement between the said county and himself, or in any action against him and his sureties, together with all amounts overpaid by him and overcharges against him, without regard to the statute of limitations.

Sheriff to file list of insolvents with board of commissioners under oath.

To be allowed him in settlement, &c.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 184.

### AN ACT TO INCORPORATE THE CLINTON AND FAISON RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing and maintaining a railroad from the town of Clinton in Sampson county to the town of Faison in Duplin county, the formation of a corporate company is hereby authorized, to be called the Clinton and Faison Railroad Company, which company, when formed in compliance with the conditions hereinafter prescribed, shall have corporate existence as a body politic in the state, and as such exercise the powers herein granted for the term of ninety-nine years, and by the name aforesaid may sue and be sued, plead and be impleaded in every court of this state, may be capable of purchasing, holding, leasing and conveying

Incorporation authorized.

Name.

Limitation of powers.

Corporate powers.

real and personal estate, and of acquiring the same by gift or devise for the purpose herein contemplated, may have and use a common seal, and 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 of the United States and the state of North Carolina.

Authorized to  
construct rail-  
road.  
Route.

SEC. 2. That the said company is hereby authorized to construct a railroad from the town of Clinton in said county of Sampson to the town of Faison in said county of Duplin, with such gauge as the stockholders, in their discretion, may decide upon.

Books of sub-  
scription.

SEC. 3. That for the purpose of raising the capital stock of said company, it shall be lawful to open books of subscription in the town of Clinton, Sampson county, Warsaw, Faison, and Mt. Olive, Duplin county, Goldsboro, Wayne county, and Wilmington, New Hanover county, under the direction of W. H. Moore, J. A. Ferrell, John Ashford, J. H. Stevens, J. L. Stewart, J. R. Beaman, C. Patrick, J. H. Royal, A. F. Johnson, W. A. Johnson, E. T. Boykin, J. R. Faison, Henry Fryar, J. C. Pass, Elias Faison, W. E. Hill, R. R. Bell, J. C. Hines, W. E. Stevens, J. A. Oates, Willie Thomson, Thos. Parrott, Jas. Moore, R. F. Herring, W. J. Oates, or under the direction of such commissioners as a majority of the above named persons may designate, the amount so subscribed not exceeding one hundred thousand dollars, to constitute a capital stock, for the purpose of constructing and carrying into operation the railroad by this act provided for. The times and places for receiving such subscription shall be appointed by the above named persons, or the commissioners named by them, or a majority of the said commissioners, and shall be advertised for thirty days in one or more newspapers in the state, and the books for receiving such subscription shall be kept open for ninety days at the place or places, when the same shall be opened. Such subscrip-

Commissioners.

Capital stock.

Subscriptions.

How made.

tion to the capital stock of said company may be made payable in cash, land, timber, bonds, securities, real and personal estate, machinery, rails, labor and service by contract or otherwise in such manner and upon such terms as may be agreed upon between said company and subscribers.

SEC. 4. That whenever the sum of five thousand dollars (\$5,000) shall be subscribed in the manner herein prescribed, the subscribers shall be and they are hereby declared to be incorporated into a company, by the name and style of the Clinton and Faison Railroad Company, and may meet and organize such company at such time and place as may be designated by a majority of the above named persons, after thirty days' advertisement. The stockholders, when so met in general meeting, shall have the power, and it shall be their duty, to elect a president and five directors for said company, whose terms of office shall continue for one year, or until their successors are elected after the expiration of that time. The president and directors shall elect a treasurer, who shall enter into such bond as said president and directors may require, and also a secretary, who shall keep a correct minute of all the proceedings of said board of directors. The said president and board of directors shall have general control, direction and management of the affairs of said Company. They shall appoint some person as engineer, who shall make the necessary surveys for the location of said railroad between the termini hereinbefore specified, and furnish the president and directors with reports of said survey and the estimates of cost. The said directors shall have the power to fill any vacancy that may occur in their board for an unexpired time.

When company to become incorporated.

Organization.

President and directors.

Treasurer.

Secretary.

Engineer.

Vacancies.

Stockholders to prescribe time and manner of paying subscriptions.

Authorized to appropriate land.

SEC. 5. That the said stockholders, at their first meeting, shall prescribe the time and manner in which subscriptions to the capital stock of said company shall be paid.

SEC. 6. That the said Clinton and Faison Railroad Company shall have the power and authority to appro-

priate and occupy so much land in the line of said railroad as may be necessary for the construction thereof, not exceeding fifty (50) feet from the central line of the track of said railway on each side, and so much additional land as may be necessary for the erection of station houses, sidings, switches, engine houses, machine shops, and all other necessary structures: *Provided however,* That the owner or owners of such property shall be

Proviso.

Compensation of land owners, how ascertained.

entitled to a reasonable compensation for the same, to be ascertained by five sworn disinterested freeholders of the county in which such property is situated, who shall be summoned for this purpose by the sheriff of such county. The said freeholders, so summoned, shall report the value of such property, first deducting the enhanced value thereof, to the said stockholders, and upon the payment or tender by the president of said company of the sum so assessed, the title of the property so seized and appraised shall vest thereby in said corporation: *Provided further,* That either party may appeal to the superior court of the county, upon the question of the amount assessed, in the manner prescribed by law for appeals in civil cases.

Proviso.

Authority to lease.

SEC. 7. That said company shall have the right to lease its franchises, or any part thereof, for such time and upon such terms as the said directors may deem advantageous to said company.

Authority to borrow money and issue mortgage bonds.

SEC. 8. That the president and directors of said company shall have power at any time to borrow money upon the bonds of the company, and to secure the same by mortgages or other legal assurances upon any of the property of said railroad company, and authority is hereby given the board of directors to issue bonds for the construction and management of said railroad, as the necessity for such issue may arise, and the bonds so issued shall be signed by the president, attested by the seal of such corporation, and under such regulations as the company from time to time may adopt.

SEC. 9. That said company shall have the exclusive right to transport freight and passengers over and along said road, at such rates as said company shall prescribe, subject however to such laws regulating the same as the general assembly may from time to time establish.

Company to have exclusive rights of transportation, &c.

SEC. 10. That said Clinton and Faison Railroad Company may merge and consolidate with any other road in such manner and upon such terms as the stockholders in the respective corporations may agree upon, and when so merged and consolidated, the corporation so controlling the same shall be authorized to operate and maintain the entire line of railway, and succeed to and enjoy all the franchises and privileges of said railroad.

Authority to merge or consolidate, &c.

SEC. 11. That at the written request of twenty-five taxpayers of any township in Sampson or Duplin counties, the board of commissioners of such counties shall cause an election to be held in such township at the different precincts therein, after due notice and publication, and shall submit to the qualified voters of such township the question of subscribing to the capital stock of said corporation the sum of money specified in the written request of said tax-payers, at which election those in favor of said subscription shall deposit their ballots "For Subscription," and those opposed "Against Subscription." Such election shall be held in said townships under the same rules and regulations, as elections for members of the general assembly. The returns of said election shall be made to the county commissioners, who shall canvass the same, and if a majority of all the votes cast in such township be for subscription, then the subscription so authorized shall be made to the capital stock of said railroad company for said township by an agent properly commissioned to do so by the county commissioners. Such township shall be entitled to be represented according to the number of shares subscribed, in all the general meetings of the stockholders, and for this purpose the justices of the peace of said township may from

Election in townships of Sampson and Duplin counties as to subscriptions to capital stock.

Ballots.

Election, how held.

Returns, &c.

Subscriptions, how made.

Representation of township in stockholders' meetings.

time to time, under their hands and seals, commission some suitable person to represent said township in said meetings for the term of one year.

Board of commissioners to issue bonds.

SEC. 12. That in payment of such subscription as provided for in the preceding section, the board of commissioners of the county in which such township is situated, shall have power to issue bonds in denominations not less than fifty dollars, which shall run ten years, and have coupons attached for interest at six per centum per annum, not exceeding the sum so authorized to be subscribed, and such bonds shall indicate on account of what township subscription they were issued.

Board of commissioners to levy tax.

SEC. 13. That to make provision for the interest on said bonds and their redemption at maturity, the said board of commissioners shall, in addition to the other taxes each year, compute and levy upon all property in the township so subscribing to the capital stock of said railroad company, a sufficient tax to pay the interest on the bonds issued as aforesaid, and to provide a sum equal to one-tenth of such subscription for a sinking fund, which amount shall be annually collected by the sheriff and paid over to the treasurer of the county, and invested by him in the bonds issued on account of the subscription of said township at par, and the amount of taxes collected for such township for interest shall be paid to the county treasurer and used by him in the regular payment of the coupons upon the bonds issued as above specified.

Towns of Clinton and Faison authorized to subscribe.

SEC. 14. That the towns of Clinton and Faison shall be authorized to subscribe to the capital stock of said railroad company as hereinafter provided.

Election in Clinton and Faison as to subscription.

SEC. 15. That the corporate authorities of said towns are authorized to make an order requiring the constable of either of said towns, or an officer of their own body, at such times and on such notices as they shall direct, to open the polls and take the sense of the voters of said towns qualified to vote for town officers, whether the corporate authorities of such town shall subscribe to the

capital stock of said company for such sum as the order may propose, and the officers superintending such election shall make return of the number voting for or against it to the corporate authorities of said town, or the presiding officer thereof; and if it shall appear that a majority of the voters are in favor of subscription, then the mayor or chief officer of said town shall make the subscription for said town, in cash or in bonds of said town, payable to said company in sums not less than one hundred dollars, at such times as such corporate authorities may direct, and the said corporate authorities are hereby vested with full power to raise money by taxation to meet any quota of their subscription or any installment that may be due, in the same manner that other taxes for town purposes are levied and collected. The election herein mentioned shall be held under the same rules and regulations as elections for town officers of said towns. The towns subscribing as herein provided shall have the right to be represented at the meetings of the stockholders of said company, and the corporate authorities of said towns shall, after such subscriptions, appoint some discreet person for that purpose, whose office shall continue for one year, and who shall vote in such meetings according to the number of shares subscribed by said towns.

Subscription,  
how made.

Tax to be levied.

Election, how  
held.

Representation  
in stockholders'  
meetings.

SEC. 16. That the president and board of directors of the penitentiary, upon the application of the president of said railroad company, shall deliver to any authorized agent thereof one hundred convicts, who shall be supported, clothed, guarded and transported to the locality of said railway at the expense of the state, and the state shall be reimbursed in bonds of said company, in an amount equivalent to the actual expenses in supporting, clothing, guarding, and transporting such convicts. The said railroad company shall be entitled to said convicts until completion of said railroad, or until their terms of imprisonment expire: *Provided*, That nothing in this sec-

Directors of peni-  
tentiary to fur-  
nish one hun-  
dred convicts.

Expenses, how  
paid.

How long com-  
pany entitled to  
convicts.

Proviso.

tion shall affect the number of convicts heretofore granted to any corporation.

SEC. 17. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 185.

AN ACT TO AMEND CHAPTER FORTY-ONE, SECTION TEN LINES THREE AND FOUR, BY STRIKING OUT THE WORDS, "FOUR THOUSAND" AND INSERTING IN LIEU THEREOF THE WORDS, "ONE THOUSAND."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter forty-one, section ten, lines three and four of Battle's Revisal, be amended by striking out the words "four thousand" and inserting the words *one thousand* in lieu and instead thereof.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 186.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF DARE COUNTY TO PROVIDE FOR THE SUPPORT OF THE POOR OF SAID COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be the duty of the board of county commissioners of Dare county the more effectually and

Ch. 41, §10, Battle's Revisal, amended.

Bond of county Surveyor.

Co. commissioners to appoint annually three men

economically to provide for the comfort, support and well ordering of the poor of said county, annually to appoint three responsible men in each township, whose duty it shall be, prior to the first day of April of each year, to ascertain the number, character and condition, together with name and sex, of all persons liable to become chargeable to the county for maintenance for the ensuing year, and make report thereof to the township assessor, under oath, to be by him administered, together with an estimate made, also under oath, of the amount of allowance necessary to be made by the county commissioners for the support of such poor for one year.

in each township to ascertain the number, &c., of persons liable to become chargeable to county, &c., and to report to township assessor.

SEC. 2. The township assessor shall make report to the county commissioners at their first meeting after the first Monday in April of each and every year, of the number of poor in his township to be provided for, together with their names and sex, and the estimated amount necessary for the support of each person for one year from the first day of April of each year.

Township assessor to report to county commissioners.

SEC. 3. It shall be the duty of the county commissioners to supervise the returns so made, and to make such alteration and amendment, as to the number of poor to be maintained and the sums to be allowed, as to them may seem expedient. And it shall further be the duty of the board of county commissioners to pay to each person so reported or returned by the assessors, the amount assessed for him or her, separately, in regular monthly installments.

Duty of county commissioners.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 187.

## AN ACT TO PAY JURORS OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

\$500 to be set  
apart annually  
out of general  
fund for payment  
of jurors.

SECTION 1. That out of any fund annually collected for the general fund for Graham county, there shall be set apart the sum of five hundred dollars for the purpose of paying off the jurors of said county.

Jurors to be paid  
at each term of  
court.

SEC. 2. That at each term of the court the proper disbursing officer shall pay out of said fund, to each juror, the amount due him for his services.

Excess to be paid  
back into general  
county fund.

SEC. 3. That if, under the provisions of this act, a fund more than sufficient shall arise to pay the jurors as above provided for, then the fund more than sufficient for said purpose shall be conveyed back into the general county fund.

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

Read three times in the general assembly, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 188.

## AN ACT TO ENABLE THE BOARD OF JUSTICES OF CHATHAM COUNTY TO BUILD A NEW COURT HOUSE.

*The General Assembly of North Carolina do enact:*

Board of justices  
authorized to  
empower board  
of commissioners  
to contract for  
the building of a  
new court-house.

SECTION 1. The board of justices of Chatham county shall have full power and authority to authorize and empower the board of county commissioners of Chatham county to make all necessary contracts for the building of a new court-house in the town of Pittsboro in said

county, and all contracts so made in pursuance of this act shall be binding upon said county.

Contracts to be binding on county.

SEC. 2. In order to meet the contracts made in pursuance to authority given in this act, the commissioners of Chatham county are hereby authorized and empowered to issue coupon bonds of the county to an amount not exceeding twelve thousand dollars, to run ten years, bearing interest at the rate of six per centum per annum, and to be of the denomination of one hundred and five hundred dollars, to be proportioned as the board may determine, said bonds to have coupons attached payable annually for the amount of interest due and one-tenth of the principal; which shall be received in payment of county taxes by the sheriff or tax collector of said county at any time after the maturity of said coupons: *Provided*, That the bonds shall not be sold at less than par.

Board of commissioners authorized to issue bonds, not exceeding \$12,000.

Description of bonds.

Coupons receivable for county taxes.

Proviso.

SEC. 3. It shall be the duty of the said board of justices to provide for the prompt payment of the coupons provided for in section two of this act, upon maturity, and if necessary they are hereby authorized and empowered to levy a special tax annually for ten years, which may be sufficient to pay the said coupons, to be collected at the same time and in the same manner as the general taxes: *Provided*, The same shall not exceed in any one year ten cents on the hundred dollars' valuation of taxable property in said county, and a tax upon each taxable poll, observing the constitutional equation in the levy and collection of the same.

Board of justices to provide for payment of coupons.

Authorized to levy special tax.

Proviso.

SEC. 4. That the justices of the peace of Chatham county, for the purpose of considering the propriety of building a new court-house in the town of Pittsboro and of carrying out the provisions of this act, shall assemble at Pittsboro on the first Monday in April, one thousand eight hundred and eighty-one.

Board of justices to meet on April 1st, 1881.

SEC. 5. That after the completion of said new court-house, the chairman of the board of county commissioners shall call a meeting of the justices of the peace of said

Board of justices to meet and examine court house, after its completion.

Proviso.

county to assemble at Pittsboro on a certain day and time, to be fixed by said chairman, to examine and receive said court-house: *Provided*, The same be completed according to contract.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 189.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN GOLDSBORO TOWNSHIP IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

Election to be held in Goldsboro township on May 2nd, 1881, upon question of taxation for graded schools.

SECTION 1. That the board of commissioners of the county of Wayne are hereby authorized to submit to the qualified voters of Goldsboro township, in said county, on the first Monday in May, one thousand eight hundred and eighty-one, under such rules and regulations as said board may prescribe, whether an annual tax shall be levied therein for the support of a graded public school for the white children and a graded public school for the colored children in said township. Each voter shall vote a written or printed ballot with the words "for school" or "no school," and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the general assembly.

Ballots.

Election, how held.

If majority vote in favor of tax, tax to be levied.

SEC. 2. That in case a majority of the qualified voters of said township shall be in favor of such tax, the same shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes. And the sheriff of Wayne county shall collect

Sheriff to collect

and pay over the same to the county treasurer, under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, That the special tax so levied and collected shall not exceed one-fifth of one per centum on property and sixty cents on the poll.

and pay to county treasurer.

Proviso.

SEC. 3. That the special taxes thus levied and collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school in said township for white persons of both sexes, between the ages of six and twenty-one years, and the special taxes thus levied and collected from the taxable property and polls of colored persons shall be expended in keeping up a graded school in said township for colored persons of both sexes, between the ages of six and twenty-one years.

Taxes collected from white persons to be applied to support of white school.

Taxes collected from colored persons to be applied to support of colored schools.

SEC. 4. That E. B. Boyden, J. A. Bonitz, H. L. Grant, H. S. Lee, W. A. Deans, Nathan Bogatt and B. F. Arrington, be and they are hereby constituted a board of trustees for the graded school for the whites; that said board shall have power to fill all vacancies occurring in said board, to employ teachers, and do all such acts as shall be necessary to carry on said graded school for the white children.

Board of trustees for white school.

Vacancies.

Teachers, &c.

SEC. 5. That Hinton Sugg, Anestus Smith, William Crockett, Hillery Sears, Squire Hodges, Nathan Boyett, (colored,) and C. A. Scott, be and they are hereby constituted a board of trustees for the graded school for the colored children; that said board shall have power to fill all vacancies occurring in said board, to employ teachers, and do all such acts as shall be necessary to carry on said graded school for the colored children.

Board of trustees for colored school.

Vacancies.  
Teachers, &c.

SEC. 6. That the public school money which shall, from time to time, be collected under the general school law for public school purposes for the white children in said township, shall be applied for keeping up the public graded schools for the whites, under the orders and direc-

Public school money collected under general school law for white children in Goldsboro township to be applied to maintenance of white graded school.

tion of the board of trustees for said graded public schools for white children.

Public school money collected under general school law for colored children in Goldsboro township to be applied to maintenance of colored graded school.

SEC. 7. That the public school money which shall, from time to time, be collected under the general school law for public school purposes for the colored children in said township shall be applied for keeping up the public graded school for the colored children, under the orders and directions of the board of trustees for said graded school for the colored children.

Bond of county treasurer responsible for proper disbursement of moneys collected under this act.

SEC. 8. That county treasurer of said Wayne county and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act.

No trustee to be a teacher.

SEC. 9. That no trustee of either of said graded schools shall, while acting as such, be a teacher therein.

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

Ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 190.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE ELIZABETH CITY AND NORFOLK RAILROAD COMPANY."

*The General Assembly of North Carolina do enact :*

Authority to increase number of directors to thirteen.

SECTION 1. That the Elizabeth City and Norfolk Railroad Company be and is hereby authorized to increase the number of the directors thereof to any number not exceeding thirteen, upon a majority vote of the said directors at any regular or special meeting called for that purpose. But the said increase shall not be valid or effectual until ratified and consented to by two-thirds of the stockholders of the said Elizabeth City and Norfolk railroad company in writing and duly acknowledged, a copy of

Consent of two-thirds of stockholders necessary.

which writing shall be filed in the office of the secretary of state.

SEC. 2. A majority of the directors of the said Elizabeth City and Norfolk railroad company shall constitute a quorum.

SEC. 3. The directors of the railroad company who shall be elected at the next meeting for the election of directors for said company, to be held after the number of directors shall be increased under the provisions of this act, shall hold their said offices as directors therein until the fifteenth day of August, one thousand eight hundred and eighty-three, on which day an election of directors shall be held by the stockholders of said corporation, and thereafter elections for directors of said corporation shall be held annually at such times as the company by its by-laws shall provide.

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

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 191.

### AN ACT FOR THE BETTER PROTECTION OF FARMERS AND FISHERMEN.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for the board of aldermen or other proper authorities of the cities of Wilmington, Tarboro and Newbern to impose or collect any tax on or for the sale of fresh meats, beef, pork, mutton, game, fish, oysters, clams, garden truck and all farm products, on any of the streets or alleys thereof from wagons,

Unlawful for city authorities of Wilmington, Tarboro and Newbern to tax or interfere with the sale of meats, farm products, &c., on streets, &c.

carts, shops or stores, or to in any manner interfere with the sale of the above named articles.

**Misdemeanor.** SEC. 2. Any person or persons violating the provisions of the above section of this article [act] shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace be fined not less than fifty dollars and imprisoned not less than thirty days for each and every offence.

**Penalty.**

**Conflicting laws repealed.** SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 192.

AN ACT TO PREVENT THE FELLING OF TREES AND BRUSH IN DOLLEY'S GUT AND GREEN'S THOROUGHFARE IN CRAVEN COUNTY.

*The General Assembly of North Carolina do enact :*

**Unlawful to obstruct water in Dolly's gut and Green's thoroughfare in Craven co.** SECTION 1. That it shall be unlawful for any person to cut or place any tree, brush or other obstruction, calculated to impede the flow of water or hinder navigation in Dolly's gut or Green's thoroughfare, in the county of Craven.

**Misdemeanor.** SEC. 2. That any person 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 at the discretion of the court.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 193.

AN ACT TO AMEND CHAPTER EIGHTY-TWO, (82) LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, AND CHAPTER (80) THIRTY, LAWS OF SPECIAL SESSION OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section four (4), chapter eighty-two (82), laws of one thousand eight hundred and seventy-nine, be amended as follows: Strike out all of said section after the word "roads" in the fifth line and insert "who shall be exempt from work on said roads for two days only in each and every year."

Ch. 82, §4, laws 1879, amended.

Liability of board of supervisors to work on roads.

SEC. 2. The provisions of section one and four, chapter thirty, laws of special session of one thousand eight hundred and eighty, shall be applicable to Clay county.

Ch. 30, §§1 and 4, laws 1880, applicable only to Clay county.

SEC. 3. The provisions of this act shall apply only to the county of Clay.

This act applicable only to Clay county.

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

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 194.

AN ACT TO EMPOWER THE COMMISSIONERS OF MACON COUNTY TO RAISE REVENUE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Macon county shall have full power and authority to make all

County commissioners authorized to contract

for building of  
new court house. necessary contracts for the building of a new court-house  
in the town of Franklin in said county.

Commissioners  
authorized to  
issue bonds, not  
exceeding \$10,000.  
Description of  
bonds. SEC. 2. That the commissioners of Macon county are  
hereby authorized and empowered to issue bonds of the  
county in sums of one hundred dollars or less, which bonds  
shall bear interest not to exceed the rate of six per centum  
per annum from date of their issue, and shall run and be  
due six years from the date of their issue, and said bonds  
shall not exceed in the aggregate the sum of ten thousand  
dollars: *Provided*, The county authorities shall have the  
right at any time to retire part or all of said bonds before  
maturity.

Proviso.

Bonds, how  
issued. SEC. 3. All bonds issued under the provisions of this  
act shall be signed by the chairman of the board of  
county commissioners and countersigned by the register  
of deeds.

Commissioners  
authorized to  
levy special tax. SEC. 4. The said commissioners are hereby authorized  
whether they issue any bonds or not, to levy a special tax  
for six several years not to exceed thirty cents on the one  
hundred dollars worth of property: *Provided*, The con-  
stitutional equation between the property and poll be  
observed, said special tax to be applied to the building of  
a new court house and collected as other taxes.

Proviso.

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

In the general assembly read three times, and ratified  
this the 5th day of March, A. D. 1881.

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## CHAPTER 195.

AN ACT CONCERNING THE BURNT RECORDS IN LENOIR COUNTY.

Preamble.

WHEREAS, On the ..... day of April, one thousand  
eight hundred and eighty, all or quite all the records of

deeds within or belonging to the office of register of deeds, for the county of Lenoir, were destroyed by fire ; therefore

*The General Assembly of North Carolina do enact :*

SECTION 1. That when a deed, whereof the record has been burned as aforesaid, shall be presented for registration, and it shall appear that the same has 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 the said register upon payment to him of the sum of fifty cents, for not more than three copy sheets and ten cents for each additional copy sheet.

Deeds heretofore registered in burned books to be recorded anew upon presentation.

Fees of register.

SEC. 2. That when the record and original copy of such deed have been destroyed as aforesaid, a certified copy of such deed or a deed conveying the same property from and to the same parties in the original deed destroyed as aforesaid and duly probated, shall be registered by said register under the provisions of this act: *Provided*, Any person presenting such deed for registration shall make affidavit before said register, who in such case is hereby authorized to administer oaths, that the deed presented for registration is such a deed as is described in this section of this act, and has heretofore been registered and destroyed as aforesaid: *Provided, further*, That on all such deeds officers entitled to probate fees shall collect only half fees.

When original deed as well as record has been destroyed, certified copy of deed or new deed to be recorded under provisions of this act.

Proviso.

Proviso.

SEC. 3. That whenever such deed shall be a marriage contract, mortgage deed, or deed in trust to secure creditors, 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 any proof to the contrary, that such taxes (both state and county) were paid prior to such former registration, and no further payment of such taxes shall thereon be required.

Presumption of payment of tax upon marriage contracts, mortgages, &c.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 196.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND FORTY-TWO OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

Ch. 142, laws 1879,  
repealed.

SECTION 1. That chapter one hundred and forty-two of the laws of one thousand eight hundred and seventy-nine (1879), entitled "an act to abolish private seals and to prescribe a short form of deeds and for other purposes," is repealed.

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

Ratified this the 5th day of March, A. D. 1881.

## CHAPTER 197.

AN ACT TO AMEND SECTION NINE, CHAPTER SEVEN, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

Ch. 7, 29, Battle's,  
Revisal amended.

SECTION 1. That section nine of chapter seven of Battle's Revisal be and the same is hereby amended as follows: In line five of said section strike out all after the word "*aforsaid*."

Exemption of  
deputy clerks in  
Rowan and Stan-  
ly cos. from oper-  
ation of law for-  
bidding deputy  
clerks to practice  
law, stricken out.

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

Ratified this the 5th day of March, A. D. 1881.

## CHAPTER 198.

AN ACT TO PREVENT THE FELLING OF TIMBER IN FALLING  
CREEK IN LENOIR COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to fell any tree or trees or place any other obstructions in the waters of Falling creek in Lenoir county above the crossing of the Atlantic and North Carolina railroad or on the banks of the same below high water mark, and suffer the same to remain for the space of five days.

Unlawful to obstruct waters of Falling creek in Lenoir county.

SEC. 2. If any person or persons shall violate the first section of this act, or shall procure any person or persons so to do, he, she or they so offending, or procuring others to offend, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Misdemeanor.

Penalty

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

Ratified this the 5th day of March, A. D. 1881.

## CHAPTER 199.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTEEN  
BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and sixteen, Battle's Revisal, be amended as follows: Strike out all of section two and insert: The board of county commissioners of each county shall, at the charge of their county, procure standard sealed weights of half hundred, quarter

Ch. 116, 22, Battle's Revisal, amended.

Standard weights and measures to be provided by county commissioners.

hundred, ten pounds, five pounds, two pounds, and one pound; yard stick, half bushel, peck, half peck, quarter peck, and one-eighth peck; gallon, half gallon, quart, pint, half pint, and gill measure, of the United States standard, sealed and branded "N. C."

§3 amended.

Keeper of weights and measures, under direction of governor, to furnish to counties at prime cost, weights and measures mentioned in section one.

To contract for manufacture of plain sealed weights and measures.

Proviso.

§9 amended.

In case of vacancy, keeper of capitol to be *ex officio* keeper of weights and measures.

§10 amended.

Compensation.

§13 amended.

Liability of co. commissioners for failure to pro-

SEC. 2. Strike out all of section three and insert: It shall be the duty of the keeper of weights and measures, under the direction of the governor, to procure and furnish at prime cost to any of the counties of this state, upon an order of the board of county commissioners, any of the weights and measures mentioned in section one of this act, and he is hereby authorized by and with the approval of the governor, to contract for the manufacture of plain sealed weights substantially made of iron, steel, or brass, as the county ordering may direct; yard stick made of substantial wood, each end neatly covered with metal, sealed, marked and stamped N. C.; half bushel, peck, half peck, quarter peck, and one-eighth peck, made of substantial well seasoned wood, with secure metallic binding and casing; gallon, half gallon, quart, pint, half pint, and gill measure, made of light sheet copper with iron handles: *Provided*, The keeper of weights and measures shall procure and furnish as herein provided to the board of commissioners of any county ordering the same, dry and liquid sealed measures and yard stick made of brass or copper.

SEC. 3. Amend section nine by adding to said section: And in case the governor fails to appoint, or the person appointed fails to qualify or discharge said duties, the keeper of the capitol shall be *ex-officio* keeper of weights and measures, and discharge the duties and receive the compensation provided by law.

SEC. 4. Amend section ten by striking out the word "two" in line three, and insert *one*.

SEC. 5. After section thirteen add: The board of county commissioners of any county in this state shall not be liable in any court for failure to provide any of the

weights and measures mentioned in this act, for twelve months from the ratification of this act. vide weights and measures.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 200.

AN ACT TO REVISE AND CONSOLIDATE THE PUBLIC SCHOOL LAW AND TO MAKE MORE EFFICIENT THE SYSTEM OF PUBLIC INSTRUCTION IN THIS STATE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the governor, lieutenant-governor, secretary of state, treasurer, auditor, superintendent of public instruction and attorney-general shall constitute the state board of education, and by the name "The State Board of Education," they are hereby and in pursuance of the constitution created a body politic and corporate, and by that name may sue and be sued, plead and be impleaded, in all courts of justice according to their respective jurisdiction; may have a common seal and alter the same at pleasure; may acquire, receive and hold real, personal and mixed property by purchase, gift, devise or otherwise, and may sell, dispose of and convey the same according to law; and may contract and be contracted with, for the purposes provided in this act, and for such other purposes as may now or hereafter be prescribed by law, and, to that end, to make such by-laws for its government and the exercise of its powers, and to alter the same from time to time in their discretion, as shall not be in conflict with the laws of this state and of the United States.

State board of education incorporated.

Name.

Corporate powers.

Officers.

SEC. 2. Of the said board, the governor shall be president, the superintendent of public instruction shall be secretary, and the treasurer of the state shall be treasurer, and a majority of the board shall constitute a quorum for the transaction of business. The said board shall hold its meetings in the executive office, and shall meet at such times as a majority of the members may appoint: *Provided*, That the governor may call a meeting at any time.

Quorum.

Meetings.

Proviso.

Proceedings to be recorded, &amp;c.

SEC. 3. All the proceedings of said board shall be recorded in a well bound and suitable book, which shall be kept in the office of the superintendent of public instruction.

To succeed to powers, &amp;c., of the president and directors of the literary fund of N. C.

Authorized to legislate, &amp;c., for government of public schools, &amp;c., subject to revision or repeal by general assembly.

SEC. 4. That the state 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 and are hereby clothed with full power to legislate and make all needful rules and regulations for the government of the public schools of this state and for the management of the state educational fund. But all such acts, rules and regulations of the said board may be altered, amended or repealed by the general assembly, and, when so altered, amended or repealed, shall not be re-enacted by the said board; and the said board shall likewise succeed to and have all the property of every kind and use, powers, rights, privileges and advantages which in anywise belonged or appertained to the said "president and directors of the literary fund of North Carolina," and may, in its own name, assert, use, apply and enforce the same.

To succeed to property of literary fund.

Apportionment of school fund.

SEC. 5. That the said board shall, on the first Monday in August of each and every year, apportion among the several counties of the state all the school funds which may be then in the treasury of the said board, and order a warrant for the full apportionment to each county, which said apportionment shall be made on the basis of the school population.

SEC. 6. 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.

Auditor to keep separate account of public school fund.

SEC. 7. Upon the receipt of the requisition of the treasurer of any county, duly approved by the chairman and secretary of the county board of education, for the school fund which may have been apportioned to said county, the state board of education shall issue its warrant on the state auditor for the sum due said county; whereupon the said auditor shall draw his warrant on the treasurer of the state board of education in favor of such county treasurer for the amount set forth in the warrant of the said state board.

When and how warrant issued for school fund due to any co.

SEC. 8. 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.

State treasurer to hold school funds as a special deposit. When and how paid out.

SEC. 9. Upon the ratification of this act the state board of education shall recommend a series of text books to be used in the public schools for a term of three years and until otherwise ordered: *Provided*, That the county boards of education shall take care that changes from books now in use to those recommended, do not work great inconvenience or expense to parents, guardians or pupils: *Provided, further*, That no sectarian or political books shall be used in the public schools: *Provided, further*, That the prices of the books recommended be fixed by the state board of education for the whole term which they shall be used.

State board of education to recommend text books to be used in public schools for three years. Proviso.

Proviso.

Proviso.

SEC. 10. The superintendent of public instruction shall have the school laws of the state published in pamphlet

Duties of superintendent of public instruction.

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 the efficient discharge of the duties of his office.

Duty of superintendent to direct operations of system of public schools, &c.

SEC. 11. The superintendent of public instruction shall direct the operations of the system of public schools and enforce the laws and regulations in relation thereto. It shall be his duty to correspond with leading educators in other states, and to investigate the system of public schools established in other states, and, as far as practicable, render the results of educational efforts and experiences available for the information and aid of the legislature and state board of education.

Duty of superintendent to learn and supply educational wants of the state, &c.

SEC. 12. It shall be the duty of the superintendent of public instruction to acquaint himself with the peculiar educational wants of the several sections of the state, and he shall take all proper means to supply said wants, by counseling with county boards of education and county superintendents, by lectures before teachers' institutes, and by addresses to public assemblies on subjects relating to public schools and public school work, and shall be allowed his additional expenses while engaged in this duty, not to exceed the sum of five hundred dollars per annum.

Expenses allowed not exceeding \$500 per annum.

SEC. 13. The proceeds of all lands that have been or may hereafter 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 any other property now belonging to any state fund, for the purposes of education, also the net proceeds of sales of swamp lands belonging to the state, and all other grants, gifts or devises that have been made or hereafter may be made to this state, and not otherwise appropriated by this state or by the terms 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, as established by law in pursuance of the constitution.

Funds appropriated for establishing and maintaining system of free public schools, to be paid into state treasury.

SEC. 14. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from sales 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 equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials or spirituous liquors and to auctioneers, 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 as established by law in pursuance of the constitution: *Provided*, That the amount collected in each county shall be reported annually to the state superintendent of public instruction.

Funds appropriated for establishing, &c., free public schools, to be paid into county school fund.

Proviso.

SEC. 15. 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

County board of education.

Officers.

education, and a majority of the board shall constitute a quorum for the transaction of business.

Quorum.

Duties of county board of education.

SEC. 16. The county board of education shall be, and is hereby charged with the general management 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.

Meetings.

SEC. 17. The county board of education of each county shall hold two regular meetings every year, namely, on the first Mondays of June and December, for the purpose of looking after the interests of the public schools: *Provided*, That the chairman may call a meeting of the board

Proviso.

Books of county treasurer to be examined, &c.

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.

Office of county examiner abolished.

SEC. 18. The office of "county examiner" is hereby abolished, to take effect on the first Monday in June, one thousand eight hundred and eighty-one.

County superintendent of public instruction.

SEC. 19. The county board of education and the county board of magistrates, in joint session, shall, on the first Monday in June, Anno Domini one thousand eight hundred and eighty-one, elect by ballot one resident of their county, of good moral character and of liberal education, who shall be styled "the county superintendent of public instruction." He shall hold his office until the first Monday in December, Anno Domini one thousand eight hundred and eighty two, and until his successor is elected and qualified. On the first Monday in August, Anno Domini one thousand eight hundred and eighty-two and biennially thereafter the said joint boards, hereinbefore mentioned, shall elect one resident of their county, having the qualifications required by this act, county superintendent of public instruction, who shall hold his office

Term of office.

Biennial elections.

for a term of two years, and until his successor is elected and qualified: *Provided*, That if a vacancy should at any time occur, the same shall be filled by said joint boards. Immediately after the election of said superintendent, the secretary of the county board of education shall report to the state superintendent the name and address of the person elected.

Vacancies.

Secretary to report name, &c., to state superintendent.

SEC. 20. 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 having due regard to the township boundaries. They shall designate the districts by number, as school district No. 1, school district No. 2, in the county of ....., as the case may be.

School districts,

SEC. 21. The county board of education shall consult the convenience of the white residents in settling the boundaries of districts for the 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 in territorial limit, 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 district number one, two, three, etc., for white schools, or school district number one, two, three, etc., for colored schools, (as the case may be) in the county of .....

Convenience of residents to be consulted in formation of districts.

Separate schools for the two races.

SEC. 22. The county board of education of every county shall, on the first Monday of March of each year, 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, except such as may be raised by the special tax provided for in section sixty-two of this act, specifying how much thereof is apportioned to the children of each race, and give notice thereof to the school committees of the several

County board of education to apportion county school fund among districts.

districts of the county, and shall publish the same by advertisement posted on the court-house door of each county, and furnish the county treasurer with the amounts thus apportioned among the several school districts and the amount to which each district is entitled. 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 remain to the credit of said race in said school district for the year next ensuing. As far as practicable, the county board of education shall require all the schools to begin on the same day.

Sums apportioned subject to order of school committees.

Proviso.

Proviso.

Basis of annual apportionment of public school moneys.

SEC. 23. The annual apportionment of public school moneys, required by section twenty-two of this act, shall be based upon the amounts actually received by the county treasurer from all sources and reported by him to the county board of education as required by this act. But a sufficient amount of money shall be left unapportioned to pay the general school expenses of the county authorized by this act.

School committees.

SEC. 24. For each school district there shall be elected biennially by the county board of education of the respective counties, on the Tuesday after the first Monday in December, 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 a suitable resident of the school district to fill such vacancy, and the person thus appointed shall exercise all the powers and duties of a school committeeman until his successor is elected and qualified. For sufficient cause, after one month's formal notice, the county board of education may remove a school

Duties. Vacancies.

Removal.

committeeman and proceed at once to fill the vacancy thus created.

SEC. 25. 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 justified treasurer's bond, with security in double the amount of all public school moneys received by him or by his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county board of education; and the county board of education may, from time to time, if deemed necessary, require him to strengthen said bond, and in default thereof the county board of education shall be guilty of a misdemeanor.

County treasurer to receive and disburse school fund.

Bond.

Additional bond.

Misdemeanor.

SEC. 26. All orders upon the treasurer of the county board of education for school money for the payment of teachers, duly countersigned by the county superintendent of public instruction, and all orders for the purchase of sites for school-houses and for 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, which orders, duly endorsed by the person to whom the same are payable, shall be the only valid vouchers in the hands of the treasurer of the county board of education, to be paid out of the funds apportioned to the district in which the school-house is erected: *Provided*, That the said treasurer shall not pay any school money for building or repairing any school-house, unless the site on which it is located has been donated to or purchased by the school committee of the district in which said house is located; which shall appear by deed, regularly executed to said committee and their successors in office, probated, registered in the office of register of deeds for the county, and delivered to the treasurer of the county board of education, to be by him safely deposited with his valuable official papers, and surrendered to his successor in office, and

Orders upon treasurer of co. board of education, how issued.

Proviso.

Payments for building or repairing school-houses.

Liability of treasurer. for default thereof he shall be liable on his official bond for any sum thus illegally paid.

Duties of treasurer of county board of education.

SEC. 27. It shall be the duty of the treasurer of the county board of education to keep a book in which he shall open an account with each public school district in the county, showing the amount apportioned to said district, distinguishing the moneys due to the whites and the colored districts, the dates of all payments of school moneys, the name of the person to whom paid and the several amounts. He shall balance the accounts of each district annually on the thirtieth day of November in each and every year, and shall report by letter or printed circular, to each school committee the amount apportioned to the respective districts for the year, together with the balance which may be due any of the said districts from the preceding year.

Treasurer to furnish blank deeds to school committeemen.

SEC. 28. It shall be the duty of the treasurer of the county board of education to furnish school committeemen with blank deeds for school-house sites.

Treasurer to make report to county board of education.

SEC. 29. The treasurer of the county board of education shall, on the first Monday in December in each year, report to said board the amount of money received from the sheriff for public school purposes, said report to show in detail the amounts received respectively from property tax, poll tax, liquor licenses, auctioneers, and from such other sources as may be taxed by the general assembly for school purposes. He shall also report, at the same time, the amount of moneys received by him from fines, forfeitures and penalties and from the state treasurer and other sources for public school purposes.

Treasurer to produce books, vouchers, &c., when required by board.

SEC. 30. The treasurer of the county board of education shall, when required so to do by said board, produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at each settlement required by the provisions of this act.

Compensation of treasurer.

SEC. 31. The treasurer of the county board of education of each county shall receive as a compensation in full for

all services required of him by law as such treasurer, such a *per centum* not exceeding two and a half per centum on account of receipts and disbursements of school funds as the county board of education may deem adequate and proper.

SEC. 32. The county treasurer of each county shall report to the state superintendent of public instruction on the first day of December 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 to teachers for the white and colored children respectively and for school-houses and school-house sites, in the several districts. He also shall report to the state superintendent of public instruction, specifically and in detail by items, the amounts paid out for other purposes in pursuance of this act and other laws now in force.

Treasurer to make report to state superintendent of public instruction.

SEC. 33. The treasurer of the county board of education shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived, and the date of such payment: *Provided*, That in his settlement with the sheriff or other collecting officer of public school taxes or other school fund, the said treasurer shall receive money only.

Treasurer to keep account of public school moneys.

Proviso.

SEC. 34. Any treasurer of a county board of education failing to make the report required of him by section thirty-two of this act, at the time and in the manner prescribed, shall be guilty of a misdemeanor, and upon conviction thereof in any court of record having criminal jurisdiction of his county, 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.

Treasurer failing to report to state supt. of public instruction, guilty of misdemeanor.

Penalty.

Sheriff to pay annually in money to treasurer of county board amount of state and county taxes levied for school purposes, &c.

Misdemeanor.

Penalty.

Action on bond.

Sheriff to take duplicate receipts, &c.

Duties of secretary of county board of education.

Examination of applicants for teacher's certificates by county supt. of public instruction.

Grades of certificates.

SEC. 35. The sheriff of each county shall pay annually in money to the treasurer of the county board of education thereof, on or before the first day of February of each year, the whole amount levied less such sum or sums as may be allowed on account of insolvents 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 board of county commissioners for and in behalf of the state.

SEC. 36. The sheriff or other collecting officer shall take duplicate receipts of the treasurer of the county board of education for such payments as he may make under this act, one copy of which shall be transmitted to the auditor of the state.

SEC. 37. The secretary shall record all of the proceedings of the county board of education, issue all notices and orders that may be made by said board pertaining to the public schools, school-houses, sites or districts, (which notices or orders it shall be the duty of the secretary to serve by mail, or by personal delivery without cost), and record all school statistics, which shall be reported to the county board of education by the county superintendent of public instruction. The county board of education shall provide the secretary with a suitable book in which to make the records required by this section.

SEC. 38. The county superintendent of public instruction of each county shall examine all worthy applicants for teachers' certificates at the court-house in the county, on the second Thursdays of July, October, January and April of each and every year, and continue the examination, from day to day, during the remainder of the week, if necessary, till all applicants are examined. The grade of the certificate to which the applicants may be entitled

shall conform to the following standard of excellence: that is, one hundred being the maximum, a certificate shall not issue to any applicant who makes less than fifty per centum in any one branch, or whose general average is less than seventy per centum. A general average of ninety per centum and over shall entitle an applicant to a first grade certificate; a general average of eighty per centum or more shall entitle the applicant to a second grade certificate; and a general average of seventy per centum or more shall entitle an applicant to a third grade certificate; but a third grade certificate may be issued if the applicant is proficient in spelling, reading, writing and the four fundamental rules of arithmetic. The certificates shall be valid for one year from their dates and only in the county in which they were issued. No branches shall be taught in the public schools except spelling, defining, reading, writing, arithmetic, English grammar, geography, and the history of the state and of the United States: *Provided*, That the school committee may make special arrangements to allow other branches to be taught.

Certificates valid for one year in county where issued.

What to be taught in public schools.

Proviso.

SEC. 39. The county board of education of any county may appropriate an amount not exceeding one hundred dollars out of the school funds of the county for the purpose of conducting one or more teachers' institutes for said county; or the county commissioners of two or more adjoining counties may, if in their judgment deemed proper, donate an amount not exceeding one hundred dollars to each county, to some convenient and satisfactory point for the purpose of conducting a teachers' institute for said counties, and the public school teachers of the said county or counties are hereby required to attend said institutes, which latter shall be open also to any teachers in the county or counties who may be desirous to attend them.

Teacher's institutes.

Teachers required to attend.

SEC. 40. A county teachers' institute, under the foregoing provision of this act, shall be under the supervi-

County supt. to have charge of county teachers' institute.

ion of the county superintendent of public instruction  
 In the event of a joint county teachers' institute, the supervision thereof shall be vested in a president to be elected by the institute from among the county superintendents present.

President of joint county teachers' institute to be elected, &c.

Duties of county superintendent of public instruction.

SEC. 41. It shall be the duty of the county superintendent of public instruction to visit and inspect the public schools of his county regularly; he shall advise with the teachers as to the best methods of instruction and government, and to that end he shall keep himself thoroughly posted as to the progress of education in other counties, cities and states; he shall have authority and is hereby invested with the same, to correct abuses, and to this end he may suspend any teacher who may be guilty of any immoral or disreputable conduct, or who may prove himself incompetent to discharge efficiently the duties of a public school teacher, or who may be persistently neglectful of the said duties. Upon suspending a teacher under the provisions of this section, the county superintendent shall at once notify the school committee of the fact, advising them at the same time as to the cause of his action in the premises, whereupon the school committee shall take the case under advisement, and its decision, upon the hearing of the facts, shall be final.

Powers.

Suspension of teacher.

County superintendent to distribute blanks, &c.

SEC. 42. It shall be the duty of the county superintendent of public instruction to distribute to the various school committees of his county all such blanks as may be furnished by the state superintendent of public instruction for reports of school statistics for the several districts; also blanks for teachers' reports and for orders on the treasurer of the county board of education for teachers' salaries; he shall also distribute to the school committees school registers for their respective districts; he shall advise with said committees as to the best methods of gathering the school statistics contemplated by such blanks, and, by all proper means, shall seek to have such statistics fully and promptly reported.

SEC. 43. It shall be the duty of the county superintendent of public instruction to countersign all orders given by the several school committees upon the treasurer of the county board of education in payment of teachers' salaries, and it shall not be lawful for the said treasurer to pay such orders unless the same have been countersigned by the county superintendent of public instruction: *Provided*, That the said county superintendent shall not have authority to countersign any such order until the teacher, in whose favor it is drawn, shall have made the reports to the county superintendent required by the provisions of this act.

County supt. to countersign orders on treasurer of county board for payment of teachers' salaries.

Proviso.

SEC. 44. The county superintendent of public instruction shall deliver to the county board of education, on or before the first Monday in December in each and every year, a catalogue of all the teachers to whom he gave certificates during the year.

County supt. to deliver to county board catalogue of teachers, &c.

SEC. 45. It shall be the duty of the county superintendent of public instruction of each county, on or before the first Monday in December of every year, to report to the state superintendent of public instruction an abstract statement of the number, grade, race and sex of the teachers examined and approved by him during the year; also the number of public schools taught in the county during the year for each race; the number of pupils of each race enrolled in said schools; their average attendance; the number of males and the number of females; the average length of the terms of said schools and the average salary, respectively, of the white and colored teachers; also full and accurate statistics of the number of school children in the county, giving race and sex; the number of school districts for each race and the number of public school-houses and the value of public school property for each race; the number of teachers' institutes held and the number of teachers that attended such institutes; together with such suggestions as may occur to him promotive of the school interests of the county.

County supt. to report to state superintendent of public instruction, number, &c., of teachers, number of schools, &c.

Co. supt. to file copy of report to state supt. in office of secretary of co. board.

SEC. 46. The county superintendent of public instruction shall file a copy of his annual report to the state superintendent of public instruction in the office of the secretary of the county board of education, and he shall also turn over to the said secretary the census reports and school statistics as reported to him by the school committees of the several districts, to be recorded by said secretary in pursuance of the provisions of this act.

To turn over to secretary census reports, &c.

Compensation of county superintendent.

SEC. 47. Each county superintendent of public instruction, who shall comply with the provisions of this act, shall receive as compensation for his services three dollars per day for all days necessarily engaged in the discharge of the duties of his position, of which said service he shall present, monthly, to the county board of education, a certified account, whereupon it shall be the duty of the chairman and secretary of said board to draw an order on the treasurer of the county board of education for the amount due the county superintendent by virtue of this section. This order shall be paid by the said treasurer out of the school funds: *Provided*, That his salary shall not exceed five per centum of the school fund apportioned in the county.

Proviso.

Oath of school committeemen.

SEC. 48. 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.

Meeting of school committee.

SEC. 49. 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, and the said clerk shall keep a record of the proceedings of said committee in a book provided for that purpose.

Chairman.  
Clerk.  
Clerk to keep record.

School committee to be a body corporate.  
Name.

SEC. 50. 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.

Corporate powers.

SEC. 51. It shall be the duty of the school committee of each district to take and return to the county superintendent of public instruction, 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, designating the race and sex. And the said committee shall also report to the said county superintendent the number of public school-houses and the value of all public school property for each race, separately.

School committee to take annual census of children.

To report number of school houses to county superintendent, &c.

SEC. 52. The school committee 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 to teachers in said schools: *Provided*, That no teacher shall be employed who does not produce a certificate from the county superintendent of public instruction, dated within the time prescribed by section thirty-nine of this act: *And provided further*, That teachers of the third grade shall not receive out of the school fund more than fifteen dollars per month; of the second grade not more than twenty-five dollars per month, and teachers of the first grade shall receive such sum as may be determined by the committee; subject to the approval of the county board of education; but no teacher shall receive any compensation for a shorter term than one school month of twenty days, unless providentially hindered. No committeeman shall be a teacher, nor shall he in any way be interested, by contract or otherwise, in the erection or repairing of any school-house in his district.

School committee authorized to employ and dismiss teachers, and to fix their pay.

Proviso.

Proviso.

SEC. 53. 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 num-

Teacher to render statement of number of pupils, &c., to school committee.

When order for payment of teachers to be given.

ber of pupils, male and female; the average daily attendance, the length of term and the time taught. If the committee are satisfied that the provisions of this act have been complied with, they shall give an order on the treasurer of the county board of education, payable to said teacher, for the full amount due for services rendered.

School committee empowered to receive gifts, &c.

SEC. 54. 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 site or other public school property, has become unnecessary for public school purposes, they shall sell the same at public auction, after advertisement for twenty days at three public places in the county. 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 treasurer of the county board of education for the school expenses in said school district.

To have care of school-house, &c.

To sell school-house, &c.

Deed, how executed.  
Proceeds of sale.

School committee empowered to receive sites for school-houses by donation or purchase.

Approval of chairman and secretary of co. board necessary in case of purchase.

Title.

Proceeding to condemn land for school-house site.

SEC. 55. 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 treasurer of the county board of education for the purchase money, and upon payment of the order, the title to said site shall vest 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 board of education, and the latter shall there-

upon 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 board of education. If said report is confirmed by the said board, the chairman and secretary of said board shall approve the order which the district school committee shall give on the treasurer of the county board of education 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 vest 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 board may appeal to the superior court of the county in which said land is situate, upon giving bond to secure said board against such costs as they may incur on account of said appeal not being prosecuted with effect.

Proviso.

Proviso.

SEC. 56. The school committee in each district shall deliver to the treasurer of the county board of education all deeds for school-house sites and other school property, to be recorded, if not already recorded, and deposited with said treasurer for safe keeping as provided in this act.

School committee to deliver deeds to treasurer of county board.

SEC. 57. 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 of their pupils, and to teach thoroughly all the branches which they are required to teach. If any pupil shall wilfully and persistently violate the rules of school, such pupil may be dismissed by the teacher for the current term.

Duties of teachers.

Dismissal of pupil.

SEC. 58. 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 deportment of each. The grade in scholarship shall be indicated by the numbers

Teachers to keep daily records concerning pupils.

Grades in scholarship.

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 principal or teacher of a public school shall report to the county superintendent of public instruction the length of term of school; the race for which it was taught; the number, sex and average daily attendance of the pupils, and the number of the district in which the school was taught.

Grades in department.

Report to be made to county superintendent.

School year.

SEC. 59. The school year shall begin on the first Monday in December.

Every school receiving aid under this act to be a public school.

SEC. 60. Every school to which aid shall be given under the provisions of this act shall be a public school, to which children living within the district between the ages of six and twenty-one years shall be admitted free of charge for tuition: *Provided*, That the admission of pay students shall be under the direction of the committee.

Proviso.

Tax of twelve and a half cents on every \$100 of property and credits to be levied for support of public schools.

SEC. 61. In addition to the state and county capitation taxes, appropriated by the constitution, and other revenues 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 twelve and half a cents on every one hundred dollars' worth of property and credits in the state, and thirty-seven and a half cents on every poll in addition to the taxes in the revenue law.

Poll tax of thirty-seven and a half cents.

If taxes insufficient to maintain public schools for four months, county commissioners to levy special tax.

SEC. 62. 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 shall 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

Taxes, how collected.

county taxes. The said tax shall be levied on all prop-<sup>How levied.</sup>erty, 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 the county in<sup>How appropri-</sup> which it is collected, in such manner as the county board<sup>ated.</sup> of education may find necessary to continue the schools four months per annum.

SEC. 63. Every person who shall wilfully interrupt or<sup>Misdemeanor to</sup> disturb any public or private school, or any meeting law-<sup>wilfully disturb</sup>fully and peaceably held for the purpose of literary or<sup>any school, &c.</sup> 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<sup>Penalty.</sup> fifty dollars, or imprisoned not more than thirty days, at the discretion of the court.

SEC. 64. The state superintendent of public instruction<sup>State superinten-</sup> is hereby authorized and empowered to employ a clerk at<sup>dent of public in-</sup> a salary of six hundred dollars per annum, which shall<sup>struction author-</sup> be paid quarterly by the state treasurer on the warrant of<sup>ized to employ</sup> the auditor, out of any funds which may be in the treas-<sup>clerk.</sup>ury, not otherwise appropriated.<sup>Salary.</sup>

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.<sup>How paid.</sup>

## CHAPTER 201.

AN ACT SUPPLEMENTAL TO "AN ACT TO REVISE AND CONSOLIDATE THE PUBLIC SCHOOL LAW, AND TO MAKE MORE EFFICIENT THE SYSTEM OF PUBLIC INSTRUCTION IN THIS STATE," RATIFIED THE TENTH DAY OF MARCH, ANNO DOMINI, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.

*The General Assembly of North Carolina do enact :*

Ch. 200, ante page 371, amended.

When co board of education to apportion school fund.  
When sheriff to pay over, &c., to treasurer of county board.

SECTION 1. That "an act to revise and consolidate the public school law, and to make more efficient the system of public instruction in this state," ratified on the tenth day of March, eighteen hundred and eighty-one, be amended in section twenty-two by substituting the word *January* for the word "March;" also in section thirty-five, by substituting the words *thirty-first day of December* for the words "first day of February."

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 202.

AN ACT TO REQUIRE OWNERS AND LESSEES OF COTTON GINS TO KEEP THEM SO ENCLOSED AS TO TURN STOCK GOING AT LARGE IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact :*

Cotton gins in Pamlico co. to which stock may have access, to be enclosed.

SECTION 1. That the owners and lessees of any cotton gin in Pamlico county, to which swine and other stock going at large may have access, be required to keep the same within an enclosure surrounded by a fence sufficient to prevent such swine and stock from having access to the waste cotton and cotton seed around such cotton gins and gin-houses.

SEC. 2. That all persons failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five nor more than twenty-five dollars for each offense, one-half to be paid to the public school fund of the county, the other half to the informer or party suing for the same, and shall also be liable to the owner or owners of injured stock for such damages as they may have sustained by reason of their failure to comply with the provisions of this act.

Misdemeanor.

Penalty.

Fines, how applied.

Action for damages.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 203.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALLEGHANY COUNTY TO SELL THE OLD COURT-HOUSE AND LOT IN SAID COUNTY, AND ERECT A POOR-HOUSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Alleghany county are hereby authorized to sell, upon such terms as they may deem best, the old court-house and lot upon which it is situated in the town of Sparta in said county, and apply the proceeds of such sale in purchasing a site and erecting a poor-house for said county.

Co. commissioners authorized to sell old court-house and lot and apply proceeds to purchase of site and erection of poor-house.

SEC. 2. That the said board of commissioners are hereby authorized to apply any funds now on hand or due said county, arising from the sale of lots in the town of Sparta, to the purchase of a site and the erecting of a poor-house for said county.

Authorized to apply other funds to purchase of site and erection of poor-house.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 204.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF THE TOWN OF DOBSON, IN THE COUNTY OF SURRY.

*The General Assembly of North Carolina do enact:*

Unlawful to sell spirituous liquors within two miles of Dobson.

SECTION 1. That it shall be unlawful for any person or persons to sell, or directly or indirectly receive any compensation for any spirituous or intoxicating liquors within two miles in all directions from the court-house, in the town of Dobson, county of Surry.

Misdemeanor.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace having jurisdiction, shall be fined not less than ten or more than fifty dollars, or imprisoned not less than ten or 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 offence, the superior court in term for the county may take jurisdiction of the same, and punish the offender at the discretion of the court.

Penalty.

Proviso.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 205.

AN ACT FOR THE RELIEF OF THE SURETIES OF E. A. WILSON, LATE SHERIFF OF PITT COUNTY.

Preamble.

WHEREAS, E. A. Wilson, late sheriff and tax collector of Pitt county, did, in the year one thousand eight hundred and seventy-seven, abscond from the said county,

without having settled the taxes with said county for the year one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, and leaving uncollected a large part of the tax due the county for said years: AND WHEREAS, the sureties of the said E. A. Wilson have been sued, and judgment obtained upon his said bonds, which judgment has been nearly paid by his said sureties; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sureties of the said E. A. Wilson be and they are hereby authorized and empowered to appoint one of their number to collect all arrears of taxes due said county for the years one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, and such appointee shall have all the powers of other tax collectors to collect said taxes: *Provided,* Sureties authorized to appoint one of their number to collect arrears of taxes for 1876-77. *however,* Proviso. if any tax payer who is not able to produce his receipt, shall make oath that he has paid his taxes for those years and has lost his receipt, he shall not be required to pay any such tax again.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 206.

### AN ACT TO INCORPORATE THE EASTERN NORTH CAROLINA INSANE ASYLUM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Eastern North Carolina Insane Incorporated. Asylum is hereby constituted a corporation, and shall be

Name.	and remain a corporation under that name, and the said Eastern North Carolina Insane Asylum is hereby invested
Corporate powers.	with all the property and rights held by the colored insane asylum near Goldsboro, and by that name to-wit, The Eastern North Carolina Insane Asylum, it may acquire and hold for the purpose of the accommodation, maintenance, support and care of the colored insane of this state all such property and estate as may be devised, bequeathed or in any way given or conveyed to it.
Directors.	SEC. 2. The affairs of the Eastern North Carolina Insane Asylum shall be managed by a board of nine directors,
Quorum.	of whom five shall be a quorum for the transaction of business, and the term of office for the first board to be
Term of office.	appointed under this act shall begin March first, one thousand eight hundred and eighty-one, or as soon thereafter as they may be confirmed by the senate, and continue until the first meeting—at which time they shall
To be classified.	be divided into three classes: the seats of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, from the time of their appointment, and afterwards they shall be appointed at the expiration of their respective terms for six years.
Executive committee.	SEC. 3. The board of directors shall out of their number appoint three members as an executive committee, two of whom shall reside in or near the town of Goldsboro, who shall hold their office as such for one year, and shall have such powers, and be subject to such duties as the board of directors may prescribe, not inconsistent with the provisions of this act.
Powers, &c.	
Duties of board of directors.	SEC. 4. The board of directors shall complete the erection of the asylum and such out buildings as may be necessary for the purposes of its construction, as appropriations may be made for that object, and they shall direct and manage the affairs of the institution, and for its better government, make all necessary by-laws, not

inconsistent with the laws of the state, shall have power to receive, hold, manage, convey or otherwise dispose of, in the name of the institution, all such property or estate as may hereafter be given, or otherwise conveyed to the asylum; and the members of the board shall serve without reward, save their traveling expenses incurred in the discharge of their official duties.

Traveling expenses.

SEC. 5. The board of directors shall convene at the asylum on the first Wednesday after the first Monday in each year, and at such other times as they shall appoint, and investigate the administration of its affairs and report on the same to the general assembly, with such remarks and recommendations as to them shall seem expedient.

Meetings.

Report to general assembly.

SEC. 6. 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 kindly disposition, and a married man, and he shall reside in the institution. He shall hold his office for six 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.

Qualifications.

Term of office.

Removal.

SEC. 7. The board of directors, when in their judgment it may become necessary, may appoint an assistant physician, and with the advice and consent of the superintendent prescribe his duties. He shall hold his place for four years from and after his appointment, unless sooner removed by the board for good cause, which shall be specified and recorded in their proceedings.

Assistant physician.

Term of office.

Removal.

SEC. 8. The board of directors at their annual meeting shall (on the nomination of the superintendent) appoint a steward, matron and other officers, whose appointment is not elsewhere vested, who shall hold their places for

Steward and other officers.

Terms of office.

- one year from the first of January ensuing their appointment, unless sooner removed by the board for good cause, which cause shall be specified and recorded in their proceedings, and other officers shall be appointed for the unexpired term of those removed. The public treasurer shall be treasurer *ex officio*.
- Removal.
- Treasurer.
- Salaries, &c. SEC. 9. The board of directors, at their annual meeting, shall fix the salaries and compensation of the superintendent and the officers and employees whose services may be necessary for the management of the asylum: *Provided*, That the salaries shall not be diminished during the term of the incumbents.
- Proviso.
- Superintendent to have control of other officers. SEC. 10. The superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of the asylum, and in every case of misconduct may discharge such employees, as have been employed by himself or his predecessor, and shall report to the board of directors the misconduct of all other subordinates.
- By-laws, &c. SEC. 11. The board of directors shall make all such by-laws and regulations for the government of the institution as shall be necessary, among which regulations shall be such as shall, in the language of the constitution, make the institution as nearly self supporting as is consistent with the purpose of its creation. The board shall cause the by-laws and regulations, the report of the superintendent, and that of the treasurer to be published with their report to the general assembly, copies of which shall be sent to the clerk of the superior court of each and every county in the state.
- By-laws, report of superintendent, &c., to be published.
- Copies to be sent to clerks of superior courts.
- Meetings of board of directors. SEC. 12. The board of directors shall hold meetings at the asylum from time to time, and diligently examine into the government and condition, as often as they may deem necessary.
- Removal to asylum of insane colored persons confined in jail otherwise than for crime. SEC. 13. Every insane colored person confined in jail for any other cause than crime, may be removed to the Eastern North Carolina Insane Asylum, upon the order

of the clerk of the superior court of the county in which the jail is situated.

SEC. 14. The judges of the superior courts in the respective districts shall allow to be committed to the asylum as a patient any person who may be confined in jail on a criminal charge of any kind or degree, or upon a peace warrant, whenever the judge shall be satisfied by a verdict of a jury of inquisition that the alleged criminal act was committed while such person was insane.

Removal to asylum of insane colored persons confined for crime, &c.

SEC. 15. For admission into the asylum, in other cases, the following proceedings shall be had: Some respectable citizen residing in the county of the alleged insane person shall make before and file with a justice of the peace of the county, an affidavit in writing, which shall be substantially as follows:

Proceedings to secure admission of insane person to asylum.

STATE OF NORTH CAROLINA,  
..... County.

The undersigned, residing in said county, maketh oath that he hath carefully examined....., the alleged lunatic, and believes him (or her) to be an insane person, and he (or she) is, in the opinion of the undersigned, a fit subject for admission into the insane asylum.

Dated ..... day of ..... 18...

A..... B....., (Affiant.)

Subscribed and sworn to

C..... D....., J. P.

Whereupon, unless the person or persons, in whose care and custody the alleged insane is, will agree to bring him or her before the said justice without a warrant, the justice shall issue a precept, directed to the sheriff or a constable as follows:

STATE OF NORTH CAROLINA.

To the Sheriff or Constable of ..... County—Greeting:

Whereas, information on oath has been laid before me,

that ..... is an insane person: You are hereby commanded to bring him (or her) before me, or some other justice of the peace of said county, within the next ten days, in order that necessary proceedings may be had respecting his (or her) insane condition.

Given under my hand this ..... day of ..... 18...

C..... D....., J. P.

Upon the bringing of the alleged insane person before the justice by his or her friends, or upon the return of the precept with the body of the insane person, the justice shall cause to be associated with him two or more justices of the county, who together shall proceed to examine into the condition of mind of the supposed insane person, and shall take the testimony of at least one respectable physician, and such other of them as they may think proper. If the justices, or any two of them, shall decide that such person is insane, and some friend, as he may do, will not become bound, with good security, to restrain him or her from committing injuries, and to keep, support and take care of him or her, until the cause for confinement shall cease, the said justices, or any two of them, shall direct the insane person to be removed to the asylum as a patient, and to that end they shall direct a warrant to the sheriff or constable, and at the same time shall transmit to the board of directors, the examination of the witnesses, and a statement of such facts as the said justices shall deem pertinent to the subject matter, which warrant shall be substantially as follows:

THE STATE OF NORTH CAROLINA,

*To the sheriff or constable of ..... county—greeting:*

WHEREAS, It has been made to satisfactorily appear to us, C..... D..... and E..... F....., justices of the peace of said county, that A..... B....., a citizen of the state, is an insane person, that he has a legal settlement in said county, and is a fit subject for the insane asylum, and

that his being at large is injurious to himself, and disadvantageous if not dangerous to the community: You are hereby commanded to take the said A..... B....., and convey him to the Eastern North Carolina Insane Asylum at Goldsboro, and there deliver him to the superintendent thereof for safe-keeping.

Given under our hands this ... day of ....., 18...

C..... D....., J. P.

E..... F....., J. P.

SEC. 16. Whenever the justices of the peace, under the provisions of the preceding section, shall direct any insane person to be removed to the asylum as a patient for safe-keeping, it shall be their duty to make a full report of their proceedings to the clerk of the superior court of their county. The following interrogatories with their respective answers by competent witnesses shall likewise be transmitted with the other papers to the board of directors:

Justices of the Peace to report proceedings to superior court clerk.

Interrogatories and answers to be transmitted to board of directors.

Question 1. What is the name of the patient?

Question 2. Is he or she white or colored?

Question 3. What is his or her age?

Question 4. Is he or she married or single?

Question 5. What is the supposed cause of insanity?

Question 6. In what way is the disease exhibited?

Question 7. Has any medical treatment been pursued?

If so, what kind, and by whom?

Question 8. How long has he or she been insane?

Count from first symptoms.

Question 9. Has the patient manifested any propensity to injure himself or others? If so, in what way?

Question 10. Has he or she been subject to epilepsy?

Question 11. Has any of his or her ancestors been insane? If so, state what ancestors, and what was the character of their insanity?

Question 12. Has he or she any family, and, if so, what persons compose it?

Question 13. Are any of them insane, and what is the character of such insanity?

Question 14. What is the occupation of the patient?

Question 15. How many attacks of mental disease has the patient had?

Question 16. Are the parents of the insane person related by blood? If so, what is the degree of relationship?

Question 17. Has the applicant property? If so, state in what such property consists, and what is the value thereof?

Question 18. Is the applicant under any forcible restraint? If so, what?

Question 19. Has the patient received any aid from the county? If so, what?

Question 20. Give name and address of the friends of the patient, with whom the superintendent can regularly correspond in his behalf.

Board of directors to determine question of admission in doubtful cases.

SEC. 17. Whenever an insane person shall be conveyed to the asylum, and the superintendent is in doubt as to the propriety of his or her admission, he may convene the board of directors (any three of whom shall constitute a board) for the purpose of examining and deciding if such person is a proper subject for admission, and if a majority of such board decide that he or she is such, he or she shall be received into the asylum; but such board may, at any time thereafter, deliver said insane person to any friend, who will become bound, with good security, to restrain him or her from committing injuries, and to keep, maintain and take care of him or her in the same manner as he or she might have become bound under the authority of the justices of the peace.

Removal of incurable insane from asylum.

SEC. 18. Whenever the superintendent shall deem an insane person to be incurable, and that his or her being at large would not be injurious to himself or herself, or dangerous to the community, he shall certify the fact to the clerk of the superior court of the county from which the patient was sent, and also to the board of

directors (any three of whom shall constitute a board) who may, if deemed expedient, remove such patient from the asylum.

SEC. 19. When an affidavit in writing shall be made before a justice of the peace, by a citizen of the state, that any person who has been found by the inquisition of a jury to be a lunatic, or "non compos mentis," and whose estate in the hands of his or her guardian shall be sufficient to support him or her and family, if he or she has any, is mischievously inclined, and that his or her going at large is dangerous to the community, it shall be lawful for said justice to issue his warrant requiring the sheriff to bring him or her before two justices of the peace within ten days, in order that the complaint may be duly examined, and the sheriff, when he executes the warrant, is to notify the guardian.

Proceedings to secure the transfer to asylum of dangerous lunatics, &c., whose estates are solvent.

SEC. 20. If the said justices, on the return of the warrant, are satisfied that the facts stated in the complaint are true, it shall be their duty to issue process to the sheriff commanding him to take such insane person and convey him or her to the Eastern North Carolina insane asylum, and there to deliver him or her to the superintendent thereof for safe keeping: *Provided, however,* That the mischievous disposition of such insane person shall have been proved by at least two competent witnesses, who have been acquainted with him or her for more than twelve months.

When and how conveyed to asylum.

SEC. 21. If the insane person, mentioned in the preceding section, be sent to the asylum, a copy of the proceedings shall be returned by the justice to the clerk of the superior court of his county, who shall have power from time to time to make such orders or decrees concerning the payment of the expenses of sending him or her to said asylum, or sending him or her back, should he or she be discharged therefrom, as to said clerk shall seem just and reasonable under the circumstances of the case.

Proviso.

Justice to return copy of proceedings to superior court clerk.

Clerk to make orders concerning expenses.

Discharge of insane person from asylum by order of judge.

SEC. 22. Any judge of the superior or supreme courts may make an order for the discharge from the asylum of any person confined there under this act, if the superintendent thereof shall certify to him in writing that he is well satisfied that such person is not mischievous, and would not be dangerous to the community if discharged :

Proviso.

*Provided*, That the signature to the certificate be duly acknowledged or proved before the clerk of the superior court of Wayne county, and shall be certified by him under his official seal. All bonds executed for restraining insane persons from committing injuries and for their safe-keeping, support and care shall be payable to the state of North Carolina in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the superior court of the county wherein the insane person is

Bond for safe keeping, &c., of insane person.

settled for safe-keeping, and may be put in suit by any person injured by the insane person, by reason of his or her insane condition, and shall be put in suit by the solicitor for the judicial district in which the county of the insane person's residence is situated for any other breach thereof, wherein the damages received shall be for the use of the insane person, and shall be at least fifty dollars.

Action by person injured.

Action by solicitor for benefit of insane person.

Form of bond.

SEC. 23. The form of the bond mentioned in the preceding section shall be as follows :

STATE OF NORTH CAROLINA,

..... County.

Know all men by these present that we, A..... B....., principal, and C..... D..... and E..... F....., sureties, are held and firmly bound unto the state of North Carolina in the sum of ..... dollars for the payment whereof we bind ourselves, and each of us.

Witness our hands and seals this the.....day of..... 18.....

The condition of the above obligation is this: Whereas, the said A..... B....., with the view of hindering

G..... H....., an insane person, resident in the county aforesaid, from being sent to the Eastern North Carolina Insane Asylum, (or effect his release from the said asylum, as the case may be,) hath undertaken to restrain him (or her) from committing injuries and to keep, maintain, support and take care of him (or her): Now if said A..... B..... shall faithfully comply with the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A..... B....., [Seal.]

C..... D....., [Seal.]

E..... F....., [Seal.]

SEC. 24. Whenever it shall be made to appear to the clerk of the superior court of the county, in which such insane person was resident, that the conditions of the bond are not faithfully complied with, the insane person shall be sent to the asylum by such clerk of the superior court, unless some other responsible and discreet friend will undertake to fulfil the duties of said obligation, and whenever said insane person shall be sent back to the asylum, he or she shall not be delivered on any new bond of the defaulting obligor.

When insane person to be re-sent to asylum.

Not to be re-discharged on new bond of defaulting obligors.

SEC. 25. All dues to the asylum from any and all sources shall be paid into the public treasury, and the said Eastern North Carolina Insane Asylum shall be supported by appropriations from the public treasury. All moneys applied for the use and support of the institution and the insane therein, shall be paid out of the public treasury, on warrants drawn by the majority of the board of directors, or by the superintendent, and countersigned by at least two of the board of directors, and approved by the governor, and all disbursements shall be made upon the warrant of the superintendent.

Dues to asylum payable to public treasurer.

To be supported by appropriations, &c.

How money to be drawn from public treasury for support of asylum.

Disbursements to be made on warrant of supt.

SEC. 26. All money and the proceeds of property given to the asylum, and all money arising from any estate

Money belonging to asylum payable into public treasury.

which may be owned by the asylum, and all sums derived from the payments for the support and care of pay patients, the charges for whose maintenance shall be fixed by the board of directors, shall be paid into the public treasury, and all donations in which there shall be special directions for its application, shall be kept as a distinct fund, and shall be faithfully applied as the donor may have directed.

Donations.

Directors authorized to compromise claims for board of pay patients.

SEC. 27. The board of directors shall have power to compromise or settle, on such terms as may seem to them equitable, all claims due the asylum for board of paying patients, whether in suit or otherwise.

Directors to regulate admissions to asylum.

SEC. 28. The board of directors shall have power to regulate admissions into the asylum, having regard to probabilities of curing the parties of their mental diseases, and, in the admission of patients, preference shall be given to the indigent insane: *Provided*, That the board of directors shall have power to regulate admissions as to receive cases of probable curability, as may best subserve the purpose of the institution.

Proviso.

Officers and employees exempt from service on juries, &c.

SEC. 29. In order to secure their constant supervision and attendance, the officers and employees of the asylum shall be exempt from serving on juries, in the militia and from the duty of working on the public roads.

Directors to keep record of proceedings.

SEC. 30. The board of directors shall cause all their proceedings to be faithfully and carefully written and recorded in books, and to this end may employ a clerk (who may be the treasurer) and pay him a reasonable compensation for his services. The books shall at all times be open to the inspection of the general assembly.

Clerk.

Compensation.

Books open to inspection.

Board of public charities and members of general assembly *ex-officio* visitors to asylum.  
Duties of board of public charities.

SEC. 31. The board of public charities and the members of the general assembly shall be *ex-officio* visitors of the insane asylum. It shall be the duty of the board of public charities to visit the asylum from time to time, as they may deem expedient, to examine its condition and make report thereon to the general assembly, with such suggestions and remarks as they think proper.

SEC. 32. The close of the fiscal year shall be the thirty-<sup>Fiscal year.</sup> first of December in each and every year, and all accounts and estimates shall be made with reference thereto.

SEC. 33. All laws and clauses of laws in conflict with<sup>Conflicting laws repealed.</sup> this act are repealed.

SEC. 34. This act shall be in force from its ratification. Ratified this the 5th day of March, A. D. 1881.

## CHAPTER 207.

### AN ACT TO PREVENT FELLING TIMBER IN HUNTING CREEK IN DAVIE COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to<sup>Unlawful to obstruct Hunting creek in Davie county.</sup> fell timber in Hunting creek in Davie county, or otherwise obstruct the free passage of water in said stream, except so far as it may be necessary for the construction<sup>Exception as to mills.</sup> and operation of mills and other machinery.

SEC. 2. Any person violating the provision of this act<sup>Misdemeanor.</sup> shall be deemed guilty of a misdemeanor, and, on conviction of the same, shall be fined not exceeding fifty dol-<sup>Penalty.</sup> lars 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.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 208.

AN ACT TO ALLOW J. H. McNEIL, ADMINISTRATOR OF G. F. McNEIL, DECEASED, FORMER TAX COLLECTOR FOR WILKES COUNTY, TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact :*

Authorized to collect arrears of taxes for 1877-'78 and 1879.

SECTION 1. That J. H. McNeil, administrator of G. F. McNeil, deceased, former tax collector of Wilkes county, be and he is hereby authorized and empowered to collect the balance of the state and county taxes, remaining uncollected by said G. F. McNeil, tax-collector aforesaid, at his death, embracing one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight and one thousand eight hundred and seventy-nine.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 209.

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

*[The General Assembly of North Carolina do enact :]*

Authorized to levy special tax of \$3,000.

SECTION 1. That the commissioners of McDowell county be and they are hereby authorized and empowered to levy a special tax, to be used and applied as hereinafter provided, of three thousand dollars, one-half to be levied and collected in the year one thousand eight hundred and eighty-one, and the other half in the year one thousand eight hundred and eighty-two.

SEC. 2. That the money arising from the tax provided for in the foregoing section shall be applied to the payment of such judgments, debts and claims as are outstanding against said county: *Provided*, The holders thereof shall agree to surrender the same on payment of one-half thereof. This section shall apply to all judgments, debts and claims, except to jury tickets issued at spring term one thousand eight hundred and eighty, which shall be paid in full without regard to number.

To be applied to payment of outstanding county indebtedness.

Proviso.

SEC. 3. The commissioners of said county shall annually set apart, out of the tax to be levied for general county purposes, a sum sufficient to pay all jurors who may hereafter serve as such, the sum to be paid them not to exceed fifty cents per day and the mileage allowed by law.

Commissioners to set apart a sufficient sum out of general county fund to pay jurors.

SEC. 4. That the tax heretofore provided for shall be levied and collected under the same rules and regulations as are now provided by law for the collection of other taxes.

Tax, how collected.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 210.

AN ACT TO AMEND SECTION ELEVEN OF CHAPTER NINETY-TWO OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eleven of chapter ninety-two of the laws of one thousand eight hundred and seventy-nine be amended by striking out all after the word "jurisdiction" in the sixth line of such section to word "if" in the

Ch. 92, §11, laws 1879, amended.

When other courts to assume jurisdiction of

offences within  
the jurisdiction  
of justices of the  
peace.

seventh line, and inserting in lieu thereof the words "of all offences whereof exclusive original jurisdiction is given to justices of the peace."

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

Read in the general assembly three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 211.

AN ACT IN RELATION TO THE INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

*The General Assembly of North Carolina do enact:*

To remain a corporation.

SECTION 1. That the institution for the education of the deaf and dumb and the blind located in the city of Raleigh, on Caswell square, and on lot located in the eastern part of the city, belonging to the state, and on which the institution for the colored children is located, shall be, and the same is, and shall remain a corporation under the name and style of "The North Carolina Institution for the Education of the Deaf and Dumb and the Blind," and shall be under the management of a board of trustees and principal.

Name.

Board of trustees.

SEC. 2. The governor shall, by and with the consent of the senate, appoint seven trustees for said institution, and they shall, at their first meeting after the ratification of this act, elect of their number trustees to be classified

To be classified.

as follows: The first class to consist of three, and their terms shall be for six years; the second class of two, and their terms shall be for four years; the third class consisting of two, shall hold for two years: *Provided*, That when the terms shall expire, their successors shall be appointed

Proviso.

for six years: *And provided*, That the trustees shall hold

Proviso.

until their successors are appointed and confirmed by the senate.

SEC. 3. The board of trustees shall organize by electing one of their number president and three an executive committee. The terms of office in each case shall be for two years. They shall elect a principal, who shall be *ex-officio* secretary of the board, and whose term of office shall be for three years, also a steward and physician whose term shall be for two years, and such other officers, agents and teachers as shall be deemed necessary. The compensation for officers and agents and teachers, mentioned in this section, shall be fixed by the board, and shall not be increased nor reduced during their term of service. The board shall have power to erect any and all buildings necessary, make improvements, or in general do all matters and things which may be beneficial to the good government of the institution, and to this end may make by-laws for the government of the same.

President and executive committee.

Terms of office.

Principal.

Term of office.

Steward and physician.

Terms of office.

Other officers.

Compensation.

Trustees authorized to erect buildings, &c.

SEC. 4. The board shall meet at stated times and also at such other times as they may deem necessary.

Meetings of board of trustees.

SEC. 5. The board of trustees shall, on application, receive in the institution for the purpose of education, in the main department, all white deaf mute and blind children, and in the department for the colored all colored deaf mutes and blind children, residents of this state not of confirmed immoral character, nor imbecile or unsound in mind, or incapacitated by physical infirmity for useful instruction, who are between the age of eight and twenty-one years: *Provided*, That applications shall be made and applicants received at stated times, and shall be at the commencement of some scholastic year. In case of deaf mutes the following questions shall be answered:

Admissions into asylum.

Proviso.

Questions to be answered in application for admission of deaf mutes.

Name?

Is the child white or colored?

When and where was he born?

Was he born deaf?

At what age did he lose his hearing?

- By what disease or accident did he become deaf?  
 Is the deafness total or partial?  
 Have any attempts been made to remove the deafness?  
 Is there any ability to articulate or read on the lips?  
 Have any attempt been made to communicate instruction?  
 Is he laboring under any bodily infirmity?  
 Does he show any signs of mental imbecility or idiocy?  
 Has he had the small-pox or been vaccinated?  
 Has he had the scarlet fever?  
 Has he had the measles?  
 Has he had the mumps?  
 Has he had the whooping-cough?  
 Are there any other cases of deafness in the family?  
 Are there any cases of deafness among relatives or ancestors?  
 What is the name of the father?  
 What is the name of the mother?  
 What is the occupation of the father?  
 What is his post-office address?  
 Is either of the parents dead?  
 Has a second connection been formed by marriage?  
 Was there any relationship between the parents previous to marriage?  
 In case of blind applicants, the following questions shall be answered :  
 Name?  
 Is the child white or colored?  
 When and where was he born?  
 Was he born blind?  
 At what age did he become blind?  
 By what disease or accident did he become blind?  
 Is the blindness total or partial?  
 Have any attempts been made to remove the blindness?  
 Have any attempts been made to communicate instruction?  
 Is he laboring under any bodily infirmity?

Questions to be answered in application for admission of the blind.

Does he show any signs of mental imbecility or idiocy?

Has he had the small-pox or been vaccinated?

Has he had the scarlet fever?

Has he had the measles?

Has he had the mumps?

Has he had the whooping-cough?

Are there any other cases of blindness in the family?

Are there any cases of blindness among relatives or ancestors?

What is the name of the father?

What is the name of the mother?

What is the occupation of the father?

What is his post-office address?

Is either of the parents dead?

Has a second connection been formed by marriage?

Was there any relationship between the parents previous to marriage?

When the application is made, it shall be filed in the office of the principal, and on reception of applicant, a record of such pupil shall be made and entered in a book to be kept for that purpose.

Applications to be filed and record kept.

SEC. 6. The board may, on such terms as they deem proper admit as pupils persons from any other state of like infirmity: *Provided*, That such power shall not be exercised to the exclusion of any child of this state, and that the person so admitted shall not acquire the condition of residents of the state by virtue of such pupilage.

Admission of pupils from other States.

Proviso.

SEC. 7. The board may, upon the recommendation of the principal and faculty, confer such degree or marks of literary distinction as may be thought best to encourage merit.

Board of trustees authorized to confer degrees.

SEC. 8. The board of trustees shall, on the second Monday in June, one thousand eight hundred and eighty-one, and every three years thereafter, elect an officer to be known and styled as principal. He shall be a married man, of good moral character, and qualified by education and experience to perform the duties of the position.

Principal, when elected.

Qualifications.

Duties.

shall have charge of the institution in all its departments; do and perform such duties and exercise such supervision as is incumbent upon such officer. The officers, agents, and teachers mentioned in section three of this act shall be elected at same time for their respective terms: *Provided*, That this shall not apply to the president of the board nor executive committee.

**Officers, &c., when elected.**  
**Proviso.**

SEC. 9. The state treasurer shall be *ex-officio* treasurer of the institution. He shall report to the board at such times as they may call on him, showing the amount received on account of the institution, amount paid out and amount on hand. The board shall make a report to the governor on the first of January next before the regular meeting of the legislature, showing the condition of the institution in its various departments. They shall give any information the governor shall desire from time to time.

**State treasurer ex-officio treasurer of institution. To make report to board of trustees.**  
**Trustees to make report to governor.**

SEC. 10. The board shall have power to remove any officer mentioned in this act for gross immorality, wilful neglect of duty, or any other good and sufficient cause, but in any such case notice in writing of the charges shall be served on the accused, proved and entered on record. They shall fill all vacancies which may occur from any cause.

**Removal of officers.**  
**Notice.**  
**Vacancies.**

SEC. 11. The principal shall have power to employ all employees and fix their compensation, and to discharge them at pleasure.

**Employees.**

SEC. 12. Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen, of chapter six, Battle's Revisal, are hereby repealed.

**Ch. 6, §§1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Battle's Revisal, repealed.**

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

Read three times in the general assembly, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 212.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF COLUMBUS COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Columbus county be and they are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county, to levy a special tax at the same time with other levies upon the taxable property and polls of the county for the years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two. Said special tax to be applied to the payment of the county debt: *Provided*, That the amount levied under this act shall not exceed in any one year thirteen-and-one-third cents on the one hundred dollars' worth of taxable property, and forty cents on each poll.

Commissioners authorized, with consent of majority of justices, to levy special tax in 1881 and 1882.

To be applied to payment of county debt. Proviso.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 213.

## AN ACT TO PROVIDE ADDITIONAL CLERK HIRE FOR AUDITOR OF STATE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the auditor of state be authorized to employ additional clerical assistance in his office; and, for that purpose, shall be allowed the sum of five hundred dollars per annum, to be paid by the treasurer to the clerk or clerks so employed.

Authorized to employ additional clerical assistance. \$500 allowed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1881.

## CHAPTER 214.

AN ACT FOR THE BENEFIT OF THE SUPREME COURT REPORTER.

*The General Assembly of North Carolina do enact :*

\$300 per annum and fees recovered by attorney general in criminal cases, appropriated to copying and preparation of opinions of supreme court for publication in the reports.

SECTION 1. That the sum of three hundred dollars and the fees recovered in behalf of the attorney general on the affirmation of judgments by the supreme court against defendants in criminal actions, are hereby annually appropriated to the employment of clerical assistance in copying the opinions of the supreme court and preparing the cases decided, for publication in the reports, and that the same be paid to the reporter on the warrant of the auditor.

SEC. 2. This act shall take effect from the date of its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1881.

## CHAPTER 215.

AN ACT TO AUTHORIZE THE COUNTY OF WAKE TO ISSUE BONDS.

*The General Assembly of North Carolina do enact :*

Commissioners, with approval of board of justices, authorized to issue bonds to

SECTION 1. That in order to find the just debt of the county of Wake, outstanding and due prior to the first day of April, one thousand eight hundred and eighty-

one, incurred for the necessary expenses of the county and also for the purpose of repairing and remodeling the court-house and other public buildings in said county, the commissioners of said county, with the approval of the board of justices first had and obtained, are hereby authorized to issue coupon bonds, not to exceed twenty-five thousand dollars in denominations of not less than twenty-five dollars, nor more than one thousand dollars, with coupons attached, calling for interest at a rate not greater than six per centum per annum on the principal of each bond, said coupons to be due and payable on the first of April in each and every year.

SEC. 2. Said bonds shall be dated as of the first day of April, one thousand eight hundred and eighty-one, and shall be due ten years after date; that is to say, on the first day of April, one thousand eight hundred and ninety-one: *Provided*, That the commissioners of said county may pay any or all of said bonds at any time after the first day of April, one thousand eight hundred and eighty-two. Said bonds shall be signed by the chairman of the board of commissioners, and countersigned by the clerk of said board of commissioners. Said clerk of the board shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and the person to whom payable; he shall also keep an accurate account of the coupons and bonds which shall be paid, taken or otherwise cancelled, so by 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 taxpayer 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 to afford such inspection, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned in the discretion of the court.

fund county debt  
and repair court-  
house.

Not to exceed  
\$25,000.

Description of  
bonds.

Date and matu-  
rity of bonds.

Proviso.

Bonds, how  
issued.

Clerk of board of  
commissioners to  
keep record of  
bonds, &c.

Books open to  
inspection of tax-  
payers.

Person having  
charge of books  
wilfully refusing,  
&c., to afford in-  
spection, guilty  
of misdemeanor.

Penalty.

Coupons receivable for taxes.

SEC. 3. The coupons or the bonds provided for by this act shall be receivable in payment of county taxes.

Bonds not to be sold for less than par.

SEC. 4. That said bonds when so issued shall not be sold for less than par value.

SEC. 5. This act shall be in force and take [effect] from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1881.

## CHAPTER 216.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF FARMERS AND FISHERMEN."

Preamble.

WHEREAS, The sole purpose and aim of an act entitled "an act to provide for the better protection of farmers and fishermen," passed during the present session of the general assembly, was to prevent oppression and extortion, and to enable venders of fresh meats, beef, pork, mutton, game, fish, oysters, clams, garden trucks and all farm products to sell the same upon any of the streets of the city of Wilmington, Tarboro and New Berne, or from wagons, carts, shops or stores, and not to be forced to sell the same from the stalls of "The Wilmington Market House Company," or any other market house company, or to pay tribute to said corporation: Therefore,

*The General Assembly of North Carolina do enact:*

Construction of "act to provide for the better protection of farmers and fishermen," page 363, ante.

SECTION 1. That section first of said act shall not be construed to interfere with proper sanitary regulations adopted by the mayor and boards of aldermen of the city of Wilmington, of Tarboro and of New Berne, under the direction of the city physicians and boards of health, and

shall not be construed to exempt dealers in such articles from the payment of the usual license tax to said cities and towns, but no dealer shall be forced to pay any tax whatever directly or indirectly for the benefit of "the Wilmington Market House Company."

SEC. 2. Section second of said act shall be amended by <sup>§2 amended.</sup> substituting the word "or" in the place of "and" in the <sup>Penalty.</sup> fifth line of said section before the word "imprisoned" and after the word "dollars."

SEC. 3. All laws and clauses of laws in conflict with this <sup>Repeal of con-</sup> act are hereby repealed. <sup>flicting laws.</sup>

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1881.

## CHAPTER 217.

AN ACT TO PAY LOUIS HILLIARD AND THOMAS J. WILSON FOR SERVICES AS JUDGES OF THE SUPERIOR COURTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of the state, upon the warrant of the governor, shall pay to Louis Hilliard and Thomas J. Wilson, each, the sum of ninety dollars for each term of the superior court held by them when exercising the functions of judges thereof. Said warrant to be drawn upon the certificates of the clerks of said courts as now required by law in the case of other judges. <sup>To be paid \$90 for each term of the superior court held by them respectively.</sup> <sup>Warrants to be drawn upon certificates of clerks, &c.</sup>

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

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1881.

## CHAPTER 218.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF A CLERK IN THE EXECUTIVE DEPARTMENT.

*The General Assembly of North Carolina do enact :*

\$600 per annum appropriated for clerk hire in governor's office.

SECTION 1. That the sum of six hundred dollars is hereby appropriated annually for clerk hire in the governor's office, to be expended as he may direct, and to be paid by the treasurer upon his warrant.

Act to take effect from Dec. 15th, 1880.

SEC. 2. This act shall take effect from the fifteenth day of December, Anno Domini, one thousand eight hundred and eighty.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 219.

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF WAKE TO PAY MRS. OSBORN ONE HUNDRED AND SEVENTY-FIVE DOLLARS AND FIFTY CENTS FOR FEEDING A JURY OF WAKE COUNTY.

Preamble.

WHEREAS, At August term, one thousand eight hundred and eighty, the superior court of Wake county, in an important civil action, Fowle and Vick vs. Kerchner, *et al*, was on trial; the plaintiffs being men of great influence in Wake county, and the defendant, a non-resident, the judge presiding, Mr. Graves, ordered the sheriff to keep the jury together and to furnish them with accommodations, board and lodging. And whereas, the deputy sheriff of Wake county lodged said jury with Mrs. Osborn for ten or twelve days, and at the end of said term the judge made an order that the sheriff pay Mrs. Osborn her bill,

amounting to one hundred and seventy-five dollars and fifty cents. The sheriff deferred the matter until the meeting of the board of county commissioners, which body refused to allow the account, and the sheriff refused to pay, and the county commissioners referred the question of the county's liability to R. H. Battle, Jr., Esq., who, in a written opinion, advised them to pay the account.

WHEREAS, Payment was still refused and suit commenced before a justice of the peace, who gave judgment for plaintiff, and the defendant, a poor woman, had to appeal, acts one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, chapter one hundred and seventy-three. Therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Wake county be and they are hereby authorized and empowered to pay the above-named sum of one hundred and seventy-five dollars and fifty cents to Mrs. Osborn.

Commissioners of Wake authorized to pay \$175.50 to Mrs. Osborn for feeding jury.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 220.

AN ACT TO PROTECT PARTRIDGES IN THE COUNTY OF WAKE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to kill or capture, or offer for sale or buy any partridge or quail in the county of Wake between the first day of April and the fifteenth day of October of each year.

Unlawful to kill, capture, offer for sale or buy partridges, &c., in Wake co. from April 1st to Oct. 15th.

Unlawful to take  
or destroy par-  
tridge eggs.

Misdemeanor.

Penalty.

SEC. 2. That it shall be unlawful at any time to take or destroy the eggs of partridges in Wake county.

SEC. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 221.

### AN ACT SUPPLEMENTAL TO AN ACT TO PAY CERTAIN SCHOOL ORDERS IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 27, ante page  
77, amended.

Co. treasurer au-  
thorized to pay  
all school orders  
due on and after  
Aug. 31st, 1876, out  
of apportionment  
for current year.

SECTION 1. That the treasurer of Johnston county be and he is hereby authorized to pay all school orders due on and after the thirty-first day of August, one thousand eight hundred and seventy-six, in the same manner as is provided for in act to which this act is supplemental, passed at the present session of the general assembly.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 222.

AN ACT TO KEEP THE CHANNELS OF HAW RIVER, REEDY FORK, DEEP RIVER, NORTH AND SOUTH BUFFALO, AND THEIR TRIBUTARIES, IN GUILFORD COUNTY, FREE FROM FALLEN TIMBER AND DRIFT WOOD.

SECTION 1. Whereas, Haw river, Reedy Fork, Deep river, North and South Buffalo and their tributaries, in Guilford county, have become so obstructed with fallen timber, drift wood and debris as to collect sand, and in many places to throw said streams entirely out of their natural channels, to the great injury of others, who have expended large amounts in improvements and ditches, as well as to cause whole sections to be notoriously sickly. Now, therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 2. That whenever a person or persons, upon whose lands the obstructions are located in said streams in Guilford county, shall be notified in writing of the existence of such obstructions and that they are of serious injury to the lands above, or to the health of the neighborhood, it shall be the duty of said person or persons so notified to remove said obstructions within twenty days from the time of such written notice.

Duty of land-owners upon notice to remove obstructions.

SEC. 3. That any person or persons notified as specified in section one of this act, and failing to remove or cause to be removed said obstructions after twenty days' notice, shall be fined five dollars per day for each day said obstructions remain after the twenty days have expired, which fine or fines shall go to the free school fund of the district in which such forfeiture occurs.

Penalty for failure.

Fines to be paid to district free school fund.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 223.

## AN ACT TO CHARTER THE LOUISBURG RAILROAD COMPANY

*The General Assembly of North Carolina do enact :*

Incorporation  
authorized.

SECTION 1. That for the purpose of constructing a railway of one or more tracks from the town of Louisburg in Franklin county to some point on the Raleigh and Gaston railroad, at or near the town of Franklinton, in same county, the formation of a corporate company, with a capital stock of one hundred thousand dollars, is hereby authorized, to be called The Louisburg Railroad Company, when formed in compliance with the conditions hereinafter prescribed; to have a corporate existence as a body politic in perpetuity and by that name may sue and be sued, and 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, personal and mixed, and acquiring the same by gift and devise, and the said company may enjoy all the rights and immunities which other corporate bodies enjoy; may lawfully exercise and make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the state of North Carolina and of the United States. The said company shall have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase and lease any other railroad in the state.

Name.

Corporate pow-  
ers.

Authorized to  
construct rail-  
road.

Route.

SEC. 2. That the said company be and the same is hereby authorized to construct a railway of one or more tracts from the town of Louisburg in Franklin county to some point on the Raleigh and Gaston Railroad at or near the town of Franklinton in said county.

Capital stock.

SEC. 3. That capital stock of said company be created by subscription on the part of individuals, municipal and

other corporations, in shares of the value of fifty dollars each.

SEC. 4. The books of subscription to the capital stock of said company shall be opened by the following persons, who are hereby appointed commissioners for that purpose: Thomas White, Jordan S. Barrow, B. P. Clifton, Jere Perry, Z. T. Terrell, W. B. Coppedge, W. F. Green, J. S. Joyner, B. W. Ballard and I. J. Cheatham, who shall open or direct the opening of books of subscription, within twenty days after the ratification of this act, at such places in said county as shall be appointed by the said commissioners respectively. And furthermore that the said commissioners, or a majority of them, may at any time after the sum of five thousand dollars has been subscribed to the capital stock of said railroad company, and ten per centum cash paid thereon, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company, and the said subscribers shall be and are hereby declared incorporated into a company by the name and style of the Louisburg Railroad Company.

Books of subscription.

Commissioners.

Organization.

When company to become incorporated.

SEC. 5. That the said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and annual meetings subsequent thereto, seven directors shall be elected by the stockholders to hold office for one year, or until their successors shall be elected. Any of said meetings shall have power to make or alter the by-laws of said company: *Provided*, That in all such meetings of the stockholders a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each by its representative shall be entitled to one vote on all questions: That it shall be the duty of the directors to elect one of their number president of said company, and to elect such other officers as shall be provided by the by-

Meetings of stockholders.

Directors.

Proviso.

President.

Other officers.

- Vacancies. laws of the company, and to fill all vacancies which may occur in said board.
- Certificates of stock. SEC. 6. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner and form as may be prescribed by the by-laws of the company.
- Louisburg and township of Louisburg authorized to subscribe. SEC. 7. The town of Louisburg and Louisburg township may each subscribe to the capital stock of the said company to such an amount, to be secured by bonds bearing six per centum interest, as is hereinafter provided, subject to the approval of a majority of the qualified voters.
- Election in Louisburg township upon question of subscription. SEC. 8. That the board of commissioners of Franklin county are authorized, whenever fifty tax payers of Louisburg township in said county shall in meeting request that a proposition to subscribe a specific sum to the capital stock of the Louisburg Railroad Company may be submitted to the voters of such township, to cause an election to be held in said township at the proper and legal voting place, after thirty days' notice of said election, published by advertisement at the court-house door, in the town of Louisburg, and three other public places in the county, and to submit to the qualified voters of such township the question of subscribing to the capital stock of such railroad company the sum of money specified in the written request of the tax payers, calling for said election as aforesaid, at which election those in favor of said subscription shall deposit a ballot, on which shall be written or printed the words "For Subscription," and those opposed shall deposit a ballot on which shall be printed or written the words "Against Subscription." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day on which such election is held, who shall on that day canvass the same, and if a majority of all the votes cast shall be "for subscription," then the subscription so authorized shall be made to the capital stock of said rail-
- Ballots.
- Canvass of returns.
- Subscriptions to be made on majority vote.

road company, for said township by the chairman of the board of county commissioners. The said township shall be entitled to be represented in all general meetings of the stockholders, and for this purpose the board of commissioners of said county shall appoint some suitable person to represent the shares of stock of said township in said meetings: this appointment shall be evidenced by the certificate of the clerk of the board of commissioners, countersigned by the chairman. Said appointment shall be good for one year, and until another appointment is made.

Township entitled to representation in stockholders' meetings.

SEC. 9. That in payment of any subscriptions made as provided in the next preceding section, the board of commissioners of Franklin county shall issue bonds to an amount not exceeding the sum so authorized to be subscribed, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be coupon bonds in denomination of not less than one hundred nor more than one thousand dollars—and shall bear interest at the rate of six per centum per annum—the interest payable on the first day of April in each successive year by the treasurer of said county. Said bonds shall be due and payable ten years after the first day of April of the year in which they are issued, but they may be redeemed at any time after the expiration of one year from the date of their issue.

Board of commissioners to issue bonds.

Description of bonds.

SEC. 10. That to provide for the payment of interest on said bonds, and their redemption at maturity, the board of commissioners of said county shall, in addition to the other taxes, each year compute and levy upon the proper subjects of taxation in said township of Louisburg a sufficient tax to pay the interest on said bonds issued as aforesaid, and one-tenth of the amount of the principal of said bonds, which taxes shall be collected by the sheriff of Franklin county under the same rules and regulations as is provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject

Board of commissioners to levy special tax.

How collected.

Liability of sheriff, &c.

to the same remedies as are now prescribed by law for the faithful collecting and paying over the state and county taxes. The said sheriff shall pay said taxes when collected to the treasurer of Franklin county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of payment, and the balance of the money shall be invested by him in the purchase of said bonds at par.

Taxes payable to county treasurer. Duty of treasurer.

Election in town of Louisburg upon question of subscription.

How held.

Canvass of returns.

Subscriptions to be made on majority vote.

Town to be represented in stockholders' meetings.

Town commissioners to issue bonds.

Description of bonds.

Town commissioners to levy special tax.

How collected.

SEC. 11. The commissioners of the town of Louisburg are authorized, when twenty tax payers of said town shall in writing request that a proposition to subscribe a specific sum to the capital stock of the said Louisburg railroad company, to cause an election to be held in said town under the same rules and regulations as are prescribed above for the election in the township subject to the modification and qualification hereinafter set forth: *Provided*, That the returns of election shall be made to the commissioners of the town, who shall canvass the same, and if a majority shall have voted for subscription, then the mayor of the town shall make the subscription to the stock of said railroad company, and the commissioners of the town shall appoint the proxy to represent the shares of stock belonging to said town in said company in all its meetings, whose appointment shall last for one year. This appointment shall be evidenced by the certificate of the mayor of the said town. That the commissioners of the town shall issue bonds of the same denomination and character bearing same interest and having the same time to run as is provided for the township of Louisburg, and they shall annually levy, in addition to the other tax upon the subjects of taxation in said town, a tax sufficient to pay the interest on said bonds and one-tenth of the principal. The tax shall be collected by the constable of said town, as is provided for the collection of other taxes, and subject to the same rules and regulations, and with the same penalties and remedies against the constable, and his sureties for failure to collect and account for said

taxes. Said taxes when collected shall be paid by the constable to the treasurer of said town, who shall first pay the interest on said bonds, and after that invest the balance in the purchase of the bonds at par.

Taxes payable to town treasurer.

Duty of treasurer.

SEC. 12. The bonds to secure the subscription of said township shall be signed by the chairman of the board of county commissioners of Franklin county and the clerk of said board, and the coupons shall be signed by the chairman alone. The bonds issued by the town of Louisburg shall be signed by the mayor and two of the commissioners of said town, and the coupons shall be signed by the mayor alone.

Township bonds, how issued.

Town bonds, how issued.

SEC. 13. That said company shall have the right to have land condemned for right of way, and necessary ware-houses and buildings according to existing laws, and shall enjoy all the rights, privileges and immunities enjoyed by any other railroad company in this state.

Condemnation of land.

SEC. 14. Said company, its lessees or assigns, may contract with the penitentiary authorities for the working of the convicts in the construction of the said railroad.

SEC. 15. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 224.

### AN ACT TO EQUALIZE THE COMPENSATION OF JUDGES OF THE SUPERIOR COURTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the judges of the superior courts, in addition to their annual salaries, shall be allowed the sum of one hundred dollars per week for holding special terms, to be paid by the board of commissioners of the county in which said special term is held.

Superior court judges allowed \$100 for holding special terms.

How paid.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 225.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

Ch. 168, §1, laws  
1879, amended.

SECTION 1. That section one, chapter one hundred and sixty-eight, laws of one thousand eight hundred and seventy-nine, be amended by striking out in line three, section one, the words, "eighty-one" and inserting in lieu thereof the words *eighty-three*.

Time of J. H.  
Cox, sheriff of  
Perquimans co.,  
extended for set-  
tlement of state  
taxes.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 226.

AN ACT TO AMEND CHAPTER TWO HUNDRED OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

Ch. 200, §1, laws  
1879, amended.  
Tales jurors dis-  
qualified by pre-  
vious service  
within two years  
as tales juror.

SECTION 1. That chapter two hundred of the laws of one thousand eight hundred and seventy-nine be amended as follows: insert in line three of section one after the word "petit" the words "or tales."

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

Read in the general assembly three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 227.

AN ACT TO ALLOW R. A. WILLIAMS AND JOSEPH POINTER, JR., EXECUTORS OF JOSEPH POINTER, SR., DECEASED, TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact :*

SEC. 1. That R. A. Williams and Joseph Pointer, Jr., executors of the estate of Joseph Pointer, Sr., deceased, former sheriff of Person county, be and they are hereby authorized and empowered to collect arrears of taxes for the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, subject to all the rules and regulations of the general law allowing sheriffs and tax collectors to collect arrears of taxes, except as to the time therein mentioned.

Authorized to collect arrears of taxes 1870 and 1871.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 228.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and sixty-three, laws of one thousand eight hundred and seventy-one and

Ch. 163, 22, laws 1871-'2, amended.

one thousand eight hundred and seventy-two, entitled “an act to lay off, alter and establish a public road from the town of Statesville, in Iredell county, to the town of Wilkesboro, in Wilkes county, be amended by striking out all of section two of said act, after the word “roads,” in line eight, and by striking out all of section seven of said act.

Hands.

27 stricken out.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 229.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS OF THE COUNTIES OF NASH AND WILSON IN THE THIRD JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

Nash superior court.

SECTION 1. That the superior court for the county of Nash shall be held on the second Monday before the first Monday of March and September, and shall continue two weeks if necessary.

Wilson superior court.

SEC. 2. That the superior court for the county of Wilson shall be held on the first Monday of March and September, and shall continue two weeks if necessary.

SEC. 3. This act shall go into effect from and after the first day of April, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 230.

## AN ACT IN REGARD TO THE COLLECTION OF TAXES IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact :*

SEC. 1. That the time for the collection of taxes in Robeson county by the tax-collector be extended to May first, eighteen hundred and eighty-one. Time extended.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 231.

## AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF DURHAM.

*The General Assembly of North Carolina do enact :*

SECTION 1. The commissioners for the town of Durham are hereby authorized to submit to the qualified voters of said town, at such time and under such rules and regulations as the said commissioners may prescribe, whether an annual tax shall be levied therein for the support of a graded school in said town. That such qualified voters at such election are authorized to vote on written or printed ballots the words "for school" and "against school," and the penalties for illegal and fraudulent voting in this election shall be the same as in the annual elections for mayor and commissioners of the town of Durham. Election concerning question of taxation for support of graded school. Ballots. Penalty for illegal voting.

SEC. 2. In case a majority of the qualified voters at such election shall be in favor of such tax, the same shall Tax to be levied, &c., on majority vote.

How levied and collected.

Liability of tax collector.

Proviso.

Taxes collected from white persons to be applied to support of graded school for whites.

Taxes collected from colored persons to be expended for benefit of colored public schools.

Durham Board of Education and Learning.

"Durham Graded School Committee" incorporated.

be levied and collected by the town authorities under the same rules and regulations by which other town taxes are levied and collected, and the tax collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, The special taxes so levied and collected shall not exceed one-fifth of one per centum on the value of property and seventy-five cents on the poll, and that the taxes thus levied and collected shall be applied exclusively for the support of a "graded public school," and shall not be appropriated or expended for any other purpose.

SEC. 3. The special taxes thus levied and collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school for white persons of both sexes, between the ages of six and twenty-one years; and the special taxes thus levied and collected from the taxable property and polls of colored persons shall be expended for the benefit of the public schools of the colored children of both sexes, between the ages of six and twenty-one years, in said town.

SEC. 4. If a majority of the qualified voters of the town of Durham shall vote "for school," the commissioners for said town, at their next regular meeting, and their successors in office at their first regular meeting, in the month of June annually thereafter, shall elect three gentlemen of integrity and ability, qualified voters of said town, to constitute "the Durham Board of Education and Learning," and the said "Durham Board of Education and Learning," the school committee for the school district in Orange county composed of the town of Durham, and the mayor of the town of Durham, who *ex-officio* shall be chairman, but have no vote except in case of a tie, shall be and are hereby created a body corporate by the name of the "Durham Graded School Committee," which shall have full control and management of the "Durham graded school," and each member of said

“graded school committee” shall continue in office until his successor shall be elected or appointed and qualified.

SEC. 5. The Durham Graded School Committee may sue and be sued, have a common seal, purchase and hold real and personal property not exceeding fifty thousand dollars in value, and may adopt any rules and regulations for its government not inconsistent with the laws of North Carolina.

Corporate powers.

SEC. 6. The principal and teachers of such graded public school shall not be subject to the restrictions and limitations as to salary, prescribed by section fifty-one of chapter sixty-eight of Battle's Revisal; but may be paid such compensation as the “Durham Graded School Committee” may deem just and proper.

Compensation of principal and teachers.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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CHAPTER 232.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF TYRRELL COUNTY TO OPEN PUBLIC ROADS, AND TO FURNISH TO SAID COUNTY CONVICT LABOR TO AID IN THEIR CONSTRUCTION.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of the county of Tyrrell be and they are hereby authorized to order the cutting open and laying out of a public road in said county, leading from James McClees' ditch to the Fairfield canal in Hyde county, by way of Kilkenny, and also a road in said county of Tyrrell, leading from the New Lake neighborhood to Kilkenny.

Commissioners of Tyrrell authorized to lay out public road from McClees' ditch to Fairfield canal in Hyde.

Also road from New Lake to Kilkenny.

SEC. 2. That the board of directors of the penitentiary shall, on application of the commissioners of Tyrrell

Board of directors of penitentiary to furnish convicts.

county, furnish to said road for the purpose of constructing the road aforesaid, or either of them, under such guards as may be necessary, at the expense of the state of North Carolina, as many convicts as may, in the opinion of said board of commissioners, be necessary to the construction and completion of said road or roads, not to exceed one hundred: *Provided*, That nothing in this act shall be construed to authorize the reduction of the number of convicts employed in any of the railroads or other public works in North Carolina, as heretofore assigned to them by law.

Proviso.

Certain persons convicted in Tyrrell county liable to work on roads.

SEC. 3. That all persons who shall be convicted of any criminal offence in any of the courts of Tyrrell county, in consequence thereof be sentenced to imprisonment in the county jail for a term less than two years, may, on the application of the county commissioners, be delivered by the sheriff of said county to said commissioners, or their agents or appointees, for the purpose of working on said road or roads, and if any prisoner so delivered shall escape, he shall, on conviction thereof, be fined or imprisoned at the discretion of the court.

Penalty for escape.

Persons imprisoned for non-payment of costs liable to work on roads.

SEC. 4. That if any person shall be imprisoned on account of non-payment of cost, it shall be the duty of the court before which such person is tried, to fix a price per month including board, at which such prisoner shall work out the cost on said road, incurred up to such time, and if such prisoner shall escape he shall, on conviction, be punished as provided in the third section of this act.

Penalty for escape.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 233.

## AN ACT TO INCORPORATE THE ALMA AND LITTLE ROCK RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. B. Wilkerson and P. A. Fore and their associates and successors be and they are hereby constituted a body politic and corporate, with perpetual succession, under the name of the Alma and Little Rock Railroad Company, and by that name shall be capable of purchasing, holding, selling, leasing and conveying estates real, personal and mixed, and of acquiring the same by gift, devise or otherwise so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and by their corporate name, may sue and be sued, plead and be impleaded in any court of law or equity in this state, and may have and use a common seal, which they shall have power to alter at pleasure, and may from time to time make all such by-laws and regulations as they may deem proper and necessary for their government and the interest of said company, not inconsistent with the constitution and with the laws of this state and of the United States. They may forthwith, or when they elect, open books of subscription to the capital stock of such corporation at Alma or elsewhere, under such regulations as they may prescribe. The capital stock of the said company shall be fifteen thousand dollars, to be held by the stockholders in shares of one hundred dollars each: the said capital stock may be increased to a sum not exceeding one hundred thousand dollars, and when five thousand dollars of stock shall be subscribed, the directors of this company, or other authority duly authorized under this charter, shall commence the construction of the road.

Body politic.

Name.

Corporate powers.

Books of subscription.

Capital stock.

SEC. 2. The said Alma and Little Rock Railroad Company shall have power to construct and operate a railroad

Authorized to construct railroad.

- Route.** from Alma, in the county of Robeson, to the dividing line between the states of North Carolina and South Carolina, at the point where a direct line from Alma to Little Rock, in Marion county, South Carolina, intersects said state line, or within four miles of said point. And the
- Rails.** said company shall have power to use either wooden or iron rails on said road as the directors or other properly constituted authority may decide, with full power and authority to change from one to the other at any time.
- Subscriptions to capital stock.** Subscriptions to the capital stock of said company may be made by individuals in money, credits, labor, material, machinery or land, and said company shall have power to hold and sell the same for the construction or repairs of their road, for depots and other necessary purposes. And the said company may furnish transportation for passengers or not in their discretion.
- Condemnation of land.** SEC. 3. Whenever the company and the land-owners along its route cannot agree upon the value of land, or from any other cause it cannot be or is not purchased from the owner or owners, the said company are hereby invested with all the power contained in sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, of chapter sixty-one of Revised Code of North Carolina; and the provisions of said chapter, as to width of road bed and ground for depots, are made a part of this charter: *Provided*, That in the condemnation of land under the above sections of said chapter, the clerk of the superior court shall have the jurisdiction heretofore conferred on the superior court by said chapter; *Provided, further*, That only ten days' notice shall be required.
- Proviso.**
- Proviso.**
- Branch roads.** SEC. 4. That the said company may construct or aid others in constructing any lateral or other railway branch, branches or feeders to their main railway, or may lease, hire, purchase or otherwise secure the use and control of the same, and the said company is authorized to open books of subscription to any amount they deem necessary

for such purpose, or to construct any branch or branches to, from, or connecting with their main road, and to make the stock so subscribed separate and independent of the stock of the main road, and to be applied exclusively to the construction of the branch road for which it was subscribed, according to such agreement as may be entered into by the subscribers aforesaid with said company.

SEC. 5. For the purpose of raising money to accomplish Mortgage bonds. the purpose of this act, said company may, at its option, make, execute and issue its bonds payable with interest thereon either in United States currency or gold, and in this country or in any foreign country or state, and at any rate of interest it elects not exceeding eight per centum per annum, and for any amount not exceeding one thousand five hundred dollars per mile of roads and branches made or to be made; and to secure the payment of these bonds and any other bonds issued as aforesaid, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be agreed on, conveying its railway, branches, franchises and property, including its road-bed, superstructure, equipment, choses in action, evidences of debt, and all its real and personal estate of whatever kind, and the said deed or deeds, when deeds executed may be registered in the Registration of mortgage deeds. county of Robeson, and its registration in that county shall be deemed an effectual and efficient registration for all purposes whatever, and shall give it priority and preference over all claims against said corporation; and it shall not be necessary to register or record the same in any other county, any law to the contrary notwithstanding.

SEC. 6. That if any person or persons shall intrude upon Unlawful to intrude upon road. the said road by any manner of use thereof, without the permission, or contrary to the will of said company, he, she or they so offending may be indicted for a misdemeanor, Misdemeanor. and, upon conviction thereof, fined and imprisoned Penalty. by any court of competent jurisdiction.

Unlawful to damage, &c., road, &c.

SEC. 7. That if any person shall wilfully destroy or in any manner hurt, damage or obstruct, or shall wilfully cause, or aid, or assist, or counsel, or advise any other person or persons to destroy or in any way to hurt or damage, or to obstruct or injure said railway, its track, engines, cars or fixtures, or any bridge, car, engine or vehicle used for or in transportation thereon, or any water tank, warehouse or other property of said company, such person or persons so offending shall be liable to indictment therefor, and on conviction shall be imprisoned for not more than twelve months nor less than one month, and shall pay a fine of not less than twenty nor more than five hundred dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all damage done and all expenses of repairing the same.

Penalty.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 234.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES.

*The General Assembly of North Carolina do enact:*

Sale of spirituous liquors prohibited in certain localities.

Within one mille.

SECTION 1. That the sale of spirituous liquors shall be prohibited within one mile of the following places, to-wit: In the town of Gatesville in Gates county and within one mile thereof; Mt. Hebron Methodist Episcopal church in the county of Orange; Mt. Zion Baptist church in the county of Northampton; Springfield (colored) Baptist church in the county of Gaston; Coddle Creek Associate Reformed Presbyterian church in Cabarrus county; the Moravian church in the town of Bethbara, Old township,

in the county of Forsyth; the Gaston High School Company's Academy at Dallas in the county of Gaston; Martin & Co.'s mill in the county of Davie; the school-house in school district number two, in Pamlico county; Mt. Zoar Baptist church in Northampton county; Cedar Falls Methodist church and Mt. Harmony church in Rutherford county; Oak Forest church in the county of Wilkes; Zion Baptist church in Iredell county; Providence church in Alamance county; Mt. Zion church near Thomas Hoover's on Lower creek in Caldwell county; Peace chapel on the main road, leading from Lenoir to Hickory, in the county of Caldwell; the Baptist church in the town of Boonesville, Yadkin county; the Big Ore Bank, Lincoln county; and within one and a-half miles of Carmel church in Rockingham county, and Worth's school-house, Lenoir county; the Baptist church in Waughtown in Forsyth county; Conocoary church, Halifax county.

SEC. 2. That the sale of spirituous liquors shall be prohibited within two miles of the following places, to-wit:

Masonboro' Baptist church in the county of New Hanover; Piney-meeting house church in the county of Davidson; White Stone Baptist church and Wakefield Baptist church in Little River township in Wake county; the villages of Hope Mills (otherwise called Rockfish), Beaver Creek, or the Bluff, in the county of Cumberland; School-house, number two, in Black Creek township in the county of Wilson; Mt. Bethel church in Mangum township, Orange county; Pleasant Hill Methodist church and Swann's school-house in McDowell county; Corner Stone church, at or near the boundary corner of the States of North and South Carolina, known as the Stone Corner; Jamestown Academy in the county of Guilford; Bethel church in Macon county; Stantonsburg Methodist church in Wilson county; McKenzie's Campgrounds, A. M. E. Zion church in Catawba county during the time of holding the meeting for divine services; Rox-

Within two  
miles.

boro Methodist church, Bailey's, Mt. Zion, Oak Grove, Providence, Mt. Tirzah, Concord chapel, Webb's chapel, Salem Methodist church, Clement Baptist church, Upper South Hycó church, Mill Creek Baptist church; Reeves Chapel church in Cabarrus county; Turrentine school-house in the county of Davie; Hamlet Baptist church in Richmond county; Zion Baptist church in the county of Yancey; Lynville church at Lynnvillev Cove in Mitchell county; Mt. Pisgah church and Macedonia Baptist church in the county of Iredell; Centre Grove church, in township number four, Cabarrus county; Holland's church in Panther Branch township, Wake county; Christ's Lutheran church in Salisbury township, Rowan county; Mt. Pleasant church, New Hope church, Cub Creek church, in the county of Wilkes; Wesley Chapel Methodist church in the county of Davidson; Buffalo Baptist church, Mt. Pleasant church, Bethel Baptist church, Friendship church, Forest Home Baptist church, Milton M. E. church, Old and New churches, and Bethany church in the county of Ashe; Christ church in Gaston county; Stanly Creek Methodist church in Gaston county; Andrew's chapel in McDaniel's township, Sampson county; Salem M. E. church in Anson county; Watery Branch church in the county of Wayne; Cross Roads in the county of Martin; Concord Methodist church in the county of Person; Stoney Knoll church in Rockford township in the county of Surry; Mt. Zion Baptist church in the county of Lincoln; Holly Springs church in Mt. Airy township in Surry county; the Methodist church in the town of Leasburg in the county of Caswell; Woodland church in Mecklenburg county; Orange Factory church in Orange county; Bethlehem church in the county of Alamance; St. Mary's chapel in Rowan county; Trinity M. E. Church in Bladen county; the town of Charleston in the county of Swain; the public school-house in district number twenty-four, New Hope township, Chatham county; Union church and Mt. Mitchell church in the

county of Cabarrus; Mt. Carmel Methodist Protestant church in Warren county; Black Mountain station and Kerlew's chapel in Buncombe county; Organ church in Rowan county; Stone Fork Baptist church in Watauga county; McManin Chapel M. E. church in Orange county; Massey's chapel in the county of Orange; Bartle's Baptist church, Salem Methodist or Gibboa Methodist church in the county of Burke; Logan church, Clio church, New Bethel church, and Friendship church, in the county of Iredell; Rock Hill Methodist church (colored) in Lincoln county; Bethlehem M. E. Church, South, in the county of Catawba; Oak Grove Methodist church, New Hebron church, Bethel, or Gwyn's chapel, and Ebenezer church in Surry county; Orange church in Chapel Hill township in the county of Orange; Haden's Grove Methodist church (colored) and Zion Baptist church (colored) in the county of Davidson; Caney River Baptist church in Yancey county; Ebenezer Lutheran church in Rowan county; the Methodist Church and the Baptist church in Clemons ville, Davidson county; Linville Cove Baptist church in Mitchell county; Antioch church in Madison county; Little Pine Creek church and Bynum's school-house in the county of Madison; New Perth Lutheran and Mt. Vernon Baptist churches, Fair View church and McDonald's chapel in the county of Burke; Cedar Grove church, Dewese school-house, in the county of Cabarrus; Saratoga Free-Will Baptist church and Pleasant Hill church near Saratoga in the county of Wilson; Woodside school-house, Greene county; Goshen chapel, Walnut Grove township, in the county of Granville; the Methodist, Presbyterian and Baptist churches in the town of Norwood, Salem Methodist church, Friendship Protestant Methodist church, Wesley Chapel, New Chapel, Pine Grove, Bethsaida, Rehoboth, Cedar Grove, Mt. Zion, and Harrisville African Methodist church in Stanly county; Collier's and Tabernacle churches, Harper's and Conway's chapels, and Presbyterian Mission school-house in Lenoir township, Caldwell

Within two miles.

county; Elkin M. E. church and Indian Grove school-house in Surry county; Trinity church in Pitt county; Fork church in Davie county; Rehoboth M. E. church, South, in Catawba county.

Within three miles.

SRC. 3. That the sale of spirituous liquors shall be prohibited within three miles of the following places, to-wit:

St. Andrew's church in Rowan county; the male academy in Mt. Airy, Surry county; Castenea Grove church in Gaston county; Public school, No. 2, in Pantego township, Beaufort county; New Hope academy, school district, number 80, in Robeson county; Rutherfordton Baptist church in the county of Rutherford; Camp Creek Baptist church in the county of Cleveland; Old Bull Creek Baptist Church in Madison county; Gabriel's Creek Baptist church in Madison county; Double Springs Baptist church in Henderson county; Indian Creek Baptist church in Yancey county; Baptist Grove church in Harnett county; Hector's Creek church in Harnett county; Sugar Camp Baptist church in Madison county; Back Creek church in Mecklenburg county; Woodington church in Lenoir county; New Jonathan Creek Baptist church in Granville county; Shady Grove church in Anson county; Bethel church, in Fishing Creek township, Granville county; Jewel Hill church, Dry Branch church, Mars Hill church, East Fork Bull Creek church, West Fork Bull Creek church, Laurel Branch church, Ivey church, California church, and Bethel church in Madison county; Antioch church (Baptist) in the county of Person; Bethesda church in the county of Iredell; Macedonia church (Baptist) in Columbus county; Mountain Creek Baptist church in Granville county; New Hope church in the county of Perquimans; Paint Gap Baptist church, Terry's Fork school-house, and Pleasant Gap school-house in Madison county; Clear Creek church in the county of Mecklenburg; Rockwell academy in the county of Mecklenburg; Merritt's chapel in the county of Chatham; Mowing Blade church in the county of

Mecklenburg; Columbus chapel and Torrence chapel in the county of Mecklenburg; Shilo church in the county of Iredell; Mt. Zion church in Gaston county; Turpin's chapel, Hide Mountain M. E. church, Furgeson's campground, Cove Creek Baptist church, Jonathan's Creek Baptist church in the county of Haywood; Jamestown academy in Jamestown, the Presbyterian church at Jamestown, Friendship church, Mt. Pleasant church, Holt's chapel, Cumberland chapel, Pleasant Garden, and Shady Grove, in the county of Guilford; Bethany church in the county of Randolph; Burmingtown Baptist church, and Maiden's chapel, Cartoogechaye in the county of Macon; Shiloh academy in the county of Davidson; Marble Spring church in Valletown township in the county of Cherokee; Bethlehem M. E. church, Bethel Baptist church in the county of McDowell; Sandy Creek Baptist church and Liberty church in Franklin county; Piney Grove church in Transylvania county; the Methodist church at Ansonville, Pleasant Hill M. E. church, Long Pine academy, Pee Dee academy, or the school-house at Sawyer's Springs in Anson county; Mt. Liberty and Pleasant Grove churches in Cherokee county; Licking Branch school-house in Bertie county; Hopewell Baptist church in the county of Union; Pine Log M. E. church in Clay county; St. Luke's Baptist church in Richmond county; St. Mary's, Johnson's chapel, Hannah's Creek and Pleasant Hill churches in the county of Johnston; Oakdale factory and Summerfield postoffice in the county of Guilford; Crab Creek Baptist church in the county of Henderson; Panther Ford Presbyterian church, Bethany Presbyterian church and Sandy Grove Baptist church in the county of Robeson; Belford Methodist church in the county of Nash; Mt. Zion A. M. E. church and Trinity M. E. church in Bladen county; Ephesus and Lee's Chapel churches in the county of Person; Lebanon church in Caswell county; Mt. Holly academy in the county of Gaston; Mt. Gilead Baptist church in the county of Chat-

Within three miles.

Within three  
miles.

ham; Mt. Zion A. M. E. church near Elizabethtown in Bladen county; Trinity Methodist church and Corinth Baptist church in the county of Franklin; Yates' Baptist church in Orange county; Social Union Baptist church (colored) in the county of Nash; Bethesda M. E. church, and Baalim Grove church in the county of Mecklenburg; Union Presbyterian church and the church at Mountain Island factory in the county of Gaston; Mt. Olivet (colored) Baptist church in Columbus county; Shoal Creek Camp ground, Shoal Creek Methodist church, Shoal Creek Baptist church, and Shoal Creek school-house in Qualla township, Walnut Creek Baptist church, Laurel Branch Baptist church, in the county of Madison; Mt. Zion Baptist church in Franklin county; Prospect church in the county of Rowan; Philadelphia Baptist church in the county of Nash; Log Cabin school-house in Tyson's township in the county of Stanly; the school-house in District number nine, Sandy Ridge and Jackson's township in Union county; Kerr's Chapel Baptist church in Caswell county; Bethel Baptist church in McDowell county; Baptist church in the town of Rutherfordton; Trinity Methodist church, Corinth Baptist church, Cedar Rock Baptist church, Mt. Zion Baptist church and Maple Spring Baptist church, in the county of Franklin; Peach Tree Baptist church and Belford Methodist church in Nash county; Good Hope Christian church in the county of Granville; Rehoboth Methodist church in Guilford county; Rocky Mount church, New Perth church in the county of Iredell; Mountain Island church, and River Bend school-house in the county of Gaston; Sandy Level Baptist church in the county of Wake; Cedar Grove academy in the county of Moore; St. Peter's Lutheran church in Rowan county; Rose of Sharon Baptist church in Orange county (new Durham); Mt. Moriah Baptist church and Edneyville Methodist church in Henderson county; Macedonia Baptist church in Columbus county; Sandy Creek church in Davidson county; the Methodist, Pres-

byterian and Baptist churches in the town of Carthage in Moore county; Beulah Baptist church in Crab Creek township, and the Beaver Creek Baptist church in Ashe county; county of Henderson; Indian Creek Baptist church in Yancey county; Zion Baptist church in the county of Yancey; Union church in Marshall in the county of Madison; Walnut Creek Baptist church and Laurel Fork church in Madison county, Echota Indian Mission church in Jackson county; Mt. Moriah Baptist church in Transylvania county; and it shall be unlawful for any person or persons to manufacture or sell any spirituous liquors within three miles of Pleasant Hill Presbyterian church in Mecklenburg county, and Ephesus Baptist church in Person county.

SEC. 4. That the sale of spirituous liquors shall be prohibited within four miles of the following places, to-wit : within four miles.

The Copper Knob mines, and the town of Jefferson in Ashe county; Concord church at Lockwood's Folly in the county of Brunswick; Pleasant Hill church, Mallard Creek church, and Prosperity church, in the county of Mecklenburg; Free-Will Baptist church on Spring creek in Mitchell county; Middleburg Methodist church in the county of Warren; Stony Fork Baptist church and Laurel Spring church in Watauga; Pensacola Baptist church in Yancey county; New Hope church in the county of Orange; Crab Tree academy in the county of Haywood; White Pond Baptist church in Robeson county; Cold Spring church or Camp-ground in the county of Cabarrus; Pleasant Hill church, Asbury church, Smith's church, Barker's church, Salem church, Red Banks church, and Regan's church in the county of Robeson; within two miles of Powelton school-house, Steel's township, Richmond county; Zion Methodist church in Town Creek township, Brunswick county; Mt. Pisgah Baptist church in Brunswick county; Lystra Baptist church in the county of Chatham; Friendship church in the county of Harnett; Howell's church in Cabarrus

county; Chalmers' Lodge (masonic) in the village of Car-bonton in the county of Moore; Hopkins' chapel in Wake county; Poplar Springs church in Franklin county; the Big Rock Creek Baptist church in Mitchell county; Pen-sacola Baptist church and Ivey Gap Baptist church in Yancey county.

Within five miles.

SEC. 5. That the sale of spirituous liquors shall be prohibited within five miles of the following places, to-wit: Ashpole Presbyterian church, Ashpole Institute, Spring Hill Baptist church, Jackson Swamp church, and Mount Zion Methodist church, in Robeson county; Bethel, Silver Grove, Holly Grove, and Carthage's Creek churches in Richmond county; the Baptist church at Peach Tree in Cherokee county; Zion church, Town Creek township, Beulah Missionary Baptist in Shellote township, Brunswick county; Smyrna church in Richmond county; Granville Mills (formerly Forks of Ivy), in Madison county; the Presbyterian church in the town of Shoe Heel in Robeson county; Center church in the county of Robeson; Warsaw High School in Duplin county; the Methodist church in the town of Swansboro in Onslow county; Mt. Vernon Baptist church in the county of Wake; the Methodist Episcopal church on Big Ivey in Buncombe county; Hebron church in the county of Richmond, and the town of Jonesboro; and the railroad depot in the town of Littleton in Halifax county; Mt. Moriah and Zion Hill M. E. Church in the county of Robeson.

St. John's town-ship in Hertford county.

SEC. 6. That the sale of spirituous liquors shall be prohibited in all that part of St. John's township in Hertford county, lying and being situated between Potecasi creek and Cuttawhiskie swamp, known now as school district No. 1, in said township.

Question to be submitted to voters in certain places.

SEC. 7. That the question of prohibition or no prohibition shall be submitted, under the rules and regulations now prescribed by law, in the following places, and for the distance herein stated, to-wit:

In the town of Ridgeway in Warren county; within

the town of Murfreesboro and two miles thereof, in the county of Hertford; Creswell and Lee's Mill's in Washington, in the county of Ashe.

SEC. 8. That it shall be unlawful to manufacture any intoxicating liquors within four miles of the court-house in the town of Bakersville in the county of Mitchell. Unlawful to manufacture liquor within four miles of court-house in Bakersville.

SEC. 9. That any person violating the provisions of this act shall, on conviction, be fined or imprisoned, or both, Misdemeanor.

in the discretion of the court: *Provided*, That nothing in this act shall be construed to prevent any citizen of the county of Wilson from selling wine and other spirits obtained from fruit, of his own manufacture; nor shall any of its provisions apply to the town of Black Creek in said county: *Provided*, That nothing in this act shall Penalty.

apply to the county of Beaufort: *Provided*, The manufacture and sale of vinous liquors be exempt from the Proviso.

operations of this act: *Provided*, This act shall not apply Proviso.

to Edgecombe county: *Provided further*, That any law Proviso.

heretofore enacted prohibiting the sale of spirituous Proviso.

liquors near any church or school-house in Edgecombe Proviso.

county, is hereby repealed, except Draughan's school-house.

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

Ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 235.

AN ACT TO AMEND SECTION EIGHT, CHAPTER THIRTY, LAWS OF SPECIAL SESSION OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eight, chapter thirty of the laws of the special session of one thousand eight hundred Ch. 30, 28, laws special session 1880, amended.

Act applicable to  
Transylvania co. and eighty be amended by striking out in line five of  
said section the word "Transylvania."

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 236.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY TO ORDER THE PAYMENT OF CERTAIN SCHOOL CLAIMS.

*The General Assembly of North Carolina do enact :*

Commissioners of  
Halifax to pay  
outstanding  
school orders out  
of general county  
fund.

SECTION 1. That it shall be the duty of the board of commissioners of Halifax county to audit and order the payment of all lawful orders heretofore drawn by the various school committees of said county on the treasurer of said county, out of the general county fund not levied or used for special purposes.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 237.

AN ACT TO PROTECT THE PUBLIC BRIDGES OVER THE SCUPPER-  
NONG RIVER AT COLUMBIA AND THE CROSS LANDING AND  
ALLIGATOR CREEK IN TYRRELL COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any captain of a vessel or flat boat, steamboat or other craft, or any person having charge of the same, who shall wilfully or negligently damage any of said bridges shall be guilty of a misdemeanor, and on conviction thereof shall be fined not to exceed fifty dollars, or be imprisoned not to exceed thirty days, and shall also be liable to the county in action for damages, which, when recovered in a court of competent jurisdiction, shall constitute a charge against the vessel doing the damage and her owners.

Wilful injury to bridges by commander of vessel, &c., a misdemeanor.

Penalty.

Action for damages.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 238.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Washington county be and they are hereby authorized and empowered to levy a special tax not to exceed the sum of five thousand dollars, one-half of which to be levied on all subjects of taxation in said county, in the year one thousand eight hundred and eighty-one, at the time of

Commissioners authorized to levy special tax, not exceeding \$5,000.

When levied.

the levying of other taxes under the general law, and the other half shall be levied in the same manner in the year one thousand eight hundred and eighty-two.

To be applied to building a court-house.

SEC. 2. That said special tax to be applied to the building of a court-house in the town of Plymouth, in said county.

How collected.

SEC. 3. That said special tax 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 other taxes levied in said county: *Provided*, The constitutional equation between poll and property shall be observed in the levy of said special tax.

Proviso.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 239.

AN ACT TO AUTHORIZE THE TREASURER OF THE STATE TO EXCHANGE THE STOCK OF THE STATE IN THE ALBEMARLE AND CHESAPEAKE CANAL COMPANY FOR THE BONDS OF THE STATE.

*The General Assembly of North Carolina do enact:*

Public treasurer authorized to exchange stock of the state in canal company for bonds of the state issued prior to May 20th, 1861.

SECTION 1. The public treasurer be and he is hereby authorized and empowered to exchange with the Albemarle and Chesapeake canal company the stock of the state of North Carolina in said company for the bonds of the state of North Carolina, issued before the twentieth day of May, one thousand eight hundred and sixty-one: that the exchange shall be at par, and no interest shall be allowed upon the bonds.

Exchange to be at par.

Upon exchange, state's interest in canal co. to cease. Proviso.

SEC. 2. That upon said exchange, the state's interest in said corporation shall cease: *Provided*, This exchange

shall be made before the first of January, one thousand eight hundred and eighty-three.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 240.

AN ACT TO INCORPORATE THE ATLANTIC AND FRENCH BROAD VALLEY RAILWAY COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of constructing and Body politic. operating a railroad with one or more lines or tracts from or near Easlatoe Gap, in the county of Transylvania in this state, to the town of Askeville, in the county of Buncombe in this state, Thomas L. Gash, J. L. Bill, J. H. Laning, Whitfield Brooks, J. H. Paxton, B. C. Lankford, J. H. Duckworth, E. B. Clayton, P. C. Orr, J. J. Osborne, J. A. Corpening, W. H. Miller, A. E. Posey, S. M. Hatch, Ephraim Clayton, R. M. Furman, James P. Sawyer and Virgil S. Lusk, and such other persons and corporations as may be associated with them, and their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Atlantic and Name. French Broad Valley Railroad Company, and by that name may sue and be sued, plead and be impleaded, Corporate powers. answer and be answered unto, in any court in this [state] or the United States; may make by-laws, appoint all necessary officers and prescribe their duties, and may accept and hold and convey and property, either real or personal necessary for the purposes hereinbefore and hereinafter mentioned, to make contracts, to have and use a common

seal, and to do all other lawful acts incident to and connected with said corporation, and necessary for the control and transaction of business: *Provided*, That their by-laws shall not be repugnant to the constitution and laws of this [state] and of the United States.

Proviso.

Authorized to construct railroad.

Route.

SEC. 2. That this said company be and is hereby authorized to construct, maintain and operate a railroad, extending from and between the places, mentioned in the first section of this act, with the privilege of connecting at Asheville with the Spartanburg and Asheville or the Western North Carolina railroad company, or with such other companies and at such other places as may be deemed advisable by such company.

Capital stock.

SEC. 3. That the capital stock of said company shall be one hundred thousand dollars in shares of twenty dollars each, with the privilege of increasing the capital stock to such an amount as may be found necessary to carry out the intention and purposes of this act, and the shares shall be transferable in such manner as the by-laws may direct: *Provided*, That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company as hereinafter directed, the said corporators, or a majority of them, shall within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which thirty days' notice shall be given in such newspapers of this state as they may deem necessary, at which time and place said stockholders may proceed to the organization of said company by the election of a president and nine directors, who shall hold their offices for one year, and until their successors are elected, and which shall be the first board of directors, and which board may in their by-laws prescribe the time and manner of holding their subsequent annual election for president and directors, subject to the approval of the stockholders at their ensuing annual meeting.

Organization of company.

Cities, towns and townships, subscribing to capi-

SEC. 4. That in all conventions of the stockholders of said company, such city, town or township as may sub-

scribe to the capital stock thereof may be represented by not less than three nor more than five delegates, who shall be chosen as such city, town or township may direct, and private stockholders shall represent their own stock in person or by proxy duly executed.

tal stock to be represented in stockholders' meetings.

Private stockholders.

SEC. 5. That for the purpose of raising the capital stock of said company, it shall be lawful to open books for private subscriptions at such times and places, and under the direction of such persons as the said corporators may appoint, and that said subscriptions to the capital stock may be made in money, bonds, lands, material and work, at such rates as may be agreed upon with said company, and the said railroad company shall have power to mortgage its property and franchises, and issue bonds on such terms and conditions and for such purposes and uses of said corporations as the said company may deem necessary.

Books of subscription.

Subscriptions, how made.

Mortgage bonds.

SEC. 6. That in addition to the provisions contained in the preceding section for private subscriptions, it shall and may be lawful for any city, county, town or township interested in the construction of said road, to subscribe to its capital stock such sum as a majority of their voters may authorize the county commissioners, or proper corporate authorities of such city or town to subscribe, which subscription shall be made in six per centum coupon bonds, to be received by said company at par; said bonds to be made payable twenty years after the date thereof, and to be of the denominations of one hundred dollars, five hundred dollars, and one thousand dollars.

Cities, &c., authorized to subscribe to capital stock.

Subscriptions to be made in six per cent. coupon bonds.

SEC. 7. That for the purpose of determining said subscription, the board of county commissioners for each of the counties of Transylvania, Henderson and Buncombe, upon the written application of one-fifth of the qualified voters, who shall be free-holders in any township, specifying the amount to be subscribed therein, to submit to the qualified electors of such township in their respective counties, as the case may be, the question of "subscription.

Election of townships upon question of subscription.

- tion" or "no subscription" to the capital stock of said company. And they shall have power to order the election, specifying the purpose thereof, under the same regulations as are prescribed for elections for members of the general assembly, at which election the ballots shall have
- How held.** written or printed thereon the word "subscription" or "no subscription," the said county commissioners having
- Ballots.** first, by a resolution of the board, fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of which resolution shall be given by the chairman of the board in one or more of the newspapers published in the county, for which he shall act for forty days next previous to the election. And the proper corporate authorities of any city or town in any of the three counties, Transylvania, Henderson and Buncombe, upon the written petition of fifty free-hold voters in such city or town, may, in like manner and after like notice, submit the question to the qualified electors in said city or town, and declare the result as is herein directed in case of county elections.
- Commissioners to fix amount of proposed subscription.**
- Notice.**
- Election in cities and towns.**
- Returns.** SEC. 8. It shall be the duty of the judges of election to make returns and meet at their respective court-houses as the case may be, and count the votes and declare the result of the elections, which result shall be certified in writing by the judges of election to the chairman of the board of county commissioners, or to the city or town council, as the case may be.
- Subscriptions to be made on majority vote.** SEC. 9. In case the majority of the ballots cast shall have written or printed thereon "subscription," then the chairman of the board of county commissioners in all cases of township elections, and the corporate authorities of any city or towns, in cases of elections in cities or towns, shall be authorized and required to subscribe to the capital stock of said company in behalf of such city, town, or township respectively the sum which may have been fixed and named in the resolution of said board, council, or other corporate authority, published as aforesaid,

which subscription shall be made in six per centum bonds as aforesaid, with interest payable semi-annually: *Provided*, That a majority of the voters in such city, town or township shall have voted in favor of such subscription. But in all subscriptions made under the direction of a township election as authorized by this act, it shall be so expressed in the bonds and coupons issued in payment of such subscription, under the provisions of section six of this act: and all tax levies for the purpose of raising funds to pay the said bonds or coupons shall be made only upon the taxable property in such township; and if the majority of the ballots cast in any city or town election shall be "for subscription," the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner and to like extent as the county commissioners are herein required in all cases of county subscription.

How made.

Proviso.

Township bonds to show on their face authority under which they are issued.

Tax levies, how made.

Subscriptions to be made by cities and towns on majority vote.

SEC. 10. That for the payment of the interest on said bonds, the corporate authorities of any city or town so subscribing as aforesaid, and the county commissioners of any county in which a township has subscribed as aforesaid, shall levy an annual tax upon the taxable property of such city, town or township, sufficient to pay the said interest, which said tax shall be collected in the manner in which other city, town and county taxes are collected in such city, town or county; and the treasurer of any such city or town, or other officer having the disbursement of taxes in such corporations, and the county treasurer of every such county is hereby authorized to pay all coupons of bonds issued under this act falling due in the year when said tax is collected from the proceeds of said tax upon the presentation to him of such coupons.

Special tax to be levied.

How collected.

Coupons to be paid.

SEC. 11. That ten years before the time when said bonds are by their terms made to mature, and annually thereafter until the whole of said bonds are retired, it shall be the duty of the corporate authorities of any city or town

Sinking fund,

subscribing to said road, and of the county commissioners of any county in which any township may have subscribed as aforesaid, to ascertain the per centum of the taxable property of any such city, town or township which will produce an annual sum sufficient to retire the said bonds in the course of ten years, and having ascertained such per centum, the corporate authorities of any such cities or towns shall annually levy and collect a tax of the per centum required and ascertained as aforesaid, in the same manner as other taxes are levied and collected in such cities or towns, and the said county commissioners of any county in which such township subscribing as aforesaid is situate, shall annually issue to the tax collector their warrant for the collection of a tax of the per centum so ascertained upon all the taxable property of such township, which said tax shall be by said tax collector added to his duplicate and be collected as other county taxes are now collected; and the tax so collected shall be annually applied to the retirement of the said bonds in the following manner, that is to say: immediately after receiving notice of the collection of the said tax, it shall be the duty of the corporate authorities of every such city or town, and of the county commissioners of every county in which said tax has been raised, to apply the said tax to the purchase of the bonds issued under this act, in such manner and under such regulations as they shall determine: *Provided*, That all such purchase shall be made from the lowest bidder after public notice of the time, place and manner in which bids will be received and opened, and that the tax collected as aforesaid shall be disbursed in the manner in which other taxes are disbursed in such cities, towns and counties.

**Special tax to be levied and collected.**

**To be applied to retirement of bonds.**

**Providso.**

**Company authorized to acquire and hold real estate, &c.**

**SEC. 12.** At any time after its organization, said company may purchase or receive title to any land or lands, houses, tenements, rights of way or other property necessary for the construction of its line or lines, or any of its offices, stations, or works. But in case said company

is not able to agree with the owner or owners of any land or property necessary for the construction of said line or lines, or any of its works or operations, then the value of the same shall be fixed by arbitration, each side choosing one arbitrator or appraiser, who, in case of not being able to come to an agreement, shall choose a third, whose decision shall be final. In all cases of appraisal or arbitration, it shall be lawful for the appraisers or arbitrators to take into consideration the enhanced value of the land or property of the owner in consequence of the construction of said railway as an effect, in whole or in part, for the right of way or the land or other property necessary for the construction of the line, or the purpose before named: or said company may, at its option, acquire title to any property required for its line, operations, objects or purposes, in the manner provided for by section five, chapter one hundred and seventy six of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, ratified ninth of February, one thousand eight hundred and seventy-two.

SEC. 13. The directors of said company may adopt a code of by-laws or regulations for its permanent management and control, which shall be binding on all the stockholders and persons concerned: *Provided, always,* That the same shall be consistent with the charter and the laws thereto appertaining. The said directors may, however, incorporate so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two into their by-laws as is deemed expedient; and upon filing the same in the office of the secretary of state, the company shall be bound thereby to the extent adopted and incorporated in such by-laws and no further.

SEC. 14. That said railroad company shall have the privilege to consolidate and unite with any other railroad company or companies within or without the limits of

Condemnation of land.

By-laws.

Proviso.

Authorized to consolidate with other companies.

this state, under any general railroad laws, terms or rules as may be agreed upon, not inconsistent with the laws of this state.

Board of directors of penitentiary to furnish convicts.

SEC. 15. That the authorities of the penitentiary, on the application of the president or board of directors of the Atlantic and French Broad Valley Railway Company, are directed to furnish for labor of said road not not less than fifty nor more than one hundred convicts, the said convicts to be in all respects under such guards, laws and regulations as are provided for in other cases where convicts are furnished for public works; and that the said corporation or railway company shall feed, clothe, guard and furnish all medical aid to said convicts at the expense of said corporation: *Provided*, That this act shall not be construed to interfere with the assignment of convict labor, or to diminish the number of said convicts assigned to any public work in which the state has an interest.

Proviso.

Property not exempt from taxation.

SEC. 16. That nothing in this act contained shall be construed to exempt the property of said railroad company from taxation for state and county purposes.

Charter to continue for ninety-nine years.  
Proviso.

SEC. 17. This charter shall continue for ninety-nine years: *Provided*, The construction of said railroad is commenced on or before January first, one thousand eight hundred and fifty-five.

SEC. 18. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1881.

## CHAPTER 241.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Watauga county be and they are hereby authorized to levy a special tax not to exceed the sum of two thousand dollars, one-half to be levied for the year one thousand eight hundred and eighty-one, and the other half to be levied for the year one thousand eight hundred and eighty-two, for the purpose of buying a site and erecting thereon a poor house.

Commissioners authorized to levy special tax not to exceed \$2,000 for poor-house.

When to be levied.

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.

Constitutional equation.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 242.

AN ACT TO PROHIBIT THE SALE OF ARDENT SPIRITS TO MINORS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any dealer of intoxicating drinks or liquors to sell, and in any manner to receive compensation therefor, either directly or indirectly, or to give away such drinks or liquors to any unmarried person under the age of twenty-one years, knowing the said person to be under the age of twenty-one years: *Provided*, That such sale or giving away shall be *prima facie* evidence of such knowledge. Any person

Unlawful for dealer to sell or give away intoxicating liquors to minor, knowingly.

Proviso.

Who considered a "dealer." who keeps on hand intoxicating drinks or liquors for the purpose of sale or profit shall be considered a dealer within the meaning of this act.

Action for damages by father, &c. SEC. 2. The father, or if he be dead, the mother, guardian or employer of any minor to whom a sale or gift shall be made in violation of this act, shall have a right of action in a civil suit against the person or persons so offending by such sale or gift, and upon proof of such illicit sale or gift, shall recover from such party or parties so offending, such exemplary damages as a jury may assess: *Provided*, That such assessment shall not be less than twenty-five dollars.

Proviso.

Misdemeanor. SEC. 3. Any person or persons violating the provisions of section one of this act shall be deemed guilty of a misdemeanor.

Ch. 68, laws 1873-'74, repealed. SEC. 4. That chapter sixty-eight of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four be and hereby is repealed.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 243.

AN ACT TO PREVENT THE FELLING OF TIMBER IN NORTH TOE RIVER AND CANE CREEK IN MITCHELL COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Unlawful to fell timber in North Toe river and Cane creek in Mitchell co. SECTION 1. That it shall be unlawful for any person or persons to fell timber in North Toe River, or any of its tributaries, or Cane Creek in Mitchell county, North Carolina.

SEC. 2. Any person or persons violating section one of <sup>Misdemeanor.</sup> this act shall be guilty of a misdemeanor, and, upon conviction thereof, fined not more than ten dollars for each <sup>Penalty.</sup> and every offence, in the discretion of the court.

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

Read three times in the general assembly, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 244.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW LANDS OF BEAVER DAM IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the object and purpose of securing <sup>Purpose of act.</sup> the better drainage of the low lands of Beaver Dam in Sampson county, between the northern boundary of the plantation of E. T. Britt on said stream, and the mouth of the same, or at such other point on Great Coharie below the mouth of said Beaver Dam, as may be decided by a majority of the members of the corporation created by <sup>Body politic.</sup> this act, E. T. Britt, J. H. Hill, James Ingram, Thos. W. Underwood, Mrs. E. A. Monk, guardian, Richard A. Ingram, J. H. Benton, Walter A. Lee, Joseph T. Westbrook, C. F. Ingram, R. W. Smith, Josiah H. Bryan, Wm. H. Bryan, Wm. W. Cox, Isaac Williams, guardian, and all other owners of lands to be affected by the work contemplated by this act, who shall voluntarily become members of the corporation, are hereby created and declared a corporation and body politic by the name and style of the <sup>Name.</sup> "Beaver Dam Drainage Company;" and by that name <sup>Corporate powers.</sup> may sue and be sued, plead and be impleaded in any

court in this state, contract and be contracted with, own, acquire, and hold real and personal property.

Authority of company over its members.

SEC. 2. That the company created by this act shall have the members of the same to do, abide by and perform all such matters and things in effecting the purposes of this corporation, as in meeting of said company may be determined by resolution duly passed and recorded upon the minutes.

Rules, &c.

SEC. 3. That said company shall have full power and authority to make, form, adopt and enforce all necessary rules and regulations for their government, and for accomplishing and performing the objects and purposes of this act, not inconsistent with the laws and constitution of this state or of the United States.

Officers.

SEC. 4. That the officers of this company shall be a president, two vice-presidents, and a treasurer and Secretary, who shall be elected annually on the first Saturday in January of each year, and shall receive such compensation (if any) as may be determined, and until the first Saturday in January, one thousand eight hundred and eighty-two, or until their successors are elected and qualified. The offices created by this section shall be filled as follows: Dr. J. H. Benton, president; Isaac Williams and James Ingram, vice-presidents; Richard A. Ingram, treasurer and secretary.

When elected.

Compensation.

Temporary of ficers.

Bond of treasurer and Secretary.

SEC. 5. That the treasurer and secretary shall enter into bond at the option of a majority of the members of the company in such penal sum, and with such security as may be fixed for the faithful holding and disbursement of the funds of the company, and for the faithful performance of all other duties pertaining to his office.

Board of assessors.

SEC. 6. That the president, two vice-presidents, and two other members of the company to be selected at the annual election, shall constitute a board of assessors, whose duty it shall be to estimate the number of acres of low-lands belonging to each land owner, between the points mentioned in section one of this act, benefitted or

Duties.

increased in value by any labor done and performed, or to be performed, by said company; and it shall also be their duty to make such arrangements at least twice during each and every year, as may to them seem best for the interest of the company, to have performed all necessary labor in removing obstructions of any and all kinds, and in putting and keeping in good condition the main channel for the passage of water. And they shall estimate and determine the benefits and advantages each member and land owner may have received, and the actual cost of labor performed or required, and after considering the same shall fix, not oftener than twice annually, the amount to be paid by each member and land owner; all of which the board of assessors shall report in full to the company in regular or called meeting. The company shall consider the said report, and approve the same, or modify as in their opinion may be fair and just to each member and land owner, and declare the sum each member and land owner shall be assessed.

Report.

Company to supervise report.

SEC. 7. That the company shall have power to levy and collect such sum or sums of money as shall be necessary for the performance of executing the labor contemplated by this act; the sum levied upon each member and land owner being in proportion to the benefits and advantages received or to be received by each, as determined in accordance with the provisions of section six of this act, and all levies and assessments, made as provided in this section when registered on a justice's docket in Sampson county, shall be a lien upon the lowlands aforesaid of the person liable for such assessments and upon the crops raised thereon; and may be enforced in any court having jurisdiction.

Company to make necessary assessment upon members.

To be a lien, when registered on docket of justice of the peace.

SEC. 8. That the company shall have the right to enforce, by action in any court having jurisdiction, the collection of a just, fair and equitable compensation for the benefits and advantages to any lands, lying on the aforesaid streams, of any person who shall refuse or fail to

Action for compensation against land owners not members.

Proceedings be-  
justice of the  
peace.

become a member of this company, and who shall refuse or fail to pay the same twenty days after the performance of such labor and notice to and demands made of such person by the company for such compensation. Any justice of the peace in Sampson county, upon application by said company, shall order a reference to three freeholders, one to be selected by each of the parties, and a third by the justice; or all by the justice in case of neglect or refusal of either party to name one, who, after being duly sworn to do impartial justice between the parties, shall view and carefully examine the lands of the defendant alleged to be benefited by the work of the plaintiff, and such work, and all matters tending to show the benefits and advantages to defendant's land, and at what cost the plaintiff has effected the same, considering which benefits and costs, the freeholder shall determine the amount which the plaintiff ought to receive of the defendant. The justice shall proceed to judgment according to the decision of the freeholders, and all judgments created under this section, duly docketed by any justice of the peace in Sampson county, shall be a lien upon such land of the defendant as shall have been adjudged to be benefited by the performance of such labor, and upon the crops raised thereon.

Judgment.

Rights of minors.

SEC. 9. That if any owner of land, to be benefited by the work herein contemplated, shall be a minor, such minor shall have all the rights and privileges of a corporation under this act, as long as he or his legal representative shall pay all assessments made against him, the same to be exercised by his legal representative. But no process shall issue to sell the lands of any minor, whether such minor has become a member of this corporation or not, until such minor shall arrive at the full age of twenty-one years, nor until the expiration of one year thereafter.

Lands of minors  
not to be sold.

Unlawful to ob-  
struct channels  
of streams.

SEC. 10. That any person or persons who shall wilfully and knowingly fell timbers or otherwise obstruct the passage of water in the channels of said streams between the points mentioned in section one of this act, and shall per-

mit the same to remain therein for the space of twenty-four hours, shall be deemed guilty of a misdemeanor, and, upon conviction before any justice of the peace in Sampson county, be fined not less than five nor more than twenty dollars.

Misdemeanor.

Penalty.

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

Read three times in the general assembly, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 245.

AN ACT TO AMEND CHAPTER THIRTY OF THE LAWS OF NORTH CAROLINA, RATIFIED TWENTY-NINTH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY, ENTITLED "AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE ENTITLED AN ACT TO PROVIDE FOR KEEPING IN REPAIR THE PUBLIC ROADS OF THE STATE."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter thirty of the laws of North Carolina, passed at the special session of the general assembly thereof in the year one thousand eight hundred and eighty, entitled "an act to amend chapter eighty-two of the laws of eighteen hundred and seventy-nine, entitled 'an act to provide for keeping in repair the public roads of the state,'" be amended by striking out the words "and Madison" at the end of the proviso in the eighth section of said act, and by inserting the word "and" between the words "Henderson" and "Buncombe," immediately preceding in the said proviso.

Ch. 30, 28, laws  
special session  
1880, amended.

Madison co.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 246.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF GREENE COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to levy special tax of \$2,500.

SECTION 1. That the board of county commissioners of Greene county be and they are hereby authorized and empowered to levy a special tax of two thousand and five hundred dollars on all taxable property and polls of said county, said tax to be levied, collected and accounted for in the same manner as other taxes may be levied, collected and accounted for in the year one thousand eight hundred and eighty-one: *Provided*, The constitutional equation between property and poll be observed in the levy of said special tax.

Proviso.

To be applied to payment of county indebtedness and building, &c., bridges.

SEC. 2. That the special tax authorized by this act shall be applied to the payment of the present indebtedness of said county and for the building and repairing the bridges required to be built and repaired by said county.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 247.

## AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN CERTAIN PARTS OF NASH COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful for live stock to run at large in Nash county within certain boundaries.

SECTION 1. That it shall be unlawful for any live stock to run at large in that part of Stoney Creek township in Nash county, embraced within the following boundaries, to-wit:

Beginning at the Wilmington and Weldon railroad where the northern line of W. L. Williford's land joins said railroad, thence westwardly by the northern lines of the land of W. L. Williford's, D. D. Hines and L. H. Hines, R. H. Ricks, the lands belonging to the estate of Edwin Rose and of R. H. Ricks, and by the western lines of the lands of R. H. Ricks, J. H. Thorpe, Gray Armstrong, the lands of the Rocky Mount Mills company and of William S. Battle, where they reach the Tar river; thence eastwardly by the Tar river where it crosses the Wilmington and Weldon Railroad, thence by the said Wilmington and Weldon railroad to the beginning.

SEC. 2. That John H. Thorpe, R. H. Ricks and Gray Armstrong be and they are hereby appointed fence commissioners with power to contract for the erection of a substantial fence upon the boundaries above described, with gates at every crossing of a public road; that they hold their office during good behavior, and upon a vacancy occurring by death or resignation or otherwise, such vacancy shall be filled by the board of commissioners of Nash county.

Fence commissioners.

Empowered to erect fence.

Vacancies.

SEC. 3. It shall be the duty of the fence commissioners to make report annually to the August meeting of the board of commissioners of Nash county the condition of the said fence and gates, the cost of building and of its repairs the preceding year, and their estimate of its cost the following year, and any indebtedness on its account; and it shall be the duty of the said board to levy a tax upon the real estate within said boundaries to raise such sums as said fence commissioners shall report as necessary, which said taxes shall be collected by the tax collector of Nash county at the same time and under the same regulations as he collects the state taxes, and he shall pay over the same less usual commissions to the chairman of the fence commissioners.

Fence commissioners to make report to board of commissioners of Nash county.

County commissioners to levy tax.

How collected.

SEC. 4. It shall be the duty of said fence commissioners to keep the fence and gates enclosing said territory at all

Fence commissioners to keep

fence, &c., in repair.  
Misdemeanor.

Penalty.

When act to go into effect.

Authority of fence commissioners to keep fence in order.

Chairman.

Bond.

Removal.

Action against him.

Unlawful to injure, &c., fence, &c.

Misdemeanor.  
Penalty.

Misdemeanor to permit live stock to run at large.

Penalty.

times in good and sufficient repair and of five feet height, and, upon failure to do so, shall be deemed guilty of a misdemeanor, and be subject to indictment in the superior court of Nash county, and, upon conviction, shall be fined at the discretion of the court.

SEC. 5. That upon the completion of the fence enclosing the territory as described, the fence commissioners shall give public notice for thirty days by advertising in the newspaper at Rocky Mount, and posters at five public places within said territory, and from and after ten days after such advertisement this act shall go into operation.

SEC. 6. It shall be the duty of the fence commissioners to keep the fence and gates enclosing said territory in order; that they shall have power to do so by contracting for material and employing laborers for that purpose under their supervision, or by letting the same to contract, after ten days' notice, annually at public biddings.

SEC. 7. The fence commissioners provided by this act shall elect a chairman, who shall execute a justified bond in the sum of one thousand dollars payable to the state, conditioned to faithfully apply and expend all moneys received by him to the construction and repairs of the said fence and gates, and upon default therein it shall be the duty of the board of commissioners of Nash county to remove such defaulting fence commissioner, to appoint his successor, and sue for and recover the fund due by him, and pay the same to his successor.

SEC. 8. It shall be unlawful to injure or destroy said fence or gates upon the line of the same, or for any person to leave the gates open, and every person so offending shall be deemed guilty of a misdemeanor, and punishable as provided in section four hereof.

SEC. 9. Any person who shall knowingly or wilfully permit his live stock to run at large within said territory after this act goes into effect, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars.

SEC. 10. The term live stock used in this act shall include and mean horses, mules, colts, hogs, neat cattle, sheep, goats and jennets.

Definition of  
"live stock."

SEC. 11. If any live stock shall be found running at large in said district, it shall be lawful for any person to take up and impound the same, and after five days' notice any justice of the peace shall order the sale of the same at public biddings for cash, and of the proceeds the person impounding the stock shall receive, if a horse, mule or jennet, fifty cents a day, and if any other stock twenty cents a day for the feed and care of the same while impounded, after the payment of one dollar and costs to the justice, and the balance to the owner of the stock.

Live stock running at large liable to be impounded.

Sale.

Fees of impounder.

Fees of justice of the peace.

SEC. 12. This act shall be in force from the date of its ratification.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 248.

### AN ACT TO ASCERTAIN THE INDEBTEDNESS OF CHOWAN COUNTY.

WHEREAS, Uncertainty and doubt exist as to the *bona fide* indebtedness of Chowan county: Therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all claims against said county of whatsoever character shall be presented to the chairman of said commissioners by the first day of January, Anno Domini one thousand eight hundred and eighty-two, or the holders thereof shall be forever barred of any recovery thereof.

Claims against county to be presented to chairman of commissioners by Jan. 1st, 1882.

Holders to be barred.

SEC. 2. That it shall be the duty of the chairman of the board of commissioners of Chowan county to cause

Claims to be recorded.

the nature, amount and date of all claims so presented to be recorded in a book to be kept for that purpose, said book to have an index, and the claims to be entered alphabetically, and to be kept as a record of all claims now outstanding against the said county, and all those that may hereafter be issued.

Copies of section one to be posted.

SEC. 3. That for the purpose of this act, the board of county commissioners of Chowan county shall cause printed copies of section one of this act to be posted up in three of the most public places in each township in said county, for a period of six months immediately after its ratification, and to cause the same to be published in the nearest newspaper, the said notice to be signed by the aforesaid board of county commissioners.

To be published.

Conflicting laws repealed.

SEC. 4. That all acts or parts of acts inconsistent with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 249.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FIVE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, ENTITLED AN ACT TO PROVIDE A FUND FOR THE PAYMENT OF JURORS.

*The General Assembly of North Carolina do enact :*

Ch. 325, §2, laws 1879, amended.

SECTION 1. That section two of chapter three hundred and twenty-five of the acts of one thousand eight hundred and seventy-nine, entitled an act to provide a fund for the payment of jurors, be amended by striking out the word "five" in said section and inserting the word *three*.

Jury tax in civil actions.

SEC. 2. That the tax named in section one and two of said chapter three hundred and twenty-five, acts of one thousand eight hundred and seventy-nine, shall be charged and collected only when a jury shall be actually empanelled.

Jury tax to be collected only when jury is empanelled.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 250.

AN ACT TO AMEND CHAPTER THIRTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful for any person or persons to remove any existing obstruction in the main channel of the Cape Fear river to the width of one hundred feet, for the free passage of fish in the county of Harnett.

Lawful to remove obstructions in channel of Cape Fear river.

SEC. 2. This act is not entitled to apply to any dam or obstruction placed or kept up on said river by the Cape Fear Iron and Steel Company.

Act not applicable to dams, &c., of Cape Fear Iron and Steel Co.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 251.

## AN ACT CONCERNING JUSTICES OF THE PEACE IN THE COUNTY OF DURHAM.

*The General Assembly of North Carolina do enact:*

Justices of the peace within Durham co. to continue in office.

SECTION 1. That all the justices of the peace, residing within the county of Durham, shall be and continue justices of the peace in and for said county, and shall carry into effect all the provisions of law now required of justices of the peace, and especially to give due effect to an act passed at the present session of the general assembly entitled "an act to establish and provide for organizing the county of Durham."

Justices to continue to act when county is divided into townships.

SEC. 2. That when the said county of Durham shall have been divided into townships, the said justices shall continue to act as such in the townships in which they may reside, and if there shall be less than three justices in any township, then the superior court clerk shall appoint as in cases of vacancy.

If less than three in any township, superior court clerk to appoint.

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

Read three times in the general assembly of North Carolina, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 252.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOWLANDS OF SOUTH RIVER AND ITS TRIBUTARIES, BIG SWAMP AND ITS TRIBUTARIES, LITTLE COHARIE AND ITS TRIBUTARIES, BEAR SKIN SWAMP AND ITS TRIBUTARIES, AND BIG COHARIE SWAMP AND ITS TRIBUTARIES, IN THE COUNTY OF SAMPSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Henry Jones, Samuel Vincent, Fleet Commissioners.  
H. Howard, William Sessoms and J. R. Maxwell be and they are hereby appointed commissioners, whose duty it shall be as soon as practicable to lay off the lowlands of South river in Sampson county, beginning at Mallet's old mills on the boundary line of Cumberland and Sampson counties, running thence up the course of said river to Rhodes' mill on said stream, into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for the term of two years, and who shall be a land owner in the section for which he was appointed overseer. To lay off lowlands of South river in Sampson co.  
To appoint overseers.

SEC. 2. That W. S. Howard, James Lucas, Barton Bul- Commissioners.  
lard, William Clarke, Reddin Williams be and they are hereby appointed commissioners, whose duty it shall be as soon as practicable to lay off the lowlands of Great Swamp in Sampson county, beginning at the mouth of said swamp and running thence up the meanderings of said swamp, to Culbreth's old mill across said swamp, in Sampson county, and its tributaries into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for the term of two years, and who shall be a land owner in the section for which he was appointed overseer. To lay off lowlands of Great Swamp in Sampson co.  
To appoint overseers.

SEC. 3. That George Highsmith, E. B. Owens, O. P. Commissioners.  
White, W. A. Baggett, James M. Spell be and they are hereby appointed commissioners, whose duty it shall be

To lay off lowlands of Little Coharie, &c, in Sampson co.

as soon as practicable to lay off the lowlands of Little Coharie and its tributaries, in Sampson county, beginning at its mouth, thence running up the meanderings of said stream to Warren's mill on said stream in Sampson county, into sections of convenient length, and to appoint

To appoint overseers.

one overseer for each section, who shall hold his office for the term of two years, and who shall be a land owner in the section for which he was appointed overseer.

Commissioners.

SEC. 4. That J. W. Underwood, Needham Faircloth, E. T. Tellington, Loftin Macklamoor and A. H. Spell be and they are hereby appointed commissioners, whose duty it

To lay off lowlands of Bear Skin swamp in Sampson co.

shall be as soon as practicable to lay off the lowlands of Bear Skin Swamp in Sampson county, beginning at its junction with the Little Coharie, thence running its various courses to Tellington's mill across said stream, into

To appoint overseers.

sections of convenient length, and to appoint one overseer for each section, who shall hold his office for the term of two years, and who shall be a land owner in the section for which he was appointed overseer.

Commissioners.

SEC. 5. That James W. Wright, W. H. Boykin, H. L. Spell, J. R. Smith and H. E. Royal be and they are hereby appointed commissioners, whose duty it shall be as soon

To lay off lowlands of Big Coharie river, &c., in Sampson co.

as practicable to lay off the lowlands of Big Coharie river and its tributaries in Sampson county, beginning at its junction with the Little Coharie river, in Sampson county, as it meanders up to Sampson Warren's mill, into sections

To appoint overseers.

of convenient length, and to appoint one overseer for each section, who shall hold his office for two years, and who shall be a land owner in the section for which he was appointed overseer.

Chairman.

SEC. 6. That a majority of said commissioners named in sections one, two, three, four, five and six of this act, respectively, shall have power to elect one of their own number chairman, and may fill vacancies in their own number or that of overseer; and in case they shall fail

Vacancies.

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.

SEC. 7. The said commissioners shall estimate the number of acres of bottom land sobbed or overflowed, and also the entire number of acres of each individual in the county of Sampson on the streams named in sections one, two, three, four and five of this act, and lying within the boundaries of the lowlands of said streams, and shall furnish each overseer with a copy of the estimate of his section in which these lands lie, and, upon notice of seven days by said overseers, shall each furnish one sufficient hand with appropriate tools, such as shall be notified by the overseer to furnish, for every ten acres for land sobbed or overflowed, and one hand for every twenty acres not sobbed, and in that proportion for any number of acres less than ten and twenty acres, in the meaning of this act, and, on failing so to do, shall forfeit and pay one dollar per day for failure on each hand, which may be recovered by said overseer by warrant as in case of failure to work on the public roads.

Duties of commissioners.

Hands to be furnished to overseers on notice.

Penalty for failure.

SEC. 8. It shall be the duty of the commissioners respectively in laying off said streams and sections, as provided for in sections one, two, three, four and five of this act, to distribute the labor among the land owners in proportion to the number of acres of sobbed lands, and other lands 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 lands embraced in his section.

How labor to be distributed.

SEC. 9. 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 or more than twenty-four days, at the discretion of the commissioners, on the channels of said streams, with power to straighten, remove obstructions and remove the banks thereof: *Provided*, That said commissioners may, in their discretion, order any or all of the overseers with their

Duty of overseers.

Proviso.

respective hands, when deemed necessary, to work at any point on said streams.

Unlawful to obstruct streams.

SEC. 10. That any person or persons who shall wilfully and knowingly fell timber or otherwise obstruct water in the channels of said streams, 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 be fined not less than five nor 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 wherein the offence was committed before a presentment is made of the same, he or they shall not be liable to such indictment for such offence.

Penalty.

Proviso.

Penalties, &c., collected to be paid to overseers.

SEC. 11. That all moneys arising from failure to work on said streams, and all penalties collected under provisions of said act, shall be paid over to the overseer of said section in which it may arise, and by him shall be expended in improving 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 more than one term of two years at one time.

Overseer failing to perform duty, guilty of misdemeanor.

Penalty.

Proviso.

Act not to be construed to prevent building of bridges, &c.

SEC. 12. That nothing contained in this act shall prevent the building of public bridges or public roads across said streams, or private bridges or water gates for their own convenience.

Act not to be construed to exempt persons from working public roads.

SEC. 13. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working the public roads.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1881.

## CHAPTER 253.

AN ACT TO LAY OFF AND CONSTRUCT A ROAD FROM MOUNT AIRY  
IN SURRY COUNTY TO SPARTA IN ALLEGHANY COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John L. Worth and John Raney of Commissioners.  
Surry county, and R. C. Gentry of Alleghany county be  
and they are hereby appointed commissioners, and they  
or a majority of them shall have power to survey, locate,  
and establish a public road from the town of Mount Airy  
mountain, and over the most practicable route to Sparta  
in Surry county, by the way of Low Gap in the Blue Ridge  
in Alleghany county; and they shall locate and designate  
said road by stakes and marks, and make a plot of the  
route of said road and a particular and accurate descrip-  
tion thereof; and shall fix and determine what the grade  
of said road shall be, in ascent and descent, upon the  
mountain and hilly parts of said road, and report their  
proceedings in writing to the board of county commis-  
sioners of Surry and Alleghany counties; that said road  
shall be made twenty feet wide, except where there shall  
be side cuttings, in which places it shall be sixteen feet  
wide; and said commissioners, before proceeding to make  
the survey and locate said road, shall take an oath, before  
some person authorized to administer oaths, faithfully to  
perform their duties, and shall each be allowed two dol-  
lars per day for the time actually employed in making  
their survey and locating said road, to be paid by the  
board of commissioners of their respective counties.

To survey and establish road from Mt. Airy to Sparta.

Duties of commissioners.

Width of road.

Oath of Commissioners.

Compensation.

SEC. 2. That the county commissioners of each county  
through which said road runs, when the commissioners  
hereby appointed shall have made their report, shall, if  
any person or persons over whose lands the said road  
shall have been located, deem themselves damaged by rea-  
son of the making of said road, and shall make complaint  
Proceedings by land owner to recover damages.

to the board of county commissioners, the said board of commissioners of the respective counties shall order a jury to be summoned to view the said lands over which said road may be located in their respective counties, and assess the damages sustained by all such persons as claim to be injured by the establishment of said road, and the jury in estimating damages shall take into consideration the actual damages sustained by the parties complaining, and shall also take into consideration the benefits whether special or general on account of the construction of said road, and the amounts so assessed by the jury to any of the parties shall be charges against the county in which the parties reside and be paid by such counties.

Amount assessed to be paid by county.

Co. commissioners to lay off road in sections.

To appoint overseers and assign hands.

What hands liable to work on road.

Proviso.

Overseers to be governed by existing laws.

Misdemeanor. Penalty.

Authority of overseers.

Liability of hands.

SEC. 3. The county commissioners of each county, through which said road runs, shall lay off said road into sections as nearly equal as possible, having due regard to the amount of labor required to make said road on each section thereof; and shall appoint overseers over each road section, and shall assign to each overseer the hands to work under him on his section of said road, and all hands liable to public road duty living within three miles of any part of said road shall be liable to work thereon: *Provided*, That no person shall be required to work on said road more than fifteen days in any one year.

SEC. 4. That the overseers of said road, when appointed as herein provided, shall be liable to and governed by all existing laws of the state governing overseers of public roads, and any overseer so appointed and refusing to accept and failing to discharge his duty as such, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

SEC. 5. That the overseers appointed under the provisions of this act shall have power to call out all the hands allotted them to open said road, at such time and for such length of time as will not materially conflict with the farming interest of said hands, and the said hands shall

be liable to all the penalties and punishments now imposed by law for failure to perform road duty.

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

In the general read three times assembly, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 254.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED AND NINETY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, KNOWN AS AN ACT FOR THE PROTECTION OF BIRDS IN CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (in line five), chapter one hundred and ninety-five, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended by striking out the word "October," and insert *November* in lieu thereof. This act shall include the county of Buncombe except that the "close" season therein shall extend from the first day of April to the tenth day of October in each year: *Provided*, That this act shall not apply to the counties of Mecklenburg, Orange, Person, Halifax and Edgecombe.

Ch. 195, §1 laws  
1874-75, amended.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 255.

AN ACT TO PREVENT THE FELLING OF TREES IN ANY OF THE CREEKS AND RIVERS IN THE COUNTY OF PERSON.

*The General Assembly of North Carolina do enact :*

Unlawful to fell trees in creeks or rivers in Person county.

SECTION 1. That it shall be unlawful for any person or persons to fell a tree or trees in any of the creeks or rivers in the county of Person.

Misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction before any justice of the peace, be fined not more than ten dollars or imprisoned not more than twenty days.

Penalty.

South Hyco in Caswell and Person counties declared a lawful fence.

SEC. 3. That South Hyco, in the counties of Caswell and Person, be and is hereby declared a lawful fence.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 256.

AN ACT TO PREVENT THE ENTICING OF SEAMEN FROM VESSELS.

Preamble.

WHEREAS, In the city of Wilmington commerce is greatly embarrassed and impeded by reason of certain evil-designing persons inducing seamen in the employment of domestic and foreign vessels to desert therefrom, and afterward concealing and secreting such deserters.

AND WHEREAS, The general assembly during the session of one thousand eight hundred and seventy-nine endeavored to abate the evil by act of thirteenth of March, one thousand eight hundred and seventy-nine, chapter

two hundred and nineteen of said session, which act is rendered almost totally inoperative by reason of want of proper provisions for the enforcement thereof; now therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person or persons who shall induce any seaman, in the employment of any domestic or foreign vessel in any of the ports of North Carolina, to leave any such vessel before his term of service shall have expired, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor to induce seaman to leave vessel before his time of service has expired.

Penalty.

SEC. 2. Any person or persons who shall secrete or harbor any such seaman, who has deserted from any domestic or foreign vessel, in the localities above named, knowing that such seaman has deserted, shall be guilty of a misdemeanor, and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and if such seaman be found concealed or secreted by any person on his premises, such concealment and secretion shall be deemed *prima facie* evidence that such person knew that such seaman was a deserter.

Misdemeanor to knowingly secrete or harbor seaman who has deserted.

Penalty.

*Prima facie* evidence of knowledge.

SEC. 3. If any creditable person shall prove, upon oath before any justice of the peace, that any person has concealed on his premises any seaman who has deserted from any domestic or foreign vessel in the localities named, it shall be lawful for such justice to grant a search warrant to be executed within the limits of his county to any proper officer, authorizing him to search for such seaman, and to arrest the person on whose premises he may be found, and the person on whose premises such seaman shall be found shall be adjudged to pay the cost of such search warrant, if on examination it shall appear that such seaman was secreted or concealed by such person; otherwise the cost shall be paid by the party making the complaint.

Search warrant.

Costs.

Appeal.

SEC. 4. In all cases arising under the preceding sections, if any appeal is prayed by any party at the time of the trial, it shall be granted; but no appeal shall be granted by any justice at any time after the final hearing of the case; in case an appeal is prayed at the trial, it shall be the duty of the justice to immediately proceed to reduce the testimony of any witness whose testimony is material to writing; if such witness shall be master, officer, or seaman on board of any vessel in the presence of the adverse party, who may cross-question such witness, which testimony shall be subscribed by such witness and returned by the justice with the papers in the case; and on the hearing in the appellate court, the testimony so taken and reduced to writing by such justice shall be read, heard and accepted as the true and lawful testimony of such witness, as if such person were in person present to give evidence.

Justice of the peace to reduce testimony of master, officer or seaman of vessel to writing and return same to appellate court.

Testimony admissible on trial in appellate court.

Justice's fees.

SEC. 5. For reducing such testimony to writing the justice shall receive the same fees as are now allowed by law for taking depositions.

Conflicting laws repealed.

SEC. 6. This act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 257.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PENDER COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF BUILDING A COURT-HOUSE AND JAIL IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Commissioners authorized to levy special tax

SECTION 1. That for the purpose of building a court-house and jail in the county of Pender, the commission-

ers of said county be and they are hereby authorized to levy a special tax of twenty-five hundred dollars annually, for not longer than four years, on all property and polls in said county, to be levied, collected and accounted for as other taxes: *Provided*, Constitutional equation between property and polls shall be observed.

of \$2,500 annually for not longer than four years to build court-house and jail.

*Proviso.*

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 258.

### AN ACT TO AMEND SECTION FORTY-ONE OF THE CODE OF CIVIL PROCEDURE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section forty-one of the Code of Civil Procedure, as brought forward in chapter seventeen of Battle's Revisal, be stricken out and the following inserted:

Ch. 17, §41, Battle's Revisal, amended.

If, when the cause of action accrue or judgment be rendered or docketed as now provided by law, against any person, he shall be out of the state, such action may be commenced or judgment enforced within the terms herein respectively limited after the return of such person into this state, and if, after such cause of action shall have accrued or judgment rendered or docketed, such person shall depart from and reside out of this state, or remain continuously absent therefrom for the space of one year or more, the time of his absence shall not be deemed or taken as any part of the time limited for the commencement of such action, or the enforcement of such judgment.

Time for commencement of action or enforcement of judgment against defendant out of the state.

SEC. 2. That this act shall apply to all actions that have accrued and judgments rendered or transferred or dock-

ated since the ratification of the Code of Civil Procedure.

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

Ratified this the 10th day of March, A. D. 1881.

## CHAPTER 259.

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

*The General Assembly of North Carolina do enact:*

Commissioners authorized to levy special tax in 1880 and 1882, not exceeding \$2,000 in either year, to pay co. indebtedness.

SECTION 1. That the commissioners of Ashe county be and they are hereby authorized to levy a special tax, at the same time with the other levies, on all the taxable property, moneys, credits and polls of the county for the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-two; the said special tax to be applied to the payment of the indebtedness of said county, and shall not exceed in either year the sum of two thousand dollars, and shall be collected and accounted for by the sheriff of said county in the same manner and under the same penalties and within the same time as the other taxes levied in said county for the same years; and in said levy the constitutional equation between polls and property shall be observed.

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

Ratified this the 10th day of March, A. D. 1881.

## CHAPTER 260.

AN ACT TO REGULATE AND LAY OFF WRECK DISTRICTS IN THE  
COUNTY OF DARE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That that portion of the coast of North Carolina embraced in the county of Dare shall be and the same is hereby laid off into the following wreck districts: First district, to extend from the dividing line of Currituck and Dare counties southward to the north point of Oregon inlet. Second district, to extend from the north point of Oregon inlet to the south point of New inlet. Third district, to extend from the south point of New inlet to the south Ground hill. Fourth district, to extend from the south Ground hill to Long Point. Fifth district, to extend from Long Point to Crecil's hill. Sixth district, to extend from Crecil's hills to the dividing line of Dare and Hyde counties.

Wreck districts  
established in  
Dare county.

SEC. 2. All laws conflicting with the provisions of this act are hereby repealed.

Conflicting laws  
repealed.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 261.

AN ACT TO PROTECT THE PILOTS AT HATTERAS INLET FROM  
FORFEITING THEIR BRANCHES BY REASON OF BEING ABSENT  
FROM THE STATE TEN DAYS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That no pilot for the navigation of Hatteras inlet shall be required to surrender or forfeit his branch

Branches not for-  
feited by absence  
from state for

less than six months.

by reason of absence from the state for a period less than six months.

Pilot absent from state for more than six months to surrender branch, &c.

SEC. 2. That any pilot who has been absent from the state for a longer period than six months, shall, upon his return, surrender his branch to the board of commissioners, or they may declare the same null and void.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 262.

AN ACT TO EXTEND THE PROVISIONS OF CHAPTER ONE HUNDRED AND THIRTY-EIGHT, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND CHAPTER TWO HUNDRED AND FIFTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, TO COUNTIES IN THE MATTER OF THE SALE OF INTOXICATING LIQUORS.

*The General Assembly of North Carolina do enact :*

Provisions of ch. 138, laws 1873-'74, (as amended by ch. 259, laws 1876-'77) extended to counties.

SECTION 1. That the provisions of chapter one hundred and thirty-eight, of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, as amended by chapter two hundred and fifty-nine, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, shall be extended to any county of North Carolina whenever one-fourth of the qualified voters of such county shall petition the county commissioners, as provided for townships, in section one of said chapter

On petition of one-fourth of qualified voters, co. commission-

one hundred and thirty-eight, of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four; whereupon it shall be the duty of such county commissioners to order an election to be held in their county on the first Thursday in August next following, to ascertain whether spirituous liquors or malt liquors shall not or may be sold in said county.

ers to order election to ascertain whether liquors shall be sold in county.

When election to be held.

SEC. 2. Such election shall be conducted in the townships in accordance with the provisions of said chapter one hundred and thirty-eight, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and the general result in the county shall affect such county the same as the townships are now affected by the aforesaid chapter one hundred and thirty-eight, laws, one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and chapter two hundred and fifty-nine, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, except as hereafter otherwise provided.

How election to be held.

SEC. 3. Should a majority of votes in the county be cast in favor of "license" the result shall not operate to permit the sale of spirituous or malt liquors in any township where the sale of such liquors is prohibited by law, unless in such county election such township shall have cast a majority of votes in favor of "license."

If majority vote for "license," result shall not permit sale of liquors in township where the same is prohibited, unless such townships shall have voted for "license."

SEC. 4. This act shall not operate to repeal chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, nor chapter two hundred and fifty-nine of laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven; and nothing herein contained shall affect localities in which the sale of spirituous or malt liquors is prohibited by law.

Act not to affect ch. 138, laws 1873-'74, nor ch. 259, laws 1876-'77.

Localities where sale of liquor is prohibited not affected.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

### CHAPTER 263.

AN ACT TO AMEND SECTION ONE OF CHAPTER TWENTY-FIVE OF BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

Ch. 35, §1, Battle's  
Revisal, amend-  
ed.

Coroner's jury.

SECTION 1. That section one, chapter twenty-five of Battle's Revisal be amended as follows: in line four of said section between the words "of" and "good," insert the word "six."

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

Read three times in the general assembly, and ratified this the 10th day of March, A. D. 1881.

### CHAPTER 264.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES IN ANSON COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful to sell  
spirituous liquors  
in certain locali-  
ties in Anson co.

SECTION 1. That it shall be unlawful for any person to sell any spirituous liquors within two miles of Pee Dee academy, Pleasant Hill church, Long Pine academy, Lawyer Springs school-house, Shady Grove church or Salem M. E. church, in Anson county, or within three miles of Ansonville male and female academy in said county.

SEC. 2. Any person violating the provisions of this act <sup>Misdemeanor.</sup> shall be guilty of a misdemeanor.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 265.

AN ACT CHANGING TIME OF MAKING RETURNS TO THE SECRETARY OF STATE [OF] ENTRIES OF VACANT PUBLIC LANDS BY ENTRY TAKERS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty-three, chapter forty-one, Battle's Revisal, entitled "entries and grants," be amended by striking out the word "December," and inserting in lieu thereof the word "January."

Ch. 41, 223, Battle's Revisal, amended.

When entry takers to make returns.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 266.

AN ACT TO PROTECT THE AGRICULTURAL INTERESTS OF DURANT'S NECK.

*The General Assembly of North Carolina do enact :*

SECTION 1. That that portion of Perquimans county embraced within the following boundaries, to-wit: beginning on Little river at Brickhouse landing, thence along the south-east side of the Brickhouse road to R. C. Jen-

Boundaries of Durant's Neck.

kins' corner on the Durant's Neck road ; thence in a south-western direction to the nearest point of Muddy creek, and down said creek to Perquimans river, and down said river to Albemarle sound, and down said sound to Little river, and up Little river to the first station, shall be known as Durant's Neck.

Commissioners of Perquimans co. to let out contract for building fence, &c.

SEC. 2. That the board of commissioners of Perquimans county shall, on the first Monday of May, one thousand eight hundred and eighty-one, let out at the court-house door in said county a contract to construct a good and lawful fence along the north-west boundary of said Durant's Neck, beginning at the said Brickhouse landing on the said Little river and extending to Muddy creek, and to construct and erect a gate across the Durant's Neck road at R. C. Jenkins' corner, and to keep said fence and gate for the balance of the year one thousand eight hundred and eighty-one ; and annually on the first Monday of December, shall let out a contract for the keeping of said fence and gate for the next ensuing year, and the said board of commissioners are hereby authorized and required to provide for the constructing and keeping said fence and gate by levying a sufficient tax for that purpose upon the real estate lying on the south-east of said boundary fence.

Persons cultivating crops to keep them enclosed, &c.

SEC. 3. Persons cultivating crops within the boundaries comprised in section one shall not be required to keep the same enclosed by a fence.

Live stock trespassing on crop liable to be impounded.

SEC. 4. If any horse, mule, cow, hog or any stock is found in said Durant's Neck on any crop growing or matured, it shall be lawful for the owner of said crop or any person interested in said crop, to take possession of said stock and hold the same until double the actual damage done to said crop is paid, together with full compensation for the feeding and care of the said stock while so held : *Provided*, Notice of the taking up of such stock shall be given within reasonable time to the owner of said stock, if known, if not, by notice posted at the gate across the Durant Neck road at Jenkins' corner.

Damages, &c.

Proviso.

SEC. 5. If the owner of stock taken up under section four of this act does not claim the same and pay the damages and cost of care and keeping therein provided within twenty days after personal notice or advertisement, then it shall be lawful to sell said stock to the highest bidder at said gate after ten days' notice of sale posted at said gate, and apply the proceeds to the payment of the expenses of sale, the damages and the charges aforesaid, and the surplus, if any, to the owner.

Sale of live stock impounded.

Proceeds, how applied.

SEC. 6. If any dispute should arise as to the amount of damages done by stock taken up under this act, or the charges for keeping, the matter may be heard and determined by any justice of the peace of Perquimans county; and during the pendency of such controversy, the owner may take possession of said stock upon giving bond in double the value of the stock held, with good and sufficient surety, conditioned to pay the damages and expenses when ascertained and the costs, if awarded against him.

Damages, how ascertained in case of dispute.

Owner authorized to take possession upon giving bond, &c.

SEC. 7. This act shall be in force from and after the first day of August, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 267.

AN ACT FOR THE RELIEF OF THE HEIRS-AT-LAW OF THE LATE  
N. W. WOODFIN.

WHEREAS, The late N. W. Woodfin was seized and possessed of an interest or share in the following mentioned tracts of land in the county of Transylvania in this state, to-wit:

Preamble.

Grant number sixteen hundred and ninety-three, for six hundred and forty acres; grant number sixteen hundred and ninety-five, for six hundred and forty acres;

grant number sixteen hundred and ninety-six, for six hundred and forty acres ; grant number sixteen hundred and ninety-seven, for six hundred and forty acres ; grant number sixteen hundred and ninety-eight, for six hundred and forty acres ; grant number eighteen hundred and three, for six hundred and forty acres ; grant number eighteen hundred and four, for six hundred and forty acres ; grant number eighteen hundred and five, for six hundred and forty acres ; grant number eighteen and six, for six hundred and forty acres ; grant number eighteen and seven, for six hundred and forty acres ; grant number nineteen hundred and eighteen, for one hundred acres ; grant number nineteen hundred and nineteen, for one hundred acres.

AND WHEREAS, heretofore, to-wit : on the....day of..... one thousand eight hundred and seventy-one, the interest of the said Woodfin in the said lands was seized and sold for the taxes due thereon, and the state of North Carolina became the purchaser and received a deed therefor from the sheriff of said county of Transylvania. And whereas the said Woodfin has since died, and now his heirs-at-law are desirous of redeeming and repossessing said lands :

*The General Assembly of North Carolina do enact :*

Upon payment of county and state taxes, secretary of state to indorse satisfaction on deed executed to state, &c.

SECTION 1. That upon the payment to the county treasurer of Transylvania county of all taxes due the said county from said Woodfin or his representatives on said lands, together with the costs allowed the sheriff or other tax collector, in settlement with respect thereto ; and upon payment to the public treasurer of North Carolina all taxes due from said Woodfin or his representatives on said lands, together with all costs allowed the sheriff or other tax collector in settlement therefor, and upon the presentation of the several receipts of those officers respectively to the secretary of state, that officer shall endorse upon the deed conveying the said property to the state, these words : "Taxes and costs paid, delinquents

restored to their rights;" and sign said endorsement, annexing the seal of his office thereto, and shall deliver the deed to the heirs-at-law of the said Woodfin, their agents or assignees. And upon the presentation of the said deed and endorsement to the register of deeds of the county where the lands lie, he shall enter the said endorsement on the margin of that page of the county records in which is registered the deed made to the state; and such endorsement, delivery and registration shall have the effect of reinvesting the heirs-at-law of the said N. W. Woodfin with all his or their rights in the premises.

Register of deeds to make entry on registration books, &c.

Heirs restored to their rights, &c.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 268.

### AN ACT TO PROTECT SHEEP IN BUNCOMBE COUNTY FROM THE RAVAGES OF WOLVES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Buncombe county are hereby authorized and empowered to offer and pay a reward, not exceeding twenty dollars, for any wolf that may be killed in said county, on due proof being made of the fact of the killing of the same.

County commissioners authorized to offer and pay reward for any wolf that may be killed, &c.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 269.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN,  
SECTION TWO, BATTLE'S REVISAL, SO AS TO INCLUDE THE  
COUNTY OF HYDE.

*The General Assembly of North Carolina do enact :*

Ch. 118, 22, Bat-  
tle's revisal,  
amended.

Non-residents not  
to kill or take  
wild fowl by  
blinds, &c., in  
Hyde county.

SECTION 1. That chapter one hundred and eighteen,  
section two of Battle's Revisal, be amended as follows:  
insert in line four of section two after the words "and in  
any of the waters of said county," the words "and in any  
of the waters of Hyde county."

SEC. 2. That this act shall be in force from and after  
the first day of May, one thousand eight hundred and  
eighty-one.

In the general assembly read three times, and ratified  
this the 10th day of March, A. D. 1881.

## CHAPTER 270.

AN ACT TO AUTHORIZE THE TREASURER OF FRANKLIN COUNTY  
TO PAY CERTAIN SCHOOL ORDERS.

*The General Assembly of North Carolina do enact :*

Treasurer author-  
ized to pay out-  
standing school  
orders issued  
prior to January  
1st, 1881.

SECTION 1. That the treasurer of Franklin county be  
and he is hereby authorized, out of any money now in  
his hands belonging to the school fund, to pay any and  
all unpaid school orders issued to teachers prior to the  
first day of January, one thousand eight hundred and  
eighty-one.

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

Read three times in the general assembly, and ratified  
this the 10th day of March, A. D. 1881.

## CHAPTER 271.

AN ACT TO EXEMPT FROM JURY DUTY CERTAIN FIREMEN.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who shall serve actively in any one of the fire companies of the city of Charlotte, for five years consecutively, shall be exempt from service on juries.

Active members of fire companies in Charlotte, for five years, exempt from jury service.

SEC. 2. This act to be force from and after its passage.  
Ratified this the 10th day of March, A. D. 1881.

## CHAPTER 272.

AN ACT TO FACILITATE THE TRANSACTION OF BUSINESS IN THE NEXT GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be the duty of the public treasurer of the state and the boards of directors of the several asylums and of the penitentiary to submit to the next general assembly, with their respective reports, a bill or bills providing for the support and management of their respective departments of the state government.

Duty of public treasurer and directors of asylums and Penitentiary to submit with their reports, bills for the support of their respective departments, &c.

SEC. 2. That three hundred copies of said reports and bills, and also of the auditor's report, shall be printed prior to the meeting of the general assembly, and shall be submitted to the legislature with the message of the governor.

300 copies to be printed, &c.

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 273.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN OF  
BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

Ch. 118, §2, Bat-  
tle's Revisal,  
amended.

SECTION 1. That chapter one hundred and eighteen of Battle's Revisal be amended as follows: section two, by striking out the word "county" and inserting therefor the word "counties;" and after the word "sound" insert the words, "and the waters of Carteret county;" and after the word "Currituck," in line twelve of said section, insert the words "and Carteret." Amend section four, line three, by inserting after the word "Currituck" the words "and Carteret county." Amend section six by inserting after the word "Hyde," in second line, the word "Carteret." Amend section six by striking out the word "Carteret" in the second line.

Carteret co.

§4 amended.

§6 amended.

§6 amended.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 274.

AN ACT TO PROHIBIT THE USE OF DRIFT NETS IN CERTAIN  
WATERS OF THE STATE.

*The General Assembly of North Carolina do enact :*

Unlawful to use  
drift nets be-  
tween Feb. 1st  
and May 1st in  
certain waters,  
&c.

SECTION 1. That it shall be unlawful to drift or fish any drift nets between the first day of February and the first day of May of each year, within two miles of the mouth of any river emptying into Albemarle sound, or within three miles of any seine beach on the Albemarle or Croa-

tan sounds while being fished, or within ten miles of Ocracoke, Hatteras, Oregon or New inlets, or within ten miles of the Roanoke marshes.

SEC. 2. That any one violating the provisions of this Misdemeanor. act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars Penalty. or imprisoned not less than thirty days.

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

Read three times in the general assembly, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 275.

AN ACT TO INCORPORATE ROANOKE NON-SECTARIAN MALE AND FEMALE ACADEMY ON ROANOKE RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That G. W. Jones, S. Wiggins, G. McDonald, Mack Bowens, John Bell, Jerry Hawkins, Frank Fessen- Body politic den, Frank James, Friley James, Prosper Armstead, G. W. Parmley, Alex. Hicks, jr., B. B. James, A. Lee, West Jones, Alfred Rhodes, Alfred Petteford, Virgil Nichols, Amos Petteford, W. H. Leith, Jack Pettiford, B. J. Lynox, Moses Norman, Stewart Moore, of the county of Washington; J. P. Butler, Collin Green, Willis Moore, Burt Greene, Bennett Burgess, Samuel Cross, Luke Williams, Jack Rayner, Alfred Thompson, of the county of Martin; A. Robbins, B. Holly, G. A. Mebane and Turner Speller, of the county of Bertie; David Lee, Phillip McDonald, T. N. Benbury, Junius Nichols, C. Bookroom and John Davis, of the county of Chowan; Hugh Cale, of the county of Pasquotank; Jarvis Williams and Mack Moore, of the county of Beaufort; Richard Creecy, of the county

of Tyrrell; Zion H. Berry, of the county of Camden; Richard Etheridge, of the county of Dare; John A. Faulk, of the county of Perquimans; Jacob Hosier, of the county of Currituck; Solomon King and W. K. Newsome, of the county of Hertford; Richard Higgs and Henry Johnston, of the county of Halifax, and their associates and successors in office, be and they are hereby constituted a body politic and corporate by the name and style of Trustees of Roanoke Non-Sectarian Male and Female Academy, a seminary of learning in Eastern Carolina, on Roanoke river, at Plymouth, in the county of Washington, state of North Carolina; and as such and by said name of the Trustees of Roanoke Non-Sectarian Male and Female Academy shall be authorized and empowered in law to sue and be sued, to plead and be impleaded, to use a common seal, to have a constitution and to make such by-laws and rules for the regulation and government of said "academy," as they may deem necessary and proper, to alter or change the name of said "academy," whenever a two-third majority of all concurring think necessary and proper for the promotion and good of said seminary: *Provided, however,* That said seminary shall ever remain non-sectarian in every and all respects, and that said constitution, by-laws, rules, and so forth, are not intentionally made in the interest of any one separate and distinct sectarian or secret association, or the like, and are not inconsistent with the constitution and laws of the United States or of this state.

SEC. 2. That the said board of trustees, associates or successors are or shall be authorized to appoint a managing or supervising board of trustees from their number, and all other such officers as they may think necessary and proper for the organization of their own body, and also all the officers, professors, tutors and instructors of and in said academy: *Provided,* That no member of said board of trustees, associates or successors, or any one else, shall be elected or appointed to any office for or in said academy

Name.

Corporate powers.

Proviso.

Board of trustees.

Officers, professors, &c.  
Proviso.

on account of his or her religious professions, belief or opinions, or connection with any secret organization.

SEC. 3. That said trustees and their successors shall have and hold all the estate, real and personal property and funds now belonging to said academy, or may hereafter be bequeathed, conveyed, granted, appropriated or given to said seminary of learning, in trust nevertheless for the use and benefit of said academy.

Trustees authorized to hold real and personal estate, &c.

SEC. 4. That said trustees shall be elected or appointed a term of one, two or four years, by a majority of the board of trustees and their associates of the several counties and adjacent counties on the Albemarle sound, Roanoke and Chowan rivers, at their regular annual or biennial sessions, whose term of office has not then expired; and the said trustees shall be divided as equal as may be into one, two or more classes, so that all, one-half or more may be chosen every first or second year, after such division or arrangement takes place: the said trustees shall also be empowered to fill all vacancies which may occur by death, resignation or otherwise.

Terms of office of trustees, &c.

SEC. 5. This act shall be considered a public act and continue in force for the term of ten years or until repealed.

Act considered a public act.

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

Ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 276.

AN ACT TO APPOINT COTTON WEIGHERS FOR THE TOWN OF SHELBY AND TO GIVE THE COMMISSIONERS AND BOARD OF ALDERMEN THE POWER TO TAX DRAYS AND LIVERY STABLES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be appointed for the town of Shelby a public "cotton weigher," who shall be ap-

Board of aldermen to appoint cotton weigher.

pointed by the board of aldermen at their regular meeting in August, Anno Domini one thousand eight hundred and eighty-one and every two years thereafter, and any vacancy occurring in said office of cotton weigher shall be filled in like manner for the unexpired term at the first meeting of said board of aldermen after any vacancy in their respective appointments may occur.

Vacancies.

Duty of weigher.

SEC. 2. It shall be the duty of the said weigher to weigh all baled cotton sold in the town of Shelby at its true weight, making proper deductions for water and damages.

Oath.

SEC. 3. That said weigher, before entering upon the duties of his office, shall take the following oath before some justice of the peace, viz: I do solemnly swear that I will take no interest, near or remote, in buying or selling cotton in the town of Shelby.

Bond.

SEC. 4. Said weigher shall give bond in the sum of one thousand dollars payable to the state of North Carolina, conditioned for the faithful performance of his duty: said bond shall be taken by the board of aldermen and filed in the office of register of deeds of said county, and said weigher shall receive such compensation as may be allowed by the board of aldermen of said town, said compensation to be paid by the buyer.

Unlawful for any other person to weigh cotton for sale.  
Penalty, how applied.

SEC. 5. That no other person than said weigher shall weigh cotton sold in said town under a penalty of ten dollars for each offence; said fine to be applied to the school fund of Cleveland county upon conviction of the offender before any justice of the peace of said county.

Penalty for wilful abuse of trust by cotton weigher.

SEC. 6. Any cotton weigher appointed under the provisions of this act, who shall wilfully or corruptly abuse the trust or power conferred on him by this act shall, upon conviction thereof by the board of aldermen by which he was appointed, or their successors, be dismissed from his office, and any damage sustained by any party by such wilful or corrupt abuse of trust or honor shall be recovered out of the bonds of such cotton weighers so offending.

SEC. 7. Said board of aldermen shall have the power and right to tax livery stables and drays that are within the incorporated limits of said town. Livery stables and drays liable to taxation.

SEC. 8. This act shall be in force from and after the first day of August, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 277.

### AN ACT TO ENCOURAGE THE COLLEGES OF THE STATE IN ESTABLISHING LIBRARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the secretary of state, upon application made by the president of any chartered institution of learning in the state which has a library or libraries of not less than five thousand volumes, shall furnish to each of said institutions, to be kept in the college library, a copy of all future supreme court reports and acts of the general assembly, whenever the same shall be ready for distribution. Secretary of state to furnish copies of future supreme court reports and acts of assembly to colleges, &c., having libraries of not less than 5,000 volumes.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 278.

## AN ACT TO REGULATE OFFICIAL ADVERTISING.

*The General Assembly of North Carolina do enact :*

Notices of sales under order of court or execution to be published.

SECTION 1. That notices of every sale of real estate, made by order of any court, or sale under execution, shall be published once a week for four weeks immediately preceding such sale in a newspaper (if any there be) published in the county wherein such sale is to be made: *Provided*, That the cost of such publication shall not in any case exceed three dollars, to be taxed as other costs in such proceedings or action.

Proviso.

SEC. 2. That the notices required by section forty-five, chapter forty-five of Battle's Revisal, shall be published once a week for four weeks in a newspaper (if any there be) published in the county: *Provided*, That the cost thereof shall not in any case exceed two dollars.

Proviso.

Annual statements of county commissioners to be published.

SEC. 3. That the annual statement of county commissioners required by section thirteen of chapter twenty-seven, Battle's Revisal, shall be published in a newspaper (if any there be) published in the county: *Provided*, That the cost of the same shall not exceed a half cent a word.

Proviso.

Annual report of county finance committee to be published.

SEC. 4. That the annual report of the county finance committee shall be published in a newspaper (if any there be) published in the county: *Provided*, That the cost of the same shall not exceed a half cent a word.

Proviso.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 6. That this act shall be in force from and after the first day of March, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 279.

AN ACT TO CHANGE THE RULES FOR TAKING DEPOSITIONS AND TO AMEND CHAPTER SEVENTEEN, AND SECTION THREE HUNDRED AND FORTY-THREE *i*, OF BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any party in a civil action may, after action brought and as well before as after issue joined, take the deposition of such persons whose evidence he may desire to use in the case under such rules as to notice as may have been or may be established by the court in which the suit is pending for the taking of depositions without any special order therefor; and if there be no general rule as to the time of notice, nor any special order made in the cause to that effect, the time of notice shall be as follows: Three entire days, when the party notified resides within ten miles of the place where the deposition is to be taken; in all other cases where the party notified resides in this state, one day more for every additional thirty miles, except where the deposition is to be taken within ten miles of railroad in running operation in this state, then one day shall be given for every one hundred miles of railway to the place where said deposition is to be taken. That when a deposition is to be taken outside the limits of this state, ten days' notice of the taking thereof shall be given when the party whose deposition is to be taken resides within ten miles of a railroad connecting with a line of railroad within twenty miles from the place where the party notified resides, and in all other cases where there is no railroad running as above specified, then twenty days' notice shall be given: *Provided*, That when objection is taken to the reading of said deposition upon the ground that there are no railroads or connecting railroads to and from the points specified in this act, it shall devolve upon the

Parties to civil actions authorized to take depositions, &c.

Time of notice, when no general rules, &c., have been prescribed by the court.

Proviso.

party objecting to reading the same, to satisfy the court of the truth of such allegation. The deposition shall be taken on commission issuing from the court, and under the seal thereof, where the commissioner resides out of the county, by one or more commissioners, who shall be of kin to neither party and shall be appointed by the clerk. The depositions taken as aforesaid shall be passed on as now allowed by law, and may be read on the trial of the civil action, as well the depositions of the persons referred to in chapter seventeen, section three hundred and forty-three*i*, of Battle's Revisal.

Depositions, how taken.

To be passed on, &c.

Depositions, *de bene esse*.

SEC. 2. The testimony of any witness may be taken in any civil cause depending in the superior courts of this state, or under any references under orders of the superior courts of this state, or in the courts of justices of the peace of this state, by deposition *de bene esse*, when the witness lives at a greater distance by the usual public mode of travel from the place of trial than seventy-five miles, and such depositions, when taken in conformity to this act, may be read as evidence in the civil action in which it is taken, and shall be as competent as if said witness was present and examined in said action.

Depositions *de bene esse*, when to be used.

SEC. 3. But unless it appears to the satisfaction of the court that the witness is then dead, or gone out of the state, or to a greater distance than seventy-five miles from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity, or imprisonment, he is unable to travel and appear at court, such deposition shall not be used in the cause.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 280.

AN ACT FOR THE PROMOTION OF THE FISH INTEREST IN THE  
CAPE FEAR RIVER.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the catching shad in the Cape Fear river from the fifteenth day of May to the first day of January in seines or nets shall be deemed a misdemeanor, and any person or persons convicted of the same before any justice of the peace shall be fined not less than ten dollars or more than fifty dollars, or imprisoned not less than ten or more than thirty days in the discretion of the court.

Misdemeanor to catch shad in seines or nets in Cape Fear river from May 15th to January 1st.

Penalty.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 281.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Harnett county are hereby authorized to levy a special tax of twenty-five cents on the one hundred dollars' valuation of the taxable property, and seventy five cents upon each taxable poll, in said county for the term of five years, for the purpose of paying the indebtedness of said county, amounting to the sum of twelve thousand dollars, (known as the Lilly debt.)

Commissioners authorized to levy special tax for five years to pay county indebtedness.

Misdemeanor for county officers, &c., to misapply taxes collected under this act.

Penalty.

Commissioners to submit question of levying tax to qualified voters of county.

SEC. 2. That any officer of said county, or any person having control of the money collected under this act, who shall misapply or use the same for any other purpose than as above provided, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 3. The county commissioners of Harnett county shall on the first Thursday in August, one thousand eight hundred and eighty-one, submit the question of levying the special tax herein provided for, to the qualified voters of their county, and if a majority of such voters shall be in favor of levying the tax, then said commissioners shall be fully empowered to levy the aforesaid tax according to the provisions of this act; but if a majority of said voters shall be against the levying of said tax, then the said commissioners shall not have authority to proceed in the levying of said tax under the provisions of this act.

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

Ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 282.

AN ACT TO ENABLE THE COUNTY COMMISSIONERS OF CERTAIN COUNTIES IN THEIR DISCRETION TO REGULATE THE AMOUNT OF THE SHERIFFS' OR TAX COLLECTORS' BONDS.

*The General Assembly of North Carolina do enact :*

Commissioners of Columbus and Franklin authorized to reduce amount of official bond of sheriff, &c., for collection of taxes.

Proviso.

SECTION 1. That the county commissioners of Columbus and Franklin counties may, if they deem it expedient, reduce the amount of the official bond required of the sheriff or tax-collector of their respective counties, conditioned for the collection, payment and settlement of the county taxes: *Provided*, That the said bond shall not be less than the taxes for the preceding year.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

### CHAPTER 283.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND ELEVEN, SECTION ONE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, ENTITLED AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWO OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and eleven, section one of the laws of one thousand eight hundred and seventy-nine, be amended in the sixth line of said section by striking out the word "Surry."  
Ch. 111, §1, laws 1879, amended.  
 Surry county sticken out.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

### CHAPTER 284.

AN ACT TO REPEAL SECTION FOURTEEN OF CHAPTER ONE HUNDRED AND SEVENTEEN OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That so much of section fourteen of chapter one hundred and seventeen of the laws of one thousand  
Ch. 117, §14, laws 1879, amended.

Law requiring  
chemist of agri-  
cultural station  
to make chemi-  
cal analysis of  
*viscera*, &c., sent  
by county super-  
intendent of  
health, repealed.

eight hundred and seventy-nine, as reads as follows:  
“When the county superintendent of health shall, in the course of his investigation required at coroner’s inquest, think it necessary to subserve the ends of justice, that a chemical analysis of the *viscera* of fluids of the body be made, he shall carefully pack up and seal the suspected article in a proper receptacle, in the presence of a witness, and forward it to the chemist of the agricultural station for analysis. Such analysis shall be made free of charge, and be returned to the coroner of the county, such analysis having precedence over other matters of investigation, not of a similar character, then in the laboratory of the chemist,” be and the same is hereby repealed.

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

Ratified this the 11th day of March, A. D. 1861.

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## CHAPTER 285.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF  
BERTIE COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

Commissioners  
authorized to  
levy special tax  
to pay county in-  
debtedness.

SECTION 1. That the county commissioners of Bertie county be and they are hereby authorized and empowered to levy a special tax to pay off any or all indebtedness for said county, the said tax to be levied by the commissioners of said county in the same manner and under the same regulations as other taxes are levied, and to be collected by the sheriff of said county under the same penalties required of him by law in the collection of other taxes: *Provided*, The constitutional equation of property and polls is observed.

Proviso.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 286.

AN ACT TO MAKE ARRARAT RIVER, IN SURRY COUNTY, BETWEEN CERTAIN POINTS, A LAWFUL FENCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Arrarat river, in Surry county, from its mouth to Nutt's mill, be and the same is hereby constituted and declared a lawful fence.

Arrarat river, from its mouth to Nutt's mill, declared a lawful fence.

SEC. 14. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 287.

AN ACT TO AMEND CHAPTER TWENTY-SEVEN OF BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-seven of Battle's Revisal be amended by striking out the words "September" and "March" wherever they occur in said chapter, and inserting in lieu thereof the words "December" and "June."

Ch. 27, Battle's Revisal, amended.

Meetings of boards of county commissioners, &c.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

CHAPTER 288.

AN ACT TO PROTECT FISH IN LUMBER RIVER IN THE COUNTIES OF COLUMBUS AND ROBESON.

*The General Assembly of North Carolina do enact:*

Unlawful to use seines, &c., in Lumber river and tributaries from March 1st to Nov. 1st.

SECTION 1. That it shall be unlawful for any person to use any seine, net or gig, or by muddying the water or by shooting, to catch, take or kill fish in the Lumber river or the waters tributary thereto, by any means except the ordinary rod, line and hook, from the first day of March to the first day of November in each and every year.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of forty dollars or be imprisoned not more than twenty days.

Penalty.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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CHAPTER 289.

AN ACT FOR THE SUPPORT OF THE PENITENTIARY AND CONVICTS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED [AND] EIGHTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO.

*The General Assembly of North Carolina do enact:*

\$75,000 per annum appropriated.

SECTION 1. That the sum of seventy-five thousand dollars per annum is hereby appropriated for the maintenance, guarding and working of the convicts in state penitentiary on the Western North Carolina Railroad and the Cape Fear and Yadkin Valley Railroad. The

Board of directors of the penitentiary may also use as aforesaid any and all revenue that may be derived from said institution and from the hire of convicts within or without the prison enclosure, except those assigned to the Cape Fear and Yadkin Valley Railroad.

Directors to use revenue derived from institution and hire of convicts.

Exception.

SEC. 2. The penitentiary and convicts shall be under the direction and control of a board of five directors, to be appointed by the governor, with the advice and consent of the senate, and the members of said board shall hold office for four years, and shall receive as compensation the sum of three hundred dollars per annum: *Provided, however,* That the president of the board or any director shall visit and inspect convicts employed outside of the penitentiary as often as practicable, and receive such compensation therefor as the board may fix.

Board of directors.

How appointed.

Term of office.

Compensation.

Proviso.

SEC. 3. The board of directors shall, as far as practicable, make arrangements for conveying convicts from the place where convicted direct to the place where they are to be worked, when it shall be to the interest of the state so to do.

Convicts to be conveyed from place of conviction to place of labor, when practicable, &c.

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

Conflicting laws repealed.

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

Read three times in the general assembly, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 290.

AN ACT TO AMEND SECTION TWENTY-FIVE, CHAPTER ONE HUNDRED AND FOUR OF BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That when any ditch or drain, originally constructed across any public road and bridged for the

Ch. 104, §25, Battle's Revisal, amended.

Bridges over ditches, &c., crossing public roads to be kept in repair by adjacent land owners.

Banks of dirt in road to be spread, &c.

convenience and safety of the traveling public, has been or may hereafter be enlarged by the owner of adjacent lands to drain his lands, it shall be the duty of such owner to keep up and in repair all bridges crossing such ditch, drain or canal, and that such charge shall be imposed upon all subsequent owners of the lands so drained, and that any person throwing a bank of dirt in the main road shall be compelled to spread the same.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 291.

### AN ACT CONCERNING REPRESENTATION IN THE HOUSE OF REPRESENTATIVES.

*The General Assembly of North Carolina do enact :*

Apportionment of members of the house of representatives.

SECTION 1. That until the general assembly that make another apportionment, as provided by the constitution and laws of North Carolina, the house of representatives shall be composed of members elected from the counties in the following manner, to-wit: The county of Wake shall elect four members; the county of Mecklenburg shall elect three members; the counties of Buncombe, Chatham, Cumberland, Davidson, Edgecombe, Franklin, Granville, Guilford, Halifax, Iredell, Johnston, New Hanover, Northampton, Orange, Pitt, Randolph, Robeson, Rockingham, Sampson, Warren and Wayne shall elect two members each; and the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Currituck, Dare, Davie, Duplin, Forsyth, Gaston, Gates, Graham, Greene, Harnett, Haywood, Hen-

derson, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Nash, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Richmond, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey shall elect one member each.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 292.

### AN ACT FOR THE BENEFIT OF THE PRINCIPAL CLERKS OF THE GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the principal clerks of the senate and house of representatives shall be allowed one hundred dollars each, for extra work and for services required of them to be performed after the adjournment of the general assembly. The auditor of the state shall draw a warrant upon the treasurer, who shall pay the same immediately upon the adjournment of the general assembly.

Allowed \$100 for  
extra work.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER ° 293 .

AN ACT TO PROVIDE FOR ADDITIONAL SERVANTS FOR THE  
VARIOUS STATE DEPARTMENTS.*The General Assembly of North Carolina do enact :*

Offices of govern-  
or, treasurer,  
auditor and sec'y  
of state allowed  
one servant each.  
Offices of supt. of  
public instruc-  
tion and state  
librarian allowed  
one servant to-  
gether.  
Compensation.

SECTION 1. That the governor's office, the treasurer's office, the auditor's office and the secretary of state's office, shall each be allowed one servant, and the office of the superintendent of public instruction and state librarian one together.

SEC. 2. That said servants shall receive as compensation five dollars per week, to be paid by the treasurer on the pay rolls of the keeper of the capitol.

Compensation of  
night watch and  
janitor.

SEC. 3. That the night watch and janitor shall each receive as compensation one dollar and a half per day for their services.

SEC. 4. That this act shall begin and take effect from the first day of January, A. D. 1881.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 294.

AN ACT TO DESIGNATE THE HOLIDAYS TO BE OBSERVED, AND  
DATES WHEN PAPERS WILL BE DUE.*The General Assembly of North Carolina do enact :*

Public holidays.

SECTION 1. That the first day of January, twenty second day of February, tenth day of May, twentieth day of May, fourth day of July, and a day appointed by the governor of North Carolina as a thanksgiving day, and the twenty-fifth day of December of each and every year be and the same are hereby declared to be public holidays ; and that,

whenever any such holiday shall fall upon Sunday, the Monday next following shall be deemed a public holiday, and papers due on such Sunday shall be payable on the Saturday next preceding, and papers which would otherwise be payable on said Monday shall be payable on the Tuesday next thereafter.

When falling on Sunday, succeeding Monday to be deemed a public holiday.

Papers falling due on Sunday, when payable.

On Monday, when payable.

SEC. 2. *Be it further enacted*, That whenever either of the above-named days shall fall on Saturday, the papers due on the Sunday following shall be payable on the Monday next succeeding.

When holiday falls on Saturday, papers due on that day, when payable.

SEC. 3. *Be it further enacted*, That whenever either of the above-named days shall fall on Monday, the papers which should otherwise be payable on that day shall be payable on the Tuesday next succeeding.

When holiday falls on Monday, papers due on that day, when payable.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 295.

### AN ACT TO EXTEND THE TIME TO REDEEM LANDS SOLD FOR TAXES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all the provisions of chapter two hundred and twenty-four (224), of the laws of one thousand eight hundred and seventy-nine, shall be and the same are hereby extended to the first day of January, Anno Domini, one thousand eight hundred and eighty-two, and the secretary of state be and is hereby directed to have this act published in four newspapers in this state.

Provisions of ch. 224, laws 1879, extended to Jan'y 1st, 1882.

Act to be published.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 296.

## AN ACT CONCERNING REPRESENTATION IN THE SENATE.

*The General Assembly of North Carolina do enact :*

Apportionment  
of members of the  
Senate.

SECTION 1. That until another apportionment of the state shall be had in accordance with the terms of the constitution and laws of North Carolina, the senate shall be composed of members elected from districts constituted as follows :

First district—Currituck, Camden, Pasquotank, Hertford, Gates, Chowan and Perquimans shall elect two senators.

Second district—Tyrrell, Washington, Martin, Dare, Beaufort, Hyde and Pamlico shall elect two senators.

Third district—Northampton and Bertie shall elect one senator.

Fourth district—Halifax shall elect one senator.

Fifth district—Edgecombe shall elect one senator.

Sixth district—Pitt shall elect one senator.

Seventh district—Wilson, Nash and Franklin shall elect two senators.

Eighth district—Craven shall elect one senator.

Ninth district—Jones, Onslow and Carteret shall elect one senator.

Tenth district—Duplin and Wayne shall elect two senators.

Eleventh district—Greene and Lenoir shall elect one senator.

Twelfth district—New Hanover and Pender shall elect one senator.

Thirteenth district—Brunswick and Bladen shall elect one senator.

Fourteenth district—Sampson shall elect one senator.

Fifteenth district—Columbus and Robeson shall elect two senators.

Sixteenth district—Cumberland and Harnett shall elect one senator. Apportionment of members of the senate.

Seventeenth district—Johnston shall elect one senator.

Eighteenth district—Wake shall elect one senator.

Nineteenth district—Warren shall elect one senator.

Twentieth district—Orange, Person and Caswell shall elect two senators.

Twenty-first district—Granville shall elect one senator.

Twenty-second district—Chatham and Alamance shall elect one senator.

Twenty-third district—Rockingham shall elect one senator.

Twenty-fourth district—Guilford shall elect one senator.

Twenty-fifth district—Randolph and Moore shall elect one senator.

Twenty-sixth district—Richmond and Montgomery shall elect one senator.

Twenty-seventh district—Anson and Union shall elect one senator.

Twenty-eighth district—Cabarrus and Stanley shall elect one senator.

Twenty-ninth district—Mecklenburg shall elect one senator.

Thirtieth district—Rowan and Davie shall elect one senator.

Thirty-first district—Davidson shall elect one senator.

Thirty-second district—Stokes and Forsyth shall elect one senator.

Thirty-third district—Surry and Yadkin shall elect one senator.

Thirty-fourth district—Iredell, Wilkes and Alexander shall elect two senators.

Thirty fifth district—Alleghany, Ashe and Watauga shall elect one senator.

Thirty-sixth district—Caldwell, Burke and McDowell Mitchell and Yancey shall elect two senators.

Thirty-seventh district—Catawba and Lincoln shall elect one senator.

Thirty-eighth district—Gaston and Cleveland shall elect one senator.

Thirty-ninth district—Rutherford and Polk shall elect one senator.

Fortieth district—Buncombe and Madison shall elect one senator.

Forty-first district—Haywood, Henderson and Transylvania shall elect one senator.

Forty-second district—Jackson, Swain, Macon, Cherokee, Clay and Graham shall elect one senator.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 297.

### AN ACT TO INCORPORATE THE WESTERN INSANE ASYLUM.

*The General Assembly of North Carolina do enact:*

**Incorporated.**

SECTION 1. That the "Western North Carolina Insane Asylum," situated near Morganton, is hereby constituted a corporation, and shall be and remain a corporation under that name, and it may acquire and hold for the purposes of its establishment all such property and estate as may be devised, bequeathed or in any way given or conveyed to it.

**Authorized to acquire and hold property.**

**Buildings to be completed.**

SEC. 2. The commissioners shall complete that part of the asylum buildings heretofore authorized by law to be constructed, including the main building and one wing and such other structures as are necessary to its equip-

ment for occupancy, and, when ready, turn the same over to the board of directors.

SEC. 3. The affairs of the Western North Carolina Insane Asylum shall be managed by a board of nine directors, of whom five shall be a quorum for the transaction of business. And the term of office of the first board appointed under this act shall begin as soon as may be necessary to organize the institution. At the first meeting of said board, the directors shall be divided into three classes: the seats of the first class shall be vacated March the first, one thousand eight hundred and eighty-three, of the second class two years thereafter, and the third class at the expiration of the fourth year from the date aforesaid, and afterwards their successors shall be appointed at the expiration of the respective terms, for six years.

Directors.

Quorum.

Term of office.

To be classified.

SEC. 4. The board of directors shall out of their number appoint three members as an executive committee, two of whom shall reside in or near the town of Morganton, who shall hold their office as such for one year, and shall have such powers and be subject to such duties as the board of directors may delegate to them.

Executive committee.

Powers, &amp;c.

SEC. 5. The board of directors shall direct and manage the affairs of the institution, and for its government shall make all necessary by-laws not inconsistent with the laws of the state, shall have power to receive, hold, manage, convey, or otherwise dispose of, in the name of the institution, all such property or estate as may hereafter be given or otherwise conveyed to said asylum; and the members of the board shall serve without reward save their traveling expenses incurred in the discharge of their official duties.

Duties of board of directors.

Traveling expenses.

SEC. 6. The board of directors shall convene at said asylum as soon as convenient after their appointment, and at such other times as the interests of the institution may require and the board may appoint. They shall investigate the administration of the affairs of the insti-

Meetings.

Report to general assembly.      tution, and report on the same to the general assembly, with such remarks and recommendations as to them shall seem expedient.

Superintendent.      SEC. 7. 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 kindly disposition, and a married man. He shall hold his office for six 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.

Qualifications.      SEC. 8. The board of directors shall appoint an assistant physician, and with the advice and consent of the superintendent, prescribe his duties. He shall hold his office for four years from and after his appointment, unless sooner removed by the board for good cause, which shall be specified and recorded in their proceedings.

Term of office.      SEC. 9. The board of directors, at their annual meeting, shall appoint a steward and matron, on the nomination of the superintendent, who shall hold their places for one year, unless sooner removed by the board for good cause, which cause shall be specified in their proceedings, and other officers shall be appointed for the unexpired term of those removed. The public treasurer shall be treasurer *ex officio* of the institution.

Removal.      SEC. 10. The board of directors shall fix the salaries and compensation of the superintendent, and the officers and employees whose services may be necessary for the management of the asylum: *Provided*, That the salaries shall not be diminished during the term of the incumbents.

Steward and matron.      SEC. 11. The superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of

Term of office.      SEC. 12. The board of directors shall fix the salaries and compensation of the other officers and employees, and shall have power to remove any of them at any time, and to appoint others in their stead.

Removal.      SEC. 13. The board of directors shall have power to remove any of the other officers and employees at any time, and to appoint others in their stead.

Other officers.      SEC. 14. The board of directors shall have power to remove any of the other officers and employees at any time, and to appoint others in their stead.

Treasurer.      SEC. 15. The board of directors shall have power to remove any of the other officers and employees at any time, and to appoint others in their stead.

Salaries, &c.      SEC. 16. The board of directors shall have power to remove any of the other officers and employees at any time, and to appoint others in their stead.

Proviso.      SEC. 17. The board of directors shall have power to remove any of the other officers and employees at any time, and to appoint others in their stead.

Superintendent to have control of other officers.      SEC. 18. The board of directors shall have power to remove any of the other officers and employees at any time, and to appoint others in their stead.

the asylum, and in every case of misconduct may discharge such employees as have been employed by himself or his predecessors, and shall report to the board of directors the misconduct of all other subordinates.

SEC. 12. The board of directors shall make all such by-laws and regulations for the government of the institution as shall be necessary, among which regulations shall be such as shall, in the language of the constitution, make the institution as nearly self-supporting as is consistent with the purpose of its creation. The board shall cause the by-laws and regulations, the report of the superintendent and that of the treasurer to be published with their report to the general assembly, copies of which shall be sent to the clerk of the superior court of each and every county in the state.

By-laws, &c.

By-laws, report of superintendent, &c., to be published.

Copies to be sent to clerks of superior courts.

SEC. 13. The first appointments to office under this act shall take place at such times as in the judgment of the board of directors shall best subserve the interests of the institution.

When officers to be appointed.

SEC. 14. When in the judgment of the board of directors, the Western North Carolina Insane Asylum shall be ready for the accommodation of patients, the board of directors of said asylum shall receive from the board of directors of the North Carolina Insane Asylum, at Raleigh, such of the patients of said institution as may have their counties of settlement most convenient to the Western North Carolina Insane Asylum, to be designated by the board aforesaid, and not to exceed one hundred in number. And such additional patients as the Western North Carolina Insane Asylum may be prepared to accommodate, shall be received under the provisions of the sections of this act, hereinafter recited, and upon the warrant of the governor draw such sums as may be actually necessary for their support and maintenance.

When asylum ready, patients to be received from North Carolina Insane Asylum.

Not to exceed one hundred. Additional patients.

SEC. 15. Every insane person confined in jail for any other cause than crime may be removed to the asylum

Removal to asylum of insane persons confined in jail otherwise than for crime.

upon the order of the clerk of the superior court of the county in which the jail is situated.

Removal to asylum of insane persons confined in jail otherwise than for crime.

SEC. 16. The judges of the superior court in the respective districts shall allow to be committed to the asylum as a patient any person who may be confined in jail on a criminal charge of any kind or degree, or upon a peace warrant, whenever the judge shall be satisfied by a verdict of a jury of inquisition that the alleged criminal act was committed while such person was insane.

Proceedings to secure admission of insane person to asylum.

SEC. 17. For admission into the asylum in other cases, the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with a justice of the peace of the county an affidavit in writing, which shall be substantially as follows:

STATE OF NORTH CAROLINA, }  
 .....County. }

The undersigned, residing in said county, maketh oath that he hath carefully examined ..... .., the alleged lunatic, and believes him or her to be an insane person, and is, in the opinion of the undersigned, a fit subject for admission into the insane asylum.

Dated, ..... day of ....., 18.....

A..... B ....., (Affiant.)

Subscribed and sworn to C..... D....., J. P.

Whereupon, unless the person or persons, in whose care or custody the alleged insane is, will agree to bring him or her before the said justice without a warrant, the justice shall issue a precept directed to the sheriff or a constable as follows:

THE STATE OF NORTH CAROLINA,

*To the Sheriff or Constable of .... .. County—Greeting:*

WHEREAS, Information on oath has been laid before me that ..... .. is an insane person: You are hereby com-

manded to bring him or her before me, or some other justice of the peace of said county, within the next ten days, in order that necessary proceedings may be had respecting his insane condition.

Proceedings to secure admission of insane person to asylum.

Given under my hand this ..... day of ....., 18.....  
C..... D....., J. P.

Upon the bringing of the alleged insane person before the justice by his or her friends, or upon the return of the precept with the body of the insane person, the justice shall cause to be associated with him two or more justices of the county, who together shall proceed to examine into the condition of mind of the supposed insane person, and shall take the testimony of at least one respectable physician, and such other of them as they may think proper.

If the justice, or any two of them, shall decide that such person is insane, and some friend, as he may do, will not become bound with good security to restrain him or her from committing injuries, and to keep, support and take care of him or her until the cause for confinement shall cease, the said justices, or any two of them, shall direct the insane person to be removed to the asylum as a patient; and to that end they shall direct a warrant to the sheriff or constable, and at the same time shall transmit to the board of directors the examination of the witnesses, and a statement of such facts as the said justices shall deem pertinent to the subject matter, which warrant shall be substantially as follows:

STATE OF NORTH CAROLINA,

*To the Sheriff or Constable of ..... County—Greeting:*

WHEREAS, It has been made to satisfactorily appear to us, C..... D..... and E..... F....., justices of the peace of said county, that A..... B....., a citizen of the state, is an insane person, that he has a legal settlement in said county, and is a fit subject for the insane asylum, and that his being at large is injurious to himself, and disadvan-

tageous if not dangerous to the community: You are hereby commanded to take the said A..... B....., and convey him to the Western North Carolina Insane Asylum, and there deliver him to the superintendent thereof for safe-keeping.

Given under our hands this ... day of ..... 18...

C ..... D....., J. P.

E..... F....., J. P.

Justices of the peace to report proceedings to superior court clerk.

SEC. 18. Whenever the justices of the peace, under the provisions of the preceding section, shall direct any insane person to be removed to the asylum as a patient for safe keeping, it shall be their duty to make a full report of their proceedings to the clerk of the superior court of their county.

Interrogatories and answers to be transmitted to board of directors.

SEC. 19. The following interrogatories, with their respective answers by competent witnesses, shall likewise be transmitted with the other papers to the board of directors:

Question 1. What is the name of the patient?

Question 2. Is he or she white or colored?

Question 3. What is his or her age?

Question 4. Is he or she married or single?

Question 5. What is the supposed cause of insanity?

Question 6. In what way is the disease exhibited?

Question 7. Has any medical treatment been pursued? If so, what kind and by whom?

Question 8. How long has he or she been insane? Count from first symptoms.

Question 9. Has the patient manifested any propensity to injure himself or others? If so, in what way?

Question 10. Has he or she been subject to epilepsy?

Question 11. Has any of his or her ancestors been insane? If so, state what ancestors, and what was the character of their insanity?

Question 12. Has he or she any family, and, if so, what persons compose it?

Question 13. Are any of them insane, and what is the character of such insanity?

Question 14. What is the occupation of the patient?

Question 15. How many attacks of mental disease has the patient had?

Question 16. Are parents of the insane person related by blood? If so, what is the degree of relationship?

Question 17. Has the applicant property? If so, state in what such property consists, and what is the value thereof?

Question 18. Is the applicant under any forcible restraint? If so, what?

Question 19. Has the patient received any aid from the county? If so, what?

Question 20. Give name and address of the friends of the patient with whom the superintendent of the insane asylum can correspond, as circumstances require, for the benefit of the patient.

Question 21. Give any information in your possession not embraced in the above questions, which may throw light on the mental or physical condition of the patient.

SEC. 20. Whenever any insane person shall be conveyed to the asylum, and the superintendent is in doubt as to the propriety of his or her admission, he may convene the board of directors (any three of whom shall constitute a quorum) for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such board decide that he or she is such, he shall be received into the asylum, but such board may at any time thereafter deliver said insane person to any friend who will become bound, with good security, to restrain him or her from committing injuries and to keep, maintain and take care care of him or her, in the same manner as he or she might have become bound under the authority of the justices of the peace.

Board of directors to determine question of admission in doubtful cases.

SEC. 21. Whenever the superintendent shall deem an insane person to be incurable, and that his or her being at

Removal of incurable insane from asylum.

large would not be injurious to himself or herself, or dangerous to the community, he shall certify the fact to the clerk of the superior court of the county from which the patient was sent, and also to the board of directors (any three of whom shall constitute a board) who may, if deemed expedient, remove such patient from the asylum. And it shall be the duty of the sheriff of the county from which the patient was sent, to convey said patient from the asylum to the county of his settlement at the expense of said county.

Expenses of removal.

Proceedings to secure the transfer to asylum of dangerous lunatics whose estates are solvent.

SEC. 22. When an affidavit in writing shall be made before a justice of the peace by any citizen of the state that any person who has been found by the inquisition of a jury to be an idiot, lunatic or *non compos mentis*, and whose estate in the hands of his or her guardian shall be sufficient to support him or her and family, if he or she has any, is mischievously inclined, and that his or her going at large is dangerous to the community, it shall be lawful for said justice to issue his warrant requiring the sheriff to bring him or her before two justices of the peace within ten days, in order that the complaint may be duly examined, and the sheriff, when he executes the warrant, is to notify the guardian.

When and how conveyed to asylum.

SEC. 23. If the said justices, on the return of the warrant, are satisfied that the facts stated in the complaint are true, it shall be their duty to issue process to the sheriff, commanding him to take such insane person and convey him or her to the Western North Carolina Insane Asylum, and there to deliver him or her to the superintendent thereof for safe-keeping: *Provided, however,* That the mischievous disposition of such insane person shall have been proved by at least two competent witnesses, who have been acquainted with him or her for more than twelve months.

Proviso.

Justice to return copy of proceedings to superior court clerk.

SEC. 24. If the insane person mentioned in the preceding section be sent to the asylum, a copy of the proceedings shall be returned by the justices to the clerk of the

superior court of his county, who shall have power from time to time to make such orders or decrees concerning the payment of the expenses of sending him or her to said asylum or sending him or her back, should he or she be discharged therefrom, as to said clerk shall seem just and reasonable under all the circumstances of the case.

Clerk to make orders concerning expenses.

SEC. 25. Any judge of the superior or supreme courts may make an order for the discharge from the asylum of any person confined there under this act, if the superintendent thereof shall certify to him in writing that he is well satisfied that such person is not mischievous, and would not be dangerous to the community if discharged:

Discharge of insane person from asylum by order of judge.

*Provided*, That the signature to the certificate be duly acknowledged or proved before the clerk of the superior court for Burke county, and shall be certified by him

Proviso.

under his official seal. All bonds executed for restraining insane persons from committing injuries, and for their safe keeping, support and care, shall be payable to the state of North Carolina in the sum of five hundred dol-

Bond for safe keeping, &c., of insane person.

lars at least, and shall be transmitted to the clerk of the superior court of the county wherein the insane person is settled for safe keeping, and may be put in suit by any person injured by the insane person, by reason of his or her insane condition, and shall be put in suit by the solicitor for the judicial district in which the county of the insane person's residence is situated, for any other breach thereof, wherein the damages received shall be for the use of the insane person, and shall be at least fifty dollars.

Action by person injured.

Action by solicitor for benefit of insane person.

SEC. 26. The form of the bond mentioned in the preceding section shall be as follows:

Form of bond.

STATE OF NORTH CAROLINA, }  
 County of..... } .....

Know all men by these presents, that we, A..... B....., principal, and C..... D . . . and E..... F....., sureties, are held and firmly bound unto the state of North Caro-

lina, in the sum of.....dollars, for the payment whereof we bind ourselves and each of us.

Witness, our hands and seals, this the ... day of ..... 18.....

The condition of the above obligation is this :

WHEREAS, the said A..... B....., with the view of hindering G..... H....., an insane person, resident in the county aforesaid, from being sent to the Western North Carolina Insane Asylum, (or effect his release from the said asylum, as the case may be,) hath undertaken to restrain him or her from committing injuries, and to keep, maintain, support and take care of him or her : Now, if the said A..... B..... shall faithfully comply with the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A..... B. .... [Seal.]

C..... D..... [Seal.]

E..... F..... [Seal.]

When insane person to be re-sent to asylum.

SEC. 27. Wherever it shall be made to appear to the clerk of the superior court of the county in which such insane person was resident, that the conditions of the bond are not faithfully complied with, the insane person shall be sent to the asylum by such clerk of the superior court, unless some other and responsible and discreet friend will undertake to fulfil the duties of said obligation, and whenever said insane person shall be sent back to the asylum, he or she shall not be delivered on any new bond of the defaulting obligor.

Not to be re-discharged on bond of defaulting obligor.

Dues to asylum payable to public treasurer.

SEC. 28. All dues to the asylum from any and all sources shall be paid into the public treasury, and the said asylum shall be supported by appropriations from the public treasury.

To be supported by appropriations, &c.

Directors to regulate admissions to asylum.

SEC. 29. The board of directors shall have power to regulate admissions into the asylum, having regard to

the probabilities of curing the parties of their mental diseases.

SEC. 30. All money applied for the use and support of the Western Insane Asylum, and the insane therein, [shall be paid] out of the public treasury on warrants drawn by a majority of the board of directors, or by the superintendent, and countersigned by at least two of the board of directors, and approved by the governor.

How money to be drawn from public treasury for support of asylum.

SEC. 31. All money and the proceeds of property given to the asylum, and all money arising from any estate which may be owned by the asylum, shall be paid into the public treasury, and all donations in which there shall be special directions for its application shall be kept as a distinct fund, and shall be faithfully applied as the donor may have directed.

Money belonging to asylum payable into public treasury.

Donations.

SEC. 32. In order to secure their constant supervision and attendance, the officers and employees of the asylum shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

Officers and employees exempt from service on juries, &c.

SEC. 33. The board of directors shall cause all their proceedings to be faithfully and carefully written and recorded in books, and to this end may employ a clerk

Directors to keep record of proceedings.

and pay him a reasonable compensation for his services. The books shall, at all times, be open to the inspection of the board of public charities and of the general assembly.

Clerk.

Compensation.

Books open to inspection.

SEC. 34. The board of public charities and the members of the general assembly shall be *ex-officio* visitors of the Western North Carolina Insane Asylum. It shall be the duty of the board of public charities to visit the asylum from time to time, as they may deem expedient, to examine its condition, and make report thereon to the general assembly with such suggestions and remarks as they think proper. And to said board of public charities and to the board of directors of the asylum only shall the superintendent be required to make reports or furnish statistics.

Board of public charities and members of general assembly *ex-officio* visitors to asylum.

Duties of board of public charities.

Fiscal year.

SEC. 35. The close of the fiscal year shall be the thirty-

first of December in each and every year, and all accounts and estimates shall be made with reference thereto.

When county commissioners to order discharge of insane person not in asylum

SEC. 36. It shall be the duty of the county commissioners, by proper order to that effect, to discharge any ascertained lunatic in their county not admitted to the insane asylum, when it shall appear upon the certificate of two respectable physicians and the chairman of the board of county commissioners that such lunatic ought to be discharged if in the insane asylum.

Proceedings to place insane person possessed of sufficient income in asylum outside of state.

SEC. 37. Whenever any person shall be found to be insane in the mode hereinbefore prescribed, and such person shall be possessed of an income amply sufficient to support those who may be legally dependent for support on the estate of such insane person, and moreover to support and maintain such insane person in any named asylum situate out of the state; and such insane person, if of capable mind to signify such preference, shall in writing declare his or her wish to be placed in such asylum without the state, instead of being in one of the asylums established by the state; and two respectable physicians, who shall have examined such insane person with the justices appointed by said act to make the examination, shall deem it proper, then it may be lawful for said justices of the peace, together with said physicians, to recommend in writing that such insane person shall be placed in the asylum so chosen as a patient thereof.

Duty of person having custody of estate of such insane person to supply necessary funds.

SEC. 38. It shall be the duty of any person, having the legal custody of the estate of such insane person, to supply the funds for his or her support in the asylum in which he or she may be placed, during his or her stay therein, and so long as they may be sufficient for that purpose over and beyond maintaining and supporting those persons who may be legally dependent on the estate as aforesaid.

Justices to report proceedings to superior court clerk.

SEC. 39. It shall be the duty of said justices to report the proceedings in all such cases to the clerk of the supe-

rior court of the county in which such insane person may reside or be domiciled as provided.

SEC. 40. The clerk of the court shall lay the said proceedings before the judge of the superior court of the district in which the insane person may reside or be domiciled, and, if he approve them, he shall so declare in writing, and such proceedings with the approval thereof shall be recorded by said clerk.

Clerk to lay proceedings before judge.

SEC. 41. A certified copy of such proceedings, with the approval of the said judge, shall be sufficient warrant to authorize any friend or friends of the insane person appointed by the said judge to remove him or her to the asylum designated.

Certified copy of proceedings with approval of judge sufficient warrant to authorize removal to asylum designated.

SEC. 42. In the admission of patients to the Western North Carolina Insane Asylum, priority of admission shall be given to the indigent insane: *Provided, however,* That the board of directors may regulate admissions, having in view the curability of patients and the welfare of the institution.

Indigent insane to have priority of admission to asylum. Proviso.

SEC. 43. All laws and clauses in conflict with this act are repealed.

Conflicting laws repealed.

In this general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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CHAPTER 298.

AN ACT TO CHANGE THE TIME OF COURTS IN CLEVELAND,  
RUTHERFORD AND POLK COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the terms of the superior court for Cleveland co. Cleveland county shall continue for two weeks.

SEC. 2. That the terms of the superior court for Rutherford co. Rutherford county shall begin on the eighth Monday after the

fourth Monday in March and September in each year, and shall continue for two weeks.

Polk co.

SEC. 3. That the terms of the superior court for Polk county shall begin on the tenth Monday after the fourth Monday in March and September in each year, and shall continue for one week.

Process.

SEC. 4. That all precepts and other legal proceedings in civil and criminal actions, which have been already issued, or which may be hereafter issued, returnable to the next term of the superior courts of said counties as heretofore provided by law, shall be returnable to the next term of said courts as fixed by this act, and all persons who have been recognized or summoned to appear, or who shall hereafter be recognized or summoned to appear, at the next term of said courts as heretofore provided by law, are required to appear at the time prescribed by this act.

When act to take effect.

SEC. 5. This act shall take effect from and after the first day of July, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 299.

AN ACT TO ESTABLISH A PUBLIC ROAD THROUGH THE STATE'S LAND AND TO IMPROVE THE SAME.

*The General Assembly of North Carolina do enact:*

Route.

SECTION 1. That for the purpose of laying out and establishing a public highway, beginning at a point known as the intersection of the Pembroke and Beaufort roads on the east side of Reedy branch, the dividing line between the counties of Craven and Jones, and passing up said branch until it reaches the junction of the two

prongs of said stream, then southward through the state's land around and adjacent to Cat Fish lake, known as the Cat Fish Lake Pocasen, to the intersection of the Cannon path with the public road leading from the Cross roads, in Jones county, to the village of Newport, in Carteret county, according to a survey of said road made by William A. Jones, for and by direction of the boards of county commissioners of Craven and Jones counties during the year one thousand eight hundred and eighty, maps of which survey have been filed in the offices of register of deeds in said counties, the following persons, to-wit: Commissioners. William Foy and Henry R. Bryan, on the part of Craven county, and Thomas S. Gillitt, William F. Foy and George W. Koonce, on the part of Jones county, and W. H. Barker, on the part of Carteret county, be appointed special commissioners, with full power to supervise, lay out and construct said road, and that said road shall be eight Width of road. teen feet wide, clear of stumps and runners.

SEC. 2. That said board of special commissioners shall have power and authority to condemn any lands along the line of said road, and over which it passes, and if the owner or owners of any of said condemned lands shall consider themselves injured by the action of said board of commissioners, it shall be competent for such person or persons to apply by petition to the board of county commissioners of the county in which injury is done, praying for a jury of not more than twelve nor less than three to view the premises and assess the damages sustained; and it shall be the duty of said county commissioners to have said jury summoned by the sheriff of the county to appear upon said premises within ten days after the meeting at which said petition is filed, who, after being sworn by said sheriff, to faithfully discharge their duty, shall proceed to assess the injury sustained by said person, considering the advantages to the land, as well as the injury resulting from the making of said road, and, upon report of said jury, made to and confirmed by said board of Condemnation of land. Proceeding by land owner for assessment of damages.

county commissioners, the damage shall be paid by said board of county commissioners out of any fund provided by them for said purpose: *Provided*, That either said board of special commissioners, or said injured party, may appeal to the superior court from the confirmation of said report, and such appeal shall be governed by the general law.

Directors of penitentiary to turn over to commissioners convicts from certain counties.

SEC. 3. That the board of directors of the penitentiary are hereby authorized and directed to turn over to said board of special commissioners upon application of the chairman of said special commissioners, all convicts of the counties of Craven, Carteret, Jones, Onslow, Beaufort, Hyde and Pamlico, who shall hereafter be sentenced to the penitentiary for a period not exceeding three years, not to exceed fifty in number; said convicts to be employed on said road, under the direction of said board of special commissioners, and under such guards as may be necessary until said road shall be completed, said convicts to be governed by and according to prison rules and regulations, and under the supervision and control of the superintendent appointed by and subject to the penitentiary board. That the expenses of superintending, transporting, feeding and clothing said convicts, while so employed, shall be paid out of the penitentiary fund or any other money in the treasury not otherwise appropriated.

Convicts, how employed, &c.

Expenses, how paid.

Persons hereafter convicted in certain counties to be turned over to commissioners.

SEC. 4. That all persons who may hereafter be convicted of crimes and misdemeanors in the counties of Craven, Carteret, Pamlico, Onslow, Lenoir and Jones, and whose punishment shall be imprisonment for not less than one month and not so long as one year, shall be likewise turned over to the special commissioners of said road to be employed upon the same, the counties furnishing the said convicts mentioned in this section to pay all expenses of feeding, clothing and transporting their respective convicts, but to be under the same guards and subject to the same rules and regulations as the convicts mentioned

Expenses, how paid.

in the third section of this act: *Provided*, That the county <sup>Proviso.</sup> commissioners of the counties mentioned in this section shall not be prevented from employing their respective convicts upon the public works of their respective counties: *Provided, further*, That nothing in this act shall be <sup>Proviso.</sup> construed to authorize the board of directors of the penitentiary or the judges of the superior courts in the counties named to reduce by assignment the convicts assigned to roads in which the state has an interest.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 300.

AN ACT FOR THE BENEFIT OF THE ENGROSSING CLERKS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the engrossing clerk of the house of representatives and the engrossing clerk of the senate shall be allowed one hundred dollars each for extra work. <sup>Allowed \$100 for extra work.</sup> The auditor of the state shall draw a warrant upon the treasurer, who shall pay the same immediately upon the adjournment of the general assembly.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 301.

AN ACT TO SUPPLY THE NORTH CAROLINA INSANE ASYLUM  
WITH PURE WATER.

Preamble.

WHEREAS, The institution known as the North Carolina Insane Asylum is in great need of a supply of good and pure water; and whereas, the same can be most easily and cheaply obtained from a stream known as "Rocky Branch," running near and upon the lands of the state, dedicated to said asylum, and also constituting the dividing line between William R. Cox and J. M. Heck, at a point where it is necessary to obtain such supply.

*The General Assembly of North Carolina do enact:*

Supt. and executive committee authorized to purchase lands and rights of way.

SECTION 1. That the superintendent and the executive committee of the board of directors of the North Carolina Insane Asylum be and they are hereby authorized to purchase such lands and rights of way as may, in their opinion, be required for the purpose of erecting and conducting dams, fixtures and pipes necessary in their judgment to obtain a full supply of pure water from Rocky Branch, at any point on said branch for said institution, at a just and reasonable price, taking deed to the state for the use of the North Carolina Insane Asylum for such property, and have the same recorded in the register's office of Wake county.

Deed.

Condemnation of land, &c.

SEC. 2. That in case such property cannot be purchased as contemplated in section one, then the same may be condemned and taken by the said superintendent and executive committee at a valuation made by five disinterested persons, or a majority of them, to be appointed by the board of commissioners of Wake county. Said persons shall make a proper return to the clerk of the superior court of Wake county of the award, which shall be placed on file in that office: *Provided, however,* That either party

How valued.

Return to be made to clerk of Wake superior court.

Proviso.

to this proceeding may have an appeal to the superior court upon giving ten days' notice thereof, and after its final hearing such award shall be recorded in the register's office of Wake county, and shall have the force and effect of a deed from the parties, and such property be vested in the state of North Carolina.

Award to be recorded and to have force of deed.

SEC. 3. That in case either party shall appeal from such award, then and in that event it shall be the duty of the judge of the superior court holding Wake county to hear such case at the term next ensuing after such appeal in preference to all civil actions.

In case of appeal judge to hear case at next ensuing term, &c.

SEC. 4. That the executive committee of the board of directors of said institution are hereby authorized to pay such award out of the moneys appropriated for the support of said institution.

Executive committee authorized to pay award out of moneys appropriated for support of asylum.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 302.

AN ACT TO MAKE DOGS LISTED FOR TAXATION THE SUBJECT OF LARCENY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That dogs listed for taxation annually, at the usual time of listing taxes, shall be the subjects of larceny; and the tax on each dog so listed shall be one dollar annually, said tax to be applied to the common school fund.

Dogs listed for taxation subjects of larceny.

Tax.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 303.

AN ACT TO AMEND SECTION ONE OF CHAPTER SEVENTY, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact:*

Ch. 70, §1, Battle's Revisal, amended.

Liability for enticing servant to leave service of master, &c.

SECTION 1. That section one of chapter seventy of Battle's Revisal, be and the same is hereby amended as follows, viz: In line three of said section between the word "writing" and the word "to," add the words "or verbally."

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 304.

AN ACT TO ABOLISH FENCES IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large in Warren county.  
Misdemeanor.

Penalty.

Lawful to impound live stock running at large.

Fees.

SECTION 1. That it shall be unlawful for any live stock to run at large in the county of Warren.

SEC. 2. That any person who shall wilfully permit his or her live stock to run at large within the county of Warren shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars.

SEC. 3. It shall be lawful for any person to take up any live stock running at large in said county, and impound the same in the township where it is so taken up; and such impounder may demand fifty cents for each animal so taken up, and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same with proper care until all legal charges for im-

pounding 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 of said stock and said impounder, said freeholder[s] to select an umpire if they cannot agree, and their decision to be final, with right of appeal.

Damages.

How ascertained.

SEC. 4. 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 in three or more public places in the township where said stock is impounded, and describing the said stock and stating the 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 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 taken up and impounded, subject in their hands within six months to the claim of the legally entitled owner.

Impounder to notify owner of stock.

Sale of stock.

Application of proceeds.

SEC. 5. Any person who may suffer damages by reason of said stock running at large, may render the amount of damages sustained, by an action at law, against the owner of said stock.

Action for damages.

SEC. 6. Any impounder 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, on conviction, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misappropriation of money by impounder a misdemeanor.

Penalty.

SEC. 7. Any person unlawfully rescuing or releasing any impounded stock, or unlawfully attempting to do so, shall be deemed guilty of a misdemeanor, and upon con-

Unlawfully rescuing or releasing impounded stock a misdemeanor.

- Penalty.           viction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.
- Definition of "stock."       SEC. 8. The word "stock" in this act shall be construed to mean mules, horses, colts, cows, calves, sheep, goats, jennets and all neat cattle and swine.
- Proceeding by impounder before justice on failure to select freeholders under section 3.       SEC. 9. That in the event of the failure or refusal by either the owner or impounder to select the freeholders provided for in section three of this act, and the said impounder shall make to any justice of the peace in said township written application under oath stating that he has sustained damages by reason of stock running at large, then the said justice of the peace shall appoint three disinterested freeholders who shall estimate said damages, which shall be paid by the person claiming the said stock, together with the costs of said proceedings, before the said stock is delivered, and in case of sale, before the owner shall be entitled to demand any part of the proceeds of sale.
- County commissioners to build fence around county.       SEC. 10. It shall be the duty of the county commissioners of Warren county to erect a good and lawful fence around the entire county, and to erect gates on all the highways leading into the said county and to keep the same in good repair. The said commissioners may appoint such inspectors of fences and gates as they may deem proper, and they are hereby granted power for that purpose to be exercised according to their best discretion.
- Inspectors of fences.
- Condemnation of land.       SEC. 11. If the owner of any land should object to the building of said fence, his land, not exceeding twenty feet in width, shall be condemned for the fence way, as land is now condemned for railroad purposes by the North Carolina Railroad Company: *Provided*, That no fence shall divide a tract of land against the consent of the owner, but may follow the boundary line thereof:
- Proviso.           *Provided further*, That where a public highway divides a tract of land, the fence may follow the highway even against the consent of the owner of the land so divided.
- Proviso.

SEC. 12. That all expense incurred by reason of building, repairing, and keeping said fences and gates shall be paid out by the county treasurer, on the order of said county commissioners.

Expenses, how paid.

SEC. 13. Any person wilfully tearing down or in any manner breaking a fence or gate established or erected in pursuance of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Wilful injury to fence, &c., a misdemeanor.

Penalty.

SEC. 14. Any person who shall leave open any gate erected under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars.

Misdemeanor to leave gate open.

Penalty.

SEC. 15. The provisions of this act shall not be construed to apply to persons driving stock to market.

Act not applicable to persons driving stock to market.

SEC. 16. That within sixty days after the passage of this act, the board of county commissioners of Warren county shall cause to be distributed among the electors of said county five thousand copies of this act: *Provided*, That this act shall not go into effect until the same shall be ratified by the qualified electors of said county, and to this end the board of county commissioners shall order an election not less than ninety days after the ratification of this act, under the same rules, regulations and provisions in all respects as are now provided by law for the election of members of the general assembly. At such election those in favor of said act shall vote "for the abolition of fences," and those against said act shall vote "against the abolition of fences," and said vote shall be canvassed as provided by law in elections for members of the general assembly.

County commissioners to distribute 5,000 copies of act.

Act not to go into effect until ratified by electors of county.

Election.

How held.

Canvass of vote.

[SEC. 17.] All laws or parts of laws in conflict with this act are hereby repealed.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 305.

## AN ACT TO FACILITATE THE SETTLEMENT OF EXECUTORS AND ADMINISTRATORS AND GUARDIANS.

*The General Assembly of North Carolina do enact :*

Executor or administrator authorized after twelve months from qualification, to pay into office of probate judge moneys belonging to legatees or distributees of estate.

SECTION 1. That it shall be competent for any executor or administrator, at any time after twelve months from the date of letters testamentary or of administration, to pay into the office of the judge of probate of the county where such letters were granted, any moneys or other thing belonging to the legatees or distributees of the estate of his testator or intestate, and such payment shall have the effect to discharge such executor or administrator and his sureties on his official bond to the extent of the amount so paid.

Executor or administrator of deceased guardian authorized to pay into office of probate judge moneys, &c., belonging to wards.

SEC. 2. That in all cases where a guardian of any minor children, idiot or lunatic shall die, it shall be competent for the executor or administrator of such deceased guardian, at any time after the grant of letters testamentary or of administration, to pay into the office of the judge of probate of the county, where such deceased guardian was appointed, any moneys or other thing belonging to said minor children or lunatic; and such payment shall have the effect to discharge the estate of said deceased guardian and his sureties upon his guardian bond to the extent of the amount so paid.

Probate judge to receive moneys, &c., and give receipt.

SEC. 3. That it shall be the duty of the judge of probate in the cases provided for in the preceding section of this act, to receive such money or any thing from any executor or administrator, and to execute a receipt for the same under the seal of his office.

Conflicting laws repealed.

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

SEC. 5. This act shall be in force from its ratification, and shall apply to existing executors and administrators.

Ratified this the 11th day of March, A. D. 1881.

## CHAPTER 306.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one [of chapter thirty-four] of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended as follows:

Ch. 34, §1, laws  
1873-'74, amended

First. Strike out the word "annually" wherever it may appear in said section.

Marshal of su-  
preme court.

Compensation.

Second. Strike out in said section the words "two dollars per day for every day of actual attendance upon the court," and insert in lieu thereof the words "five hundred dollars per annum, payable monthly."

How paid.

Third. Strike out after the word "court" in the eleventh line of said section the remaining words of said section.

[SEC. 2.] This act shall take effect and be in force from and after its ratification.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 307.

AN ACT TO PROTECT SHEEP HUSBANDRY IN THE COUNTY OF DARE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any dog to be allowed to run at large in the county of Dare, after it has become known that such dog has been engaged in the killing of sheep.

Unlawful to allow  
sheep-killing dog  
to run at large in  
Dare county.

SEC. 2. It shall also be unlawful for any hog, that is known to have been engaged in the destruction of lambs,

Unlawful to allow  
hog known to  
have been en-

gaged in destroy-  
ing lambs, to run  
at large in Dare  
county in certain  
months.

to run at large in said county during the months of Jan-  
uary, February, March and April of each and every  
year.

Misdemeanor.

SEC. 3. Any owner of such dog or hog permitting any  
such dog or hog to run at large, shall be deemed guilty of  
a misdemeanor, and, upon conviction thereof, shall be  
fined for each offence not more than twenty-five nor less  
than ten dollars, or imprisoned not more than thirty nor  
less than ten days, at the discretion of the court: *Provided*,  
That all fines imposed and collected by the provisions of  
this act shall be paid to the county treasurer for the bene-  
fit of all the public schools of the county of Dare.

Penalty.

Proviso.

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

In the general assembly read three times, and ratified  
this the 11th day of March, A. D. 1881.

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## CHAPTER 308.

### AN ACT TO AMEND THE LAW PRESCRIBING THE DUTIES OF CORONERS.

*The General Assembly of North Carolina do enact:*

Ch. 25, Battle's  
Revisal, con-  
strued.

SECTION 1. That section one of chapter twenty-five of  
the Revised Code, as brought forward in chapter twenty-  
five of Battle's Revisal, shall not be construed or held to  
require coroners to hold an inquest over the body of any  
deceased person unless it is made to appear by the affidavit  
of some responsible party that the deceased probably  
came to his death by the criminal act or default of some  
person or persons; nor shall a physician or surgeon be  
summoned except at the request of the jury investigating  
the case.

When coroners  
to hold inquest.

When physician  
to be summoned.

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

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

### CHAPTER 309.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF JACKSON COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE TUCKASEIGEE RIVER AT OR NEAR THE MOUTH OF CULLOWHEE CREEK.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Jackson county be and the same are hereby authorized and empowered to levy a special tax not to exceed one thousand dollars on the taxable property in said county, for the purpose of building a bridge over the Tuckaseigee river at or near the mouth of Cullowhee creek. Commissioners empowered to levy tax not exceeding \$1,000, to build bridge over Tuckaseigee river.

SEC. 2. That the sheriff of Jackson county shall collect such tax and pay the same over to the treasurer of the county, in the same manner and under the same regulations as the other county taxes are collected and paid. Tax, how collected, &c.

SEC. 3. That the said county commissioners may, after levying the tax provided for in section one of this act, let to contract in such way and manner as to them shall seem right and proper, and on the best terms for the county that they can, the contract for the building and completing of a good and substantial bridge over the Tuckaseigee river, at the place designated in section one of this act, to be paid for, when completed according to contract, out of the fund raised under authority of this act. Commissioners to contract for building bridge.

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

Ratified this the 11th day of March, A. D. 1861.

## CHAPTER 310.

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND TWENTY, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter one hundred and twenty of Battle's Revisal be and the same is hereby amended by striking out the words "five thousand dollars," and inserting in lieu thereof the words "four thousand dollars."

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 311.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS TO PLACE THE NAMES OF SCHOOL COMMITTEEMEN IN THE JURY BOX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful for the county commissioners of the various counties in the state to place in the jury-boxes of their respective counties the names of any or all persons holding the position of school committeemen.

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

Ch. 120, §2, Battle's Revisal, amended.

Bond of commissioner of wrecks.

County commissioners authorized to place names of school committeemen in jury box.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

CHAPTER 312.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-FOUR OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section four of chapter two hundred and sixty-four of the laws of one thousand eight hundred and seventy-nine be amended to read as follows:

Sec. 4. That it shall be the duty of all solicitors prosecuting in the several courts of this state, as each criminal prosecution shall be disposed of by trial, removal, continuance or otherwise, to call and discharge the witnesses for the state, either finally, or otherwise, as the disposition of the case may require; and he shall thereupon file with the clerk of the court a certificate giving the names of the witnesses entitled to prove their attendance, with the date of their discharge. The said certificate shall be in the following or similar form, and blanks thereof shall be furnished to the solicitor by the clerk at the county expense, viz :

Ch. 264, §4, laws 1879, amended.

Solicitor to discharge witnesses for state in criminal prosecutions, &c.

To file certificate of attendance, &c., with clerk.

NORTH CAROLINA, } ..... Court .....T. 188...  
 ..... County. } State vs .....

Form of certificate.

Witnesses : .....  
 .....  
 discharged ..... day of ..... 188...

.....  
 Solicitor.

When court to order payment of defendant's witnesses by county.

And when the defendant shall be acquitted, a *nolle prosequi* entered, or judgment against him arrested, and it shall be made to appear to the court by certificate of counsel or otherwise, that said defendant had witnesses, duly subpoenaed, bound or recognized, in attendance, and that they were necessary for his defence, it shall be the duty of the court, unless the prosecutor be adjudged to pay the costs, to make and file an order in the cause directing that said witnesses be paid by the county in such manner and to such extent as is authorized by law for the payment of state's witnesses in like cases.

No witness entitled to fee unless his name is included in the certificate of solicitor or order of court.

SEC. 2. That said chapter be further amended by inserting after the foregoing section four thereof, a subsection, in the following words: Sec. 4 *a*. That no county, prosecutor or defendant shall be liable to pay any witness, nor shall his fees be embraced in the bill of costs to be made up as hereinafter provided, unless his name be certified to the clerk by the solicitor, or included in the order of the court as required by the foregoing section: *Provided, however,* That the court may, at any time within one year after judgment, order that any witness may be paid, who, for any good reason satisfactory to the court, failed to have his fees included in the original bill of costs.

Proviso.

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

Ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 313.

AN ACT TO EXTEND THE TIME FOR THE REGISTER OF DEEDS AND OTHER CONVEYANCES.

*The General Assembly of North Carolina do enact:*

Time extended for two years.

SECTION 1. That the time in which all deeds, grants and other instruments, now required to be registered by law,

be and the same is extended for two years from and after the ratification of this act: *Provided*, That nothing in this Proviso. act shall be so construed as to extend the time for the registration of mortgages, deeds in trust and marriage settlements.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 314.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED FEBRUARY TWENTY-THIRD, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE, TO PROVIDE FOR THE ERECTION OF A MONUMENT TO THE LATE GOVERNOR RICHARD CASWELL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act to provide for the erection of a monument to the late Governor Richard Caswell, ratified February twenty-third, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to allow Gov. Thomas J. Jarvis, at his discretion, to have erected the said monument either at the grave of the late Gov. Richard Caswell, or on the public square in the town of Kinston. Ch. 120, ante, amended. Where monument to be erected.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 315.

AN ACT IN RELATION TO THE CODIFICATION OF THE CHEROKEE  
LAND LAWS IN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

Commissioners appointed to codify public laws, also to codify laws relating to entries, &c., of Cherokee lands and swamp lands.

SECTION 1. That, in addition to the duties assigned the commissioners appointed to revise and codify the public laws of the state, they shall also codify all the laws relating to the entries, grants and sales of Cherokee lands and swamp lands in the state of North Carolina, and as compensation for this service, the commissioners shall each receive one hundred dollars in addition to the amount provided to be paid to them under the act entitled "an act to digest, revise and collate the statute laws of this state," passed at this session.

Compensation.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 316.

## AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS OR INTOXICATING LIQUORS WITHIN TWO MILES OF THE COLORED MISSIONARY BAPTIST CHURCH AT BEST'S STATION IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact :*

Unlawful to sell spirituous liquor within two miles of the colored Baptist church at Best's station in Wayne county.

SECTION 1. That it shall be unlawful for any person or persons to sell or dispose of any spirituous or intoxicating liquors within two miles of the colored Missionary Baptist church at Best's station in Wayne county.

Misdemeanor.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned at the discretion of the court.

Penalty.

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

Read three times in the general assembly, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 317.

AN ACT TO AMEND CHAPTER SEVENTY-SIX OF BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter seventy-six of Battle's Revisal be amended by adding thereto the following words, viz: "And who shall hold their appointment for two years from and after the date of their qualification," and the appointment of all notaries public now in existence shall be renewed on or before the first day of July, Anno Domini, one thousand eight hundred and eighty-one, or shall cease to have any effect from that date.

Ch. 76, §1, Battle's Revisal, amended.  
Term of office of notaries.

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

Ratified this the 11th day of March, A. D. 1881.

## CHAPTER 318.

AN ACT TO AMEND CHAPTER TWENTY-SEVEN, SECTION FIFTEEN, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twenty-seven, Battle's Revisal, entitled counties and county commissioners, section fifteen, be amended by inserting after the word "mile"

Ch. 27, §15, Battle's Revisal, amended.

Compensation of county commissioners in Mecklenburg, Pasquotank and Halifax.

in the line next to the last: *Provided*, In the counties of Mecklenburg, Pasquotank and Halifax, a majority of the justices of the peace may allow the chairman of the board of commissioners such compensation as they may deem proper and necessary.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 319.

### AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS AND MALT LIQUORS.

*The General Assembly of North Carolina do enact :*

Misdemeanor to manufacture, buy or sell spirituous or malt liquors, &c., except wines and cider.

SECTION 1. That any person who shall manufacture, buy or sell, either directly or indirectly any spirituous or malt liquors, except wines and cider, or by any shift, subterfuge or device, spirituous liquors, or any liquor of which spirituous liquor is a material or constituent part, in any quantity in this state, otherwise than by this act provided, shall be guilty of a misdemeanor, and, upon conviction thereof in any court of record having jurisdiction of same, shall be fined not less than one hundred nor more than one thousand dollars, and be imprisoned in the discretion of the court.

Penalty.

Druggists, &c., authorized to sell liquors for medical, chemical and mechanical purposes.

SEC. 2. That spirituous liquors or liquids, of which spirituous liquors are a material and constituent part, may be kept and sold as by this act provided and in no other way or manner, only for medical, chemical and mechanical purposes, and for these purposes only by a druggist, apothecary or physician who shall have obtained a license in pursuance of the provisions of this act, allow-

ing him to sell the same for such purposes; and any druggist or physician who shall have obtained such license, shall not keep at any time a greater quantity of such spirits on hand than thirty gallons, and shall not sell to any person a greater quantity at one time than a gallon.

Not to keep on hand more than thirty gallons at one time.

Not to sell to any person at one time more than one gallon.  
County commissioners to grant license.

SEC. 3. The county commissioners of the several counties in the state may, upon application made to them only in the way in this section provided by a druggist, apothecary or physician, grant a license to last for one year and no longer, to sell such spirituous liquors as are mentioned in this act only for medicinal, chemical and mechanical purposes, and in the way and manner in this act directed, and no other; but before granting any such license they shall ascertain and find by the oath and examination of two or more sober and respectable citizens of their county that such applicant is a sober, reliable and trustworthy person, and they shall record the names of the citizens so by them examined, and the facts so found by them, upon the minutes of their proceedings in connection with the orders and proceedings granting such license, and any druggist, apothecary or physician desiring to obtain such license shall apply for the same by petition, setting forth that he is a druggist, apothecary or physician in the county where such application is made, the place where he sells drugs and medicines or regularly practices medicine; that he desires to keep and sell such spirituous liquors only for medicinal, chemical and mechanical purposes; that he will not knowingly keep or sell such liquors otherwise nor in greater quantities than as by this act allowed; and that he will well, truly and faithfully keep and observe the provisions of this act so far as the same are applicable to him. Such petitioner shall subscribe and swear to his petition, and the same shall be filed and preserved among the papers and records of the county commissioners before whom it shall be presented. But no druggist, apothecary or physician shall be licensed to sell any of the spirituous or malt liquors

Qualifications of applicant for license.

Record to be kept.

Application for license to be made by petition, &c.

Bond.

<p>Bond to be recorded and filed, &amp;c.</p>	<p>herein mentioned until he has executed and given to the board of commissioners of the county wherein the liquors are proposed to be sold, a bond with good and sufficient security, to be duly justified in a sum of not less than five hundred dollars and not more than five thousand dollars, conditioned that he will faithfully comply with and perform all the requirements and conditions of this act. The said bond shall be recorded and filed as in cases of official bonds, and whenever the said commissioners shall have reason to believe that the party so licensed has</p>
<p>Action on bond.</p>	<p>violated any of said conditions or provisions, they may put the same in suit and prosecute to judgment, and in</p>
<p>Revocation of license.</p>	<p>addition thereto they may for good cause revoke said license, first giving to the holder thereof at least two days' notice of the time when a motion to revoke will be made.</p>
<p>Druggist, &amp;c., not to sell more than one gallon to any person at one time.</p>	<p>SEC. 4. A druggist, apothecary or physician having a license to keep and sell such spirituous liquors as by this act provided, shall not sell the same to any one person, at one time, a greater quantity than one gallon, nor in any quantity unless the person applying to purchase the same, shall present and deliver the certificate of a sober and respectable practicing physician, not a licensed dealer</p>
<p>No sale to be made except upon certificate of physician not a licensed dealer.</p>	<p>under this act, given upon his honor to the effect that such spirituous liquors so required are in fact required for medicinal purposes; or a like certificate of a sober, respectable chemist or artist, that such spirituous liquors are required in fact for chemical purposes; or a like certificate of a sober, respectable mechanic that such spirituous liquors so required are in fact required for mechanical purposes; and if any physician, chemist, artist or mechanic shall make any such certificate falsely, stating or suggesting the purpose for which such spirituous liquors specified by him are required, every such physician, chemist, artist or mechanic making such false certificate shall be deemed guilty of a misdemeanor, and, upon conviction in any court of record having jurisdiction thereof, shall be fined not less than one hundred dol-</p>
<p>Or upon certificate of chemist, artist or mechanic.</p>	<p>lar.</p>
<p>Misdemeanor to make false certificate, &amp;c.</p>	<p></p>
<p>Penalty.</p>	<p></p>

lars nor more than five hundred dollars, and may, in the discretion of the court, be imprisoned.

SEC. 5. Every druggist, apothecary or physician who shall have a license to sell such spirituous liquors as provided for in this act, and shall violate the provisions of the same in any respect, directly or indirectly, or by any shift or subterfuge shall, for every such violation thereof, be deemed guilty of a misdemeanor, and, upon conviction in any court of record having jurisdiction, shall be fined

Misdemeanor for druggist, &c., having license, to violate provisions of this act.

not less than one hundred dollars nor more than five hundred dollars, and be imprisoned, in discretion of court, and moreover shall forfeit his said license to be cancelled by the court; and if any clerk or employee of such druggist, apothecary, or physician shall in any way violate the provisions of this act, under pretense of selling such spirituous liquors for his employer or otherwise, he shall for every such offence be deemed guilty of a misdemeanor, and, upon conviction in any court of record having jurisdiction, shall be fined not less than fifty dollars nor more than one hundred dollars, and be imprisoned at the discretion of the court.

Penalty.

Misdemeanor for clerk or employee of druggist, &c., to violate provisions of this act.

Penalty.

SEC. 6. That this act shall have no force nor effect until the first day of October, Anno Domini one thousand eight hundred and eighty-one; and on and after that day it shall have full force and effect.

Act not to take effect until Oct. 1st, 1881.

SEC. 7. That an election shall be held by the qualified electors in the state on the first Thursday in August next to take the sense of the electors of this state upon the question of prohibition: those desiring prohibition shall vote a printed or written ticket with the words "For Prohibition" on it, those opposed to prohibition shall vote a written or printed ticket with the words "Against Prohibition" on it. The election herein provided for in this section shall be held under the same rules and regulations and the returns to be made as are now provided by law for the election of judges of the superior court, and the board of county commissioners of the several coun-

Election to be held on 1st Thursday in August, 1881, upon question of prohibition.

Ballots.

Election, how held.

ties of the state shall, in the manner therein prescribed, appoint registrars and judges of said election: *Provided*, That if at the said election a majority of the votes so cast be "Against Prohibition," then and in that case no person shall be prosecuted or punished for any violation of this act: *And it is further provided*, That upon the counting of the ballots as aforesaid, the governor of the state shall issue his proclamation and declare the result thereof.

Proviso.

Governor to issue proclamation of result of election.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 320.

AN ACT TO AMEND SECTION ONE, CHAPTER THIRTY-FOUR OF THE SPECIAL SESSION OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact:*

Ch. 34, §1, laws special session, 1880, amended.

SECTION 1. That section one, chapter thirty-four of the acts of the special session of one thousand eight hundred and eighty, be amended by striking out all after the words "Haywood county," in the third proviso of said section.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 321.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter one hundred and thirty-five of the laws of one thousand eight hundred and seventy-nine, be amended by adding after the word "Randolph" in the sixth line of said section, the word "Stokes." Ch. 135, §1, laws 1879, amended.

SEC. 2. That sections nineteen and twenty of said act shall be amended by adding at the end of said sections the words: *Provided*, That nothing contained in this act shall authorize the commissioners of Stokes county to order an election, except upon the written application of two-fifths of the qualified voters of said county or township, as the case may be. Stokes co.

SEC. 3. This act shall be in force from and after its ratification. §§19 and 20 amended.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881. When election to be held in Stokes county.

## CHAPTER 322.

AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS IN THE NINTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the superior courts in the ninth judicial district be held as follows: Time of holding superior courts.

In Buncombe county, on the second Mondays in March and August in each year, and shall remain in session Buncombe co.

for three weeks unless the business shall be sooner disposed of.

Madison co.

In Madison, on the first Monday in March and August in each year, and shall continue for two weeks unless the business shall sooner be disposed of.

Henderson co.

In Henderson county, on the third Monday after the fourth Monday in March and August in each year.

Transylvania co.

In Transylvania county, on the fourth Monday after the fourth Monday in March and August in each year.

Haywood co.

In Haywood county, on the fifth Monday after the fourth Monday in March and August in each year, and shall continue for two weeks unless the business shall be sooner disposed of.

Jackson co.

In Jackson county, on the seventh Monday after the fourth Monday in March and August in each year.

Macon co.

In Macon county, on the eighth Monday after the fourth Monday in March and August in each year.

Clay co.

In Clay county, on the ninth Monday after the fourth Monday in March and August in each year.

Cherokee co.

In Cherokee county, on the tenth Monday after the fourth Monday in March and August in each year, and shall continue for two weeks unless the business shall sooner be disposed of.

Graham co.

In Graham county, on the twelfth Monday after the fourth Monday in March and August in each year.

Swain co.

In Swain county, on the thirteenth Monday after the fourth Monday in March and August in each year.

Process, &c.

SEC. 2. That all process, recognizances, and precepts in civil and criminal cases, which have been already issued or had returnable to the next term of the said courts, shall be deemed and held returnable to the next term of said courts as fixed by this act; and all persons who have been recognized or bound or summoned to appear at the next terms of said courts of said counties are hereby required to appear as to time prescribed by this act.

Conflicting laws repealed.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

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### CHAPTER 323.

AN ACT TO AMEND AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS IN THE FOURTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section first of this [the] act to change the time of holding the courts in the fourth judicial district, be amended by striking out the words:

Superior courts  
of Harnett and  
Cumberland,  
when held.

“Harnett, on the third Monday in February and August, to continue two weeks if necessary.

“Cumberland, on the second Monday after the third Monday in February and August, to continue two weeks if necessary.”

And by substituting therefor the following, to-wit:

“Harnett, on the third Monday in February and August. Harnett co.

“Cumberland, on the first Monday after the third Monday in February and August, to continue three weeks if necessary.” Cumberland co.

SEC. 2. That this act shall take effect on the first day of July, one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 324.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETEEN,  
SECTION ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-SEVEN.

*The General Assembly of North Carolina do enact:*

Ch. 219, §1, laws  
1876-'77, amended.

SECTION 1. That chapter two hundred and nineteen,  
section one, of the laws of one thousand eight hundred  
and seventy-six and one thousand eight hundred and  
seventy-seven, be amended by striking out the word  
"Lenoir" in said section.

Lenoir co.

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

In the general assembly read three times, and ratified  
this the 12th day of March, A. D. 1881.

## CHAPTER 325.

AN ACT TO KEEP THE WALKS IN AND AROUND THE CAPITOL  
SQUARE IN PROPER REPAIR.

*The General Assembly of North Carolina do enact:*

Keeper of capitol  
under direction  
of state board to  
keep walks in  
and around capi-  
tol square in re-  
pair.

SECTION 1. That whenever the walks in and immedi-  
ately around the capitol square become so worn by the  
action of the weather or other causes, and in the judgment  
of the state board they should be repaired, the said board  
be and they are hereby authorized to direct the keeper of  
the capitol to contract for suitable material for such re-  
pairs: *Provided*, That the work shall be done by convict  
labor as far as the same can be used.

Proviso.

SEC. 2. That the auditor shall audit the amount for said material on the approval of the state board and the keeper of the capitol. Auditor to audit accounts.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 326.

AN ACT TO REQUIRE CLERKS OF SUPERIOR COURTS IN FILLING VACANCIES IN THE OFFICE OF JUSTICE OF THE PEACE, TO REPORT THE NAMES OF THE APPOINTEES TO THE SECRETARY OF STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in every case of an appointment to fill a vacancy in the office of justice of the peace, it shall be the duty of the clerk of the superior court making the appointment, within ten days after such appointment, to certify and report under his hand and seal of office to the secretary of state the name of the appointee, together with that of the justice whom he succeeds. Superior court clerk to certify to secretary of state names of appointees to fill vacancies in office of justice of the peace, &c.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 327.

AN ACT TO PROVIDE FOR THE ELECTION OF AN ASSOCIATE JUSTICE OF THE SUPREME COURT AND A JUDGE OF THE SUPERIOR COURT FROM THE FIRST, SECOND, THIRD, FOURTH, FIFTH AND SIXTH JUDICIAL DISTRICTS, AND NINE SOLICITORS, AT A GENERAL ELECTION TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO.

*The General Assembly of North Carolina do enact:*

Associate justice of the supreme court and superior court judges for the 1st, 2nd, 3rd, 4th, 5th and 6th districts to be elected on the Tuesday after the 1st Monday in Nov., 1882, by the qualified voters of the whole state.

SECTION 1. That at a general election to be held on the Tuesday next after the first Monday in November in the year Anno Domini one thousand eight hundred and eighty-two, there shall be chosen by the qualified voters of the whole state an associate justice of the supreme court; a judge of the superior court for the first judicial district; a judge of the superior court for the second judicial district; a judge of the superior court for the third judicial district; a judge of the superior court for the fourth judicial district; a judge of the superior court for the fifth judicial district; and a judge of the superior court for the sixth judicial district.

Solicitors for the 1st, 2nd, 3rd, 4th, 5th and 6th districts to be elected by the qualified voters of each district. Ballot.

SEC. 2. At said election a solicitor shall also be elected for each of the several judicial districts in this state by the qualified voters of each district.

SEC. 3. The names of the candidates for said associate justice of the supreme court, for six judges of the superior court, and for a solicitor of each district shall be voted for on one ballot.

Election, how held.

SEC. 4. The said election shall be held and conducted under the same rules and regulations and subject to the same pains and penalties as are now or may be required and provided by law for the election of members of the general assembly; and the returns of the result shall be made and transmitted, canvassed and published in the same manner as provided in sections fourteen, fifteen and

Canvass of vote, &c.

sixteen of chapter two hundred and fifty-five, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy seven.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 328.

AN ACT TO ALLOW PAROLE EVIDENCE OF JUDGMENTS, DECREES,  
AND SO FORTH, IN LENOIR COUNTY.

WHEREAS, In the month of April, one thousand eight hundred and eighty, the office of the clerk of the superior court for Lenoir county, together with all the records required by law to be kept therein, were destroyed by fire; therefore,

*Preamble.*

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all suits and special proceedings now pending, or hereafter to be commenced in any of the courts of this state, wherein it shall be necessary to prove any judgment, order or decree of the superior court of Lenoir county, made or rendered on or before the first day of May, one thousand eight hundred and eighty, or any judgment, order or decree of the late court of equity, or court of pleas and quarter sessions for said county of Lenoir, or any other matter of record required by law to be kept in the office of the superior court clerk of said county, it shall be competent and lawful to prove the same by parole or other secondary evidence.

*Parole evidence concerning judgments and other matters of record in Lenoir co.*

SEC. 2. That any and all persons interested in the preservation and perpetuation of any of the records, required

*Records, how set up.*

by law to be kept in the office of the superior court clerk for said county of Lenoir, on the first day of May, one thousand eight hundred and eighty, may move the court on affidavit, setting forth the substance of the record which he or they may desire to set up, that notice issued to all persons interested in said record to show cause why said record should not be set up and recorded, and the same shall be tried and determined under the law governing in special proceedings: *Provided, however,* That the clerk shall receive for his services the sum of one dollar in each case, and no more: *And, provided further,* That the sheriff shall receive the sum of twenty-five cents for each notice he may serve under this act.

Proviso

Limitation of time.

SEC. 3. That no proceedings shall be had under this act but within five years next after its ratification.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 329.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN CERTAIN PORTIONS OF LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large within certain boundaries in Lenoir co.

SECTION 1. That it shall be unlawful for any live stock to run at large in Lenoir county within the following boundary, to-wit: beginning at Pine Bush, on Neuse river, and running with the line of Falling Creek township to the Hull road, thence with Hull road to the lands of Joseph Williams, thence east, so as to include the lands of Joseph Williams, John Aldridge, Levi M. Satton, J. F. Parrott, Dr. F. M. Rountree, and Joseph Lassiter, to Snow

Hill road, thence with Snow Hill road to Kinston, thence to Neuse river, thence up said river to the beginning.

SEC. 2. This act shall not be in force within the limits of the district embraced in 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 and private roads, passing into and going out of said district: *Provided, however,* That the Neuse river bordering said district is hereby declared a good and lawful fence: *Provided further,* That no fence shall be required to be erected adjoining any other township or district which may hereafter adopt similar laws.

Act not to be in force until erection of fence around boundaries.

Proviso.

Proviso.

SEC. 3. That the county commissioners shall, at their regular meeting in April, one thousand eight hundred and eighty-one, elect a committee of three, who shall hold their office for two years, or until their successors are elected, whose duty it shall be to build said fence, to establish said gates, and provide for repairing of said gates and fences, and settle all disputes regarding assessments and damages caused by stock, and all other matters of difference caused by the establishment of said fence and gates, and shall appoint such keepers of said gates as they may deem proper, and they are hereby granted plenary powers for that purpose to be exercised according to their best discretion.

County commissioners to appoint committee to build fence, &c.

SEC. 4. For the purpose of the next preceding section, it shall be lawful for the county commissioners to levy and collect a special tax upon all the realty in the aforesaid district.

Co. commissioners authorized to levy special tax.

SEC. 5. That it shall not be lawful for the owner or manager of any horse, mule, swine, sheep, goat or neat cattle of any description to allow the same to run at large beyond the limits of his or her own land, and each and every person so offending shall be deemed guilty of a misdemeanor, and upon the conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor for owner to permit live stock to run at large beyond the limits of his own land.

Penalty.

Live stock found upon another's land liable to be impounded.

SEC. 6. That in case any such animal be found upon the premises of another in violation of the provisions of this act, the owner of such premises, his or her agent or attorney may take up and confine the same upon such premises, and in any action brought for the recovery of such animal or damages for its detention, shall be allowed to plead by way of counter-claim the damages which may have been done by the animal while on the said premises in violation of the provisions of this act, and all expenses incurred in taking, keeping and caring for the same.

Counter-claim for damages and expenses in action by owner to recover stock.

Misdemeanor to tear down fence, &c.

SEC. 7. 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 closure within this district 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 and imprisoned not exceeding thirty days.

Penalty.

Committee to give notice of completion of fence, &c.

SEC. 8. It shall be the duty of the committee aforesaid, whenever a good and sufficient fence has been erected around the aforesaid boundary, with gates erected upon all the public and private roads leading into and out of the same, to give public notice by advertising in three public places in the territory, to be embraced in the aforesaid boundary, and from and after ten days from the date of such publication the provisions of this act shall go into operation and take effect.

When act to go into operation.

Township elections.

SEC. 9. That upon the written application of fifty voters in any one township of said county, the commissioners of the county shall order an election to be held in such township, at which the question to be decided shall be the adoption or rejection of the provisions of this act, first giving thirty days' notice, at three or more public places in such township, of the time and place of holding such election, and if a majority of the legal voters of such township shall vote for the acceptance of the provisions of this

act, then the provisions of this act shall have full force and effect in such township, but not until the citizen thereof shall have erected a good and substantial fence around its territory, with gates on all public and private roads where they enter into or pass out of its borders: *Provided, however,* That any two or more townships may unite and put their territory under one common fence, in which case the erection of gates across the roads, when they enter or pass out of the common territory, shall be a sufficient compliance with the provisions of this act. Proviso.

SEC. 10. That this act shall be in full force and effect from and after the time that the conditions of the act are complied with. When act to take effect.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 330.

AN ACT TO PRESCRIBE THE DUTY OF ATTORNEY-GENERAL IN CERTAIN CASES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases of contested elections within the provisions of section three hundred and sixty-six of chapter seventeen of Battle's Revisal, when application shall be made to the attorney-general by a private relator to bring an action to try title to an office, he shall grant leave for such action to be brought in the name of the people of the state by him upon the relation of such applicant, upon his tendering to the attorney-general satisfactory security to indemnify and save harmless the state all costs and expenses which may accrue in consequence of the bringing of such actions. When attorney-general to grant leave to bring an action to try title to office under ch. 17, §366, Battle's Revisal.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

### CHAPTER 331.

AN ACT IN REGARD TO THE SUPERIOR COURT CLERK OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

Superior court clerk allowed to be absent from office four consecutive Mondays in 1881.

SECTION 1. It shall be lawful for the superior court clerk of New Hanover county to be absent from his office any four consecutive Mondays during the year one thousand eight hundred and eighty-one.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

### CHAPTER 332.

AN ACT TO AUTHORIZE AN ADDITIONAL WEEK FOR THE INFERIOR COURT OF GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

▲Authorized to continue term for two weeks.

SECTION 1. That the inferior court of Granville county at each term may continue for two weeks, unless the business is sooner disposed of.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 333.

AN ACT RELATING TO BRINGING STOCK FROM OTHER STATES  
INTO THIS STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That if any person, being a resident or citizen of another state, shall drive or cause to be driven into any county in this state any horses, mules, hogs, cattle or sheep between the first day of April and last day of November, and suffer them to run at large in any marsh or forest range in this state, he shall forfeit five dollars for each head so permitted to run at large, to any one who may sue for the same, or proceed by attachment in case the offender is not to be found, one-half to the person suing for the same, the other half to the school fund: *Provided, however,* That this act shall not apply to persons actually residing within five miles of the state line, nor to any non-resident who, for the time being, may own in said county any estate in land for one year, unless such non-resident bring into the range more than the rate of twenty head of any of said beasts for every five hundred dollars' assessed value in land owned by him in said county: *Provided,* Nothing in this bill shall apply to the counties of Jackson, Swain, Macon, Cherokee, Graham and Clay.

Liability of non-residents driving horses, mules, &c., into this state between April 1st and Nov. 1st.

Proviso.

Proviso.

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

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 334.

AN ACT TO AMEND CHAPTER TWENTY-TWO OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, BEING AN ACT IN RELATION TO THE PROBATE OF DEEDS.

*The General Assembly of North Carolina do enact :*

Ch. 22, 22, laws  
1879, amended.

[SECTION 1.] That said act be amended by adding at the end of second section thereof the following :

Probate of deeds,  
&c., by judges of  
superior courts  
declared valid.

And whereas, the judges of the superior courts in many cases have hitherto taken the probate of deeds and the privy examination of married women, under a supposed power so to do : all such probates of deeds and privy examinations of married women are hereby ratified and confirmed, and the same shall be admitted in evidence in the courts of this state, to the intent and with like effect as if they had been proven according to law.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 335.

AN ACT TO REPEAL THAT PORTION OF CHAPTER TWO HUNDRED AND THIRTY-TWO WHICH RELATES TO CERTAIN TOWNS AND VILLAGES IN BERTIE COUNTY.

*The General Assembly of North Carolina do enact :*

Provisions of ch.  
232, laws 1879, re-  
lating to certain  
places in Bertie  
county, repealed.

SECTION 1. That so much of chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, as relates to certain towns and villages in the county of Bertie, namely : Lewiston, Roxobel, Mary Hill, Cedar Landing, Mount Olive and Powersville × Roads be and the same is hereby repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 336.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Cleveland county be and they are hereby authorized and empowered to levy a special tax in the year one thousand eight hundred and eighty-one, or one thousand eight hundred and eighty-two, or in each of said years, at the same time with the other levies on all subjects of taxation in said county, the special tax to be applied to the erection of a bridge across First Broad river at or near the present location of Elliott's bridge on the Rutherford road: the said special tax shall not exceed three thousand dollars, whether levied in one of the aforesaid years or divided between the two years, and shall be collected and accounted for by the sheriff or other collecting officers, in the same manner and under the same penalties and within the same time as the other taxes levied in said county: *Provided*, The constitutional equation between property and poll shall be observed in the levy of said special tax.

Commissioners authorized to levy special tax not exceeding \$3,000 to build bridge over First Broad river.

How collected, &c.

Proviso.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 337.

AN ACT FOR THE BENEFIT OF THE ENROLLING CLERK OF THE  
GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

Allowed \$100 for  
extra work.

That the enrolling clerk of the general assembly shall be allowed one hundred dollars for extra work and for work to be done after the expiration of the general assembly. Immediately upon the adjournment of the general assembly, the auditor of the state shall draw a warrant upon the public treasurer for the above amount, and he shall pay the same.

To be paid immediately upon adjournment of general assembly.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 338.

AN ACT TO AUTHORIZE R. J. HASSELL, SHERIFF OF TYRRELL COUNTY, SAMUEL H. TAYLOR, SHERIFF OF SURRY, B. F. LOGAN, SHERIFF OF CLEVELAND COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

*The General Assembly of North Carolina do enact:*

Authorized to  
collect arrears of  
taxes for 1875-'8-'7  
'8-'9-'80.

SECTION 1. That R. J. Hassell, sheriff of Tyrrell county, Samuel H. Taylor, sheriff of Surry county, B. F. Logan, sheriff of Cleveland county, be and are hereby authorized to collect arrearages of taxes due them in said counties for the years one thousand eight hundred and seven-

ty-five, one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight, one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, under such rules and regulations as are provided or may be provided by law for the collection of taxes. How collected.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who shall make oath before any one authorized by law to administer oaths, that he or she has paid the same, or believes the same to have been paid, nor shall any executor or administrator be compelled to pay any arrearages of taxes under this act. Persons making affidavit that tax has been paid not compelled to pay. Executors, &c., not compelled to pay.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 339.

AN ACT TO AMEND CHAPTER NINETY-FOUR OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter ninety-four of the laws of one thousand eight hundred and seventy-nine be amended by striking out of section one of said chapter, the words "one hundred and nine of Battle's Revisal," and insert in lieu thereof all of chapter two hundred and fifty-eight of the public laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, except section one of said chapter two hundred and fifty- Ch. 91, laws 1879, amended. Powers of justices of the peace as regards, ex-officio.

eight, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 340.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE," RATIFIED FEBRUARY EIGHTEENTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled an act to amend chapter one hundred and thirty-five, public laws of one thousand eight hundred and seventy-nine, ratified February eighteenth, one thousand eight hundred and eighty-one, be amended by adding the word "Cumberland" after the word "Guilford" in the first section of said act, and the word "Cumberland" after the word "Gaston" in the second section of said act.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

Ch. 94, ante,  
amended.

Cumberland co.

## CHAPTER 341.

AN ACT TO REGULATE THE PROBATE OF DEEDS AND OTHER INSTRUMENTS WHEN THE GRANTOR, MAKER OR SUBSCRIBING WITNESS RESIDES OUTSIDE THE STATE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all deeds conveying lands in this state, letters of attorneys or other instruments requiring registration, when the grantor, maker or subscribing witness resides outside of the state, may be acknowledged or proved by the grantor, maker or subscribing witness, before a judge, clerk of a court of record, notary public having notarial seal, mayor of a city having a seal, or justice of the peace of the state, in which said grantor, maker or subscribing witness resides.

Deeds, &c., before whom provable where grantor or witness resides outside of the state.

SEC. 2. That any of the officers named in the foregoing section shall have full power and authority to take the privy examination of any feme covert, touching her voluntary execution and free assent to said deed, letter of attorney or other instrument requiring registration in this state, and the certificate of said judge, clerk of a court of record under the seal of said court, mayor of a city or notary public, under their respective seal, touching the acknowledgment, proof or privy examination of such persons shall, if adjudged to be in due form by the clerk of the superior court of the county in which the land is situate, or the letter of attorney or other instrument is required to be registered, be ordered by said clerk to be registered as deeds made by grantors and makers residing within this state are now required by law to be registered.

Privy examination of married women.

Deeds, &c., to be registered upon adjudication of superior court clerk that certificate of probate is in due form.

SEC. 3. That if the acknowledgment, or proof of the execution of said deed, letter of attorney, or other instrument requiring registration, or the privy examination of a *feme covert*, be had before a justice of the peace of another state, then the clerk of the court of record of the county

When probate of deed, &c., is before a justice of the peace, clerk of the court of record of the county where justice resides to certify, &c.

in which said justice resides, shall certify under the seal of his court, that said justice was at the time of taking the said acknowledgment, proof or privy examination, an acting justice of the peace of said county and state, and that the signature of said justice is in his own proper hand-writing; and if said certificate shall be adjudged to be in due form, by the clerk of the superior court of the county in which the land is situate, or letter of attorney, or other instrument is required to be registered, then the said clerk of said superior court shall order the same to be registered, as deeds made by grantors, or makers residing within this state, are now required to be registered.

Registration.

Conflicting laws repealed.

SEC. 4. All acts or parts of acts in conflict with this are hereby repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 342.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-NINE,  
PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

Ch. 299, laws 1879,  
repealed.

SECTION 1. That chapter two hundred and ninety-nine, public laws of one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 343.

AN ACT IN REGARD TO FISH-WAYS ON HAW RIVER IN THE  
COUNTY OF CHATHAM.*The General Assembly of North Carolina do enact :*

SECTION 1. That all persons maintaining dams across Haw river in the county of Chatham shall, upon thirty days' notice from the commissioners of said county, establish fish-ways in said dams.

Dams on Haw river, in Chatham co., to be provided with fish-ways.

SEC. 2. If said fish-ways shall not be made within three months from the service of the notice, as provided in section one of this act, the said person or persons so offending shall be guilty of a misdemeanor, and fined at the discretion of the court.

Misdemeanor. Penalty.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 344.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MADISON COUNTY  
TO PAY THE COUNTY INDEBTEDNESS IN BONDS.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Madison county may settle the outstanding indebtedness of said county in bonds of the county, of the denomination of one hundred dollars or less, running from five to ten years, and bearing interest at six per centum per annum, with coupons attached, representing said interest, which coupons shall be receivable in payment of county dues; and at maturity said bonds shall be receivable in pay-

Commissioners authorized to settle outstanding county indebtedness in bonds. Description of bonds.

ment of county dues, and they shall so be expressed on their face.

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 345.

AN ACT FOR THE BENEFIT OF THE READING CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

*The General Assembly of North Carolina do enact:*

Allowed \$100 for extra work.

To be paid immediately on adjournment of general assembly.

SECTION 1. That the reading clerk of the senate and the reading clerk of the house of representatives shall be allowed one hundred dollars each for extra work. The auditor of the state shall draw a warrant upon the treasurer who shall pay the same immediately upon the adjournment of the general assembly.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 346.

AN ACT TO REGULATE THE SALARY OF THE PRIVATE SECRETARY OF THE GOVERNOR.

*The General Assembly of North Carolina do enact:*

To receive \$700 per annum and fees.

SECTION 1. That the private secretary of the governor shall receive a salary of seven hundred dollars per annum and fees as now allowed by law.

SEC. 2. This act shall be in force from its ratification. Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 347.

AN ACT TO AUTHORIZE THE RE-RUNNING AND RE-MARKING OF THE BOUNDARY LINES BETWEEN THIS STATE AND THE CONTIGUOUS STATES OF VIRGINIA, SOUTH CAROLINA, TENNESSEE AND GEORGIA.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the governor of the state is hereby authorized to appoint a competent commissioner on the part of the state of North Carolina, to act with the surveyors or commissioners appointed or to be appointed by any of the contiguous States of Virginia, South Carolina, Georgia or Tennessee, to re-run and re-mark by some permanent monument at convenient intervals not greater than five miles, the boundary lines between this state and any of the said states.

Governor to appoint commissioner to re-run and remark lines, &c.

SEC. 2. That when the line has been re-run and re-marked as above provided between this state and any of the contiguous states, or such portion of said lines as shall be mutually agreed by the commissioners, the governor is authorized to issue his warrant upon the state treasurer for such portion of the expenses as shall fall to the share of this state.

Expenses.

SEC. 3. That if any disagreement shall arise between the commissioners, the governor of this state is hereby authorized to appoint arbitrators to act with similar officers to be appointed by the other states in the settlement of the exact boundary.

Arbitrators.

SEC. 4. That in case of any serious disagreement and inability on the part of the said arbitrators to agree upon

Governor to report serious disagreement of arbi-

trators to general assembly.

said boundary, such fact shall be reported by the governor to the next general assembly for their action.

Survey to be reported to governor and by him communicated to general assembly.

SEC. 5. That when the commissioners shall have completed the survey as provided for in this act, they shall report the same to the governor, who shall communicate the same to the next general assembly for their action, and said survey shall be of no force until the same has been adopted and approved by the general assembly of this state.

To be of no force until adopted by general assembly.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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CHAPTER 348.

AN ACT TO REPEAL A PORTION OF CHAPTER TWO HUNDRED AND THIRTY-TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

Provisions of ch. 232, laws 1879, applicable to Castalia Methodist church, repealed.

SECTION 1. That so much of chapter two hundred and thirty-two of the laws of one thousand eight hundred and seventy-nine, as applies to Castalia Methodist church in Nashville in the county of Nash, be and the same is hereby repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 349.

AN ACT TO DEFINE THE REPRESENTATION OF THE COUNTY OF DURHAM IN THE GENERAL ASSEMBLY OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the acts passed at the present session of the general assembly apportioning the representation in the senate and house of representatives of the general assembly in this state be amended and supplemented as follows: The county of Durham shall vote with Orange, Person and Caswell composing the twentieth senatorial district for two senators; and shall vote with the county of Orange for two members of the house of representatives: *Provided*, That if the act to establish the county of Durham shall cease and determine by an adverse vote of the people of said county, then that portion of said county of Durham taken from said county of Orange shall vote with Orange county, and that portion taken from the county of Wake shall vote with said county of Wake.

Durham co. to vote with senatorial district of Orange, Person and Caswell.

To vote with Orange co. for members of house of representatives. Proviso.

SEC. 2. This act shall be in force from its ratification. Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 350.

AN ACT FOR THE BENEFIT OF THE ASSISTANTS TO THE PRINCIPAL CLERKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the assistants to the principal clerks of the senate and the house of representatives be and they are allowed the sum of one hundred dollars each for

Allowed \$100 for extra services.

the extra services and for services necessary to be rendered after the adjournment of the general assembly. And that the auditor shall draw his warrant on the treasurer for said sum, and the treasurer shall pay the same out of any money in the treasury not otherwise appropriated immediately upon the adjournment of the general assembly.

To be paid immediately on adjournment of general assembly.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 351.

### AN ACT TO PUNISH THE CRIME OF PRODUCING ABORTION.

*The General Assembly of North Carolina do enact :*

Felony to wilfully administer, &c., to woman pregnant, &c., any medicine, &c., with intent to destroy child, unless necessary to preserve life of mother.

SECTION 1. That every person who shall wilfully administer to any woman either pregnant or quick with child, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug or substance whatever, or shall use or employ any instrument or other means with intent thereby to destroy said child, unless the same shall have been necessary to preserve the life of such mother, shall be guilty of a felony, and shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, and be fined at the discretion of the court.

Penalty.

Misdemeanor to wilfully administer, &c., to pregnant woman any medicine, &c., with intent to procure miscarriage, &c.

SEC. 2. That every person who shall administer to any pregnant woman, or prescribe for any such woman, or advise and procure such woman to take any medicine, drug or any thing whatsoever, with intent thereby to procure the miscarriage of any such woman, or to injure

or destroy such woman, or shall use any instrument or application for any of the above purposes, shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned in the jail or state penitentiary for not less than one year or more than five years, and fined at the discretion of the court. Penalty.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 352.

### AN ACT TO AMEND SECTION TWO, CHAPTER NINETY-SIX, BATTLE'S REVISAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter ninety-six of Battle's Revisal be amended, so as to read as follows: 2. The library shall be kept open during such hours as the trustees may prescribe; that the librarian shall also keep the libraries of the senate and house of representatives locked, except during the sessions of the general assembly. Ch. 96, §2, Battle's Revisal, amended.  
Hours of public library.  
Libraries of senate and house of representatives.

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 353.

AN ACT FOR THE RELIEF OF THE STOCKHOLDERS OF THE SPARTANBURG AND ASHEVILLE RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

Stockholders authorized to purchase franchise, road, &c., at sale under decree of U. S. circuit court.

SECTION 1. That the present stockholders of the Spartanburg and Asheville railroad company, or any of them, including the counties of Buncombe and Henderson in this state and the counties of Spartanburg and Union in the state of South Carolina, of such stockholders, and such other person or persons or corporations as may see fit to join them in such purchase, may and they shall have power to purchase the franchises, railroad and other property of said company, that may be sold under a decree of the circuit court of the United States for the western district of North Carolina at Charlotte, made in the suit of V. R. Tommey and others against the Spartanburg and Asheville railroad company and others, at the December term, Anno Domini one thousand eight hundred and eighty, of said court; and immediately upon the purchase of said property of the sale so to be made, the persons and corporations, so purchasing the same, may and they shall have and are hereby invested with the power to organize themselves into a new corporation by the name and style of the Charleston and Asheville Railroad Company, or by such other name as they or a majority of them may adopt, with a capital stock of one million of dollars, divided into such number of shares as they may determine upon, and by that name may sue and be sued, plead and be impleaded in all courts of justice, may have a common seal and break and alter the same at pleasure, and have, own, and hold all such property real and personal or mixed, as may be necessary for the purposes of said company, as provided by this act; and may sell and convey the same; may complete, own, and operate the said railroad, and

Upon purchase, authorized to form new corporation.

Name.

Capital stock.

Corporate powers.

may make all such by-laws as they, from time to time, may deem proper, not inconsistent with the laws of this state and the United States; and the said company so to be organized shall have all the rights, powers, privileges and advantages, conferred and claimed by the said Spartanburg and Asheville railroad company; and the said company, authorized by this act, shall have power to issue its bonds to be sold in the markets and to secure the payment thereof by a proper mortgage of all its franchises and property, including the franchises and property so purchased.

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

\* Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 354.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, IN RELATION TO STOCK RUNNING AT LARGE IN CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty of chapter one hundred and thirty-five of the laws of one thousand eight hundred and seventy-nine, be stricken out and the following inserted instead thereof: "Upon the written application of one-fifth of the qualified voters in any township in either of said counties that has not adopted the provisions of this chapter, made to the county commissioners of the county wherein said township is situated at any time hereafter, it shall be the duty of said commissioners to submit the question of said "stock law" or "no stock law" to the qualified voters of said township

Ch. 135, §20, laws 1879, amended.

Township election upon question of "stock law."

or any portion thereof. Should a part of a township petition for an election, as herein provided, the petition must set forth with certainty the proposed boundaries of the territory intended to be embraced; and if at any such election, a majority of the votes cast shall be in favor of said "stock law," then the provisions of this act shall be in force in said township as portions embraced in said petition: *Provided*, That in case of an election in only a part of a township, the commissioners of said county shall make special provisions for the registration of voters, designate place for holding election and all other regulations necessary to carry into effect the provisions of this act under the regulations of the general election law: *Provided, further*, That such election shall not be held oftener than once in any one year."

Proviso.

Proviso.

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 355.

### AN ACT TO INCORPORATE THE NORTH CAROLINA PHARMACEUTICAL ASSOCIATION.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. E. M. Nadal, S. J. Hinsdale, Wm. Simpson, E. H. Meadows, T. C. Smith, John S. Pescud, and such other persons as may be associated with them under the provisions of this act, be and the same are hereby made a body corporate under the name and style of the North Carolina Pharmaceutical Association, and by said name shall have the right to sue and be sued, to plead and be impleaded, to purchase and hold real estate and grant

Name.

Corporate powers.

the same, to have and to use a common seal, and to do such other things and perform such other acts as appertain to bodies corporate and politic, not inconsistent with the constitution and laws of the state.

SEC. 2. The object of said association is to unite the pharmacists and druggists of this state for mutual aid, encouragement and improvement, to encourage scientific research, develop pharmaceutical talent, to elevate the standard of professional thought, and ultimately restrict practice of pharmacy to properly qualified druggists and apothecaries.

Objects of incorporation.

SEC. 3. It shall be unlawful from and after the passage of this act, except as hereinafter provided, for any person unless a registered pharmacist within the meaning of this act, to open or conduct any pharmacy or store for retailing, dispensing, or compounding medicines as poisons, or for any one not a registered pharmacist to prepare physicians' prescriptions, except under the supervision of a registered pharmacist, in the state of North Carolina: *Provided*, That nothing herein contained shall prevent the sale of patent or proprietary medicines, quinine, epsom salts, castor oil, essence of peppermint, paregoric, or landanum, in original package, calomel, camphor, or sweet oil.

Unlawful for person other than registered pharmacist to conduct pharmacy, &c.

Proviso.

SEC. 4. Any person, in order to be registered as a member of said association, shall be a graduate of some college in pharmacy, recognized by the North Carolina Pharmaceutical Association, or shall, at the passage of this act, have had three years' practical experience in the preparation of physicians' prescriptions, and in compounding and vending medicines and poisons, or shall be a licentiate of pharmacy of the board of pharmacy of North Carolina, or one who is or has been a regular practicing physician as hereinafter provided.

Qualifications for membership.

SEC. 5. Pharmacutists claiming the right of registration under this act, on account of practical experience, shall, within ninety days after its passage, show to the

Qualifications for membership on account of practical experience, &c.

	satisfaction of the board of pharmacy, to be created by this act, that they have had three (3) years' practical experience in the preparation of physicians' prescriptions, and in compounding and vending medicines and poisons :
Proviso.	<i>Provided</i> , Nothing in this act shall apply to any person or persons in business on their own account upon the passage of this act, nor to those who are, have been, or may hereafter be regular practicing physicians. Licentiates in pharmacy must have had three years' experience in stores where prescriptions of medical practitioners have been prepared, and shall have passed an examination before the board of pharmacy of this state. The board of pharmacy may register without further examination the licentiates of such other boards of pharmacy as they may deem proper.
Licentiates in pharmacy.	
Board of pharmacy.	SEC. 6. This association shall elect ten of its members from whom the governor selects five, who shall compose the board of pharmacy. The board is empowered to transact all business relating to the legal practice of pharmacy ; to examine into and adjudicate upon all cases of abuse, fraud, adulteration, substitution, or malpractice, and to enforce all the provisions of the law, and to render an annual account to the proper state authorities and to the association. Any one examined by the board shall pay a fee of five dollars. In case of failure to pass a satisfactory examination, he shall be granted a second examination without the payment of a further fee. It shall be the duty of the members of the board, after receipt of notification of their appointment, to appear before the clerk of the county in which they individually reside, and make and subscribe to an oath properly and faithfully to discharge the duties of their office, and within thirty days thereafter meet and organize by the election of a president and secretary of said board. The secretary shall be elected to serve for the term of five years, and the term of office of the other members shall be determined by lot. Vacancies in the board shall be filled as provided in section twelve. The board shall hold meetings at
Duties of board.	
Examination fee.	
Oath of members of board.	
President and secretary.	
Terms of office.	
Vacancies.	
Meetings.	

least once annually, or oftener as the business of the board may require. The secretary shall give each member of the board not less than ten days' notice of each meeting. Three members shall constitute a quorum. It shall be the duty of the board to examine all persons applying for examination in proper form, and to register such as shall establish their rights to registration in accordance with the provisions of this act.

Quorum.

Examinations.

SEC. 7. It shall be the duty of the secretary of the board of pharmacy to keep a book of registration at some convenient place, of which due notice shall be given through the public press, in which shall be entered under the supervision of the board the names and places of business of all persons coming under the provisions of this act, and a statement to be signed by the person making the application of such facts in the case as he may claim to justify his application. The fee for registration for proprietors shall not exceed two dollars, and for those in the employ of others shall not exceed one dollar. The secretary shall give receipts for all moneys received by him, which moneys shall be used for the purpose of defraying the expenses of the board of pharmacy, and any surplus shall be for the benefit of said association. The salary of the secretary shall be fixed by the board, and shall be paid out of the fees for examination and registration. Each member of the board of pharmacy shall receive the sum of five dollars for every day engaged in the service of the board. It shall be the duty of the board to investigate all complaints of disregard, non-compliance or violation of the provisions of this act and to bring the same to the notice of the proper prosecuting officer whenever there appears to the board reasonable grounds of complaint. The board is hereby empowered to make such rules and regulations as it shall find necessary for carrying into effect the provisions of this law not inconsistent with the purpose and spirit of the same.

Duties of secretary.

Fee for registration.

Salary of secretary.

Compensation of members of board.

Duty of board to investigate complaints, &amp;c.

Rules, &amp;c.

Responsibility  
for quality of  
drugs, &c., sold or  
dispensed.

Misdemeanor to  
intentionally  
adulterate, &c.

Penalty.

Fee for renewal  
of certificate of  
registration.

Misdemeanor.

Unlawful to re-  
tail certain pois-  
ons without  
label.

SEC. 8. Every person, from and after the passage of this act, shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturers, and also those known as "patent medicines;" and should he intentionally adulterate or cause to be adulterated, or expose to sale, knowing the same to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register. Every registered pharmacist who desires to continue the practice of his profession, shall annually thereafter, within thirty days next preceding the annual meeting of the board of pharmacy, pay to the secretary of the said board a registration fee of fifty cents, for which he shall receive a renewal of said certificate of registration. Any registered pharmacist failing to renew his registration as required by this section, and continuing in the exercise of his profession, shall be guilty of a misdemeanor.

SEC. 9. It shall be unlawful for any person under a penalty of twenty-five dollars for each and every offence, from and after the passage of this act, except as provided herein, to retail any poison enumerated in schedules A and B, as follows, to-wit:

#### SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and essential oil of bitter almonds.

#### SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote,

digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, carbolic acid, oxalic acid, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce, and other deadly poisons, without distinctly labelling the bottle, box, vessel or paper

Label.

in which said poison is contained, with the name of the article, the word "poison," a vignette representing a skull and bones, and the name and place of business of the seller; nor shall it be lawful for any person to sell or deliver any poison enumerated in said schedules A and B, unless upon due inquiry it be found that the purchaser is

Unlawful to sell poison unless purchaser is aware of its poisonous nature, &c.

aware of its poisonous nature, and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any person to sell any poison included in schedule A

Entry to be made in book, &c.

without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open to proper authorities for inspection. The

Exception.

provisions of this section shall not apply to the dispensing of poison in usual doses and by physicians' prescriptions.

SEC. 10. Nothing contained in the foregoing section shall apply to or interfere with the business of any practitioner of medicine, who does not keep open shop for the retailing of medicines and poisons; nor with the business of wholesale dealers, excepting section nine, and the penalties for its violation.

Business of practitioner who does not keep open shop, &c., not interfered with.

SEC. 11. Any person who shall permit by wilful neglect the compounding and dispensing of prescriptions in his store or place of business by any person or persons not registered, except under the supervision of a registered pharmacist, or any person not registered who shall keep open shop for the retailing or dispensing of

Misdemeanor to permit compounding of medicines by person not registered, &c.

medicines or poisons, or who shall fraudulently represent himself to be registered, or any registered pharmacist or any dealer in medicines who shall fail to comply with the regulations and provisions of this act, in relation to retailing and dispensing of poisons, shall for every such offence be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding twenty-five dollars.

Penalty.

Board of pharmacy, how appointed.

SEC. 12. Immediately on passage of this act the governor shall appoint five reputable and practicing pharmacists doing business within the state, from ten of said pharmacists recommended to him by the North Carolina Pharmaceutical Association. Said pharmacists so appointed shall constitute the board of pharmacy of the state of North Carolina, and shall hold office for the term of one, two, or three, four or five years respectively as herein provided, and until their successors have been duly appointed and qualified. The North Carolina Pharmaceutical Association shall annually thereafter recommend five pharmacists, from which number the governor shall fill the vacancy annually occurring in said board. In case of death, resignation or removal from the state of any member of said board, the governor shall appoint in his place a pharmacist from the names last submitted to him, to serve as a member of the board for the remainder of the term.

Term of office.

Vacancies.

Penalties, how recovered.

SEC. 13. The penalties prescribed by this act shall be recovered by suits in the name of the people of this state, according to the statute in such cases provided, to be prosecuted by the proper officers of the counties respectively where the violations of the provisions of this act may be committed.

Forfeiture of right to registration.

SEC. 14. Any pharmacist failing to comply with the requirements of sections five and eight within ninety days from and after the passage of this act, shall forfeit his right to registration, and shall appear before the board of

pharmacy for examination, as provided in section five of this act.

SEC. 15. All acts or portions of acts conflicting with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 16. This bill [act] shall only apply to towns and cities of over five hundred inhabitants. Act applicable only to towns and cities of over 500 inhabitants.

SEC. 17. This act may for all purposes be quoted under the title of the "Pharmacy Act of one thousand eight hundred and eighty-one." Title of act,

SEC. 18. This act shall be in force from and after the first day of June next.

Ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 356.

AN ACT TO GIVE SUB-CONTRACTORS AND LABORERS A LIEN UPON VESSELS FOR THEIR JUST DUES IN LOADING AND DISCHARGING SUCH VESSELS.

WHEREAS, Evil designing persons acting as stevedores and contractors very frequently defraud laborers and others employed by them in loading and discharging the cargoes of vessels: therefore Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That every vessel, her tackle, apparel and furniture shall be subject to a lien for all labor done by contractors or others in loading or discharging the cargo of such vessel, and also for all labor done by any sub-contractor or laborer employed in discharging or loading any such vessel, when such labor is done under contract with a contractor or stevedore, who may be employed by the master, agent or owner of such vessel. Vessels, &c., subject to lien for labor in loading or discharging cargo, &c.

Lien, how filed.

SEC. 2. The liens provided for in this act shall be filed as is now provided by law for other liens: the sub-contractor or laborer may give notice to the master, agent or owner of such vessel, that the contractor or stevedore is or will become indebted to him, when it shall be the duty of such master, agent or owner of such vessel to retain out of the amount due to such contractor or stevedore under his contract, as much as shall be due or claimed by the person giving the notice, and after such notice is given no payment to the contractor or stevedore shall be a credit on or a discharge of the lien herein provided for.

Notice to master, &c.

Lien, how enforced.

SEC. 3. The enforcement of such lien shall be by summons against the contractor or stevedore, and also against the master, agent or owner of such vessel, who made the contract with such contractor or stevedore, if over two hundred dollars, to be issued by the clerk of the superior court, and if under two hundred dollars, by a justice of the peace.

Judgment.

SEC. 4. The judgment against the contractor or stevedore shall also be a judgment against the master, agent or owner of such vessel, and also against such vessel itself, her tackle, apparel and furniture, which [shall] be seized, held and sold under execution for the satisfaction of such judgment.

Liens due sub-contractors, &c., not to exceed amount due contractor, &c.

SEC. 5. The sum total of all the liens due to different sub-contractors and laborers, performed for any contractor or stevedore under any contract with any master, agent or owner of any vessel, shall not exceed the amount due to such contractor or stevedore at the time of notice given to such owner, agent or master, or the amount due to such contractor or stevedore at the time of the service of the summons upon such master, agent or owner when no notice has been given.

Conflicting laws repealed.

SEC. 6. All laws or clauses of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 357.

### AN ACT TO LAY OFF A FREE TURNPIKE ROAD IN ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That M. A. Angier, J. S. Carr, S. W. Hole-Commissioners.  
man, J. F. M. Terry and ..... be and they are hereby  
appointed commissioners to survey, lay off and locate a  
free turnpike road in Orange county, commencing at the Route.  
town of Durham in said county, running thence to the  
Person county line, to some point on said line to be deter-  
mined by said commissioners, said commissioners to have Powers of com-  
missioners.  
a general superintendence of the construction of said  
road, to employ hands and fix their rate of compensation,  
and to employ overseers of the said hands during the con-  
struction of said road. If any vacancy should occur in Vacancies.  
the board of commissioners, the same may be filled by  
the said board.

SEC. 2. The county commissioners of Orange county Election upon  
question of road.  
shall, on the first Thursday in August, one thousand eight  
hundred and eighty-one, order an election to be held at  
the different election precincts in the townships through  
which the said road may be located, submitting to the  
voters of said township the question of "road" or "no  
road," and if a majority of the votes cast at said election  
shall be in favor of said road, as located by the said com-  
missioners, then the county commissioners shall at once  
proceed to levy a sufficient tax upon the poll and prop-  
erty within the township, for the purpose of constructing  
County commis-  
sioners to levy  
tax upon majori-  
ty vote.

said road; that said election shall be held and returns thereof made as is now provided by law for election of members of the general assembly.

Tax, how collected.

SEC. 3. That the tax levied by the county commissioners as aforesaid shall be collected by the sheriff of Orange county as other taxes are collected, and by him paid over to the treasurer of Orange county, to be by him expended in the construction of said road, the purchasing of tools, &c., only upon the written order of the commissioners of the road.

How expended.

Proceeding by land owner to recover damages.

SEC. 5. *Be it further enacted*, That if any person or persons over whose land the said road may be located shall consider themselves damaged thereby, and the said parties cannot agree with the commissioners as to the amount of damage to be paid, then the said land owner, or land owners, may each select one competent freeholder of the township, the commissioners one, and the county commissioners one, who together shall at once proceed to assess the damages complained of, and the amount so assessed shall be paid by the treasurer of the county upon the written order of the commissioners.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 358.

AN ACT TO LAY OUT AND CONSTRUCT CERTAIN PUBLIC ROADS IN ONSLOW COUNTY AND TO ASK FOR TWENTY ABLE-BODIED CONVICTS TO BE FURNISHED BY THE STATE TO WORK ON SAID ROADS.

*The General Assembly of North Carolina do enact:*

Commissioners.

SECTION 1. That B. H. Huffman, J. G. Barbee and W. H. Henderson, be and they are hereby appointed com-

missioners to lay off and construct a public road from some point near to B. H. Huffman's on the Pocosin, and public land of the state known as swamp lands and belonging to the literary board of the state, to the main road in Jones county near Cyrus Brown's; and that C. S. Henette, George W. Smith and John Caslon be and they are hereby appointed commissioners to lay off and construct a public road from or near B. C. Smith's to run through Pocosin lands to the main road near A. J. Murrill's; and that James Mattocks, Thomas E. Gilman and Durant Morton be and they are hereby appointed commissioners, to lay off and construct a public road from the main road at Loyd's meadow to the main road on White Oak, leading to Swansboro', at or near to James Mattocks'.

SEC. 2. That said commissioners, or a majority of them, on any of the proposed roads, have the right to condemn lands belonging to the state or literary board, twenty feet wide, and also condemn lands belonging to individuals of the same width; and should any person or persons over whose land the said road may run consider themselves injured thereby, the damage may be assessed by calling on one justice of the peace, who shall require and summon two discreet men of good judgment, together with himself, who shall review the land and consider the damage, and also take into consideration the advantage of the road to the party or parties, and either party may appeal to the county commissioners of the county who shall settle the matter as may seem reasonable and just.

SEC. 3. That the state board of the penitentiary shall, on demand made in writing from the first named commissioners in this act, or of any two of them, furnish said commissioners with twenty sound, able-bodied convicts to work on said roads, first on the Huffman road, next on the road from B. C. Smith's to A. J. Murrill's, next on the road from Loyd's meadow to James Mattocks', or the White Oak and Swansboro road. Said convicts shall be transported, fed, clothed and guarded by the state, and

Route.

Commlsioners.

Route.

Commlsioners.

Route.

Condemnation of land.

Proceeding by land owner to recover damages.

Directors of penitentiary to furnish convicts.

Expenses, &amp;c.

Proviso.

shall be transferred from one set of commissioners to the other set on each of the three roads, as soon as one road is finished, to another, until the three roads, all to be twenty feet wide, are laid out and constructed: *Provided*, That nothing herein contained shall be construed to interfere with any improvements to which convicts are now pledged by the state.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 359.

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

*The General Assembly of North Carolina do enact:*

Ch. 138, §5, laws  
1873-'74, amended.

SECTION 1. That section five of the chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four be amended thus: in line sixth after the word "township" insert "until another election be held reversing said election," so that when amended it will read as follows: Section 5. That if a majority of the votes cast at any such election in any township shall have written on them the same 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, until another election be held reversing said election, and so forth; and if any person so prohibited shall sell any

Township elec-  
tion upon ques-  
tion of prohibi-  
tion.

spirituous liquors within such township, such persons offending shall be deemed guilty of a misdemeanor, and, <sup>Misdemeanor.</sup> 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 so cast shall have written or printed on the same the word "license," then spirituous liquors may be sold in such townships as now provided by law, and not otherwise: *Provided*, That noth- <sup>Proviso.</sup> ing herein contained shall affect localities in which the sale of spirituous liquors are prohibited by law.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 360.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and thirty-two, <sup>Ch. 232, laws 1879, amended.</sup> laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended by striking out "two" and "three" miles wherever it occurs in the act relative <sup>Washington co.</sup> to the county of Washington, and insert in lieu thereof "one" mile.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 361.

AN ACT TO AMEND SECTION SEVEN OF CHAPTER FIFTY-SEVEN OF  
BATTLE'S REVISAL.*The General Assembly of North Carolina do enact:*Ch. 57, §7, Battle's  
Revisal, amend-  
ed.Real estate be-  
longing to the  
wife of a lunatic,  
now sold.

SECTION 1. That section seven of chapter fifty-seven of Battle's Revisal be amended by inserting after the word "maintenance," in line six, the words following: "or where the wife of a lunatic owns in her own right real estate, the sale of which will promote her interest, that a sale of the same may be made upon the order of the probate judge of the county where the land lies, upon the petition by the wife of said lunatic and the guardian of the lunatic husband, and the proceeds of said sale shall be paid to the wife of said lunatic."

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 362.

## AN ACT RELATING TO THE OFFICE OF COUNTY TREASURER.

Preamble.

WHEREAS, doubts appear to exist in regard to the power of the justices of the peace of the several counties in this state, in cases where the office of county treasurer has been abolished, to re-establish the same. Therefore

*The General Assembly of North Carolina do enact:*Board of justices  
empowered to re-  
establish office of  
county treasurer.

SECTION 1. That in all cases where the board of justices of the peace of any county has abolished the office of county treasurer, the said board shall have like power to

re-establish the same, if, in the judgment of the board, the public interest so require.

SEC. 2. That in all cases where such boards of justices have re-established the office aforesaid, under the forms and in the same manner in which they abolished the same, the action of the board restoring such office shall be and is hereby declared to be valid and binding to all intents and purposes, as if such office had never been abolished.

Offices of county treasurer heretofore re-established, declared valid.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

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## CHAPTER 363.

### AN ACT SUPPLEMENTAL TO AN ACT APPOINTING JUSTICES OF THE PEACE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Peter H. Allen be appointed a justice of the peace for Sandy Creek township, Warren county, and that C. J. Burton be appointed a justice of the peace for Warren county, Nut Bush township.

Sandy Creek township, Warren co.

Nut Bush township, Warren co.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 364.

AN ACT TO REPEAL CHAPTERS ONE HUNDRED AND NINE AND ONE HUNDRED AND NINETY-FOUR, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

*The General Assembly of North Carolina do enact :*

Chapters 109 and 194, laws 1868-'69, repealed.

SECTION 1. That chapter one hundred and nine of the acts of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, ratified the twenty-seventh day of March, eighteen hundred and sixty-nine, and the act supplemental thereto, being chapter one hundred and ninety-four of said acts, ratified the twelfth day of April, eighteen hundred and sixty-nine, be and they are hereby repealed.

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

Read three times in the general assembly, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 365.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER TWELVE, SECTION SIX, IN RELATION TO BUILDING ASSOCIATIONS.

*The General Assembly of North Carolina do enact :*

Ch. 12, §6, Battle's Revisal, amended. Rate of interest.

SECTION 1. That Battle's Revisal, chapter twelve (12), section six (6), be amended by striking out the word "six" in line fourteen (14), of said section, and inserting the word "eight."

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 366.

AN ACT FOR THE ENCOURAGEMENT AND SUPPORT OF THE STATE  
GUARD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all officers, musicians and privates of the state guard who comply with all their military duties as prescribed by law, shall be exempt from all jury service of every character and description.

Exemption from jury service.

SEC. 2. That the commanding officer of every company shall, on the application of any officer, musician or private of his command, deliver to him a certificate stating that such person is a member of his command and whether he is uniformed, armed and equipped according to law, and whether he has complied with all the military duties as prescribed by law. Such certificate when dated within six months shall be deemed for all purposes presumptive evidence of the matter therein stated.

Certificates of membership, &c.

SEC. 3. That each company may, besides its regular and active members, enroll twenty-five contributing members on payment in advance by each person desiring to become such contributing member, of not less than ten dollars per annum, which money shall be paid into the company treasury, and be applied to the purchase of uniforms for the rank and file of the active members of the company, or to such purposes as may be authorized by the laws of such company.

Contributing members of companies.

SEC. 4. That each contributing member of every legally organized company shall be entitled to receive from the commanding officer thereof a certificate of membership, which certificate of membership shall exempt but not disqualify the person therein named from jury duty for the period of one year from the date of his said certificate.

Contributing members entitled to certificates of membership.

Exempt (but not disqualified) from jury service for one year.

SEC. 5. That the state guard shall, in time of peace, be restricted to five thousand four hundred men. The mini-

In time of peace, state guard limited to 5,400.

- Company stand- mum standard of a company shall be thirty-two, and the  
ard. maximum standard ninety-six commissioned officers,  
non-commissioned officers and privates.
- Election of field SEC. 6. That field officers of battalions and regiments  
officers. shall be elected biennially, on the first Thursday in De-  
cember, by the written votes of the commissioned officers  
of the companies of the battalion or regiment, and at such  
places as may be designated by the adjutant-general.
- Rules, &c. SEC. 7. That the commander-in-chief is hereby author-  
ized to establish and prescribe such rules, regulations,  
forms and proceedings as he may deem proper for the use,  
government and instruction of the militia.
- Camps of instruc- SEC. 8. That the commander-in-chief is hereby author-  
tion. ized and empowered, in his discretion, to order such regi-  
ments, battalions or companies, or such portions thereof  
as he shall deem proper, not however exceeding two thou-  
sand men in any one year, into a camp or camps to be  
designated by him, for a period not exceeding ten days  
in any one year, for instruction.
- Conflicting laws SEC. 9. That all laws and clauses of laws in conflict  
repealed. herewith are hereby repealed.
- SEC. 10. That this act shall take effect from and after its  
ratification.
- In the general assembly read three times, and ratified  
this the 14th day of March, A. D. 1881.

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## CHAPTER 367.

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

*The General Assembly of North Carolina do enact:*

Ch. 294, laws 2879,  
amended.

SECTION 1. That chapter two hundred and ninety-four,  
laws of one thousand eight hundred and seventy-nine,

entitled an "act to establish the board of Newbern harbor commissioners," be and hereby is amended by adding the following sections theréfo, previous to the enacting clause, viz :

SEC. 4. Said board shall have authority to employ an engineer and such other officers and laborers as may be necessary in the prosecution of its works, and also to appoint a harbor master, port warden and two marine surveyors, fixing their fees and prescribing their duties. The title of all public land which may be reclaimed by said commissioners, by filling in outside or below the present bulk-head line, shall vest as a public trust in said board, and be held under its management and control for the purposes hereinafter defined.

Board authorized to employ engineer, &c.

Title to public land reclaimed.

Powers and duties of board.

SEC. 5. Said board is hereby empowered to regulate and manage all public landings, wharves and ferries in said port of Newbern, and fix such reasonable charges for the use of same as may be necessary to keep them in order for the public service. They shall also have exclusive control of all ferries running from Newbern across the Neuse and Trent rivers, and may fix the hours and times of departure, and the rates of fare thereon; and may also establish and discontinue any other ferries which they deem expedient to and from said city. They shall keep the public slips open for the use of vessels, giving the adjoining property owners free access to their wharves, and the preference at the same price in any rental or lease which they may see fit to make, and the owner of any private wharf property fronting on any slip shall have the right to lease from said commissioners the exclusive privilege to berth vessels on the slip side of his said wharf for such term of years and at such rates as said board may agree, and such privilege shall not be rented to any other person without his written consent; but no building of any kind shall be erected or permitted to continue or remain on any public slip, bulk-head or

Proviso.

water front between the extreme lines of any street leading to the same: *Provided*, That when any bulk-head at the foot of any street is leased by said board to adjoining property owners for the purpose of providing wharf accommodations to steamboats, commerce or railroads, it shall be lawful for said commissioners to authorize the erection of suitable gates across the foot of any such street, so as to protect the merchandise deposited on such wharves and bulk-heads for shipment and delivery.

Board authorized to cede to United States land re-claimed, &c.

SEC. 6. Said board shall be authorized and empowered, upon the request of the United States government through its agents, to cede and transfer to said government any portion of said land which they may reclaim, or which, by the operations of said board, they consider reclaimable; the proceeds arising therefrom, if any, to be applied to the purposes of this act. And the jurisdiction appertaining to lands ceded to the United States shall, without any further legislation, inure to and vest in the said government of the United States as is usual in similar cases on all land so conveyed.

Misdemeanor.

SEC. 7. Any violation of this act, or the act of which this is amendatory, or of any legal by-laws or regulation of said board of harbor commissioners, shall be a misdemeanor cognizable before any justice of the peace, and by him punished within the jurisdiction assigned to him by law. All fines and penalties thereby accruing shall inure to said board, and be applied to the uses and purposes herein provided and contemplated.

Fines, &c., how applied.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 368.

## AN ACT FOR THE PREVENTION OF CRUELTY TO ANIMALS.

*The General Assembly of North Carolina do enact :*

SECTION 1. If any person shall overdrive, overload, torture, torment, deprive of necessary sustenance, or cruelly beat, or needlessly mutilate, or kill, or cause or procure to be overdriven, overloaded, tortured, tormented, or deprived of necessary sustenance, or to be cruelly beaten, needlessly mutilated, or kill as aforesaid any useful beast, fowl, or animal, every such offender shall for every such offence be guilty of a misdemeanor.

Misdemeanor to overdrive, &c., cruelly beat, &c., any useful beast, &c.

SEC. 2. Any person who shall keep, or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting, or baiting any bull, bear, dog, cock, or other creature; and any person who shall encourage, aid or assist therein, or who shall permit or suffer any place to be so kept or used, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

Misdemeanor to keep, &c., any place for fighting, &c., any bull, &c.

SEC. 3. Any person who shall impound or cause to be impounded in any pound or other place any creature, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and in default thereof shall, upon conviction, be adjudged guilty of a misdemeanor.

Misdemeanor to fail to supply any creature impounded, with good and wholesome food and water.

SEC. 4. In case any creature shall be at any time impounded as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person from time to time, and as often as it shall be necessary to enter into and upon any such pound or other place in which any creature shall be so confined, and to supply it with necessary food and water so long as it shall remain so confined :

Lawful for any person to supply necessary food and water to any creature impounded, &c.

Expenses, how collected.

such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such creature: said creature shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

Misdemeanor to carry in any conveyance, any creature in a cruel and inhuman manner.

SEC. 5. If any person shall carry or cause to be carried in or upon any vehicle, or other conveyance, any creature in a cruel or inhuman manner, he shall be guilty of a misdemeanor, and whenever he shall be taken into custody therefor by any officer, such officer may take charge of such vehicle or other conveyance and its contents, and deposit the same in some safe place of custody, and necessary expenses which may be incurred for taking charge of and keeping and sustaining the same shall be a lien thereon, to be paid before the same lawfully recovered, or the said expenses, or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of said creature in an action therefor.

Upon arrest, of-  
ficer to take  
charge of vehicle,  
&c.

Expenses, how collected.

Misdemeanor to instigate, &c., act of cruelty to any animal.

SEC. 6. Any person who shall wilfully set on foot, or instigate, or move to carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal shall be guilty of a misdemeanor.

Misdemeanor to sell, &c., animal having glanders, &c.

SEC. 7. Any person who shall sell, or offer for sale, or use, or expose, or who shall cause or procure to be sold or offered for sale, or used or to be exposed, any horse or other animal having the disease known as glanders or farcy, or any other contagious or infectious disease known by such person to be dangerous to human life, or which shall be diseased past recovery, shall be guilty of a misdemeanor.

Animal having glanders to be killed.

SEC. 8. Every animal having the glanders or farcy shall at once be deprived of life by the owner or person having charge thereof upon discovery or knowledge of its condition, and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 9. The agents of any society which shall be incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such society in any county in this state, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction offenders found violating the provisions of this act.

Agents of societies incorporated for prevention of cruelty to animals empowered to make arrests &c.

SEC. 10. Any officer, agent or member of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence. Any person who shall interfere with or obstruct any such officer, agent or member in the discharge of his duty shall be guilty of a misdemeanor.

Officers, &c., of such societies empowered to interfere to prevent acts of cruelty, &c.

Misdemeanor.

SEC. 11. Any agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise not properly cared for, appearing, in the judgment of two reputable citizens called by him to view the same in his presence, to be glandered, injured or diseased beyond recovery for any useful purpose.

Agents, &c., of such societies empowered to kill any animal abandoned, &c.

SEC. 12. When any person arrested is, at the time of such arrest, in charge of any vehicle drawn by or containing any animal, any agent of such society may take charge of such animal, and of such vehicle and its contents, and deposit the same in a safe place of custody, or deliver the same into the possession of the sheriff of the county wherein such arrest is made, who shall thereupon assume custody thereof.

Agents, &c., of such societies authorized to take charge of vehicle, &c., upon arrest of driver, &c.

SEC. 13. All fines, penalties and forfeitures imposed and collected in any county in this state, under the provisions of every act passed, or which may be passed relating to or in anywise affecting animals, shall enure to such society in aid of the purpose for which it was incorporated, and no injunction or restraining order shall be granted against such society or any of its officers, or agents except upon motion, petition or complaint after due notice and hearing thereof.

Fines, &c., how applied.

Injunctions, &c.

When magistrate  
to issue warrant,  
&c.

SEC. 14. Upon complaint, under oath or affirmation, to any magistrate authorized to issue warrants in criminal actions that the complainant has just and reasonable cause to suspect that any of the provisions of law relating to or in any wise affecting animals are being or about to be violated in any particular building or place, such magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offender or offenders, authorizing and directing him to enter and search such building or place, and to arrest any person there present violating any of said laws, and to bring such person before the nearest magistrate of competent jurisdiction, to be dealt with according to law.

Construction of  
certain words.

SEC. 15. In this act and in every law of this state enacted, or which may be enacted, relating to or affecting animals, the singular shall include the plural, the words animal or dumb animal shall be held to include every living creature; the words torture, torment, or cruelty shall be held to include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted; and the words owner and person shall be held to include corporations as well as individuals; but nothing in this act shall be construed as prohibiting the shooting of birds, deer and other game for the purpose of human food.

To what animals  
act applicable.

SEC. 16. This act (except section second) shall apply only to domestic animals and beasts of burden.

SEC. 17. This act shall take effect from and after its ratification.

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 369.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-THREE,  
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-  
NINE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That so much of chapter two hundred and eighty-three of acts of one thousand eight hundred and seventy-nine, as applies to the county of Pender, be and the same is hereby repealed.

Ch. 283, laws 1879,  
not applicable to  
Pender co.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 370.

AN ACT TO INCORPORATE THE RALEIGH AND ROCKY MOUNT  
RAILROAD COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Alonzo T. Mial, of Wake, W. A. B. Richardson, of Wake, Dr. Thos. H. Avera, of Wake, Thomas H. Briggs, of Wake, and B. P. Williamson, of Wake, Dr. W. E. Richardson, of Wake, and G. N. Lewis, of Nash, P. F. Braswell, K. C. Pope, L. G. Estes, Wm. H. Johnson and J. B. Sharp, and such other persons as may hereafter be associated with them, their successors or assigns, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name of the Raleigh and Rocky Mount Railroad [Company], and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and

Body politic.

Name.

Corporate powers.

being sued, pleading and being impleaded, answering and being answered unto, defended and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by the same name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the object of this incorporation.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand (\$250,000.00) dollars, with liberty to said company to increase the same to five hundred thousand (\$500,000.00) dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferred in such manner as the by-laws of the said corporation shall direct.

Shares.

Organization.

SEC. 3. That it shall be lawful for such subscribers or stockholders, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect not less than five nor more than ten (10) directors, a majority of whom shall be necessary to the transaction of business, and who shall hold their offices for one (1) year, and until their successors shall be elected and qualified, and who shall make such rules and regulations and by-laws for the government of the company, the conduct of its business, as they may deem expedient and proper; and the directors chosen at such meetings, or at the annual elections the corporation shall, as soon as may be after every election, proceed to elect a president and vice-president.

Directors.

Term of office.

By-laws, &c.

President, &c.

Route.

SEC. 4. *And be it further enacted*, That the route of said road shall be: commencing at the city of Raleigh in the county of Wake, running thence to Milburnie in the county of Wake (or near by), from thence to Eagle Rock (or near), thence to Wakefield (or near), thence to the town of Nashville, thence to Rocky Mount.

SEC. 5. That the right of said company to condemn the land in the manner aforesaid, shall extend to the condemning of fifty (50) feet on each side of the main track of the road, measuring from the centre of the same; and the company shall also have the power to condemn and appropriate lands in like manner for the constructing and building of depots and other necessary buildings.

Condemnation of land.

SEC. 6. *And be it further enacted,* That the company shall have perpetual succession.

Perpetual succession.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

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## CHAPTER 371.

AN ACT TO PROHIBIT THE USE OF POUND OR DUTCH NETS IN THE WATERS OF THE NEUSE AND TRENT, AND THEIR TRIBUTARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to use any pound or Dutch net in any of the waters of the Neuse or Trent rivers, or their tributaries. *Provided,* That any person now using a pound or Dutch net not more than five miles below the city of Newbern shall be allowed to use the same until the first day of January, Anno Domini one thousand eight hundred and eighty-two.

Unlawful to use pound or Dutch nets in waters of Neuse or Trent rivers.

Proviso.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than five nor more than fifty dollars for each day said net shall remain in said waters.

Misdemeanor.

Penalty.

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 372.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS OR INTOXICATING LIQUORS WITHIN THREE MILES OF NAHALAH PRESBYTERIAN CHURCH IN HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

Unlawful to sell  
spirituous liquor  
within three  
miles.

SECTION 1. That it shall be unlawful for any person or persons to sell or dispose of any spirituous or intoxicating liquors within three miles of Nahalah Presbyterian church in Halifax county.

Misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned at the discretion of the court.

Penalty.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 373.

AN ACT TO PROVIDE A BUILDING FOR THE DEPARTMENT OF  
AGRICULTURE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of agriculture is hereby authorized to construct upon any unimproved lot, the property of the state within the limits of the city of Raleigh, a building suitable to the wants of its department, and of such materials, with due regard to economy, as in its judgment is best.

Board of agriculture authorized to build on any unimproved state lot in Raleigh.

SEC. 2. That in carrying out the provisions of this act, the said board is empowered to make requisition upon the directors of the penitentiary for such material and convict labor as such directors are able to furnish, and it shall be the duty of the said directors to fill said requisitions as far as they may be able to do so.

Directors of penitentiary to furnish material and labor.

SEC. 3. That the cost of erecting said building shall be paid out of the funds belonging to the department of agriculture, to be drawn from the treasury upon the order of an executive committee of its members to be appointed by the board for that purpose.

Expenses, how paid.

SEC. 4. The said board of agriculture is hereby authorized and empowered to remove the agricultural experiment and control station from Chapel Hill to Raleigh whenever, in its judgment, it shall deem it advisable to do so.

Removal of experiment station from Chapel Hill to Raleigh.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 374.

AN ACT TO PROVIDE A COMMISSION WITH POWER TO SELL THE STATE'S STOCK IN THE CAPE FEAR AND YADKIN [VALLEY] RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Commissioners.

SECTION 1. That A. J. DeRossette, of Wilmington, Levi M. Scott, of Greensboro, E. L. Vaughan, of Alleghany, George M. Rose, A. A. McKethan, jr., and A. B. Williams, of Fayetteville, Orrin A. Hanner, of Chatham, Julius A. Gray, of Greensboro, Jesse F. Graves, of Mount Airy, Tyre York, of Wilkes, A. J. Boyd, of Rockingham, Hugh Parks, of Randolph, W. A. Lash, of Stokes, be appointed commissioners, with full power, while the general assembly of North Carolina is not in session, to receive any proposition which has already been made to the governor, or which may hereafter be made by the South Atlantic and Ohio Railway Constructing and Operating Company, or by any other company, person or persons concerning the purchase of the state stock in the Cape Fear and Yadkin Valley Railway Company, who will give adequate security to complete the road east and west from Wilmington to some convenient point in the extreme west, and the branch through Surry to Ore Knob, as provided in the charter of the Cape Fear and Yadkin Valley Railroad [Company], within a period not exceeding three years from date of sale to them: *Provided*, That nothing in this act shall be construed to discharge said railroad company from any indebtedness to the state for loans or convict labor.

Powers.

Proviso.

Commissioners empowered to negotiate sale, &c.

When sale to become valid, &c.

SEC. 2. That said commissioners shall have full power and authority to negotiate and settle the terms of said sale and, on behalf of the state of North Carolina by their chairman, to sign all necessary contracts and assurances, which contracts and assurances when so made and approved by the governor of North Carolina and his coun-

cil, and by a stock vote of a majority of stockholders of said company in general meeting assembled, shall be valid and binding upon the state of North Carolina and upon the other contracting parties: *Provided*, That nothing Proviso. contained in this act shall authorize the sale of said stock in said railroad for a less sum than fifty-five thousand dollars.

SEC. 3. That in case of death, disability, resignation, or Vacancies. refusal to act of any of said commissioners, the governor of North Carolina shall immediately fill the vacancy or vacancies so caused by appointment.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.



RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

SESSION 1881.

1871

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...

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# RESOLUTIONS

OF THE

# General Assembly,

SESSION 1881.

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RESOLUTION CONCERNING THE CANVASS OF THE VOTES OF  
STATE OFFICERS.

*Resolved by the House of Representatives, the Senate concurring:* That an abstract of the returns of votes for state officers be made by the clerks of the two houses showing the number of ballots cast for each candidate, the names of all the persons voted for, the offices for which they received such votes, and the number of votes cast for each person, and the persons ascertained by the canvass to be elected to the several offices; and that said abstract shall be signed by the presiding officers of the two houses, and delivered to the secretary of state, who shall record it in the election book kept in his office, and then file it away.

Abstract of votes  
to be made by  
clerks, &c.

To be signed by  
officers of two  
houses and filed  
with secretary of  
state.

*Resolved further,* That said abstract shall be printed in the journals of the two houses and in the legislative documents.

Ratified this the 13th day of January, A. D. 1881.

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RESOLUTION FORMING A JOINT COMMITTEE ON FISH INTEREST.

*Resolved by the Senate, the House of Representatives concurring:* 1st. That a joint select committee of eight, three on

Joint committee  
on fish interest.

the part of the senate and five on the part of the house, be formed for the purpose of taking under consideration the fish interest of the state.

2nd. This resolution shall be force from and after its ratification.

Ratified this the 13th day of January, A. D. 1881.

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RESOLUTION TO PAY J. M. BROWER, CONTESTANT FROM THIRTY-THIRD DISTRICT, MILEAGE AND PER DIEM.

Mileage and per diem for time he was present as contentant, ordered to be paid.

*Resolved by the Senate, the House of Representatives concurring:* That the treasurer be and he is hereby instructed to pay to J. M. Brower, contestant from the thirty-third district for a seat on this floor, for the time he has been present as such contestant mileage and per diem.

Ratified this the 13th day of January, A. D. 1881.

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RESOLUTION OF INSTRUCTION TO OUR SENATORS AND MEMBERS IN CONGRESS IN REGARD TO THE AMENDMENT OF THE COMMERCIAL LAW OF THE UNITED STATES.

Resolution of request to members of congress concerning registration of vessels, &c.

*Resolved by the House of Representatives, the Senate concurring:* That our senators and members of Congress be and they are hereby instructed to use their influence to have the commercial law of the United States so amended that vessels under ten tons burthen shall not be required to register in the custom houses.

Secretary of state to send copies.

That the secretary of state is hereby instructed to forward a copy of this resolution to our congressmen.

Ratified this the 18th day of January, A. D. 1881.

## RESOLUTION TO PAY CLERKS OF BOARD OF STATE CANVASSERS.

*Resolved by the Senate, the House of Representatives concurring:* That the treasurer be and he is hereby authorized to pay the clerks of the board of state canvassers four dollars per day each for the time they were actually engaged, according to certificates now held by said clerks from said board.

Treasurer authorized to pay clerks of board of canvassers \$4 per diem.

Ratified this the 18th day of January, A. D. 1881.

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## RESOLUTION TO INSTRUCT THE KEEPER OF THE CAPITOL TO PURCHASE A COMFORTABLE CHAIR FOR THE USE OF THE SPEAKER OF THE HOUSE.

*Resolved by the House of Representatives, the Senate concurring:* That the keeper of the capitol be instructed to purchase a comfortable chair for the use of the speaker of the house.

Keeper of capitol instructed to purchase chair for speaker.

Ratified this the 18th day of January, A. D. 1881.

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## RESOLUTION ON THE ELECTION OF TRUSTEES.

*Resolved by the Senate, the House of Representatives concurring:* That a joint committee be raised, three on the part of the senate and five on the part of the house, to nominate candidates for the position of trustees of the University of North Carolina.

Joint committee to nominate trustees for University.

Ratified this the 20th day of January, A. D. 1881.

RESOLUTION IN RELATION TO THE PAY OF THE ENROSSING AND ENROLLING CLERKS.

Per diem of en-  
grossing and en-  
rolling clerks.

*Resolved by the Senate, the House of Representatives concurring:* That the engrossing clerk of the senate and the engrossing clerk of the house of representatives and the enrolling clerk of the general assembly, be allowed the same per diem that they received during session of one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty.

Ratified this the 20th day of January, A. D. 1881.

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RESOLUTION TO PAY JAMES HOLEMAN, THE CONTESTANT FROM PERSON COUNTY, HIS MILEAGE AND PER DIEM.

Allowed mileage  
and per diem to  
Jan. 18th, 1881.

*Resolved by the House of Representatives, the Senate concurring:* That James Holeman, the contestant from Person county, be allowed mileage and per diem until Tuesday, the eighteenth day of January, Anno Domini one thousand eight hundred and eighty-one.

Ratified this the 24th day of January, A. D. 1881.

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RESOLUTION OF THANKS TO W. H. VANDERBILT.

Resolution of  
thanks to W. H.  
Vanderbilt for do-  
nation to "Deems'  
Fund" for Uni-  
versity.

*Resolved by the Senate of North Carolina, the House concurring:* That this general assembly in its own behalf, and in behalf of the people of the state, return our thanks to W. H. Vanderbilt, of New York, for his liberal donation to the "Deems' Fund" for the University of North Carolina, and the secretary of state is directed to forward a copy of this resolution to Mr. Vanderbilt under the great seal of the state.

Ratified this the 29th day of January, A. D. 1881.

RESOLUTION IN REGARD TO THE REPEAL OF TAX ON BRANDY  
DISTILLED FROM FRUIT.

*Resolved by the Senate, the House of Representatives concurring:* That our senators and representatives in the congress of the United States be requested to use their influence to obtain from the congress of the United States a repeal of the tax on brandy distilled from fruit.

Resolution of request to members of congress concerning repeal of tax on brandy distilled from fruit.

*Resolved further,* That the secretary of state furnish each of our senators and representatives a copy of this resolution.

Secretary of state to furnish copies.

Ratified this the 31st day of January, A. D. 1881.

A RESOLUTION OF INSTRUCTION TO OUR SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES, IN RELATION TO THE EDUCATIONAL FUND.

WHEREAS, The education of the masses is of the first importance; and it is the earnest desire of the members of this general assembly that educational facilities for the benefit of the masses shall be increased in North Carolina to the fullest extent: therefore be it

Preamble.

*Resolved by the Senate of North Carolina, the House of Representatives concurring:* That our senators and representatives in congress be requested to support the bill now before the congress, known as the educational bill.

Resolution of request to members of congress to support educational bill.

*Be it further resolved,* That if said bill does not provide for the application of the fund to primary schools exclusively, then our said senators and representatives are hereby requested to urge the adoption of an amendment to that effect.

To urge amendment concerning primary schools, if necessary.

Secretary of state  
to furnish copies.

*Resolved*, That the secretary of state transmit to each of our senators and representatives in congress a copy of this resolution.

Ratified this the 31st day of January, 1881.

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RESOLUTION FOR THE BENEFIT OF ASSISTANTS TO THE PRINCIPAL CLERKS OF THE GENERAL ASSEMBLY.

Per diem of assistants  
to principal clerks.

*Resolved by the Senate, the House of Representatives concurring*: That the assistants to the principal clerks of the general assembly shall receive the same per diem paid to the engrossing clerks and enrolling clerk.

Ratified this the 1st day of February, A. D. 1881.

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RESOLUTION REQUESTING THAT OUR SENATORS AND REPRESENTATIVES IN CONGRESS URGE THAT THE COMMISSIONER OF AGRICULTURE BE MADE SECRETARY OF AGRICULTURE AND A MEMBER OF THE PRESIDENT'S CABINET.

Resolution of request to members of congress concerning commissioner of agriculture.

*Resolved by the Senate, the House of Representatives concurring*: That our senators and representatives in congress be requested to urge that the commissioner of agriculture be made the secretary of agriculture and a member of the president's cabinet, with the same salary as secretaries of other departments, and that this department be sustained and encouraged by appropriations commensurate with its importance.

Ratified this the 4th day of February, A. D. 1881.

A RESOLUTION TO REFUND TO HOOPES BROTHER AND THOMAS THE SUM OF ONE HUNDRED DOLLARS (\$100) UNLAWFULLY COLLECTED.

WHEREAS, It appears that the sum of one hundred dollars was collected by the treasurer of the state of North Carolina on the fifteenth day of April, one thousand eight hundred and seventy-nine; Preamble.

AND WHEREAS, By a decision of said state treasurer, made March sixteenth, one thousand eight hundred and eighty, dealers in fruit trees are not subject to section twenty-two, chapter seventy, laws of one thousand eight hundred and seventy-nine, and are not consequently subject to a drummer's license tax : therefore be it

*Resolved*, That the treasurer of the state of North Carolina be and is hereby authorized and instructed to refund the sum of one hundred dollars (\$100) to Polie Gardener, authorized agent of Hoopes Brother and Thomas. Treasurer authorized to refund \$100.

Ratified this the 4th day of February, A. D. 1881.

RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO USE THEIR INFLUENCE TO SECURE THE PASSAGE OF HOUSE RESOLUTION NUMBER SIX THOUSAND SEVEN HUNDRED AND FORTY-ONE.

*Resolved by the Senate, the House of Representatives concurring*: That our senators and representatives in congress be and are hereby requested to use their influence to secure the passage of house resolution number six thousand seven hundred and forty-one, to exempt from import duties all machinery used in the manufacture of cotton thread and cotton goods. Resolution of request to members of congress concerning exemption from import duties of machinery used in manufacturing cotton goods, &c.

Ratified this the 4th day of February, A. D. 1881.

A RESOLUTION IN FAVOR OF THE TRUSTEES OF THE FRANKLIN  
CAMP GROUND IN MACON COUNTY.

Preamble.

WHEREAS, On the tenth day of January, one thousand eight hundred and thirty-three, a grant issued from the state of North Carolina to certain trustees therein named, and their successors for a certain piece or parcel of land in Macon county, containing about twenty acres to be used as a camp-ground by the Methodist Episcopal church, which grant issued in accordance with an act of the general assembly passed on the seventh day of January, one thousand eight hundred and thirty-three; and whereas, the said lands are not now used as a camp-ground, nor intended to be used for such purposes hereafter: therefore

Trustees authorized to sell lands, &c.

*Resolved by the House of Representatives, the Senate concurring:* That the said trustees and their successors are hereby authorized and empowered to sell the said lands for the benefit of the Methodist Episcopal church, South, at Franklin in the county of Macon, and to apply the proceeds of such sale as the authorities of said church may direct.

This resolution shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1881.

A RESOLUTION ASKING A SURVEY OF OREGON INLET, IN DARE  
COUNTY, BY THE UNITED STATES GOVERNMENT AND FOR  
BOUYING AND STAKING THE SAME.

Resolution of request to members of congress to obtain survey of Oregon Inlet, &c.

*Resolved by the House of Representatives, the Senate concurring:* 1st. That our senators and representatives in congress shall be and they are hereby requested to use their influence to obtain a survey of Oregon inlet, in Dare

county, North Carolina, and to have the same bouyed and staked at as early a day as possible.

2nd. That after the passage of this resolution, copies thereof shall be immediately sent to the representatives for North Carolina in Congress. Copies to be sent to representatives in congress.

3rd. That this resolution shall be in force from and after its passage.

Ratified this the 11th day of February, A. D. 1881.

RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO USE THEIR INFLUENCE TO REPEAL THE TAX ON TOBACCO, SNUFF AND BRANDIES.

WHEREAS, The people of North Carolina are grievously oppressed by reason of the tax imposed by the federal government upon brandies distilled from fruits and upon snuff and tobacco: therefore Preamble.

*Be it resolved by the House of Representatives, the Senate concurring:* That our senators and representatives in congress be and they are hereby requested to use their best efforts to effect a repeal of the aforesaid tax, and if this be impracticable, that they procure a reduction of the same. Resolution of request to members of congress concerning tax on brandy distilled from fruits, &c.

*Resolved further,* That the secretary of state be requested to furnish copies of this resolution to our senators and representatives in congress. Secretary of state to send copies.

Ratified this the 17th day of February, A. D. 1881.

RESOLUTION PROVIDING ADDITIONAL CLERICAL ASSISTANCE  
FOR THE SECRETARY OF STATE.

Secretary of state  
allowed \$1,000 for  
additional cler-  
ical assistance.

*Resolved by the House of Representatives, the Senate concurring:* 1st. That the secretary of state be allowed one thousand dollars per annum for additional clerical assistance in the discharge of the duties of his office, and that the treasurer pay the same quarterly, upon the warrant of the auditor, out of the fees collected by the secretary of state and paid into the treasury.

When resolution  
to take effect.

2nd. That this resolution shall take effect from the qualification of the secretary of state elect for the current term.

Ratified this the 19th day of February, A. D. 1881.

RESOLUTION TO PAY THE TRAVELLING EXPENSES OF THE TWO  
SUB-COMMITTEES APPOINTED TO VISIT MORGANTON AND  
GOLDSBORO INSANE ASYLUMS.

Treasurer author-  
ized to pay trav-  
elling expenses,  
&c.

*Resolved by the Senate, the House of Representatives concurring:* That the two sub-committees appointed by this general assembly to visit Morganton and Goldsboro, be allowed their actual travelling expenses, as follows: for visiting Morganton: Messrs. Bernard, four dollars and fifty cents; York, four dollars and fifty cents; Green, four dollars and fifty cents; Boykin, four dollars and seventy-five cents; Spainhour, three dollars and fifty cents. For visiting Goldsboro: Messrs. Rose, one dollar and seventy-five cents; Gudger, three dollars and fifty cents; Mebane, three dollars and fifty cents; Hanner, three dollars and fifty cents; Cowell, three dollars and fifty cents. Upon the warrant of the auditor the treasurer is hereby directed

to pay the above named parties the sums mentioned in this resolution.

This resolution shall be in force from its ratification.

Ratified this the 23rd day of February, A. D. 1881.

RESOLUTION AUTHORIZING THE JOINT COMMITTEE ON PROHIBITION TO EMPLOY A CLERK.

*Be it resolved by the Senate, the House of Representatives concurring:* That the joint committee on prohibition be and are hereby authorized to employ a clerk, and that he shall receive the sum of three dollars per diem for his services for such number of days as his services may be required, to be certified to by the chairman of the committee. Committee authorized to employ a clerk.

Ratified this the 23rd day of February, A. D. 1881.

RESOLUTION TO AMEND THE RESOLUTION PROVIDING FOR AID FOR THE ORPHAN ASYLUM AT OXFORD, NORTH CAROLINA, RATIFIED THE FOURTEENTH DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*Resolved by the House of Representatives, the Senate concurring:* That the resolution entitled a resolution providing for aid for the orphan asylum at Oxford, North Carolina, ratified the fourteenth day of March, Anno Domini one thousand eight hundred and seventy-nine, be amended by striking out the word "three" in line two, and inserting in lieu thereof the word "five." Resolution, page 546, laws 1879, amended.

\$5,000 per annum appropriated to Oxford Orphan Asylum.

This resolution shall go into effect from and after its ratification.

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## JOINT RESOLUTION RELATING TO THE AGRICULTURAL DEPARTMENT AND GUANO WORKS.

Preamble.

WHEREAS, In the establishment and maintenance of a department of agriculture, the farming interest of the state are called upon to pay directly or indirectly a considerable tax; and whereas, in a spirit of discontent and dissatisfaction, many of our people openly declare their hostility to the department, and clamor for its abolishment; and whereas, if properly conducted or directed, such an institution can not fail of great and lasting benefits to our people and every interest of the state: now therefore be it

Board of agriculture instructed to report upon feasibility of establishing a state guano manufactory, &c.

*Resolved by the House of Representatives, the Senate concurring:* 1st. That the board of agriculture, through the commissioner and state chemist, be requested to report upon the feasibility of establishing a state guano works or fertilizer manufacturing establishment, when, under the auspices of the said board and under the supervision and management of the commissioner of agriculture and the state chemist, a standard fertilizer shall be made and supplied to the farmers, truckers and gardeners of North Carolina at prime cost, thus saving to our farmers thousands and hundreds of thousands of dollars annually in the purchase of fertilizers, besides always assuring them a genuine article.

2nd. This resolution shall be in effect from and after its adoption.

Ratified this the 25th day of February, A. D. 1881.

## RESOLUTION TO REMIT TAX-FEES IN RELATION TO TURNPIKE CHARTERS AND AMENDMENTS THERETO.

Tax-fee on charters of dirt turnpike roads remitted.

*Resolved by the House of Representatives, the Senate concurring:* That the tax-fee of twenty-five dollars required by

an act of assembly, session of one thousand eight hundred and seventy-nine, so far as relates to charters of dirt turn-pike roads or amendments thereto, be and the same is hereby repealed.

Ratified this the 2nd day of March, A. D. 1881.

RESOLUTION TO INVESTIGATE THE SALE AND TRANSFER OF CARTERET COUNTY'S STOCK IN THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY.

*Resolved 1st.* That Joseph Pigott, John W. Sanders and Rufus Bell be appointed a special commission to enquire into and investigate the sale and transfer of the stock of Carteret county in the Atlantic and North Carolina Railroad Company, and that they have full power and authority to administer oaths and send for and examine all persons and papers necessary to fulfil the purpose of this resolution.

Commission appointed to investigate sale of Carteret co. stock in A. & N. C. R. R.

*Resolved 2nd.* That all the expenses of said commission be paid by the county treasurer out of the general county fund, upon the order of the county commissioners: *Provided*, That the pay of said commissioners shall not exceed two dollars per day each while actually engaged.

Expenses.

Proviso.

This resolution shall be in force from and after its ratification.

Read in the general assembly three times, and ratified this the 5th day of March, A. D. 1881.

RESOLUTION IN FAVOR OF THE CALDWELL AND WATAUGA  
TURNPIKE COMPANY.

Preamble.

WHEREAS, An act entitled "an act to amend the charter of the Caldwell and Watauga Turnpike Company," ratified February twenty-fifth, one thousand eight hundred and eighty-one, authorizing the said company to release and surrender to the county of Watauga that portion of said turnpike which lies in said county to be used as a free public road, and further authorizes the said turnpike company to expend a portion of its receipts from tolls upon other free public roads; and whereas, the said act prohibits the said turnpike company from establishing any additional toll gates and from collecting any greater rate of tolls than that heretofore allowed by law; and, whereas, the said act does not confer any such privilege or benefit upon said company as is contemplated by the laws requiring the payment of a tax-fee of twenty-five dollars upon charters of railroads and turnpikes, or amendments to charters of the same; and, whereas, the said tax-fee has been exacted under an act amending the charter of said turnpike company as aforesaid, and the same paid into the public treasury: now therefore be it

Treasurer instructed to pay \$25 to president of Caldwell & Watauga Turnpike Co.

*Resolved by the House of Representatives, the Senate concurring:* That the public treasurer be and is hereby required to pay to the president of the Caldwell and Watauga turnpike company the sum of twenty-five dollars, it being the state tax collected on account of the amendment to the charter of said turnpike company.

Ratified this the 5th day of March, A. D. 1881.

A RESOLUTION ASKING FOR THE RE-ESTABLISHING OF CAPE HATTERAS LIGHT BEACON, FOR THE BENEFIT OF COMMERCE AND THE PROTECTION OF HUMAN LIFE.

WHEREAS, In consequence of the extinguishing and discontinuance of the light beacon at Cape Hatteras, North Carolina, many thousand dollars' worth of property have been lost, and many seamen drowned upon the dangerous shoals lying directly in the passage of coast trading vessels which pass that dangerous point. Therefore

Preamble.

*The General Assembly of North Carolina do resolve:* 1st. That our senators and representatives in congress shall be and they are hereby requested to use their influence to have the light beacon at Cape Hatteras re-established, and erect a light house at the mouth of Alligator river, also one at the mouth of Perquimans river and lighted for the protection of commerce and human life.

Resolution of request to members of congress concerning light beacon at Hatteras, &c.

2nd. That immediately after the passage of this resolution, copies thereof shall be sent to the representatives from North Carolina in congress.

Copies to be sent to representatives in congress.

3rd. That this resolution shall continue in force from and after its passage.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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RESOLUTION ON ADJOURNMENT.

*Resolved by the Senate, the House of Representatives concurring:* That this general assembly adjourn *sine die* at twelve o'clock, meridian, on Monday the fourteenth instant.

To adjourn at 12 o'clock on March 14th.

Ratified this the 5th day of March, A. D. 1881.

RESOLUTION CONCERNING THE PAY OF THE EMPLOYEES OF THE  
GENERAL ASSEMBLY.

Compensation of  
employees of gen-  
eral assembly.

*Resolved by the Senate, the House of Representatives concurring:* That the employees of the general assembly shall be allowed pay as follows: two doorkeepers for the senate, four dollars each per day; two doorkeepers for the house, four dollars per day; one chief messenger for the senate, two dollars and fifty cents per day; four pages for the senate, one dollar each per day; two other employees for the senate, each two dollars and fifty cents per day; six pages for the house, one dollar each per day; three other employees for the house, each two dollars and fifty cents per day.

That this resolution shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1881.

RESOLUTION IN RELATION TO THE ACTS PASSED AT THIS GEN-  
ERAL ASSEMBLY IN REGARD TO CRIMES AND OFFENCES  
AGAINST THE STATE.

Secretary of state  
to transmit copies  
of acts passed at  
this session in re-  
gard to crimes,  
&c., to judges and  
solicitors.

*Resolved by the House of Representatives, the Senate concurring:* That the secretary of the state be and he is hereby requested to transmit a certified copy of all acts passed at this general assembly in regard to crimes and offences against the state, under the seal of the state, to each judge and solicitor in the state immediately after its passage.

This resolution shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## A RESOLUTION IN FAVOR OF J. J. LINNEY.

WHEREAS, On the investigation of senate bill, one hundred and eighty-four, it became necessary for the committee on internal improvements to employ a stenographer; and, whereas, the said committee secured the services of Mr. J. J. Linney, who attended the meetings of the committee, and in a most efficient manner reported and transcribed the testimony before said committee, and prepared and revised the same for publication : therefore

Preamble.

*Be it resolved by the Senate, the House of Representatives concurring:* That the treasurer of the state pay the said J. J. Linney, upon the warrant of the president of the senate, the sum of fifty dollars out of any money in the treasury not otherwise appropriated.

Treasurer directed to pay J. J. Linney \$50.

This resolution shall take effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1881.

RESOLUTION OF INSTRUCTION TO THE SECRETARY OF STATE  
IN REGARD TO CAPTIONS, AND SO FORTH, OF LAWS, AND  
SO FORTH.

*Resolved by the Senate, the House of Representatives concurring:* 1. That the secretary of state cause to be prepared and printed a sufficient number of the captions and abstracts when necessary, of the acts and resolutions of this general assembly, to supply each member and officer with two hundred copies for gratuitous distribution among the people.

Secretary of state directed to prepare captions, &amp;c., for use of general assembly.

2. That the treasurer pay upon the warrant of the auditor the expenses actually incurred in carrying out the above resolution.

Expenses.

3. That these resolutions take effect from and after their ratification.

Read three times in the general assembly, and ratified this the 11th day of March, A. D. 1881.

RESOLUTION FOR THE RELIEF OF G. W. PARTIN.

Preamble.

WHEREAS, G. W. Partin, night watchman at the capitol, paid out of his own funds at various times during the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, the sum of sixty-six dollars to other parties for watching the capitol while he was confined to bed with sickness: therefore

Treasurer directed to pay G. W. Partin \$66.

*Resolved by the Senate, the House of Representatives concurring:* That the treasurer be and is hereby directed to pay said G. W. Partin the said amount, sixty-six dollars, upon the warrant of the state auditor.

This resolution to go into effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1881.

RESOLUTION TO PAY HENRY E. DAVIS AND ROBERT J. MAYO.

Treasurer instructed to pay H. E. Davis and R. J. Mayo per diem and mileage.

*Resolved by the House of Representatives, the Senate concurring:* That the treasurer be and he is hereby instructed to pay Henry E. Davis and Robert J. Mayo, the contestants for seats from the county of Halifax, per diem and mileage for this the regular session of the general assembly of one thousand eight hundred and eighty-one.

This resolution shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1881.

## RESOLUTION IN FAVOR OF THE COUNTY OF CABARRUS.

*Resolved by the House of Representatives, the Senate concurring:* That the treasurer be and he is hereby instructed to pay to the treasurer of the educational fund for the county of Cabarrus, for the use of the public schools for said county, the sum of one hundred and twenty-six dollars and eleven cents, money which was collected under schedule B in the year one thousand eight hundred and seventy-nine and paid into the state treasury by the sheriff of said county in his settlement with the state treasurer in January, one thousand eight hundred and eighty, which amount should properly have been paid into the county treasury for the use of the school fund.

Treasurer instructed to pay \$126.11 to treasurer of educational fund of Cabarrus co.

Ratified this 11th day of March, A. D. 1881.

## RESOLUTION TO PRINT ONE THOUSAND COPIES OF THE TESTIMONY IN RELATION TO WESTERN NORTH CAROLINA RAILROAD COMPANY.

*Resolved by the Senate, the House of Representatives concurring:* That one thousand copies of the testimony taken before the senate committee on internal improvements respecting the ownership of the Western North Carolina railroad be printed for the use of the general assembly and for distribution.

1,000 copies ordered to printed.

Ratified this the 11th day of March, A. D. 1881.

RESOLUTION TO GIVE THE CONVICTS OF THE PENITENTIARY  
BIBLES AND OTHER RELIGIOUS BOOKS.

*The General Assembly of North Carolina do resolve :*

300 appropriated. 1. That the sum of fifty dollars is hereby appropriated to purchase bibles and other religious books for the use of the penitentiary Sunday school.

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

Ratified this the 11th day of March, A. D. 1881.

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RESOLUTION TO ALLOW ANDREW JACKSON, A CONTESTANT  
FROM HALIFAX, PER DIEM AND MILEAGE.

Preamble.

WHEREAS, The time for adjournment is near its close ; AND WHEREAS, the contestant, Mr. Andrew Jackson, of Halifax county, for a seat in the senate from said county, has been on expenses for some time ; AND WHEREAS, the committee on privileges and elections will hardly have time to report thereon :

Per diem and mileage allowed.

*Be it resolved,* That the senate give the contestant, Andrew Jackson, his per diem and mileage.

Ratified this the 12th day of March, A. D. 1881.

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RESOLUTION TO PAY MISS JEAN C. GALES FIFTY DOLLARS FOR  
ASSISTING THE ENROSSING CLERK.

Treasurer instructed to pay Miss J. C. Gales \$50.

*Resolved by the House of Representatives, the Senate concurring :* That the treasurer pay Miss Jean C. Gales fifty dollars for services rendered in engrossing bills.

This resolution shall be in force from its ratification.

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

RESOLUTION TO COMPENSATE CLERK OF COMMITTEE FOR  
APPOINTMENT OF JUSTICES OF THE PEACE.

*Resolved by the Senate, the House of Representatives concurring:* That the clerk to the committee on nominations of justices of the peace be allowed compensation to the amount of fifty dollars; and the clerk of the tellers of the two houses for making two copies of the tellers' reports the sum of fifteen [dollars]; and the principal clerk of the senate ten dollars for having two copies of the nominations for justices of the peace prepared.

\$50 allowed clerk of committee on nomination of justices of the peace.

\$15 allowed clerk of tellers.

\$10 allowed principal clerk of senate.

2d. That the auditor be instructed to issue his warrants for the said amounts and the treasurer to pay the same.

Auditor instructed to issue warrants.

Read three times in the general assembly, and ratified this the 14th day of March, A. D. 1881.

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RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS.

WHEREAS, It appears there yet remains unpaid some just and equitable claims under various acts of congress against the United States by and in behalf of the surviving widows, or children, of soldiers of the revolutionary war, for military services rendered said United States in said war by their husbands or fathers, some of which claims, though once regularly in suit upon the docket of the court of claims, and other courts and departments of the government of said United States, but having gone off of said dockets under the statutes of limitations during the late war between the states for want of prosecution, (it being impossible during that period for some of such claimants to prosecute their claims before said court or departments), and said claims being now barred by said statute of limitations as aforesaid;

Preamble.

AND WHEREAS, It is but honorable, right and just that the government should not only pay its obligations, but should ever hold in grateful remembrance the children of those patriotic soldiers, by promptly paying off its indebtedness to them for the valiant services of their fathers, some of which children are now in poverty and want; therefore,

Resolution of instruction to members of congress concerning claims against United States by widows and children of soldiers of revolutionary war.

*Resolved by the House of Representatives of North Carolina, the Senate concurring:* That our senators and representatives in congress be and they are hereby instructed to use their influence and utmost efforts to pass a bill removing all statutes of limitations from all such claims, and restore them in *statu quo* to their respective places on said dockets of said courts or departments as aforesaid, before which they were formally pending, to the end that full investigation may be made and the respective rights of such claimants speedily determined.

Legislatures of other states requested to pass similar resolutions.

*Resolved further,* That we do respectfully request the legislatures of other states of the union now in session or hereafter to assemble, to pass similar resolutions, to be sent to their senators and representatives in congress, in order that there may be a united effort made before congress to pass such a bill as above mentioned, that these long delayed claims of citizens against the government may be speedily and finally adjusted.

Secretary of state directed to furnish copies, &c.

*Resolved further,* That the secretary of state be required to have one hundred copies of these resolutions printed, and to furnish each of our senators and representatives in congress a copy, to send also a copy to each of the governors of the respective states and territories of the union, with a request that they may lay them before their legislatures as aforesaid.

Ratified this the 14th day of March, A. D. 1881.

RESOLUTION GRANTING CONVICT LABOR FOR THE CONSTRUCTION  
OF THE DANVILLE AND HAW RIVER RAILWAY COMPANY.

*Resolution by the General Assembly of North Carolina:* Directors of penitentiary authorized to contract

1. That the board of directors of the penitentiary be and they are hereby authorized and empowered to contract with the officers of the Danville and Haw River Railway Company for convict labor to grade and lay the track on said railway: *Provided*, That assignments heretofore made by acts of the general assembly to other public works shall have first been satisfied. Haw River R. R. Co. for convict labor.

*Proviso.*

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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A RESOLUTION IN RELATION TO YORKTOWN.

WHEREAS, North Carolina in the days of the revolution was conspicuous for her devotion to the great cause of liberty, and was among the first (if not the first) of the original thirteen states to publicly absolve her allegiance to the crown and parliament of Great Britain; Preamble.

AND WHEREAS, It is eminently proper that as one of the original thirteen states she should be represented, in a manner suitable to her history, at the centennial anniversary of the surrender of Lord Cornwallis at Yorktown: therefore,

*Be it resolved by the Senate, the House of Representatives concurring:* That his excellency the governor be and he is hereby authorized to expend out of any moneys in the treasury not otherwise appropriated an amount not ex- Governor authorized to expend \$3,000 to defray necessary expenses, &c.

ceeding the sum of three thousand dollars to defray the necessary expenses of the state in aid of the celebration of the one hundredth anniversary of the surrender of Lord Cornwallis at Yorktown.

*Resolved*, That this resolution take effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1881.

RESOLUTION IN FAVOR OF L. BRANSON.

Treasurer authorized to pay L. Branson \$21.15.

*Resolved by the House of Representatives, the Senate concurring*: That the treasurer of the state of North Carolina be and he is hereby authorized to pay on the warrant of the auditor of the state to L. Branson the sum of twenty-one dollars and fifteen cents (\$21.15) for supplies for the use of the house of representatives on the order of the principal clerk of the house, said supplies not being obtainable from the secretary of state, and directed by him to be obtained elsewhere.

This resolution shall be in force and take effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1881.

RESOLUTION IN FAVOR OF W. W. ROLLINS.

Attorney-general authorized to withdraw suit in Wake superior court against W. W. Rollins.

*Resolved by the House of Representatives, the Senate concurring*: That the attorney-general be and he is hereby authorized to withdraw the suit in Wake superior court against W. W. Rollins, if in his judgment the interest of the public will not be prejudiced thereby.

This resolution shall be in force from and after its ratification.

In the general assembly read thrée times, and ratified this the 12th day of March, A. D. 1881.

RESOLUTION IN RELATION TO LEASING THE ATLANTIC AND NORTH CAROLINA RAILROAD.

*Resolved by the House of Representatives, the Senate concurring:* SECTION 1. That it is the sense of the general assembly that no lease of the Atlantic and North Carolina Railroad shall be made, unless with the concurrence of the board of directors of said railroad.

Declared to be the sense of the general assembly that no lease of the A. & N. C. R. R. should be made except with concurrence of directors.

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

Ratified this the 14th day of March, A. D. 1881.



PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1881.



# PRIVATE LAWS

OF THE

# STATE OF NORTH CAROLINA,

SESSION 1881.



## CHAPTER 1.

AN ACT TO AMEND CHAPTER THIRTEEN OF THE PRIVATE LAWS  
OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, IN  
REGARD TO WAKE FOREST COLLEGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter thirteen of the private laws of one thousand eight hundred and seventy-nine be and the same is hereby amended by striking out the words "three miles" wherever the same shall occur in said section, and inserting in lieu and stead thereof the words "five miles."

Ch. 13, §1, private laws 1879, amended.

Unlawful to sell liquor, &c., within five miles of Wake Forest College.

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

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

Read three times in the general assembly, and ratified this the 20th day of January, A. D. 1881.

## CHAPTER 2.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN

*The General Assembly of North Carolina do enact :*Ch. 42, §49, private  
acts 1879, amend-  
ed.Public notice of  
ordinances.

SECTION 1. That the forty-ninth section of an act passed in one thousand eight hundred and seventy-nine, chapter forty-two, entitled "an act to amend the charter of the city of Newbern," be amended so as to read: no ordinance shall take effect until after it shall have been published either in a daily paper of the city, or posted for five days at the door of the police station.

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

Read three times in the general assembly, and ratified this the 18th day of January, A. D. 1881.

## CHAPTER 3.

AN ACT TO INCORPORATE OAK RIDGE INSTITUTE.

*The General Assembly of North Carolina do enact :*

Body politic.

Name.

Powers.

SECTION 1. That J. N. Nelson, W. O. Donnell, Jesse Benbow, J. B. Clark, T. J. Benbow, J. F. Holt, Charles Wilson, Rufus Benbow, Charles Case, Jason Thompson, John King, Allen Lowry and R. A. Blaylock, their associates and successors in office, be and the same are hereby created and constituted a body politic and corporate under the name and style of "Oak Ridge Institute," an institution of learning situated in the county of Guilford, state of North Carolina, and as such body politic and corporate and by said name shall be capable and liable to sue and be sued, to plead and be impleaded, to use a common seal,

and to make such by-laws, rules and regulations for its government, as the trustees may deem necessary, including such police regulations respecting the sale of spirits and malt liquors upon the premises or within three miles thereof, as by the trustees of said institute may be deemed necessary for the preservation of good order.

By-laws.

Authorized to regulate sale of liquors within three miles.

SEC. 2. The said trustees are and shall be authorized to appoint such officers as they may deem necessary and proper for the organization of their own body, and also all the officers, professors, tutors and instructors in and for said institution.

Officers.

SEC. 3. That the said trustees and their successors shall have and hold all the estate, property and funds now belonging to said institute, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised or given to said institute, in trust for the use and benefit of said institute.

Trustees to hold property.

SEC. 4. The trustees aforesaid and their successors and associates shall have all the powers incident to corporations of like character, and a majority of them are hereby authorized to organize under this charter, and to make such by-laws and rules and regulations for the government of the corporation not inconsistent with the laws of the United States and the state of North Carolina, as may by them be deemed necessary.

Powers.

Organization.

SEC. 5. It shall not [be] lawful for any person to retail spirituous or malt liquors within three miles of the institute without the permission of the board of trustees, and any person so offending shall be guilty of a misdemeanor.

Unlawful to retail liquors within three miles without consent of trustees.

SEC. 6. This act shall remain and continue in force for thirty years from and after its ratification.

Act limited to thirty years.

Read three times in the general assembly, and ratified this the 24th day of January, A. D. 1881.

## CHAPTER 4.

AN ACT TO AMEND CHAPTER FORTY-NINE, SECTION SIX, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

Ch. 49, 26, private laws 1879, amended.

Collection of penalty for failure to pay toll.

SECTION 1. That chapter forty-nine (49), private laws of eighteen hundred and seventy-nine (1879), be amended as follows: section six (6), line four (4), strike out the word "state" and insert the word "county," and in line five (5) strike out the word "company" and insert the word "county" at the end of said section.

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

Read three times in the general assembly, and ratified this the 31st day of January, A. D. 1881.

## CHAPTER 5.

AN ACT TO INCORPORATE THE TOWN OF SALUDA, IN THE COUNTY OF POLK.

*The General Assembly of North Carolina do enact:*

Incorporated.

Name.

Corporate limits.

Officers.

SECTION 1. That the town of Saluda, in the county of Polk, be and the same is hereby incorporated by the name and style of Saluda, and shall be subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be one mile square with the railroad depot exactly in the center.

SEC. 3. That the officers of said corporation shall consist of a mayor and three commissioners and a marshal,

and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-one: Mayor, Andrew Tanner; commissioners, John Forest, J. I. Davis and F. M. Linly; marshal, T. J. Ballard. It shall be the duty of the officers named in this section to meet within thirty days after the ratification of this act, and organize after being duly qualified by some justice of the peace of said county. Organization.

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 eighty-one, and each succeeding year thereafter under the same rules and restrictions that state and county elections are held, and all citizens within said corporation who have resided twelve months in the incorporated limits of said town previous to the day of election shall be entitled to vote at said election. Election.  
Electors.

SEC. 5. It shall be the duty of the persons elected under the provisions of this act to go before some justice of the peace for said county, and take the oath prescribed by law within ten days after their election and shall appoint a treasurer and secretary if they deem it necessary. Qualification of officers.

SEC. 6. That said commissioners shall have the 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 the United States; and levy and collect taxes on all subjects of taxation\*not to exceed one-half of the state taxes and to impose fines for violation of town ordinances and collect the same. Powers of commissioners.

SEC. 7. That it shall be unlawful for any person or persons to sell, give away, or dispose of, directly or indirectly of any spirituous liquors or intoxicating drinks of any kind for reward or the hope of reward, within one mile of the railroad depot in said town, and if any person shall violate the provisions of this act, they shall be deemed guilty of a misdemeanor, and, on conviction thereof before any justice of the peace of said county, shall be fined not less than twenty-five dollars nor more than fifty, or impris- Unlawful to sell spirituous liquors within one mile of depot.  
Misdemeanor.  
Penalty.

oned not less than fifteen days nor more than thirty for each and every offence.

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

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

## CHAPTER 6.

AN ACT TO AMEND AND CONTINUE IN FORCE CHAPTER FOUR OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, RATIFIED EIGHTH DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four of the private laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two be amended as follows: in section three strike out all after the word "company" in line seven, and add "and shall be due and payable at such times and in such amounts as the corporation may fix upon."

SEC. 2. Amend section four by inserting after the word "labor" in the fourth line the words "and also in the lands of the United States, state of North Carolina, county of Cumberland and town of Fayetteville, or in the capital stock of any corporation now existing in said county." Insert after the word "labor" in fifth line the words "or other property."

SEC. 3. Strike out all of section twelve and insert "that the stockholders shall not be individually liable for the debts of the corporation," and add after section twelve, "Sec. 13. This act shall be in force from and after its ratifica-

Ch. 4, §3, private laws 1871-'72, amended.

§1 amended.

§12 amended.

tion, and shall continue in force until the year Anno Act to be in force until 1910.  
Domini one thousand nine hundred and ten."

Read three times in the general assembly, and ratified this the 1st day of February, A. D. 1881.

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## CHAPTER 7.

AN ACT TO INCORPORATE THE STAR OF BLADEN LODGE, NUMBER ONE THOUSAND NINE HUNDRED AND SIXTY-SEVEN, GRAND UNITED ORDER OF ODD FELLOWS OF CLARKTOWN, NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Wm. M. Kelly, John A. Bowen, Henry Body politic.  
S. McNeal, Lee F. Stevens, John Newell, F. W. Mason,  
Horace Singletry, the present officers and members of  
the Star of Bladen Lodge, number one thousand nine Name.  
hundred and sixty-seven, Grand United Order of Odd  
Fellows, and their successors, be and they are hereby  
declared to be a community, corporation and body politic  
by the name and style and title aforesaid, and by that  
name they and their successors shall and may at all  
times be capable in law to have, receive and retain to  
them and their successors property both real and personal,  
also devises and bequeaths of any person or persons,  
bodies corporate or politic capable of making the same,  
and the same at their pleasure to transfer or dispose of in  
such manner as they may think proper.

SEC. 2. That the said corporation or their successors by Powers.  
the name and style and title aforesaid shall be thereafter  
capable in law to sue and be sued, to plead and be im-  
pleaded, answer and be answered unto, defend and be  
defended in all or any courts of justice, and before all  
and any judge, officers or persons whatsoever, all and sin-  
gular actions, matters or demands whatever.

Common seal.

SEC. 3. That it shall and may be lawful for said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew from time to time as they may think best, and shall in general have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations of like character, and what may be necessary to the corporation herein constituted.

Rights and privileges.

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

In the general assembly read three times, and ratified this the 4th day of February, A. D. 1881.

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## CHAPTER 8.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CLAYTON IN THE COUNTY OF JOHNSTON.

*The General Assembly of North Carolina do enact :*

Corporate limits extended.

SECTION 1. That the corporate limits of the town of Clayton in the county of Johnston shall be as follows : Beginning at a rock on the lands belonging to estate of B. Horne, deceased, runs south forty-five degrees, west thirty-seven chains to a stake on the lands of J. L. Ellington ; thence south forty-five degrees, east eleven chains to a stake ; thence south forty-five degrees, west eight and sixty one-hundredth chains to a rock on the lands of said Ellington ; thence south forty-five degrees, east forty chains to a rock on the lands of J. H. Raby ; thence north forty-five degrees, east eight and sixty one-hundredth chains to a stake ; thence south forty-five degrees, east thirty-one chains to a rock on the lands of H. Durham ; thence north forty-five degrees, east thirty-seven chains to a stake on the lands of Col. Heck ; thence north forty-five degrees, west eighty-two chains to the beginning.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

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## CHAPTER 9.

AN ACT TO INCORPORATE THE SUPERANNUATED FUND SOCIETY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William H. Wills, Cicero F. Harris, Body politic. Adam C. Harris, George A. T. Whitaker, J. C. Roberts, J. L. Ogburn, W. O. Donnell, Ferdinand H. Whitaker and John F. Harris, and their associates and successors, be and the same are hereby incorporated into a body politic and corporate, under the name and title of the "Super- Name. annuated Fund Society," of the annual conference of the Methodist Protestant church in North Carolina; and by that name may have succession and a common seal, and Powers. have power to sue and be sued, plead and be impleaded before any court of record or other court of the state, contract and be contracted with, require, hold and dispose of real and personal property and choses in action for the benefit of the society.

SEC. 2. That the officers of this society shall consist of Officers. a president and two vice-presidents, a secretary and treasurer.

SEC. 3. That for the purpose of contributing to the support of superannuated ministers and preachers of the Methodist Protestant church in North Carolina, their widows and orphans, and for the further purpose of carrying out the intent of this act, the incorporators and their successors in office are hereby made able and capable in law to have, hold, purchase, receive, possess, enjoy and retain to them and their successors any estate or Authorized to hold property, &c.

interest whatever, in lands, chattles, annuities, rents, bank stock, registered debts, public or private securities, or other real and personal property, within or without the state, by due assignment, devise, bequest, or other mode of conveyance, and the same at their pleasure to improve, lease, rent, incumber, dispose of, or alien in such manner as they may judge most conducive to the benevolent purpose of said society: *Provided*, Their entire property or estate shall at no time exceed in value the sum of fifty thousand dollars.

Proviso.

Organization.

SEC. 4. That the superannuated fund society of the North Carolina annual conference of the Methodist Protestant church shall have its first meeting at Ridge church in Orange county, on Wednesday before the first Sunday in December, Anno Domini one thousand eight hundred and eighty-one, at which time they shall adopt a constitution and by-laws, prescribing the duties of all its officers, and fix the times for holding the annual meetings of said society, and direct how all moneys shall be invested, the terms of office for the several officers of the society, and may alter, amend or change their constitution and by-laws by a vote of two-thirds of the corporators or their successors.

By-laws, &c.

SEC. 5. That the said society shall have power to make any and all such by-laws and regulations as may be deemed necessary for its government that may not be inconsistent with the constitution of this state or the United States.

Property to be invested and interest only to be used.

SEC. 6. That all the estate or interest whatever in realty or personalty, choses in action, rents within or without the state, devised, bequeathed, given or otherwise conveyed or transferred to said society, not otherwise expressly directed, shall be invested as a part of the permanent fund of the society, the interest only of which, with the interest of all moneys invested, shall be used for the purpose herein specified, and for no other purpose, or so much thereof as may be necessary.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

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## CHAPTER 10.

AN ACT TO INCORPORATE MOUNT VERNON LODGE, NUMBER THREE HUNDRED AND FIFTY-NINE, ANCIENT FREE AND ACCEPTED MASONS, OF THE TOWN OF STONEWALL, PAMLICO COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That H. S. Lee, James W. Dawson, William T. Caho, Charles H. Fowler, James O. Baxter, Thomas J. Sawyer, John L. Fowler, John H. Nichols, T. D. Perkins, Charles F. Davenport, J. J. Carden, William T. Kennedy, W. W. Richardson, T. L. McClese, B. P. Small, H. A. Reel, John Freeman, J. W. Vendrick, T. M. Davenport C. J. Lupton, James M. Lane, and others, officers and members of Mount Vernon Lodge, number three hundred and fifty-nine, (359) Ancient Free and Accepted Masons, located in the town of Stonewall in the county of Pamlico, be and they are hereby incorporated into a body politic and corporate, under the name and title of "Mount Vernon Lodge, number three hundred and fifty-nine, Ancient Free and Accepted Masons." Body politic.

SEC. 2. That with the above name 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 the said state, contract and be contracted with, acquire, hold and dispose of real estate and personal property not exceeding ten thousand dollars for the benefit of said lodge or Powers.

its members, and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporations.

By-laws, &c.

SEC. 3. That 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 of America.

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

Read three times in the general assembly, and ratified this the 4th day of February, A. D. 1881.

## CHAPTER 11.

AN ACT TO AMEND CHAPTER FORTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, RELATIVE TO THE BENEFICIAL DEPARTMENT OF GOOD SAMARITANS, AND SO FORTH.

*The General Assembly of North Carolina do enact :*

Ch. 41, §1, private laws 1879, amended.

SECTION 1. That the word "grand" be inserted after "America" in line two, section one, chapter forty-one of the private laws of one thousand eight hundred and seventy-nine. That section seven of the same act be amended by striking out the word "hundred" in line eight, and insert in lieu thereof the word "thousand." That section three of the same act be amended by striking out "and their successors in office," and the word "each" in lines three and four, and in lieu of the word "each" insert the word "next." That section five be amended by striking out the words "and at each successive meeting thereafter" in lines one and two.

§7 amended.

§3 amended.

§5 amended.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 12.

AN ACT TO AMEND AN ACT CONCERNING THE APPOINTMENT OF TRUSTEES FOR FRANKLIN ACADEMY IN MACON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. L. Moore, H. G. Woodfin, J. M. Trustees.  
Lyle, J. Johnson and John Ingram, the present acting trustees, be and the same are hereby appointed trustees of Franklin Academy with all the powers conferred upon Powers.  
the original trustees.

SEC. 2. That said trustees shall make a record of all Vacancies.  
their appointments, filling vacancies, in a book to be kept in the office of register of deeds for Macon county.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 13.

AN ACT TO INCORPORATE THE FULTON FIRE COMPANY OF TARBORO, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the officers and members who are at Incorporated.  
present, or in the future may be, of the Fulton Fire Company of Tarboro, Edgecombe county, North Carolina, be

and they are hereby incorporated under the name and style of "Fulton Fire Company," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, and contract and be contracted with, acquire, hold and dispose of real estate and personal property for the benefit of said company as may be required for the convenient transaction of its business.

**Name.**  
**Powers.**

**By-laws, &c.** 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. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 14.

AN ACT TO INCORPORATE TARBORO LODGE, NUMBER ONE THOUSAND EIGHT HUNDRED AND TWENTY-ONE, GRAND UNITED ORDER OF ODD FELLOWS, COLORED.

*The General Assembly of North Carolina do enact:*

**Incorporated.** SECTION 1. That the officers and members who are at present, or in the future may be, of Tarboro Lodge Grand United Order of Odd Fellows, colored, number one thousand eight hundred and twenty-one, be and they are hereby incorporated under the name and style of "Tarboro Lodge number one thousand eight hundred and twenty-one, of the Grand United Order of Odd Fellows, colored," and by the same [may] sue and be sued, plead and be impleaded, have succession and a common seal,

**Name.**

**Powers.**

may contract and be contracted with, acquire, hold and dispose of real estate and personal property.

SEC. 2. The said corporation shall have power to pass <sup>By-laws, &c.</sup> 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. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 15.

AN ACT TO INCORPORATE THE TRUSTEES OF CONCORDIA COLLEGE, SITUATED AT CONOVER IN CATAWBA COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That P. C. Henkel, Paul Hunsucker, J. M. <sup>Body politic.</sup> Smith, D. D. Seitz, Andrew Haller, A. M. Huil, M. L. Little and M. Lippard, and their associates and successors duly elected, are hereby created a body politic and corporate in the name and style of the Trustees of Concordia <sup>Name.</sup> College, and said trustees shall have succession, and may have and use a common seal, and be capable in law to <sup>Powers.</sup> 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 have been, or which may be given them by will or otherwise for the use of said college in the town of Conover, Catawba county, with power to make all needful rules and regulations for their own government and that of said college, and shall have continued succession in such capacity for the instruction of youths in the various branches of science, literature and art.

Trustees.

SEC. 2. That there shall not be less than six nor more than fifteen trustees of said corporation at any one time. That all vacancies occurring in the board of trustees shall be filled by the Concordia College Association of the Evangelical Lutheran church, as set forth in the basis and plan of said college. In case such association fails to fill such vacancies, that then the trustees shall have power to fill vacancies in their body.

Vacancies.

Power to confer degrees.

SEC. 3. That the president and professors of said college, by and with the consent of the trustees of said college, shall have the power of conferring the degree of master of arts and the degrees and distinctions of less dignity than master of arts, which are usually conferred by colleges.

Unlawful to sell liquors within two miles without permission of faculty.

SEC. 4. That it shall not be lawful for any person or persons to sell any wines or spirituous or malt liquors to any person within two miles of said Concordia college, except for medicinal purposes, nor give nor convey to the students of said college any intoxicating liquors without special permission in writing of the faculty of said college, and any person or persons violating any of the provisions of this act shall be considered guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each and every offence.

Misdemeanor.

Penalty.

Power to hold property not exceeding \$150,000.

SEC. 5. That said corporation may take and hold real and personal property not exceeding one hundred and fifty thousand dollars cash, and enjoy any and all rights incident to a corporation and necessary to accomplish the object of its creation.

Books of subscription, &c.

SEC. 6. 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 college aforesaid, and may sell, exchange or dispose of any of said property in furtherance of the interests of said college, when not restrained by conditions in receiving said property.

SEC. 7. That the said board of trustees shall have power Officers. to elect a president and professors to teach in this institution and remove them for good cause, and to erect suitable buildings for said school as may be deemed proper, Buildings. and to exercise supervision and control over the same when established and put in operation according to the basis, plan and constitution of said college.

SEC. 8. That three of the trustees shall constitute a Quorum. quorum for the transaction of business, selecting one of their number to preside in the meetings.

SEC. 9. That whenever property is received by the corporation, by gift 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 grantor, his heirs or assigns. Property received by corporation conditionally.

SEC. 10. That the said trustees are hereby further empowered to borrow money to a sum not exceeding one thousand dollars: *Provided, however,* That the sum borrowed shall be applied to the liquidation of debts now properly owed by said trustees on the aforesaid building; and secondly, to the completion of said building and to such other objects as may be necessary to prepare the building for use as a college. The trustees shall not pay a higher rate of interest than six per centum per annum. Power to borrow money.

SEC. 11. That the aforesaid trustees shall be liable only for the payment of such sums as they may borrow as trustees of Concordia college, and in no instance shall the personal property or real estate of any member or members of the association be subject to or exposed to sale for the liquidation of any debt or debts made in the interest of said college; but as security to persons lending them money, the trustees are by the terms of this charter empowered to execute a lien upon the building and ground upon which said building stands, and as additional security to persons lending to said trustees and stockholders, Liability of trustees.

the said college building shall be insured in one or more insurance companies for an amount not less than fifteen hundred dollars.

Construction of §10 as to power of trustees to borrow money.

SEC. 12. That the tenth section shall be so construed as not to prevent the said trustees from borrowing additional sums of money from time to time, but in no case shall their indebtedness at any one time exceed the sum therein provided for, viz: one thousand dollars.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 16.

AN ACT TO INCORPORATE THE TRUSTEES OF MOUNT PLEASANT CAMP GROUND IN BURKE COUNTY TO PROHIBIT THE SALE OF LIQUOR THEREON.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That James A. Puett, James M. Rincaid, Elijah Cooper, W. A. Cloutz, Cornelius Resley, Winfield Rincaid and Sidney Roderick and their successors in office, be and they are hereby declared a body politic and corporate in deed and in law by the name and style of "The Trustees of Mount Pleasant Camp Ground," and as such may sue and be sued, plead and be impleaded, purchase, receive and convey property, and shall have perpetual existence as a corporate body.

Name.

Powers, &c.

By-laws, &c.

Vacancies.

SEC. 2 That the trustees may make all needful by-laws and regulations for the enforcement of good order and for the removal or abatement of any nuisance upon said camp ground, and in any case of vacancy from any

cause, the remaining trustees shall have power to fill the same.

SEC. 3. That it shall not be lawful for any person to sell spirituous liquors at or within one mile of said camp ground during its occupancy for public worship, and any person violating this prohibition shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined for each and every offence not more than fifty dollars, or imprisoned not more than thirty days, at the discretion of the court.

Sale of spirituous liquors prohibited.

Misdemeanor.

Penalty.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 17.

AN ACT AUTHORIZING TUCKER'S GROVE CAMP GROUND IN THE COUNTY OF LINCOLN, AND TO INCORPORATE A BOARD OF TRUSTEES THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Henry Brevard, Alexander McLean, Isaac Dew, Milton Monday, Columbus Matthews, Daniel Aherus, Peter Wingate, Albert Hill, Young Brevard, Sancho Graham, and their successors and associates, are hereby constituted a body politic and corporate by the name of "The Trustees of Tucker's Grove Camp Ground," in Lincoln county, North Carolina, and 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 power to sue and be sued, plead and be impleaded in any court of this state, having competent jurisdiction, have and use a common seal, elect their officers consisting of a chairman, secretary and treasurer,

Body politic.

Name.

Powers.

and to establish such rules and regulations for the enforcement of good order and behavior, and for the removal of any nuisance from said camp ground or the abatement thereof.

Vacancies.

SEC. 2. That in case of death, dismissal by his church authorities, or refusal to act, or from any other cause a vacancy occurs, the remaining trustees shall have power to fill such vacancy: *Provided*, The number of trustees shall not be less than ten nor more than sixteen; seven members present requisite to constitute a quorum for the transaction of business.

Proviso.

Unlawful to sell or give away liquors.

SEC. 3. It shall not be lawful for any person or persons to sell, give away or otherwise dispose of spirituous liquors within two miles of said camp ground under penalty on conviction before any justice of the peace, of a fine of not more than fifty dollars and imprisonment for not more than thirty days for each offence.

Penalty.

Provisions of §§4, 5, 6, 7, 8, 9, ch. 58, private laws 1879, declared to be part of this act.

SEC. 4. That all the provisions of sections four, five, six, seven, eight and nine of chapter fifty-eight of private laws of one thousand eight hundred and seventy-nine as applied to Rock Spring Camp Ground, are hereby applied to Tucker's Grove Camp Ground, and declared to be a part of this act.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1881.

## CHAPTER 18.

## AN ACT TO INCORPORATE THE TOWN OF NORWOOD, STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Norwood, in Stanly <sup>Incorporated.</sup> county, be and the same is hereby incorporated by the name and style of "The Town of Norwood," and it shall <sup>Name.</sup> be subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town be as <sup>Corporate limits.</sup> follows: one-third of a mile east, west, north and south, from the crossing of the streets in the center of said town of Norwood, and shall run with the four cardinal points of the compass.

SEC. 3. That the officers of said incorporation shall <sup>Officers.</sup> consist of a mayor, three commissioners and a marshal, and the commissioners shall have power to appoint a secretary and treasurer.

SEC. 4. That until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-one, the following named persons shall fill said offices, viz: mayor, D. N. Bennett; for commissioners, John A. Tyson, H. C. Turner and Robert H. Lentz; for marshal, James Mills. <sup>Temporary officers appointed.</sup>

SEC. 5. There shall be an election held for officers men- <sup>Election.</sup> tioned in this act on the first Monday in May, one thousand eight hundred and eighty-one, and every year thereafter, under the same restrictions that county and state elections are held: all male citizens who have resided in the state twelve months and ninety days within said corporation previous to the day of election, shall be entitled to vote at said election.

SEC. 6. That the said commissioners shall have power <sup>Powers.</sup> to pass 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 to impose fines and penalties for the violation of town ordinances, and collect the same.

Fines to go into town treasury.

SEC. 7. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

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

Read three times in the general assembly, and ratified this the 11th day of February, A. D. 1881.

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## CHAPTER 19.

### AN ACT TO INCORPORATE THE TOWN OF WEBSTER IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact :*

Incorporated.  
Name.

SECTION 1. That the town of Webster in Jackson county is hereby incorporated by the name of the town of Webster, and shall be subject to the provisions of chapter one hundred and eleven, Battle's Revisal.

Corporate limits.

SEC. 2. The corporate limits of said town shall be one square mile run with the cardinal points of the compass, with the court-house exactly in the center of the said square mile.

Elections.

SEC. 3. An election shall be held on the first Monday in May, one thousand eight hundred and eighty-one, and annually thereafter on each successive year for a mayor, three commissioners and a marshal, and any person living within said corporate limits and entitled and qualified to vote for members of the general assembly, may vote at said election.

Officers.  
Electors.

Town council.

SEC. 4. That the mayor, commissioners and marshal shall form a council, and may make, publish and enforce

ordinances for the police regulations of said town, not Town ordinances.  
 inconsistent with the constitutional laws of North Caro-  
 lina or of the United States.

SEC. 5. It shall be unlawful for any person either di- Unlawful to sell  
or give away in-  
toxicating  
liquors within  
two miles.  
 rectly or indirectly to sell or give away, within two miles  
 of the court-house in said town of Webster, any intoxica-  
 ting liquors, and any person violating the provisions of  
 this act shall be guilty of a misdemeanor, and, on con- Misdemeanor.  
 viction thereof in any court having jurisdiction, shall be  
 fined not exceeding fifty dollars or imprisoned not more Penalty.  
 than thirty days.

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

In the general assembly read three times, and ratified  
 this the 17th day of February, A. D. 1881.

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## CHAPTER 20.

AN ACT TO AMEND CHAPTER TWENTY-FIVE, SECTION ONE, OF  
 PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND  
 SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-five, section one, of the Ch. 25, §1, private  
laws 1879, amend-  
ed.  
 private laws of one thousand eight hundred and seventy-  
 nine be amended as follows: strike out in line nine of  
 said section the words "not more than" and insert after  
 the word "four" in said line the words "or more," and Additional cot-  
ton weighers in  
city of Raleigh.  
 insert after the word "arise" in line thirteen the words  
 "appoint additional weighers and."

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

Read in the general assembly three times, and ratified  
 this the 17th day of February, A. D. 1881.

## CHAPTER 21.

AN ACT TO INCORPORATE MARVIN CAMP GROUND IN THE  
COUNTY OF CALDWELL.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That James C. Harper, Samuel M. Clark, Martin V. Moore, Jethro B. Wilson, Andrew A. Scroggs, Benedict M. Tuttle and James L. Headin, and their successors are hereby constituted a body corporate and politic under the name and style of the trustees of Marvin Camp Ground ; and as such shall have power to purchase and hold real and personal estate, and to acquire the same by gift or otherwise: they shall have perpetual succession, have the right to sue and be sued, defend and be defended in all courts of this state, may have a common seal, and have power to elect such officers as they may deem necessary, with power to remove the same at their pleasure for failure to perform their duties or any other sufficient cause.

Name.

Powers.

Vacancies.

SEC. 2. That in case of death, or refusal to act, or removal, or any other cause, a vacancy should occur, the remaining trustees shall have power to fill the same: *Provided*, Their number shall not be less than five nor more than thirteen.

Proviso.

Unlawful to sell  
spirituous liquors  
within three  
miles.

SEC. 3. That it shall not be lawful for any person to sell, dispose of or give away any spirituous liquors at or within three miles of Marvin Camp Ground, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding twenty dollars or imprisoned not more than thirty days.

Misdemeanor.

Penalty.

Unlawful for any  
person to exhibit  
himself drunk  
during public  
worship, &c.

SEC. 4. That it shall be unlawful for any person to exhibit himself drunk or intoxicated within the limits of the incorporation while the same is being occupied for public worship, or while the people are assembling for

said worship, engaged in the same, or dispersing at its close; and any person so offending shall upon conviction be deemed guilty of a misdemeanor, and fined not more than twenty dollars or imprisoned not more than thirty days.

Misdemeanor.  
Penalty.

SEC. 5. That it shall be unlawful for any person or persons to use loud or profane or indecent language within the hearing of those assembled or assembling for divine worship within the limit of the incorporation or to act in a disorderly manner, and upon conviction shall be deemed guilty of a misdemeanor and fined not more than twenty dollars, or imprisoned not more than thirty days.

Unlawful to use loud, profane or indecent language during public worship &c.

Misdemeanor.  
Penalty.

SEC. 6. That the trustees of said camp ground and their successors in office shall have power to make such by-laws, rules and regulations as shall be necessary for the proper carrying into execution the purposes of corporation, the protection of private property and the government of the camp ground not inconsistent with this act or the laws of the state, may appoint an intendent of police and organize a sufficient force to preserve order in all assemblies within said corporation.

By-laws, &c.

Police force.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

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## CHAPTER 22.

AN ACT TO INCORPORATE HANGING-DOG BAPTIST CHURCH IN CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. M. Lovingood, James Blackwell and Chrisley Gentry and Samuel Lovingood, and their successors in office, are hereby created a body politic and corpo-

Body politic.

Name.	rate by the name and style of The Trustees of Hanging-
Powers.	dog Baptist church, and by that name may sue and be
—	sued, plead and be impleaded, and shall have all power of
Meetings.	corporate trustees of like institutions.
Officers.	SEC. 2. That said trustees shall meet at their pleasure
Vacancies.	and elect one of their number chairman and one secre-
Corporate limits.	tary, who may hold their office for a term of ten years.
Misdemeanor to	The trustees shall fill all vacancies by a majority vote at
sell liquor within	any meeting of said board.
three miles.	SEC. 3. That the corporate limits shall extend three
Penalty.	miles in every direction from said church, and any person
	or persons selling spirituous liquors within said corpora-
	tion shall be guilty of a misdemeanor, and, on conviction
	thereof by any court having jurisdiction, shall be fined
	not over twenty dollars and imprisoned not less than
	twenty days in the county jail or at hard labor for each
	offence.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

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## CHAPTER 23.

### AN ACT TO INCORPORATE THE BIG FALLS MANUFACTURING COMPANY.

*The General Assembly of North Carolina do enact :*

Body politic.	SECTION 1. That the following named persons, viz:
Name.	R. T. Nutt, Peter R. Hardin and George S. Walker, their
Capital stock.	associates, successors and assigns, are hereby created a
	body politic and corporate under the name of Big Falls
	Manufacturing Company, with a capital stock of fifty
	thousand dollars, with liberty to increase the same from

time to time to any sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have the privilege and rights hereby specially granted, and also those conferred upon corporations by the twenty-sixth chapter of Battle's Revisal, entitled "corporations." Powers.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of manufacturing, making and finishing warps, yarns, cloths, prints, or any other fabric, or cotton, wool or any other material, or to engage in any species of manufacturing enterprise; and said corporation may buy, sell and deal in goods, wares and merchandise, and said corporation may also build, make and operate rail, tram, turnpike, or other roads, and may build and use flats, floats or boats to serve the purpose of its convenience in obtaining wood, stone or other materials or supplies, and in reaching highways and depots. Empowered to manufacture, &c. To build railroads, &c.

SEC. 3. That said corporation shall have power to lease, purchase, hold, sell and convey real estate, and to borrow money and issue bonds, or other evidence of any indebtedness so created, and to secure the payment of the same by mortgage of its property and effects or otherwise, and it may make such bonds or other evidences of its indebtedness convertible, and provide for their conversion into the capital stock of said corporation at such rate and upon such terms as to said corporation may seem best. Empowered to buy and sell real estate, borrow money, issue mortgage bonds, &c.

SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation and transaction of its business: they may have power to elect, in such manner as a majority of the stock may describe, such officers as they deem necessary, prescribe their duties, compensation and terms of service, and in general said stockholders may make such by-laws and regulations for the government and proper conduct of the corporation and its business, not inconsistent with the laws of this state and By-laws, &c. Officers.

of the United States, as they may consider best calculated to serve their interest.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1881.

## CHAPTER 24.

AN ACT TO AMEND CHAPTER EIGHTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE, RELATIVE TO THE CHARTER OF CATAWBA COLLEGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter eighty-four, private laws of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine be amended to read as follows: That an act entitled an act to incorporate Catawba college, passed by the general assembly of one thousand eight hundred and fifty-two and one thousand eight hundred and fifty-three be amended so as to prohibit the barter or sale, directly or indirectly, or the keeping on deposit for the use of another of any intoxicating liquors within two miles of said college: *Provided*, That the commissioners of the town of Newton, under such rules and regulations as they may prescribe, not inconsistent with the provisions of this act, may allow the sale of liquor for medicinal purposes by one licensed druggist in said town upon the prescription of regularly licensed and practicing physicians; but no liquors sold by such druggist shall be used on the premises occupied by him; and any such licensed druggist allowing such use of liquors sold by him, or who shall, in

Ch. 84, §1, private laws 1858-'59, amended.

Sale of intoxicating liquors prohibited within two miles.

Proviso.

any way, contribute to the sale of liquors in said town except for *bona fide* medicinal purposes and upon prescription of the physician written by him on the day application for sale is made, or who shall sell any intoxicating liquors to any minor without physician's prescription and without written permission of his parents, or to any student without physician's prescription and written permission of his teacher, shall by the commissioners at once be deprived of the license to sell liquors and be subject to the pains and penalties prescribed in section two of this act; and any physician who shall, directly or indirectly, contribute to a violation of the spirit of this act, or the letter thereof, shall be liable to the same pains and penalties: *Provided further*, That any person who shall, without the prescription and permission above contemplated, convey to any minor or student any intoxicating liquors, or in any way contribute to his securing the same, shall be liable to the same pains and penalties: *Provided further*, That the provision of this act shall not be construed to prohibit the sale of pure wines for sacramental purposes.

SEC. 2. That section two of said chapter eighty-four be <sup>§2</sup> amended, amended to read as follows: That any person who shall violate the provision of this act shall be deemed guilty of <sup>Misdemeanor.</sup> a misdemeanor, and, on conviction thereof, shall be fined <sup>Penalty.</sup> not more than fifty dollars or imprisoned not more than thirty days.

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

Read in the general assembly three times, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 25.

## AN ACT TO INCORPORATE "SWEPSON MILLS."

*The General Assembly of North Carolina do enact :*

- Body politic.** SECTION 1. That the following named persons, viz : C. Mebane, E. M. Cook and G. Rosenthal, their associates, successors and assigns are hereby created a body politic and corporate under the name of "Swepson Mills," with
- Name.**
- Capital stock.** a capital stock of two hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, and to
- Powers.** have the privileges and rights hereby specially granted and also those conferred upon corporations by the twenty-sixth chapter of Battle's Revisal entitled "corporations."
- Empowered to manufacture, &c.** SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the business of manufacturing, making and finishing warps, yarns, cloths or any other fabrics of cotton, wool or any other material, or to engage in any species of manufacturing enterprise, and said corporation may buy, sell and deal in goods, wares and merchandise ; and said corporation may also build, make and operate rail, tram, turnpike or other roads and may build and use flats, floats or boats to serve the purposes of its convenience in obtaining wood, stone or other material or supplies and in reaching highways and depots.
- To build rail-roads, &c.**
- Empowered to buy and sell real estate, borrow money, issue mortgage bonds, &c.** SEC. 3. That said corporation shall have power to lease, purchase, hold, sell and convey real estate, and to borrow money, and to issue bonds or other evidences of any indebted[ness] so created, and to secure the payment of the same by mortgage upon its property and effects or otherwise ; and it may make such bonds or other evidences of its indebtedness convertible and provide for their conversion into the capital stock of said corporation

at such rate and upon such terms as to said corporation may seem best.

SEC. 4. That the stockholders of said corporation shall By-laws, &c. have power to make all rules and regulations for the government of said corporation and transaction of its business: they may have power to elect in such manner as the majority of the stock may decide, such officers as they Officers. may deem necessary, prescribe their duties, compensation and terms of service and in general said stockholders may make such by-laws and regulations for the government and proper conduct of the corporation and its business, not inconsistent with the laws of this state and of the United States, as they may consider best calculated to serve their interest.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

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## CHAPTER 26.

### AN ACT TO INCORPORATE THE TOWN OF CHERRYVILLE IN THE COUNTY OF GASTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Cherryville in Gaston Incorporated. county be and the same is hereby incorporated by the name and style of Cherryville, and as such shall be sub- Name. ject to all the provisions of chapter one hundred and Powers. eleven of Battle's Revisal not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be Corporate limits. one-half mile square, the center of which shall be at the middle of the public road at its intersection with Carolina Central railroad, and the sides of which rectangle

shall be parallel to the street running along said railroad or perpendicular thereto.

Temporary  
officers.

SEC. 3. That until a regular election as provided by law, the following named persons shall be the officers of said town: F. Z. Sides, mayor; W. J. McGinnis, L. M. Dillinger, R. W. Carroll and M. Medlin, commissioners; and G. W. Bess, marshal, who shall hold their several offices until their successors are duly elected and qualified.

By-laws, &c.

SEC. 4. That the commissioners of said town shall have power to make by-laws, rules and regulations for the government of said town, not inconsistent with the laws of this state and the United States, and to levy and collect taxes on all subjects of state and county taxation, not to exceed one-half the state tax.

Taxes.

Commissioners  
authorized to  
submit question  
of "license" or  
"no license."

SEC. 5. That the commissioners of said town shall have power, upon giving thirty days' notice, to submit to the qualified voters of said town the question of license or no license, and if a majority of said votes shall be cast for no license, then, and until such vote shall be reversed, it shall not be lawful for any person to retail or sell spirituous liquors within said incorporation, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined for each and every offence not less than three dollars nor more than ten dollars, or be imprisoned not less than five days nor more than twenty days, at the discretion of the court.

Misdemeanor.  
Penalty.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1881.

## CHAPTER 27.

AN ACT TO INCORPORATE EBENEZER PRESBYTERIAN CHURCH  
OF NEW BERNE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Rev. Allen H. Scott, George M. White, <sup>Body politic.</sup>  
E. R. Dudley, John Randolph, junior, Junius Willis,  
Isaac Forbs, William O. Randolph, C. R. Robbins, Gil-  
bert Moye, the present board of trustees of Ebenezer Pres-  
byterian church of New Berne, and their successors, be and  
they are hereby declared to be a community, corporation  
and body politic by the name and style and title afore- <sup>Name.</sup>  
said, and by that name they and their successors shall  
and may at all times be capable in law to have, receive  
and retain to them and their successors property both  
real and personal, also devises and bequests of any person  
or persons, bodies corporate or politic, capable of making  
the same, and the same at their pleasure to transfer or  
dispose of in such manner as they may think proper.

SEC. 2. That the said corporation and their successors, <sup>Powers.</sup>  
by the name and style and title aforesaid, shall be there-  
after capable in law to sue and be sued, plead and be im-  
pleaded, answer and be answered unto, defend and be  
defended in all or any courts of justice and before all and  
any judges, officers and persons whatever in all and sin-  
gular actions, matters or demands whatever.

SEC. 3. That it shall be lawful for said corporation to <sup>By-laws.</sup>  
adopt and change from time to time such rules and reg-  
ulations for their government and the election of their  
successors as they may deem proper.

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

In the general assembly read three times, and ratified  
this the 23rd day of February, A. D. 1881.

## CHAPTER 28.

AN ACT TO INCORPORATE THE CONRAD HILL GOLD AND COPPER COMPANY OF DAVIDSON COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

Body politia.

SECTION 1. That James Boyce, S. S. Clayton, James E. Tyson, John S. Williams, Washington Booth, Geo. Small, Herman Williams, William T. Atkinson, all of Baltimore City, state of Maryland, and James E. Clayton, of Ashe county, North Carolina, their associates and successors, be and are hereby constituted a body corporate and politic under the name and style of the Conrad Hill Gold and Copper Company, of Davidson county, North Carolina, and by which name said corporation and its successors shall have perpetual succession, and enjoy all the franchises and privileges incident to a corporation, sue and be sued, plead and be impleaded, hold and possess real and personal property, have power to make by-laws for the regulation and government of the corporation and to do all other acts and things, which a body corporate may do not inconsistent with the constitution of the United States and the constitution and laws of the state of North Carolina.

Name.

Powers.

Privileges.

SEC. 2. Said corporation shall have power to hold real estate and to mine and explore and market all minerals or ore found thereon, and to manufacture or smelt the same and extract the minerals and mineral products therefrom, and the purpose and intent of the corporation is to carry on a general mining and smelting business in North Carolina.

Capital stock.

SEC. 3. The capital stock of said corporation shall be one million five hundred thousand dollars (\$1,500,000), divided into three hundred thousand (300,000) shares of the par value of five (\$5.00) dollars each, and said stock

shall be personal property and shall be issued as full paid stock.

SEC. 4. The business of the corporation shall be conducted and managed by a president and board of directors, to be chosen in such a manner and consist of such a number, and to hold their offices for such periods of time as may be prescribed in the by-laws of the corporation, and as such they shall have power to appoint such officers and define their duties and to enter into contracts, buy and sell real and personal property, minerals and mining products, and to do all other acts and things according to the laws governing corporations. Officers.

SEC. 5. The incorporators named before shall manage the affairs of the corporation, make by-laws and rules for the government of the corporation until such time the stockholders may meet and their successors be chosen according to the rules laid down in the by-laws. Temporary organization.

SEC. 6. The principal office of the corporation shall be at the mines or works, but the directors shall have power to establish such other offices at such other places in other states for the selling of their products, conducting their financial business and for the selling and transferring of the stock of the corporation, and for the convenience of the stockholders as they may deem best for the interest of the corporation, and the directors may appoint such place or places for holding all meetings and elections and for the transaction of the business of the government of the corporation as may be deemed most convenient. Principal office.  
Branch offices.

SEC. 7. The stockholders of the corporation shall not be personally or individually liable for any obligations of the corporation. Stockholders not individually liable for debts of corporation.

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

In the general assembly read three times, and ratified this the 23rd day of February, A. D. 1881.

## CHAPTER 29.

AN ACT TO INCORPORATE THE ORE KNOB COPPER COMPANY, OF ASHE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That John S. Williams, Washington Booth, James E. Tyson, George Small, S. S. Clayton, Herman Williams, James Boyce, all of Baltimore City, state of Maryland, and James E. Clayton, of Ashe county, North Carolina, their associates and successors, be and are hereby constituted a body corporate and politic, under the name and style of the Ore Knob Copper Company, of Ashe county, North Carolina, and which name said corporation and their successors shall have perpetual succession, and enjoy all the franchises and privileges incident to a corporation, sue and be sued, plead and be impleaded, hold and possess real and personal property, have powers to make by-laws for the regulation and management of the corporation, and to do all other acts and things which a body corporate may do, not inconsistent with the constitution of the United States and the constitution and laws of the state of North Carolina.

Name.

Powers.

Empowered to hold real estate, mines, &c.

SEC. 2. Said corporation shall have power to hold real estate, and to mine and explore and market all minerals or ores or other mineral products found thereon, or to manufacture or smelt the same and extract the minerals therefrom, and the purposes and intents of the corporation is to carry on a general mining and smelting business in North Carolina.

Capital stock.

SEC. 3. The capital stock of said corporation shall be one million five hundred thousand dollars (\$1,500,000), divided into one hundred and fifty thousand shares of the par value of ten dollars each, and said stock shall be issued as full paid stock, shall be personal property and transferable.

SEC. 4. The business of the corporation shall be conducted and managed by a board of directors and president, to be chosen in such manner and to consist of such a number and to hold their office for such periods of time as may be prescribed in the by-laws of said corporation; and as such they shall have power to appoint such officers and define their duties and to enter into contracts, buy and sell real and personal property, minerals and mining products, and to do all other acts and things according to the laws governing corporations.

SEC. 5. The above named incorporators shall manage the affairs of the corporation, make by-laws and rules for its government until such time the stockholders may meet and elect said officers and directors according to the rules laid down in the by-laws.

SEC. 6. The principal office of the corporation shall be at the mines or works, but the directors shall have power to establish such other offices at such other places in other states for the selling of their products, conducting their financial business, and for the selling and transferring of the stock of said corporation and for the convenience of the holders of the stock, as they may deem best for the interest of the corporation, and the directors may appoint such places for holding all meetings and for the election of all officers, and for the transaction of the business of the corporation as they may deem most convenient.

SEC. 7. The stockholders of the corporation shall not be personally or individually liable for any obligations of the corporation.

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

Read in the general assembly three times, and ratified this the 23rd day of February, A. D. 1881.

## CHAPTER 30.

## AN ACT TO INCORPORATE COWWEE BAPTIST CHURCH IN MACON COUNTY.

*The General Assembly of North Carolina do enact :*

Body politic.	SECTION 1. That James Bryson and Col. A. Hall and their successors in office are hereby created a body politic and corporate by the name and style of the trustees of Cowwee Baptist church, and by that name may sue and be sued, plead and be impleaded, and shall have all powers of corporate trustees of like institutions.
Name.	
Powers.	
Meetings and officers.	SEC. 2. That said trustees shall meet at their pleasure, and elect one of their number chairman, and one secretary, who may hold their office for a term of ten years.
Vacancies.	The trustees shall fill all vacancies by a majority vote at any meeting of said board.
Corporate limits.	SEC. 3. That the corporate limits shall extend three miles in every direction from said church, and every person or persons, selling spirituous liquors within said corporation, shall be guilty of a misdemeanor, and, on conviction thereof by any court having jurisdiction, shall be fined not exceeding twenty dollars and imprisoned not less than twenty days in the county jail, or at hard labor for each offence.
Unlawful to sell spirituous liquors.	
Penalty.	SEC. 4. This act shall be in force from and after its ratification.
	In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## CHAPTER 31.

## AN ACT TO INCORPORATE SPRING SHOALS MANUFACTURING COMPANY.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That R. Y. McAden, B. F. McAden, John H. McAden, Jasper Stowe, their associates, successors and assigns are hereby created a body politic and corporate under the name of Spring Shoals Manufacturing Company, with a capital stock not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, with all the privileges and rights hereby granted, together with those conferred by the twenty-sixth chapter of Battle's Revisal entitled "corporations."
- SEC. 2. That said corporation is hereby authorized to conduct and carry on all the branches of manufacturing of cotton and wool staples, and the general milling and merchandise business, and may purchase and hold any property necessary for said purposes and construct all necessary buildings for same, and may purchase all necessary machinery and other property to carry on the general manufacturing, milling and merchandise business.
- SEC. 3. That said corporation, in order to raise money or to purchase property to carry on its business, may issue stock, both common and preferred stock, with such regulations as to stock and dividends as may be prescribed by stockholders owning a majority of capital stock in general meeting.
- SEC. 4. That said corporation, in order to purchase property and necessary machinery to carry on its business, may borrow money, issue its bonds and secure the same by mortgage on a part or its entire property under such rules and regulations as may be prescribed by the board of directors.
- SEC. 5. That in order to encourage operatives and others to save their earnings, the corporation may receive money on deposit and issue certificates for same.

Body politic.

Name.

Capital stock.

Powers.

Authorized to manufacture, &amp;c.

Authorized to issue common and preferred stock.

Authorized to borrow money and issue mortgage bonds.

Authorized to receive money on deposit, &amp;c.

Directors.

SEC. 6. That said corporation shall be managed by a board of directors, to be elected by the stockholders and shall have power to make such rules and regulations for the management of its business as may be prescribed by the stockholders in general meeting not inconsistent with this act and the laws and constitution of the state.

By-laws.

Authorized to construct railroad from factory to Charlotte & Atlanta R. R.

SEC. 7. That said corporation shall have power and authority to construct a railroad or tram-way from the factory to a point on the Charlotte and Atlanta railway at or near Lowell station, and shall have all the power to condemn land for the purpose of constructing said road as is given to corporations formed under Battle's Revisal, chapter ninety-nine (99).

Condemnation of land.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 32.

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

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the inhabitants of the town of Carthage shall continue to be as heretofore a body corporate under the name and style of "The Town of Carthage," and under such name is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or appertaining to the town of Carthage, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property real and personal for the use of the town, as its board of commissioners may deem necessary and expedient.

Name.

Powers.

SEC. 2. The present mayor and commissioners and other officers of the town of Carthage shall be and the same are hereby declared to be like officers with the powers and duties of the town of Carthage until their successors are elected and qualified as hereinafter provided.

Temporary  
officers.

SEC. 3. The officers of the town of Carthage shall consist of a mayor and five commissioners to be elected by ballot on the first Monday in May of each year (or on such other day as may be designated and set apart by the general law of the state for municipal elections;) also a constable, secretary and treasurer, to be chosen by the board of commissioners immediately after its organization to hold for one year or until their successors are elected and qualified; and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters, written or printed, and put up at three or more public places within the corporate limits of the said town, and if the board of commissioners of Moore county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold said election.

Officers.

Election, when  
held.

Other officers.

SEC. 4. That any qualified voter of this state shall be eligible as mayor or commissioner and entitled to vote in the municipal elections of said town: *Provided*, He shall have resided within the corporation for ninety days next preceding the election.

Qualifications of  
mayor and com-  
missioners.  
Electors.

Proviso.

SEC. 5. That on the day of election the inspectors shall give due attendance at the time and places appointed, shall be judges of the polls, receive the votes, and conduct the election in the manner and during the same hours of the day as are prescribed for election of members of the general assembly.

Election, how  
held.

SEC. 6. At the close of the election the votes shall be counted by the inspectors; and of such persons voted for as mayor the one having the largest number of votes shall be declared duly elected mayor, and of such persons voted for as commissioners the five receiving the largest

Result of election  
to be declared.

number of votes shall be declared duly elected; and the officers thus elected shall be notified of their election within two days after the same by the inspectors.

Oath of inspectors of election.

SEC. 7. The inspectors, before proceeding to act as such, shall be sworn by the mayor or a justice of the peace of Moore county to conduct the election fairly, impartially and according to law, and in case of the absence of an inspector his place shall be supplied by the commissioners.

Vacancies.

In case of tie vote commissioners to elect.

SEC. 8. That if among the persons voted for for mayor there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners elect shall proceed, within five days after their qualification, to elect mayor of and from such persons thus tied, and if there should be a like tie among commissioners thus voted for, the remaining commissioners shall decide the tie within three days after their said qualification.

Inspectors to certify poll and registration lists.

SEC. 9. That the inspectors shall certify and subscribe the poll and registration lists and return them to the town secretary, who shall take charge of and preserve the same.

Oath of mayor and commissioners.

SEC. 10. That the mayor and commissioners after election, and before entering upon the duties of their respective offices, shall take and subscribe (the mayor before some justice of the peace and the commissioners before the mayor) the following oath: I, A. B., do solemnly swear that I will faithfully and diligently endeavor to perform the duties of the office of mayor or commissioner to which I have been elected, so help me God.

Vacancy in office of mayor or commissioners.

SEC. 11. That if any person who shall be elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from town, or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tem.*,

or to fill the unexpired term; and likewise in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy.

SEC. 12. That any person elected mayor or commissioner for said town who shall refuse to qualify and act as such, shall forfeit and pay to the equal use of the town and of him who shall sue therefor the sum of twenty dollars.

Penalty for failure to qualify and act as mayor or commissioner.

SEC. 13. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace and, as a judicial officer within the same, all the power, jurisdiction and authority necessary to issue process upon, and to hear and determine all cases arising upon, the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guard-house of the town or the common jail of the county, and to execute all 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 Moore county upon recognizance with security for his appearance at the next term thereof.

Powers of mayor as peace officer, &c.

Proviso.

SEC. 14. That the mayor may issue his precepts upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to any constable of the town, or to such other officers to whom a justice of the peace may direct his precepts.

Issuance of precepts.

SEC. 15. The mayor shall preside at all meetings of the town commissioners, and vote in no case except in an equal vote between said commissioner<sup>s</sup>, then he shall give the casting vote. He 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

Duties and powers of mayor.

justice of the peace, and may be executed and enforced against the parties in the courts of Moore and elsewhere and by the same means and manner as if the same had been rendered by a justice of the peace of Moore county.

Violation of town ordinance a misdemeanor.

SEC. 16. 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 of imprisonment not more than thirty days.

Penalty.

Fines, how enforced.

SEC. 17. 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 or as may hereafter be provided by law.

Fines collected to be for use of town.

SEC. 18. That all fines collected under the provisions of the foregoing act for violation of town ordinances shall go to the use of the town.

Fees of mayor.

SEC. 19. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and an additional salary to be allowed by the board of commissioners not to exceed three hundred dollars a year.

Salary.

Mayor to have jurisdiction, &c., of justice of the peace.

SEC. 20. That the mayor shall have, and it shall be his duty to exercise all the jurisdiction, powers and duties, given to justice of the peace in chapter thirty-two, Battle's Revisal, entitled "crimes and punishments," subject to the restrictions and limitations contained in that chapter: *Provided*, The mayor shall not take jurisdiction of any offence committed beyond the limits of the town.

Proviso.

Board of commissioners.

SEC. 21. The commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners unless otherwise provided. Within five days after their election, they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same. Special meetings of the commissioners shall also be held on the call of the mayor, or a majority of the commissioners, and of every such meeting when called by the mayor, the com-

Meetings.

missioners not joining in the call shall be notified in writing.

SEC. 22. If any commissioner shall fail to attend a regular meeting of the board, or any special meeting of which he may have had lawful notice, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay to the use of the town the sum of one dollar, and upon refusal to pay such forfeiture when called on by the town marshal he shall be deemed to have forfeited his office, and the remaining commissioners shall proceed to elect some one to fill the vacancy.

Fine imposed on commissioners for failure to attend meetings of board.

Forfeiture of office.

SEC. 23. The commissioners shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: *Provided*, The same be allowed by the provisions of this act and be consistent with the laws of the land.

Execution of ordinances, &c.

Proviso.

SEC. 24. The commissioners shall have power, and it shall be their duty to provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or irregularities tending to disturb the peace of the citizens. They shall provide for repairing the streets, side-walks and alleys, and cause the same to be kept clean and in good order, take all proper means to prevent and extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances and prohibit any indecent exposure of the person, by imposing such fines and imprisonment in all cases, within the jurisdiction of a justice of the peace, as they shall deem adequate.

Duty of commissioners to secure good order, &c.

Streets, &c.

SEC. 25. That the commissioners may require and compel the abatement and removal of all nuisances, and shall have power to pull down and remove any old house, barn or other building in said town, when the same may be considered dangerous from fire or other causes to the safety, the person or property of adjacent residents: *Pro-*

Abatement of nuisances.

*vided, however,* That before such removal the owner of such property shall be notified in writing by the secretary of such board of the action thereof, and allowed one month for the repairing or removing of such buildings.

Animals to be prevented from running at large.

SEC. 26. That the commissioners shall have power to prevent dogs, hogs, horses, cattle and other brutes from running at large in the town, and the town marshal may, by order of the mayor, seize and detain such animals till such fines and costs as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days' notice at three public places therein, and apply the proceeds to the payment of said cost and fine, and pay any surplus to the owner of the stock.

Firing of guns, &c.

SEC. 27. That they may prohibit the firing of any gun, pistol, fire-cracker, gunpowder, other materials or other dangerous combustibles in the streets, public grounds or elsewhere in said town.

Guard-house, &c.

SEC. 28. The commissioners may build or establish a guard house in which to secure and confine offenders against town ordinances, and for feeding such prisoners, the town marshal shall be allowed such compensation as is allowed to the keeper of the common jail in Moore county: *Provided*, in the above case, that no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having had his case heard and determined before the mayor.

Proviso.

New streets.

SEC. 29. The commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town, whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of the land or property and

the damages, the mayor of the town shall issue his warrant to the town marshal commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above, to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings, findings, and so forth, into the office of the mayor, there to be filed. Before proceeding to view said premises and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I A. B. do solemnly swear or affirm that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen and a true report make, so help me God." If the party damaged or claiming damages refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, That if either the commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the superior court of Moore county, and in that case the report of valuation and the proceedings therein shall be sent up by said appraisers to said court, there to be determined.

SEC. 30. The commissioners shall have power to levy Taxes. and collect the following taxes, viz: upon all real estate and personal property within the corporate limits of said town; upon all money on hand, solvent credits; upon all polls and upon all other subjects of taxation, taxed by the general assembly and the laws of the state for public purposes: *Provided*, That annual tax on property shall not Proviso. exceed fifty cents on the one hundred dollars' valuation thereof, nor shall the poll tax and street commutation tax exceed the sum of one dollar and a half annually.

SEC. 31. That in addition to subjects liable to taxation License tax. for state purpose, the commissioners shall have power to levy and collect a specific or license tax upon the following subjects: all itinerant or travelling merchants, ped-

dlers, bar-rooms, liquor dealers or auctioneers who shall offer to sell within the corporate limits of said town; all drummers or commercial travelers, photograph artists, sewing machine or washing machine agents, horse drover or fruit tree seller, offering to exercise their business within the corporate limits of the town; upon all venders of cider, patent medicine, or nostrums of any kind; upon every show, concert, menagerie, slight of hand, or theatrical performances exhibiting within said corporation; and upon every hog or other stock running at large within the same, whether belonging to persons inside or outside the corporation.

Taxation.

SEC. 32. That all persons liable to taxation of any kind in said town shall, on or before the first day of July in each and every year, make a return of their respective lists of taxable property, as assessed by the township assessors for the state, to the secretary or clerk of said board commissioners: such lists shall give a description of the tracts or lots of land, the taxable polls and all other property liable to taxation by the persons returning the same, and shall be sworn to before some justice of the peace, or before the secretary or clerk, who is hereby authorized and empowered to administer oaths required by law to be taken by persons making such returns. The said lists thus taken shall be filed with the secretary or clerk, who shall, after a levy of taxes assessed thereon, in the same manner as tax lists are made or required to be made for the collection of state taxes. The secretary or clerk shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to double tax. The usual tax list made as aforesaid by the secretary or clerk and placed in the hands of the marshal or tax collector, shall have the force and effect of a judgment and execution for the taxes assessed and appearing on said lists respectively; and the same may be collected by levy and sale of the property of the party owing such taxes on giving such notice as is required by

law on execution from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the power vested by law in sheriffs or tax collectors for the collection of taxes due the state.

SEC. 33. That said taxes shall be due on the first Monday of September in each and every year, but the tax collector shall have no power to enforce collection of same by sale before the first day of October next ensuing. When the taxes due shall be unpaid on the 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.

Collection of taxes.

SEC. 34. The marshal or town tax collector appointed by the commissioners is hereby authorized and empowered to sell real estate in said town for taxes, whether such real estate belongs to a resident or non-resident, or persons unknown, and so much thereof as may be necessary to satisfy the taxes due and cost of collection; and the owner, or any one for him, shall be allowed to redeem any property thus sold at any time within two years from the sale on paying the purchaser the amount of tax, costs and expenses of sale, with twenty-five per centum thereon and one dollar for the expense of reconveyance. If the real estate thus sold is not redeemed within the time specified, then the tax collector shall convey the same in fee to the purchaser, and the recital in said deed, that the taxes were due and unpaid at the time of sale, shall be *prima facie* evidence of the fact.

Sales for taxes.

Redemption of property sold.

SEC. 35. That it shall not be lawful for the board of commissioners of Moore county to grant license to retail spirituous liquor within the limits of the town of Carthage, without the written permission of the commissioners of said town attested and signed by their secretary, and presented by the applicants at the time of application, and filed with the register of deeds of said county, and if such license be thus granted by the board of county commissioners without such permission, the same shall

Unlawful to retail spirituous liquors without permission of commissioners.

- be void, and the person obtaining such license shall be indictable as in other cases of retailing without license.
- Misdemeanor.      SEC. 36. That it shall be the duty of the constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables, and he shall have the same fees on all processes and precepts executed or returned by him, which may be allowed to constables of the county on like processes and precepts, and also such other compensation as the commissioners may allow. He shall execute all processes issued or directed to him by the mayor or any justice of the peace of Carthage township, within the limits of said town, and to that end may summons any citizen of said town to his assistance who, upon refusal to act, shall be considered guilty of a misdemeanor, and, upon complaint of said marshal, shall be tried and punished in the discretion of the mayor within the limits prescribed in the jurisdiction of a justice of the peace. He shall enter into a good and sufficient bond payable to the state of North Carolina, and approved by the commissioners, and shall, at the end of every month, pay over to the town treasurer all fines, penalties and forfeitures, together with other moneys collected by him, and report the same to the commissioners under oath.
- Duties of town constable.      Execution of pro-  
cesses.
- Fees.
- Compensation.
- Bond.
- To pay fines, &c.,  
to town treasurer.
- Arrests.      SEC. 37. That the town constable may arrest parties offending against town ordinances, and endeavoring to make their escape without the limits of said town, without a warrant, and he shall commit all offenders in a state of intoxication to the guard-house until they become sufficiently sober to appear before the mayor for trial. The town marshal or constable shall, by virtue of his office, be town tax collector, unless he fails to give the bond

required by commissioners for that purpose, or is otherwise deemed incompetent.

SEC. 38. The secretary or clerk of said town shall, by virtue of his office as such after his appointment or election by commissioners, be town treasurer who shall keep regular minutes of the proceedings of the board, preserve all books, papers and articles committed to his care during his continuance in office, and enter into a good and sufficient bond as treasurer, to honestly and faithfully disburse all moneys coming into his hands, and a just and true account render when required by commissioners.

Duties of town secretary.

Bond.

SEC. 39. That the clerk and treasurer shall call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and at the expiration of his term deliver the same, with all moneys and property of said town in his possession, to his successor in office.

Town treasurer to collect moneys belonging to town.

SEC. 40. That all persons to whom said town shall become indebted shall present their claims duly sworn to to the board of commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof, if considered just, and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the commissioners and an order made therefor.

Audit and payment of claims against town.

SEC. 41. That all officers of said town of Carthage who shall or [on] demand fail to turn over to their successors in office the property, money, books or effects of the town, shall be deemed guilty of a misdemeanor, and, upon conviction before the superior court of Moore county, shall be fined at the discretion of the same.

Penalty for town officers failing to deliver property &c., to their successors.

Conflicting laws  
repealed.

SEC. 42. This act shall be in force from and after its ratification, and all laws and clauses of laws coming in conflict with the same are hereby repealed.

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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### CHAPTER 33.

#### AN ACT TO INCORPORATE THE CAROLINA GOLD MINING COMPANY.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That John L. Brown, Thomas F. Drayton, Adolf W. Ludolf, W. W. Flemming and Franklin Allen and their associates, successors and assigns, or any three of them, be and they are hereby created, entitled and made a body politic and corporate by the name, style and title of the Carolina Gold Mining Company; and by such name and title shall have perpetual succession for the purpose of working, mining, milling, purchasing, manufacturing, smelting, assaying, amalgamating, reducing or otherwise treating ores, earth, minerals and metals; and for building, erecting and owning machinery and fixtures for any of said purposes, and for purchasing, exchanging and acquiring by any other lawful means real and personal property, estates, rights, titles and interests in and to any and all properties necessary or advantageous in furtherance of the object of said corporation, and to erect houses, mills, reduction works, blasts, furnaces and other fixtures or buildings upon and otherwise improve any lands leased or by said corporation held; and for making, buying and selling such matters and things as appertain to or are connected with its business, and shall be capable of suing and being sued, im-

Name.

Powers.

pleading and being impleaded, and of having and using a corporate seal, and the same to alter and change at pleasure, and of granting, taking and holding in its corporate capacity property real and personal.

SEC. 2. The said corporation shall have a right to buy Powers. and sell patent rights and to dispose of privileges, to work under and use patents or portions thereof, reserving royalties or paying royalties under the same in such a way and manner as the said company may prescribe, and to regulate and direct in what manner their contracts shall be made and executed, and generally to do all other matters and things necessary and proper to the successful transaction of the business for which said corporation is organized.

SEC. 3. The minimum capital stock shall be one hundred thousand dollars, to be divided into shares Capital stock. not less than one dollar each, with power to increase the capital stock from time to time by a majority vote of stockholders to a sum not exceeding one million of dollars.

SEC. 4. The principal office shall be at Charlotte, North Principal office. Carolina, with such branch offices, located whenever and Branch offices. where the said company may deem proper or necessary for the transaction of the business of the company: the affairs of the company shall be managed by a board of Directors. directors of such members as the stockholders may select and choose, a quorum of whom shall be designated in the by-laws of the company, and in case no provision is made by said by-laws, a majority of the board shall constitute a quorum. But for the purpose of organization the incorporators herein named shall constitute the board of directors, and shall hold office until their successors are elected and qualified. The officers of the said com- Officers. pany shall be a president and such other officers as the stockholders may determine, and all officers except president may be abolished or combined by a majority of a vote of the stockholders. The president may be elected by the stockholders, and by virtue of his office shall be a

director, or he may be chosen from the board of directors by the said board as the by-laws may prescribe.

Subscriptions to capital stock.

SEC. 5. The subscription to the capital stock of said company shall and may be paid in such manner and in such property, real or personal, as a majority of the corporators herein named may determine, but the stockholders of this company shall not be liable for any loss or damage, or responsibility, beyond the assets of the said company, and the said company may make, alter, repeal or amend such by-laws or regulations, covering all points of organization and business not herein specifically provided for, as it may deem necessary and proper: *Provided*, The same are not inconsistent with the constitution of the United States or the state of North Carolina, or the provisions of this act.

Liability of stockholders.

By-laws.

Proviso.

Authorized to issue certificates of stock, borrow money, issue mortgage bonds, &c.

SEC. 6. The said company, may issue certificates of stock in such form, and subject to such regulation as it may from time to time prescribe, with power to issue bonds with coupons attached or evidences of debt, borrow money, secure the same by mortgage or other means.

SEC. 7. This act shall be in full force and effect from and after the date of its ratification.

Read in the general assembly three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 34.

AN ACT TO INCORPORATE SHILOH ACADEMY IN THE COUNTY OF DAVIDSON.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION. 1. That D. L. Michael, J. L. Waitman, James Myers, R. Leonard, J. A. Young, A. J. Trantham, J. S. Delapp, C. C. Byerly, Jacob Michael, and their successors,

be and they are hereby created a body corporate and politic under the name and style of "Shiloh Academy" in Name. the county of Davidson, and as such they shall have all Powers. the corporate powers of trustees of like institutions. The trustees may plead and be impleaded, sue and be sued, and may purchase and hold real and personal estate.

SEC. 2. That the said trustees shall be entitled to all Powers of trustees. the powers, rights, privileges and immunities conferred on corporations by chapter twenty-six (26) of Battle's Revisal entitled "corporations."

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 35.

### AN ACT TO INCORPORATE THE JONESBORO HIGH SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That George S. Cole, J. A. Gunter, Elisha Body politic. Watson, William Brooks, J. A. Green, E. J. Lilly, W. W. Cole, Reddin Bryan, Dr. J. M. Campbell, Gaston Thompson, Geo. Avent, L. C. Jones, John Vaughn, K. H. Worthy, and their successors in office, be constituted a body politic and corporate under the name and style of the trustees Name. of Jonesboro High School, located in Jonesboro, Moore county, North Carolina, and under such name and style may sue and be sued, plead and be impleaded, and do all such acts as pertain to bodies politic and corporate.

SEC. 2. That said corporation shall have power to purchase, hold, convey and receive all such real and personal estate as may Powers. be necessary for the proper control, management and successful conduct of a high school in

said town of Jonesboro, for the proper education of youth of both sexes, and to make all such rules and regulations as shall be necessary properly and fully to carry out the objects of this act.

Quorum of trustees.

SEC. 3. That seven members of said board of trustees shall constitute a quorum for the transaction of business, and when a vacancy shall occur in said board, such vacancy may be filled at any regular meeting of the board by a vote of a majority of the trustees present.

Vacancies.

Unlawful to manufacture or sell spirituous or malt liquors within two miles.

SEC. 4. That it shall be unlawful to manufacture, sell or otherwise dispose of any malt or spirituous liquors within two miles of said Jonesboro high school, and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, That such liquors may be sold within the limits aforesaid for strictly medicinal purposes upon the written prescription of a regular practicing physician.

Misdemeanor.

Penalty.

Proviso.

Act to continue in force for fifty years.

SEC. 5. That this act shall be in force from its ratification, and shall continue in force for fifty years.

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 36.

AN ACT INCORPORATING THE GRAND LODGE OF KNIGHTS OF HONOR OF NORTH CAROLINA AND SUBORDINATE LODGES WORKING UNDER THE JURISDICTION OF SAID GRAND LODGE.

Preamble.

WHEREAS, Certain persons, citizens of North Carolina, have associated themselves with the intention of forming a corporation to promote benevolence, morality and industry in said state; therefore

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. H. H. Cobb, J. M. Spraggins, J. <sup>Body politic.</sup>  
C. Buxton, L. H. Hanes, G. W. Blount and P. C. Carlton,  
and their successors, be and are hereby created a body  
politic to be known by the name, style and title of the  
“Grand Lodge Knights of Honor” and subordinate <sup>Name.</sup>  
lodges working under the jurisdiction of said grand lodge,  
and by such name and title shall have perpetual succes-  
sion, and be capable of suing and being sued, pleading <sup>Powers;</sup>  
and being impleaded, and of purchasing, leasing, holding,  
granting and receiving in its corporate name property  
real, personal and mixed, and of making such rules and  
regulations as the corporation may enact, not in conflict  
with the laws of this state and the United States.

SEC. 2. The objects of the corporation shall be to unite <sup>Objects of corpo-  
ration.</sup>  
fraternally all white men of sound bodily health and good  
moral character who are socially acceptable, and between  
the ages of twenty-one and fifty-five years of age, to give  
all moral and material aid in its power to its members  
and those dependent upon them, to educate its members  
socially, morally and intellectually; also to assist the  
widows and orphans of deceased members; to establish a  
fund for the relief of sick and distressed members; to  
establish a widow’s and orphan’s benefit fund, from which  
on the satisfactory evidence of the death of a member of  
the order who has complied with all its lawful require-  
ments, a sum not exceeding two thousand dollars shall  
be paid to his family or those dependent on him as he  
may direct; to provide for creating a fund for the relief  
of sick and distressed members and ameliorate the con-  
dition of humanity in every possible manner.

SEC. 3. The said grand lodge and subordinate lodges <sup>Corporate seal.</sup>  
shall each have a seal for the making and delivering of  
all legal acts and proceedings which they may alter from  
time to time as they may desire.

SEC. 4. The said grand lodge may provide for holding <sup>Annual meeting.</sup>

its annual meetings at such time and place as a majority of its voting members may select.

Property of mem-  
bers exempt from  
liability for debts  
of corporation.

SEC. 5. The private property of members of the corporation shall be exempt from the corporate debts of either lodge.

Officers.

SEC. 6. The said grand and subordinate lodges shall provide for the election of such officers as they deem necessary to transact the business of the corporation and to further its objects; who shall hold office until their successors are duly elected and installed into office.

Powers.

SEC. 7. The said corporation shall have power to create, hold and disburse the funds named in its objects for promoting benevolence and relieving the sick and distressed, under such regulations as it may deem necessary to adopt, and said funds shall be exempt from execution, and shall under no circumstances be liable to seizure or appropriation by any legal or equitable process, for any debt or debts of its living or deceased members, and said funds shall be exempt from the laws, rules and regulations governing the insurance companies doing business in this state.

SEC. 8. This act to be in full force and to take effect from and after its passage.

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 37.

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

*The General Assembly of North Carolina do enact :*

Ch. 117, laws 1876-  
'77, amended.

SECTION 1. That the charter of the town of Winston be amended by adding the following as a part thereof as contained in chapter one hundred and seventeen, acts of

one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven: that the commissioners of graded schools of the town of Winston shall be authorized to purchase lots and erect and furnish proper buildings for the graded schools, white and colored of said town, from taxes to be levied and collected on the assessed property and polls of said town for said purposes: *Provided*, Said taxes shall not exceed twenty-five cents on the one hundred dollars of property or seventy-five cents on the poll in any one year, and shall not be continued longer than two years.

Commissioners authorized to acquire lots and buildings for graded schools.

Tax to be levied, &c.

Proviso.

SEC. 2. All property so purchased shall be vested in the commissioners of said town, and their successors in office, as the property of the corporation to be used for graded schools.

Property purchased to be vested in commissioners as property of the corporation.

SEC. 3. The commissioners of said town shall, on the first Monday of May, one thousand eight hundred and eighty-one, after thirty days' notice at the court house door and in one or more of the newspapers of the town, cause an election to be held on the question of the levying of said tax, and under the regulations for holding town elections, and if a majority of the registered voters shall vote for it, said commissioners shall collect and pay it over to the treasurer of graded schools.

Election upon question of taxation.

SEC. 4. The treasurer of the town and of graded schools shall keep a separate account and make a separate return of said taxes, and shall pay them out on the order of the graded school commissioners signed by the chairman and secretary.

Separate account of taxes to be kept.

To be paid upon order of graded school commissioners.

SEC. 5. The commissioners of said town shall be authorized at their discretion to forbid the erection of buildings of wooden walls on the court-house square, or within six hundred feet of the same, and all parties desiring to have houses put up within said limits shall submit their plans with specifications of the materials and uses of said houses, to the said commissioners and shall obtain from them, without cost, permits for said buildings before they begin

Commissioners of town authorized to forbid erection of wooden buildings on or near court-house square.

Plans of houses to be submitted to commissioners, &c.

Penalty for violation, &c.

their erection, and all persons who shall violate this provision shall be liable to a penalty of not less than fifty dollars nor more than five hundred dollars.

Inspector of flour.

SEC. 6. That the commissioners of said town shall have power to appoint an inspector of flour, prescribe his fees and charges, establish grades and regulate the sale of flour within the limits of the town.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

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## CHAPTER 38.

AN ACT TO INCORPORATE "CLARENDON COUNCIL, NUMBER SIXTY-SEVEN, AMERICAN LEGION OF HONOR," LOCATED IN THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That Nathaniel Jacobi, Dr. J. H. Bellamy, J. I. Macks, Owen Fennel, junior, W. S. Norment, B. A. Hallet, W. H. Kasproicz, E. R. Brink, W. P. Canady, J. H. Boatwright, J. Weill, H. M. Bowdin, Jacob Greenwold, J. B. Taylor, A. J. Howell, William Larkins, A. Leisborne, N. Greenwold, W. H. Green, Jas. B. Huggins, W. H. Alderman, A. Shrier, P. Heinsberger, J. Shrier, M. M. Katz, H. W. L. Green, N. M. Hawkins, H. Brumheild, D. A. Smith, Roger Moore, Nathaniel Mayer, S. Hanstein, S. Van Amringe, George Meyers, W. W. Harris, R. E. Heide, S. Blumenthal, J. A. Springer, David Greenwold, John D. Taylor, George Harris, Joseph R. Wilson, A. Weill, their associates and successors, be and the same arê hereby incorporated into a body politic and corporate, under the name and title of Clarendon Council, number

Name.

sixty-seven, of the American Legion of Honor, located in the city of Wilmington, state of North Carolina, and by that name may have succession and a common seal, sue <sup>Powers.</sup> and be sued, plead and be impleaded, before any court of record or other court in this state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of the said council and of 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. 2. That the object of said corporation shall be to <sup>Objects of corporation.</sup> entitle fraternally all men of sound bodily health and good moral character, who are socially acceptable and between twenty-one and sixty-five years of age; to give all moral and material aid in its power to its members and those dependent upon them; to educate its members socially, morally and intellectually, also to assist the widows and orphans of deceased members, and to establish a fund for the relief of sick and distressed members, and to establish a widow's and orphan's benefit fund, from which, on satisfactory evidence of the death of a member of the order who has complied with all its requirements, a sum not exceeding five thousand dollars shall be paid to the family, or those dependent on him, according as he may direct.

SEC. 3. That said corporation shall have power to pass <sup>By-laws.</sup> all necessary by-laws and regulations for its own government which may not be inconsistent with the laws of the state or of the United States, or of the supreme council of the American Legion of Honor of which said council is subordinate.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## CHAPTER 39.

AN ACT TO AUTHORIZE THE TOWN OF SALISBURY TO AID IN  
THE COMPLETION OF ITS GRADED SCHOOL-HOUSE.

*The General Assembly of North Carolina do enact :*

Commissioners  
authorized to  
borrow money to  
complete graded  
school-house  
upon mortgage of  
same.

SECTION 1. That the commissioners of the town of Salisbury are hereby authorized to borrow such sums of money at eight per centum interest as may be necessary to pay for and complete the graded school-house belonging to said town, and to secure the payment thereof the said commissioners are authorized to mortgage said graded school-house.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1881.

## CHAPTER 40.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

*The General Assembly of North Carolina do enact :*

To continue a  
body politic and  
corporate as under  
former acts  
of incorporation.

SECTION 1. That the inhabitants of the city of Charlotte, living within the territory prescribed by the fifth section of an act of general assembly, ratified the twenty-seventh day of December, one thousand eight hundred and fifty-two, entitled an act to amend an act to incorporate the town of Charlotte, and also an act ratified tenth day of March one thousand eight hundred and sixty-six, entitled an act to incorporate the mayor and board of aldermen of the city of Charlotte shall be and continue as they heretofore have been, a body politic and

corporate, and henceforth the corporation shall bear the name and style of "The City of Charlotte," and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other name or names heretofore used; and by this name may acquire and hold, for the purposes of its government, welfare and improvement, all such estates as may be devised, bequeathed or conveyed to it; and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Name.

Invested with property belonging to corporation under former name.

Officers.

SEC. 2. The administration and government of said city shall be vested in one principal officer to be styled the mayor, a board of twelve aldermen and such other officers as are hereinafter provided for.

Wards.

SEC. 3. That said city shall be divided into four wards by the intersection of Tryon and Trade streets. That part lying east of said intersection to be known as ward number one; that part lying south as ward number two; that part lying west as ward number three; that part lying north as ward number four. And each ward shall elect three aldermen, who shall hold their offices for two years and until their successors are qualified. Such aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward.

Aldermen.

SEC. 4. The board of commissioners for Mecklenburg county shall appoint, at or before their meeting in March, one thousand eight hundred and eighty-one, and every two years thereafter, a registrar of voters for each of the four wards of the city of Charlotte, and shall cause publication thereof to be made at the court-house door, and notice to be served on such persons by the sheriff.

Board of co. commissioners to appoint registrar of voters biennially.

Duty of registrars.

SEC. 5. Said registrars shall be furnished by said county commissioners with registration books; and it shall be the duty of said registrars, appointed for the year one thousand eight hundred and eighty-one and thereafter, to open their books at some convenient place in the ward

for which they were appointed on or before the last Monday in March in such years, and to register therein the names of all persons applying for registration, and entitled to register and vote in that ward for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of colored voters, and designating on the registration book, opposite the names of each person registering, the place of his residence in his ward; and if any applicant for registration shall not disclose the place of his residence in his ward, his wilful failure to do so shall be *prima facie* evidence that he is not entitled to register in such ward. Any person offering to register may be required to take and subscribe an oath that he is a citizen of North Carolina, and has resided in the city of Charlotte ninety days and in the ward for which he offers to register thirty days next preceding that date, or is otherwise entitled to register; and, if any person shall wilfully swear falsely in such affidavit, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of fifty dollars, and to be imprisoned sixty days in the county jail: *Provided*, That after the first registration shall have been made by virtue hereof, a new registration may not be made biennially, but such registration book shall be revised so as to show an accurate list of electors previously registered, and still residing in said city without requiring such electors to be registered anew. And such registrars shall, on or before the last Monday in March biennially, open said books for the registration of any electors entitled to registration, whose names have never before been registered in such ward, or do not appear in the revised list: *Provided, however*, That the board of aldermen may at any time order a new registration in the manner herein prescribed.

Oath of person offering to register.

Penalty for false swearing.

Proviso.

Proviso.

Books of registration, when closed.

SEC. 5. The registration books shall be closed ten days before the day of election, and, after the same are closed, no person shall be allowed to register, but the registrar shall

on application before said books are closed register all persons not then qualified to vote in his ward who will become so qualified on or before the day of election. Immediately after said books are closed they shall be deposited in the office of the clerk and treasurer of the city, and citizens desiring so to do may inspect them. The city clerk and treasurer shall write in each of said registration books the exact time they are deposited with him, and the same shall not be taken from his office until the day of the election. Any registrar failing to deposit his registration book with the city treasurer at the time prescribed shall receive no compensation for making said registration.

To be deposited in office of city clerk and to be open to inspection.

Registrar failing to deposit book to receive no compensation.

SEC. 6. The board of commissioners of Mecklenburg county, at or before their meeting in April, one thousand eight hundred and eighty-one, and biennially thereafter, shall appoint three judges or inspectors of election for each of the four wards of the city, to open the polls, to receive and deposit the ballots in boxes provided for that purpose and to superintend the election for municipal officers to be held on the first Monday in May next succeeding, and the polls shall be opened at such places in the wards respectively as said judges of election shall select. Such election shall be held as near as may be agreeable to the provisions of sections eleven, fourteen, fifteen, nineteen and twenty of chapter fifty-two of Battle's Revisal. And the registrars and 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.

Board of co. commissioners to appoint judges of election biennially.

Duty of judges of election.

Election, when held.

Registrars and judges of election authorized to administer oaths.

SEC. 7. All electors who have resided in the city of Charlotte ninety days, and in the ward for which they offer to register thirty days next preceding the election, shall be entitled to register hereunder. All elections held by virtue of this act shall be held under the supervision of the sheriff of Mecklenburg county, who shall attend the polls and by his deputies preserve order.

Electors.

Election held under supervision of sheriff of Mecklenburg co.

Polls, when opened and closed.

Challenge of voters.

Ballots.

Ballots, &c., to be preserved, &c.

Registration books to be deposited with city clerk.

Tie vote for alderman to be decided by judges of election.

Sheriff to proclaim result of election.

Certificate of election.

Vacancies.

Mayor.

Term.

Salary.

Vacancy.

SEC. 8. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote; and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge such person's ballot shall not be received. Ballots shall be on white paper and without device. The aldermen for each ward shall be voted for on one ballot.

SEC. 9. After the ballots are counted, they shall be carefully preserved, and shall be, together with the poll-list, which shall be signed by the judges of election, and the registration books, delivered to the city clerk and treasurer for preservation.

SEC. 10. If, among the persons voted for for aldermen in any ward, there should be any two or more having an equal number of votes, the judges of election for such ward shall decide the election between such persons. As soon as the result of the election in any ward is determined, two certificates thereof shall be made under the hand of the judges and registrar, setting forth in writing and in words the number of votes each candidate received, one of which certificates shall be delivered to the sheriff of Mecklenburg county, who shall at once make proclamation thereof at the court-house door, and the other shall be delivered to the mayor of the city of Charlotte; and upon application they shall also furnish to each person elected alderman in their ward a certificate of his election. The board of aldermen shall fill all vacancies occurring in their board by death, resignation or otherwise.

SEC. 11. The mayor shall be elected by the qualified votes of the city of Charlotte for the term of two years, and until his successor shall be elected and qualify. The board of aldermen may allow said mayor an annual salary not exceeding fifteen hundred dollars to be paid out of the city treasury. In case a vacancy shall occur in the

office of mayor, the board of aldermen shall appoint a qualified person to fill the vacancy for the unexpired term. In case two or more persons receive an equal number of votes for the office of mayor, the sheriff of Mecklenburg county shall determine the matter by his vote.

Tie vote for mayor to be decided by sheriff.

SEC. 12. That, on or before the fifth day after their election, the mayor and aldermen so elected shall meet at the city hall or some other place by them appointed, and shall then and there take an oath to support the constitution and laws of the United States and the constitution and laws of North Carolina, and to discharge the duties imposed upon them, by virtue of their office as mayor and aldermen, with fidelity and integrity to the best of their ability; which oath shall be administered by a judge, justice of the peace, or by the former mayor.

Qualification of mayor and aldermen.

Oath.

SEC. 13. The mayor of said city of Charlotte, while acting as such, is hereby constituted an official court with all the jurisdiction and powers in criminal offences, occurring within the limits of said city, which now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors, consisting of a violation of the ordinances of said city. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal. And in all cases where a defendant may be adjudged to be imprisoned by the said mayor, it shall be competent for him to adjudge also that the said defendant work during the period of his confinement in the public streets or other public work of said city.

Jurisdiction of mayor.

Defendant may be adjudged to work streets, &c.

SEC. 14. That the mayor may issue his precepts to the chief of police, and to such other officers to whom a justice of the peace may direct his precepts.

Precepts of mayor.

SEC. 15. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered

Mayor to keep record of judicial proceedings.

Judgments to have force of judgments of

justices of the peace.

by a justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.

Mayor to preside at sessions of board of aldermen, &c.

SEC. 16. That the mayor when present shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties.

Board of aldermen.

SEC. 17. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed unless otherwise provided. At their first meeting they shall fix stated days of meeting for the year, which shall be as often at least as once in every month. Special meetings of the aldermen may also be held on the call of the mayor, or a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen shall be notified, and when called by a majority of the aldermen, such as shall not join in the call shall be notified.

Meetings.

Special meetings.

Ordinances, by-laws, &c.

SEC. 18. That the board of aldermen when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the city, as they may deem necessary, not inconsistent with this act or with the laws of the land.

Power to borrow money, &c., how exercised.

SEC. 19. That among the powers hereby conferred on the board of aldermen, they may borrow money or create a public debt only after they have passed an ordinance, by a three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to a vote of the people and a majority of the qualified registered voters have voted in favor thereof: thirty days' notice shall be given of such election in some newspaper published in Charlotte, at which election those

Question to be submitted to popular vote.

who favor creating the debt shall vote "approved," and those who oppose it shall vote "not approved." The board may order a new registration of voters at any and all such elections if they deem it proper to do so. They shall provide water, provide for macadamizing, repairing and cleaning the streets, regulate the markets and take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, to appoint and regulate a police force to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order of the city and to execute the ordinances thereof, to suppress and remove nuisances, preserve the health of the city from contagious or infectious diseases, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary.

Ballots.

New registration.

Board of aldermen to provide water, macadamize streets, &amp;c.

Police force, &amp;c.

SEC. 20. That at the first meeting of the board of aldermen, or as soon thereafter as practicable, [they] shall elect a city clerk and treasurer and a tax collector, who shall respectively hold their offices during the term of the board electing them and until their successors are elected and qualified; subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting, each of said officers shall take an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen; and each shall execute a bond in such an amount as the board may require with security, to be approved by the board: the bonds required of the clerk and treasurer and tax collector shall be renewed every year.

City clerk and treasurer and tax collector.

Terms of office.

Removal.

Oath.

Bond.

SEC. 21. That the clerk and treasurer shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successor. And he shall receive and faithfully keep all moneys, which shall be paid to him for the

Clerk and treasurer. Salary.

Duties.

use and in behalf of said city, and disburse the same according to an order given in obedience to the direction of said board, appearing on their minutes. He shall keep a fair and correct account of all moneys so recorded and disbursed by him, in a book kept for that purpose, showing from what source money is received, and for what purpose paid out, and shall submit said accounts to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said city, and to faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board.

Tax collector.

Powers.

Penalties.

Settlement, how made.

Board of aldermen to appoint committee to assist at settlement.

Account to be reported to board of aldermen, &c.

Tax collector liable to removal for failure to settle, &c.

SEC. 22. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax lists as due for city taxes. He shall be credited in settlement as sheriffs are credited, with amount in suit by appeal, all poll tax and tax as in personal property, certified by the clerk of the commissioners of the county, by order of the board of county commissioners, to be insolvent and uncollectable. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per centum per month to the city upon all sums so unlawfully retained. The board of aldermen, at the meeting before the last regular meeting in each year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer: the accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due

from him, and he shall not be eligible to re-election to said office.

SEC. 23. That the board of aldermen shall have power Police force. to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold their office dur- Term. ing the term of the board appointing them and until their successors are appointed. The chief of the police Chief of police to give bond. shall give bond in such sum as the board of aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into his hands from fines, penalties, and so forth. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force. It shall be the duty of the chief of police Duties of chief of police. to attend the mayor's court each day and report any violations of law or ordinances of the city, to collect all fines and penalties imposed and pay the same to the city treasurer, and to execute the orders and judgments of said court; to see that the laws and ordinances of the city are enforced, and to do such other things as may be required of him by the board. The chief of police and each Powers of police. member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city, by suppressing disturbances and apprehending offenders; they shall execute all process directed to them by the mayor or others, and in the execution thereof shall have the same powers which sheriffs and constables have. The chief and members of the police shall take an oath before the mayor for the Oath. faithful performance of the duties required by law and ordinances.

SEC. 24. The chief of the police shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the mayor or others, which shall be the Fees of chief of police.

Ordinances for government of police.  
Compensation.  
Extra police in times of exigency.

same as that of sheriffs and constables for like service. The board of aldermen shall pass ordinances for the government and direction of the police and fix their compensation. In times of exigency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

Suspension of members of police force.

SEC. 25. The mayor may at any time upon charges being preferred, or upon finding said chief or any member of said police force guilty of misconduct shall have power to suspend such member from service until the board of aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior shall be good cause for dismissal. And the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

Discharge.

Police to wear badges and to be armed and uniformed.

SEC. 24. The board of aldermen shall require the entire police force to wear badges and be so armed and uniformed as to be readily recognized by the public as peace officers. And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

To preserve good order, &c.

Weigh master.

SEC. 25. That the said board of aldermen may, as soon after their election as necessary, appoint a weigh master, whose duty it shall be to weigh all cotton sold in said city, and an inspector whose duty it shall be to inspect all flour, provisions, forage and all other marketable produce sold in said city, in their judgment requiring weighing or inspection; and the weigh master and inspector so appointed shall give bond with approved security payable to the city of Charlotte in an amount to be fixed by the

Duties.

Inspector of flour, provisions, &c.

Bond.

board, conditioned for the faithful discharge of all duties imposed by law and the ordinances of the city, and shall take an oath before the mayor before entering upon their duties. And the board of aldermen shall have power to remove either of them for misbehavior or neglect or malpractice in office, and appoint a successor instead. And the board of aldermen are hereby authorized and empowered to regulate the fees to be paid for such weighing and inspection, and by whom to be paid, and to make all necessary ordinances for the government of said officers and to impose fines and penalties for their violation. They may also appoint a city engineer, a city attorney and a sanitary policeman, and prescribe the duties required of each and fix their compensation.

SEC. 26. That the said board of aldermen shall, at their first monthly meeting, or as soon thereafter as practicable, elect one or more auctioneers for the city of Charlotte, who shall give bond with approved security in the sum of five thousand dollars payable to the state of North Carolina, conditioned that he will faithfully perform the duties required of auctioneers by law, which said bond shall be filed with the mayor to be by him safely kept, and no person shall exercise the office of auctioneer in said city except those duly appointed by the board of aldermen; and the said board shall make ordinances regulating auction sales in said city. And the said auctioneer or auctioneers shall pay as a tax a certain per centum on all sales, hires and profits made by virtue of his or their office, not to exceed one per centum, to be levied by the board.

SEC. 27. That the clerk and treasurer shall, on the third Monday in May of each and every year, make advertisement in some newspaper, notifying all persons residing in the city of Charlotte, who own or have control of taxable property in the city, on the first of June, to return to him on or before the last day of June a list of their taxable property in said city: said lists shall state the number of lots or

Oath.

Removal.

Fees.

City engineer.

City attorney.

Sanitary policeman.

Auctioneers.

Bond.

Tax.

Property to be listed for taxation before city clerk.

parts of lots, and all other property now taxable or that hereafter may be made taxable by the laws of the state, or the ordinances of the city, and the list so returned to the clerk and treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath :

I, ..... , do solemnly swear that the tax return made out and signed by me, contains a full and accurate list of the number of lots owned by me in said city a full and accurate list of all personal property, of Mecklenburg county bonds, and a full and accurate list of all other stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the state and ordinances of said city, according to my best knowledge, information and belief, so help me God." And from the returns so made the clerk and treasurer shall, within thirty days after the expiration of the term for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property, who have so made their returns in the same manner as tax lists are made out by law for collection of state taxes. And the said clerk and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the city limits, which assessment may be revised, corrected or amended by the board of aldermen.

Oath of tax-  
payer.

Tax list.

Assessments.

Unlisted prop-  
erty, &c.

Penalty.

SEC. 28. That the clerk and treasurer shall, within thirty days from the return of the tax list, make out to the best of his knowledge and belief by comparing his book with the returns made to the board of township assessors, and by diligent enquiry from other sources, a list of taxable polls and owners of taxable property in said city, who shall have failed to return a list in the manner and time aforesaid, and said persons so listed shall forfeit and pay a sum to be fixed by the board not exceeding twice the amount of his tax, which penalty may be received as other fines and penalties imposed by the board of aldermen before the mayor or any justice of the peace.

SEC. 29. That in order to raise a fund for the expenses <sup>Taxation.</sup> incident to the proper government of the city, the aldermen may annually levy and collect the following taxes, viz:

I. On real estate and personal property situated in the <sup>Real and person</sup> city, a tax not exceeding one dollar on every hundred <sup>al estate.</sup> dollars value.

II. On all taxable polls, a tax not exceeding three dol- <sup>Polls.</sup> lars, who may be residents in the city on the first day of June of each year, or may have been so resident within sixty days next preceding that day.

III. On every four-horse omnibus, a tax not exceed- <sup>Omnibuses.</sup> ing fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars.

IV. On every dray or express wagon, drawn by one or <sup>Drays, &c.</sup> two horses, a tax not exceeding twenty-five dollars; if drawn by more than two horses, a tax not exceeding fifty dollars.

V. On all carriages, buggies, sulkyies or other vehicles, <sup>Carriages, &c.</sup> used in the city for the carriage of persons or for pleasure, a tax not exceeding fifteen dollars.

VI. On every dog, a tax not exceeding ten dollars: <sup>Dogs.</sup> *Provided*, That a discrimination may be made within this limit on the different species and sexes of dogs.

VII. On every hundred dollars value of goods, wares <sup>Merchants, &c.</sup> and merchandise, purchased for re-sale, by any merchant trading in the city, within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding one dollar.

SEC. 30. That as soon as the clerk and treasurer shall <sup>Taxes to be levied</sup> have furnished the assessment roll as provided, and the <sup>by board of alder-</sup> same shall have been revised by the board, the board of <sup>men.</sup> aldermen shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete <sup>To be collected</sup> the same on or before the first day of January next en- <sup>by tax collector.</sup>

suing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive not exceeding five per centum on the amount collected.

Compensation of tax collector.

Tax collector to collect unpaid taxes by distress, &c.

SEC. 31. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty.

Sale of land for tax.

SEC. 32. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed, liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court house door by the collector, after advertising for thirty days in some newspaper published in the city, which the collector shall do. And the collector shall divide the said land into as many parts as may be convenient, (for which purpose he is authorized to employ a surveyor,) and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole. And if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city; and if not redeemed as hereinafter provided, shall belong to the said city in fee.

To be divided and sold in lots.

If incapable of division to be sold as a whole.

When city to buy.

Tax collector to make report to aldermen.

SEC. 33. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be

entered on the book of proceedings of the board, and if there shall be a surplus after paying said taxes and ex-  
 Surplus.  
 penses or [of] advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner.

SEC. 34. The owner of any land sold under the pro-  
 Redemption of land by owner.  
 visions of this charter and amendments, or any person acting for them, may redeem the same within one year after the sale, by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds less double the amount of taxes.

SEC. 35. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corpora-  
 If not redeemed, city to convey to purchaser.  
 tion shall convey the same in full to the purchaser or his assigns; and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

SEC. 36. That in addition to the subjects listed for tax-  
 Additional sub-  
 jects of taxation.  
 ation, the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the city tax collector immediately; and if the  
 How collected.  
 same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, viz:

I. Upon all itinerant merchants or peddlers selling or offering to sell in the city, a tax not exceeding fifty dol-  
 Itinerant mer-  
 chants and ped-  
 dlers.  
 lars per year; except such only as sell books, charts or maps, and such as sell only goods, wares and merchandize and other productions of the growth or manufacture of this state.

II. On every bowling-alley, and every billiard-table,  
 Bowling alleys,  
 &c.  
 and every bagatelle-table, and every pool-table, and every

other table or gaming contrivance, the object of which is gain, and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance.

Restaurants, &c.

III. On all keepers of eating-houses or restaurants, fish or meat or vegetable or bread stands, or fruiterers, a tax not exceeding one hundred dollars per year.

Circuses.

IV. Upon every company of circus riders, who shall exhibit within the city or within one mile thereof, a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not, to be double.

Theatrical companies, &c.

V. Upon every person or company exhibiting in the city or within one mile thereof, stage or theatrical plays, sleight of hand performances, rope dancing, tumbling, wire dancing or menagerie, a tax not exceeding two hundred dollars for every day they exhibit.

Artificial curiosities.

VI. Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city or in one mile thereof, a tax not exceeding fifty dollars, to be paid in advance.

Other exhibitions, concerts, &c.

VII. Upon each show or exhibition of any other kind, and in each concert for reward, and on every strolling musicians, a tax not exceeding twenty dollars, to be paid before exhibiting.

Goats and hogs running at large.

VIII. Upon every goat or hog running at large in the city, there may be levied a tax not exceeding ten dollars, and every such goat or hog may be seized or impounded, and if the owner, on being notified, shall not pay the tax, the animal shall be sold therefor after three days' notice at the court-house.

May be impounded, &c.

Horse, &c., going at large.

IX. Upon every horse or mule or bull going at large, a tax not exceeding ten dollars.

License to sell wines, liquors, &c.

On every license to sell wines, cordials, malt and spirituous liquors, a tax not to exceed one thousand dollars, reserving the right in each instance to levy a tax on wines, malt and spirituous liquors as merchandise.

Right reserved to tax as merchandise.

SEC. 37. That taxes for city purposes shall be levied on all real and personal property, trades, licenses, and other subjects of taxation as provided in section three, article five of the state constitution. That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board, constituted of a majority of all the aldermen.

Taxes, how levied.

To whom paid.

Appropriations.

SEC. 38. That the board of aldermen shall have power to grade, macadamize and pave the streets and side-walks, and to lay out and open new streets, or widen those already open and make such improvements thereon as the public convenience may require. That when any land or right of way shall be required for the purpose of opening new streets, or for widening those already open, or for other objects allowed by this charter, and for want of agreement as to the value thereof, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city to be chosen by the aldermen; and in making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace, or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such streets or other improvement, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen, and shall pass the title to the board of aldermen in their corporate capacity of the land so taken: *Provided*, That if any person over whose land the said street may pass, or improvement be erected, or the aldermen be dissatisfied with the valuation thus made, then in that case either party may

Board of aldermen empowered to grade, &c., streets.

Condemnation land.

Proviso,

Proviso. have an appeal to the next superior court: *Provided, however,* That such appeal shall not hinder or delay the aldermen opening or widening such street or erecting such improvement.

Board of aldermen empowered to curb, &c., sidewalks. SEC. 39. That the board of aldermen shall further have power to cause the sidewalks to be curbed and paved or repaired when deemed necessary, and to recover from the owner or occupier of lots in which curbing or paving shall be made one-half the expense of the work, which

Proviso. expense shall be a lien on the lot: *Provided always,* That the owner, before whose lot such curbing and paving shall have been ordered, shall have thirty days' notice in writing of such order of the said board.

Tax to be levied to pay interest on bonded debt. SEC. 40. That it shall be the duty of the board of aldermen to lay a tax for the purpose of paying the interest on the bonded debt of the city created for building a market house, and to make provision for the payment of said bonds as they fall due; and no owner of past due bonds shall be paid interest thereon after advertisement in some newspaper to present the same to the city treasurer for payment.

No interest on past due bonds, &c.

Public cemeteries. SEC. 41. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair; they shall also have power to purchase, when they deem it proper, land adjoining the cemetery for its enlargement; they shall also have the power to forbid any and all interments of dead bodies within the limits of said city, whenever they shall deem it expedient.

Fire companies. SEC. 42. That they may provide for the establishment, organization and equipment, government and pay of such number of fire companies as they shall deem necessary and proper. That in case of a fire occurring in said city, the mayor, or, in his absence, a majority of the aldermen who may be present, may order the blowing up, or pulling down, or destroying any house or houses deemed

Fires.

necessary to stop the progress of the fire; and no person shall be held liable civilly or criminally for acting in such case in obedience to such orders. They shall also have power to establish fire limits within said city, within which it shall not be lawful for any person to erect or build any wooden house, make any wooden additions to any buildings, or cover any building with any material other than metal or slate. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same, under such penalties as the board of aldermen may establish; and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction.

Fire limits.

Erection of wooden buildings.

SEC. 43. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the city; the pace and speed at which horses may be ridden or driven through the streets; the speed at which railroad engines and trains shall run within the city limits, to prohibit said railroads from stopping their engines or cars on said streets and to require said railroads to keep the street crossings in good repair; the arrangement of all stove pipes and flues in buildings; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept, and to prevent them from running at large in said city; to cause all alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose: it shall be their duty, on complaint, to cause by their order the sanitary policeman to have said places cleaned and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board and charged with that duty, shall have authority to enter the premises, described to be in bad

Ordinances concerning firing of fire-arms, &amp;c.

Speed of horses, &amp;c.

Railroad engines, &amp;c.

Arrangement of stove pipes, &amp;c. Storing of powder, commercial fertilizers, &amp;c.

Sanitary regulations.

Expenses.

order, and inspect and have the same cleaned ; and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction.

Nuisances.

SEC. 44. They shall have power, and it shall be their duty, to prohibit all trades or occupations which are a nuisance from being carried on in said city ; and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the city limits. They shall have power, and it shall be their duty, to cause all ponds, sunken lots and other places in which water stands and stagnates, to be drained and filled up, and to recover from the owner or occupier the expenses as above, which expenses shall be a lien on the lot : *Provided*, The owner or occupant of said lots, after ten days' notice, shall neglect or refuse to remove or abate said nuisance, they shall have authority to cause all nuisances arising from any cause within and for one mile without the city limits to be removed or abated, and for the removing or abating any such nuisance the person creating the same shall pay the expenses as above required.

Proviso.

Sale of provisions, &amp;c.

SEC. 45. That the said board shall have power to regulate the manner in which provisions and all other articles shall be sold in the streets and markets of said city, and to regulate the manner in which the streets and markets in said city may be used and kept.

Licenses to sell wines, liquors, &amp;c.

SEC. 46. That the board of aldermen shall have power to grant and cancel licenses to sell wine, malt or spirituous liquors, within said city, to any person whom they may think proper : *Provided*, The party to whom the license is issued shall pay first such taxes as may be imposed by the board, and give bond for one thousand dollars with approved security, conditioned for the keeping of an orderly and lawful house, and no person shall be permitted to sell wine, malt or spirituous liquors within said

Proviso.

city or in one mile thereof, unless licensed by the board of aldermen.

SEC. 47. That all fines and penalties imposed by this act, or which are or may be imposed by the ordinances of said city, or the laws of the state, when tried and recovered before the mayor of said city, shall be paid to the city treasurer for the use of said city.

Fines, &c., payable to city treasurer.

SEC. 48. That no mayor or aldermen or other officer of said city shall, directly or indirectly, become a contractor for work to be done for the city; and any person herein offending shall be guilty of a misdemeanor.

No city officer to contract for work to be done for city.

Misdemeanor.

SEC. 49. That they may establish all public buildings, necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city, where they may increase the danger of fire.

Public buildings.

SEC. 50. That for the violation of any ordinance or by-law made by said board of aldermen, they may prescribe penalties, not exceeding fifty dollars for each offence, to be recovered before the mayor without stay of process, mesne or final, and when judgment shall be given for any such penalty, the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days, or until payment thereof shall be made.

Penalties for violation of city ordinance.

Commitment.

SEC. 51. That all penalties imposed by law relating to the city, or by this act by any ordinance of the city, shall be recoverable in the name of the city of Charlotte before the mayor, or other tribunal having jurisdiction thereof.

Penalties, how recoverable.

SEC. 52. That all penalties incurred by any minor for the breach of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minor.

Penalties incurred by minor, how recoverable.

SEC. 53. That the mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any penalty, or for other cause of

Fees of mayor.

action, fifty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the state under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on submission or conviction among other costs; for every warrant to arrest individuals who may have fled from other states or counties, two dollars, to be paid on removal of offender by such as may carry him away; for the use of the city seal for other than city purposes, one dollar; for every certificate for other than city purposes, fifty cents.

Misdemeanor to violate city ordinances.

SEC. 54. That any person or persons, violating any ordinance of the city, shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of chapter one hundred and eleven of Battle's Revisal entitled "towns."

Vacancy in office of mayor, when there is no competent board of aldermen to fill it.

SEC. 55. That if a vacancy occur in the office of mayor by death, resignation or otherwise, and there is not a board of aldermen competent to fill such vacancy as hereinbefore provided, then the board of commissioners of Mecklenburg county, on such fact being made known to them, shall appoint a recorder for said city, whose duty it shall be to preside at the city court, known as the mayor's court, with as full and ample authority to try and dispose of all cases, within the jurisdiction of the mayor's court, as the mayor has under this charter, who shall continue to hold his office and exercise the duties thereof until the office of mayor is filled according to law.

Board of commissioners of Mecklenburg to appoint recorder. Duties.

Increase or diminution of salaries.

SEC. 56. That the salary or pay of no officer elected or appointed under this charter shall be increased or diminished during the time for which he is elected or appointed.

Repeal of conflicting laws.

SEC. 57. That all laws or parts of laws in conflict with this act are hereby repealed, and that this act take effect from and after its passage.

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

## CHAPTER 41.

AN ACT TO INCORPORATE THE ORDER OF "THE UNITED SONS OF LIBERTY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Aaron Willis, William McRae, George Body politic. Anderson, David Sasser, Richard Faison, Hannibal Jordan, Handy Fay, Joshua Wright, Nelson Walker, Robert Waddell, John Henry Simpson, Scott Waddell, Rachel Sasser, Hannah Faison, Jane McNeill, Hally Mack, Jane Harris, Maria Williams, Nelson Stewart, Andrew Roberson, Wesley Gray, John Allen, Buck Burnett, George Thomas, Fanny King, Thomas Davis, and their associates and successors, be and the same are hereby incorporated into a body politic and incorporate under the name and title of "The United Sons of Liberty," located in the city Name. of Wilmington, state of North Carolina, and under that name may have succession and a common seal, sue and Powers. be sued, plead and be impleaded before any court of record or other court of this state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of the said order, and may have such further rights and privileges as are incident to corporations of a like nature.

SEC. 2. That the object of said corporation is entirely Objects of corporation. of a charitable and benevolent nature: to educate the members socially, morally and intellectually; to provide for the relief of sick and distressed members, and also for a decent and proper burial for its members in case of death; and further to protect and care for the orphan children of such members as may die leaving them.

SEC. 3. That the officers of said corporation shall con- Officers. sist of a worthy father, president, vice-president, secretary, treasurer, chaplain and chairman.

By-laws, &amp;c.

SEC. 4. That said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with laws of the state of North Carolina or of the United States.

Subordinate lodges.

SEC. 5. That said corporation shall have power to establish subordinate lodges, and pass such by-laws and regulations as may be necessary for the government of the same.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

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## CHAPTER 42.

AN ACT TO INCORPORATE CAPE FEAR LODGE, NUMBER EIGHTEEN HUNDRED AND FORTY-ONE, OF THE GRAND UNITED ORDER OF ODD FELLOWS, IN THE TOWN OF SMITHVILLE, BRUNSWICK COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That the officers and members hereinafter named, and their successors in office, shall be and they are hereby incorporated and made a body politic or corporate under the name, style and title of the Cape Fear Lodge, number eighteen hundred and forty-one, of the Grand United Order of Odd Fellows, in the town of Smithville, Brunswick county, North Carolina, and by that name may have succession, have a common seal, sue and be sued, plead and be impleaded in any of the courts of the state, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of its business, and have all such powers as are necessary and usual in said corporations.

Name.

Powers.

SEC. 2. That until their successors are elected, the following named persons shall be the incorporators and officers of said lodge: John W. Smith, P. W. F., Joseph Spills, P. W. F., Freeman Hawkins, P. S., Charles Brown, N. G., John Evans, N. F., Oscar Davis, P. N. G., and such other persons as may associate themselves therewith as members at the first meeting of said lodge.

SEC. 3. That said corporation shall have power to pass all necessary by-laws and regulations for the government of said lodge, which are not inconsistent with the constitution and laws of this state and the United States.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1881.

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## CHAPTER 43.

### AN ACT TO INCORPORATE THE NORTH CAROLINA, LONDON AND SOUTHERN MINING AND COMMERCIAL COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Charles Gallagher, John A. Belvin, H. A. Atkinson, jr., Robert F. Morris, Charles E. Belvin, Michael B. Poiteaux, A. Monteiro and John D. Cameron, their associates and successors be and they are hereby incorporated and made a body politic and corporate under the name and style of the North Carolina, London and Southern Mining and Commercial Company.

SEC. 2. The said company may by or under its corporate title make and use a corporate seal, which it may alter or renew at its pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws and rules and regulations consistent with

existing laws of the state for the government of all under its authority, the management of its estates and properties and the due and orderly conduct of its affairs.

Capital stock.

SEC. 3. The capital stock of said company shall not be less than fifty thousand dollars, and may be increased to any amount not exceeding ten millions dollars by issue and sale of shares thereof, not less than ten dollars each, from time to time, under such regulations as the board of directors of said company shall from time to time prescribe, and the directors may receive real or personal property in payment for subscriptions to the capital stock at such valuation as may be agreed upon between the directors and the subscriber.

Empowered to hold, mortgage, &c., real estate.

SEC. 4. The said company shall have power and may purchase, hold, grant, mortgage or otherwise dispose of real and personal estate in this state and elsewhere; and the said company shall have power and may lay out said lands, or any part thereof, into parcels or lots of convenient size with intervening roads, lanes, streets and alleys, and develope, work, improve, cultivate, sell, grant, mortgage, or otherwise dispose of, in such manner and upon such terms as the said company may think proper, and may contract for, construct, operate and maintain works of public or private improvement: *Provided, however,* That nothing in this section shall be construed as exempting the said company from the provisions of the general law of North Carolina relative to corporations if they shall engage in constructing or operating any work of internal improvement in this state, nor shall the said section be construed so as to authorize the said company to construct any railroad or turnpike without a special act for that purpose.

To construct works of public or private improvement.

Proviso.

Empowered to mine, &c.

SEC. 5. The said company shall have power to search for and develop mineral properties, to mine and produce plumbago, kaolin and other earths useful for manufacturing purposes, coal, iron, lead, asbestos, mica, gold, silver and all other minerals, ores and metals.

SEC. 6. The said company shall have power and may loan money on mortgage or deed of trust conveying real or personal estate, or on other securities, and for such periods as the said company may think proper; may discount any bill of exchange foreign or domestic, promissory note or other negotiable paper, and the interest may be received in advance.

Empowered to loan money on mortgage, &c.

SEC. 7. The said company may receive money to keep for its depositors either with or without interest payable thereon, and may buy or sell bullion, buy, sell, draw and negotiate bills of exchange.

Empowered to receive money on deposit, &c.

SEC. 8. The said company shall have power and may establish a line or lines of steamships, or ships propelled by other motive power, to run between any ports of the United States, Europe or elsewhere, and may manufacture, purchase, sell, ship and deal in goods, wares and merchandise; and may contract for, build and maintain pipe lines, ships, docks, wharves, warehouses and elevators; and may store goods, wares and merchandise and grant certificates therefor in such form and under such rules and regulations as the said company may, from time to time, by by-law prescribe; and to transport goods, wares and merchandise either by land or water; and may make, grant and issue fire marine and other protective policies of insurance, and may do and perform all things necessary to carry the provisions of this act into effect: *Provided*, That if said company shall avail themselves of the power granted above as regard policies of insurance, they shall be considered to be a foreign insurance company and subject to the general laws relating to foreign insurance companies.

Empowered to establish steamship line, &c.

Proviso.

SEC. 9. All drafts, orders, checks or other papers of said company signed by the president and countersigned by the cashier, promising or directing the payment of any money, or the delivery of any securities or other thing, shall be binding on said company; and any draft, order, check or other paper issued and signed and countersigned

Drafts, &c., signed by president and countersigned by cashier binding on company.

as aforesaid, shall be transferable and negotiable, if payable to order, by endorsement, and if payable to bearer, by delivery.

Directors.

SEC. 10. The persons first named in this act shall constitute the first board of directors of the said company, and shall continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the by-laws and regulations of said company, who may be removed by the stockholders in general meeting; but unless so removed shall continue in office until their successors shall be elected and qualified.

Directors to be stockholders.  
President.

SEC. 11. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. The board shall appoint (to hold during its pleasure) the subordinate officers and agents of the said company, prescribe their compensations, and take from them such bonds with such security as they may deem fit.

Vacancies.

Officers, &c.

SEC. 12. The board of directors may establish officers [offices] and agencies in such places as they may think proper, but the principal office of the company shall be located at some point within the limits of the state of North Carolina.

Offices and agencies.

Principal office.

Annual meeting of stockholders.

SEC. 13. The annual meeting of the stockholders of the said company shall be held in the city of New York on the first Monday in March of each year, or on such other day as the stockholders may, by resolution adopted in any annual meeting, to take effect at the next annual meeting, prescribe. A general meeting of the stockholders of said company may be held at any time as provided for by the general law of North Carolina.

General meetings.

Certificates of stock.

SEC. 14. The said company shall issue certificates of stock in said company to the original subscribers thereof, in shares of not less than ten dollars each, signed by the

president and countersigned by the secretary of said company. The said certificates shall only be transferable by endorsement thereon made by the original subscriber therefor, his personal representative or transferee, and when so transferred shall pass to the transferee thereof the number of shares of the capital stock of the said company represented by the said certificates with all dividends thereafter declared thereon; and the said certificates, when so transferred as aforesaid, may be returned to the said company and cancelled, and new certificates of stock shall be issued in lieu thereof to the person entitled thereto for a like number of shares.

SEC. 15. No stockholder in the said company shall ever be held liable or made responsible for its debts and liabilities in a larger or further sum than an amount equal to twice the amount of the shares of stock held by any such stockholder. Liability of stockholders.

SEC. 16. Whenever this corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations or persons exercising like privileges. Liability of corporation to taxation.

SEC. 17. The charter hereinbefore granted is hereby declared to be subject to the provisions of the general law in regard to chartered companies and incorporations of the state of North Carolina. Charter subject to provisions of general law concerning corporations.

SEC. 18. This act shall be in force from its passage.

Read three times in the general assembly, and ratified this the 1st day of March, A. D. 1881.

## CHAPTER 44.

## AN ACT TO INCORPORATE THE TOWN OF WHITE HALL, IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the town of White Hall, in Wayne county, be and the same is hereby incorporated by the
- Name.** name and style of the town of White Hall, and shall be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal, not inconsistent with this act.
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows: beginning at a stake at the mouth of the second ditch, above the ferry, where it empties into Neuse river, and runs with the ditch to the main river road; thence across the road south to Cox's branch; thence down said branch to said river; thence up said river to the beginning, and shall include all the lands within said limits.
- Officers.** SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-one, or until their successors are elected and qualified, viz: Mayor, S. D. Hawkins; commissioners, John W. Moody, W. R. Simmons and C. J. Dail; marshal, J. S. Davis.
- Temporary officers.**
- Election.** 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 eighty-one, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens within said corporation who have resided twelve months within the state, and ninety days within the corporate limits, pre-
- Electors.**

vious to the day of election, shall be entitled to vote at said election.

SEC. 5. That it shall be the duty of the persons elected officers of said corporation to go before some justice of the peace of said county, within five days after their election, and take the oath prescribed by law for such officers. Qualification of officers.

SEC. 6. That all fines collected for the violation of any of the town ordinances shall be paid into the town treasury for the benefit of said town. Fines for violation of town ordinances to be paid into town treasury.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 45.

AN ACT TO INCORPORATE THE GRAND AND SUBORDINATE LODGES OF THE KNIGHTS OF HONOR OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the grand dictators and other officers and members of the grand lodge of Knights of Honor of North Carolina, and their successors in office, and the subordinate lodges now in existence, or hereafter to be created by said order as subordinate lodges to said jurisdiction, be and they are hereby constituted a body politic and corporate, with power to sue and be sued, plead and be impleaded in any court of record of this state, may contract and be contracted with, may acquire by purchase or otherwise real and personal property, and hold and dispose of the same, and in general exercise all such rights and privileges as are usually incident to a corporation of like nature. Body politic. Powers.

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 laws and constitution of this state or the United States.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 46.

AN ACT TO INCORPORATE MOUNT LEBANON LODGE, NUMBER TWENTY-FIVE, OF FREE AND ACCEPTED MASONS, TARBORO, NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That W. H. Fareman, F. D. Dancy, Nathan Williams and the worthy master and other officers and members of Mount Lebanon Lodge, number twenty-five, of Free and Accepted Masons, located in the town of Tarboro, North Carolina, be and are hereby incorporated into a body politic and corporate under the name and title of Mount Lebanon Lodge, number twenty-five, of Free and Accepted Ancient York Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge, and may have all such other rights and privileges incident to such corporation.

Name.

Powers.

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

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 47.

AN ACT TO REDUCE THE CORPORATE LIMITS OF THE TOWN OF MONROE, IN UNION COUNTY, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the act of the general assembly of North Carolina, entitled "an act to extend the corporate limits of the town of Monroe, in the county of Union," ratified the seventh day of March, Anno Domini, one thousand eight hundred and seventy-nine, be and the same is hereby repealed, and that the boundary lines of said town of Monroe, on the west side of said corporation, from the forked white oak, the fourth corner from the beginning corner of said corporation, as fixed and established by an act of the general assembly of North Carolina, entitled "an act to enlarge the corporate limits of the town of Monroe, and for other purposes," ratified the twenty third-day of February, Anno Domini one thousand eight hundred and sixty-one, be altered and changed to run as follows, viz : S. 10 W.  $8\frac{2}{100}$  chains to a rock by 3 pines, thence S. 87 W.  $14\frac{5}{100}$  chains to a stone in a field, thence S. 3 E.  $37\frac{0}{100}$  chains to a P. O. by a pine and sweet gum, thence S. 21 E. 14 chains to a stone in Lafayette street, at a point where said street crosses a line of said corporation, thence with said line S.  $4\frac{1}{2}$  E.  $9\frac{5}{100}$  chains to a stone, a corner of said corporation, designated and established by the said act of the general assembly, ratified the twenty-third day of February, Anno Domini one thousand eight hundred and sixty-one, and that the remaining lines of said corporation be and continue as they were designated and established by the said act of the general assembly, ratified as aforesaid on the twenty-third day of February, Anno Domini, one thousand eight hundred and sixty-one.

Ch. 56, private laws 1879, repealed.

Corporate limits.

SEC. 2. That in addition to the powers now vested in the corporate authorities of said town, in all cases when

Defendants, when liable to work upon streets, &c.

a defendant shall be convicted before the mayor of said town of any misdemeanor, and shall be sentenced to pay a fine and costs, and such defendant shall refuse or 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 shall have worked out the full amount of the fine and costs of prosecution.

Tax on cotton.

SEC. 3. That the commissioners of said town shall have power to levy and collect a tax on every bale of cotton sold in said town not exceeding fifteen cents on the bale, to be used, applied and employed exclusively in the erection, repairing and keeping up of the cotton platforms and in the payment of the cotton weighers hereinafter provided for by this act.

How applied.

Cotton weighers,  
&c.

SEC. 4. That the commissioners of said town shall have the further power to appoint one or more cotton weighers for said town, to prescribe the duties and fix the compensation of such, and to erect, maintain, and keep up therein one or more cotton platforms, and may require and take from such cotton weighers as they shall appoint such bond or bonds, as they may deem sufficient to secure on the part of such appointees, fidelity in the performance of the duties that shall be assigned them: *Provided, however,* That the compensation allowed the cotton weighers and the expense and charge of the erection, maintaining and keeping up of the cotton platforms aforesaid shall be paid out of the moneys derived from the tax on the bales of cotton sold as provided for by this act, and not out of the revenues derived to said town from any other source.

Bond.

Compensation.

Collector of cot-  
ton tax.

That the commissioners of said town may at their discretion appoint a person other than the town marshal to collect the tax on the cotton bales, provided for by this act, and may require and take from such appointee all necessary and sufficient bonds to secure the same.

Bond.

Taxation.

SEC. 5. That in addition to the powers conferred by this act and other acts of the general assembly heretofore

passed, the commissioners of said town shall have the power to levy and collect the following taxes for the privilege of carrying on in said town the business or doing the act named, viz:

- 1st. On all licensed retailers of spirituous, alcoholic or malt liquors, a tax not exceeding one hundred dollars. Retail liquor dealers.
- 2nd. On all venders of wines, cordials or other spirituous, alcoholic or malt liquors of the measure of a quart or more, a tax not exceeding fifty dollars. Wholesale liquor dealers.
- 3rd. On all ten-pin alleys or bowling alleys, a tax not exceeding one hundred dollars. Ten-pin alleys, &c.
- 4th. On all billiard and bagatelle tables, a tax not exceeding one hundred dollars. Billiard tables, &c.
- 5th. On all peddlers of patent soap, medicine, ink, varnish or any goods, wares, or merchandise, which are not the products or manufacture of this state, a tax not exceeding ten dollars. Peddlers.
- 6th. On all lecturers for a reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not exceeding five dollars. Lecturers.
- 7th. On all auctioneers, a tax not exceeding five dollars. Auctioneers.
- 8th. On all travelling theatrical companies, a tax not exceeding twenty dollars. Theatrical companies.
- 9th. On every concert or musical entertainment, a tax not exceeding five dollars, unless such concert or entertainment be given for the benefit of a religious or charitable purpose. Concerts, &c.
- 10th. On all museums, wax-works or curiosities of any kind exhibited for reward, a tax not exceeding five dollars. Museums, &c.
- 11th. 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. Circuses, &c.
- 12th. On all itinerant companies or persons who exhibit for the amusement of the public otherwise than Itinerant companies, &c.

especially mentioned in this act, a tax not exceeding ten dollars.

**Gift enterprises.** 13th. 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 dollars.

**Itinerant physicians.** 14th. On every itinerant physician, surgeon, dentist, chiropodist, a tax not exceeding ten dollars.

**Gypsies, &c.** 15th. On every company of gypsies or strolling company of persons who make a support by fortune-telling and horse-jockeying, a tax not exceeding twenty dollars.

**Regulations for Collecting taxes.** And the commissioners of said town shall have power to make all necessary rules and regulations for collecting the tax for privilege provided for by this act.

**Delinquent tax-payer liable to work streets.** SEC. 6. That, if any person shall refuse or fail to pay the poll-tax due the town after demand made by the tax collector, then upon complaint made to the mayor, it shall be lawful for the mayor to order and require the delinquent tax-payer to work upon the streets or other public work of said town until, at a fair rate of wages, the said delinquent shall have worked out the full amount of such tax.

**Powers heretofore granted not diminished.** SEC. 7. That nothing herein contained shall be deemed or construed to diminish or curtail any of the powers heretofore vested in the commissioners of said town.

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

Read three times in the general assembly, and ratified this the 2nd day of March, A. D. 1881.

## CHAPTER 48.

AN ACT TO DIVIDE THE TOWN OF SMITHFIELD, IN JOHNSTON COUNTY, INTO SEPARATE WARDS, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Smithfield, in Johnston county, be divided into three separate wards to be designated and bounded as follows, viz: the first ward shall be all that portion of said town, and town common, included between Neuse river on the west and second street; the second ward shall be that portion of said town between second and third streets; and the third ward shall be that portion of said town included between third street and the corporate limits of said town on the east.

Divided into three wards.

First ward.

Second ward.

Third ward.

SEC. 2. That the said town of Smithfield shall be governed by three commissioners, who shall be chosen at each annual election for town officers, by the qualified voters in each ward, the separate wards electing each a commissioner, and for that purpose there shall be three separate boxes at said election so marked as to designate the ward it represents, and only the resident voters of said ward shall vote in the box so designated for that ward, and for the purposes of this section the present board of town commissioners shall appoint three persons as judges of election, one from each ward, who shall hold said election at the regular times for town elections in May, one thousand eight hundred and eighty-one, and who shall declare the result of said election, and who are duly elected as commissioners. That the commissioners for said town shall hereafter annually appoint such judges of election for the purposes aforesaid.

Commissioners.

Each ward to elect one commissioner.

Electors.

Judges of election.

Election, when held.

SEC. 3. That the commissioners elected and chosen as required in section second of this act shall, after being duly sworn and installed in office, elect by ballot any resident

Mayor.

of said town (except the commissioners so elected) for mayor.

Vacancies. SEC. 4. That in case of a vacancy in said board of commissioners, the board shall fill the vacancy.

Conflicting laws repealed. SEC. 5. All laws in conflict with this act are hereby repealed.

In the general assembly read three times, and ratified this the 2nd day of March, A. D. 1881.

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## CHAPTER 49.

AN ACT TO INCORPORATE "THE COTTON AND MERCHANTS' EXCHANGE, OF GOLDSBORO, NORTH CAROLINA."

*The General Assembly of North Carolina do enact:*

SECTION 1. That John D. Williams, jr., T. B. Hyman, B. M. Privett, R. M. Freeman, R. C. Freeman, S. H. Denmark, Arnold Borden, Frank K. Borden, Lewis D. Gully and such other persons and firms as may hereafter associate themselves with them, their successors, associates and assigns, be and are hereby created a body politic and corporate, and as such for the term of ninety-nine years, under the name and style of "The Cotton and Merchants' Exchange, of Goldsboro, North Carolina," and in that name may sue and be sued, plead and be implead[ed,] contract and be contracted with, acquire, hold and convey in that corporate capacity, property real and personal, such as may be necessary or requisite and suitable for the purposes of the corporation; shall have perpetual succession, may have and use a common seal, have power to elect their officers and board of directors, and to make such rules, regulations and by-laws as may be proper for the purposes of their incorporation, not inconsistent with the constitution and laws of this state.

Body politic.

Name.

Powers.

SEC. 2. Said corporation is hereby authorized and empowered to carry on the duties and assume the powers and rights of a Cotton and Merchants' Exchange in the town of Goldsboro. Duties and powers.

SEC. 3. That the capital stock of this company shall consist of twenty-five shares of twenty-five dollars each, and may be increased to five thousand dollars at any time if authorized by a majority of the stockholders. Capital stock.

SEC. 4. The corporators named in section one are hereby authorized to open books of subscription in the town of Goldsboro at such time and place as the incorporators shall decide, notice being given for two weeks in some newspaper published in said town, and when eight shares are subscribed, the persons so subscribing shall have power to elect officers and declare the company duly organized. Books of subscription. Organization.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 50.

AN ACT TO INCORPORATE THE CITY OF GOLDSBORO, IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Goldsboro shall be and continue as they heretofore have been a body politic and corporate, and henceforth the corporation shall bear the name and style of the "City of Goldsboro," and under such name and style is hereby invested with all property and rights of property which now belong to the corporation, under any other corporate Body politic. Name. Rights of property, &c.

name or names heretofore used; and by this name may acquire and hold for the purpose of its government and welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dollars, and 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 convey real or personal property.

Powers.

Corporate limits.

SEC. 2. That the corporate limits of the city of Goldsboro shall be as follows, viz: beginning at a point (mark *A* on the map of said city) two thousand two hundred and ninety-six and a half feet south, eighteen degrees west, from corner of the Gregory hotel lot, corner of East-Centre and Walnut streets, said corner being sixty-five feet south, seventy-two degrees east from center of Wilmington and Weldon railroad track, and said point being three hundred feet south, eighteen degrees west from Mrs. S. Wellen's lot, corner of Elm and East-Centre streets, and sixty-five feet south, seventy-two degrees east of center of Wilmington and Weldon railroad track; thence south seventy-two [degrees] east one thousand forty and a half feet, to a point *B* in line with the west side of William street three hundred and sixty feet from corner of Elm and William streets west side; thence in a line parallel with the continuation of Elm street, and three hundred feet from south side of said street one thousand one hundred and seventy-five feet to a point *C*, said point being four hundred feet in a direct line from Miller street; thence in a line parallel with Miller street, south eleven and a half [degrees] west one thousand and three hundred feet to a point *D*; thence south eighty-eight and a half [degrees] east one thousand four hundred feet to a point *E*, said line being at right angles with Hall street; thence north ten and a half [degrees], ten and a half [degrees] east and parallel with Hall and Slo-cumb's streets, and six hundred eight and a half feet from east side of said streets, four thousand and fifty feet, to a

point *F*, in a line of the continuation of the south side of Mulberry street; thence in a line of south side of Mulberry street to a point *G* one thousand five hundred and seventy-five feet, being three hundred and forty-two feet and eight inches from east side of William street; thence north eighteen degrees east in a line parallel with William street, two thousand eight hundred and ninety-two feet to a point *H*, three hundred feet north of Boundary street; thence in a line north seventy-two degrees west, in a line parallel with Boundary street and three hundred feet from it, one thousand four hundred and fifty-eight feet to a point *I*, in a line parallel with George street, and three hundred and thirty-nine and a half feet from said street; thence south eighteen degrees west, and parallel with George street, five thousand six hundred and ninety feet, to a point in Mrs. Dewey's field, and three hundred feet south of south side of Elm street; thence south seventy-two degrees east and parallel with Elm street, one hundred and forty-two and a half feet to point of beginning.

SEC. 3. That the city of Goldsboro be and the same 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 city opposite to 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 limit; 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.

The second ward bounded as follows: beginning at the intersection of Oak and West Centre streets and running thence with said Oak street west to a stake on the wes-

tern boundary line of the corporate limits of said city 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 West Centre street north to the beginning.

Third ward.

The third ward bounded as follows: beginning at the intersection of Elm and West Centre streets and running 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 corporation opposite to Spruce street; thence with said boundary line south to the southern boundary line of the 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.

Fourth ward.

The fourth 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 opposite to Ash street, and three hundred feet east of William street; thence south in a line parallel to and three hundred 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.

Fifth ward.

The fifth ward bounded as follows: beginning at a stake in the city cemetery, the corner of the old corporate limits, and running south seventy and one half degrees; east fifty poles to a stake near John K. Sugg's 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 Coe 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.

SEC. 4. There shall annually, on the first Monday in Aldermen. May of each year, be elected nine aldermen for said city, who shall hold their offices until their successors are qualified. The first and second wards shall have two aldermen each ; the third and fifth wards one each ; and the fourth ward shall have three aldermen. Such aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward.

SEC. 5. The board of commissioners of Wayne county Registrar of voters. shall appoint, at or before their meeting in March, one thousand eight hundred and eighty-one, and annually thereafter, a registrar of voters for said city : said registrar shall give ten days' notice at the court-house door in said city of a registration of voters in and for said city, specifying time and place. In case of vacancy in the position Vacancies. of registrar from any cause, the chairman of the board of commissioners of Wayne county shall fill the vacancy.

SEC. 6. Said registrar shall be furnished by said county Registration books. commissioners with registration books at the expense of the city ; and it shall be the duty of said registrar to open Duty of registrar. his books at the time and place designated by said county commissioners in said city at least ten 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 registration in such ward.

- Judges of election.**      **SEC. 7.** The board of commissioners of Wayne county at or before their meeting in April, one thousand eight hundred and eighty-one, and annually thereafter, shall appoint four judges or inspectors of election for said city 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 city. 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.
- Duties.**
- Electors.**      **SEC. 8.** All electors who shall have resided in the state twelve months, and in the city of Goldsboro ninety days, and in the ward for which they offer to register thirty days next preceding the election, shall be entitled to register.
- Mayor.**      **SEC. 9.** That the board of aldermen of said city, at their first meeting after each annual election, shall choose some person, without any reference to his being one of the board of aldermen, to be mayor of said city for twelve months, and to hold his office until his successor shall qualify. He shall preside at the meetings of the board of aldermen, and have the rights and powers and perform all the duties heretofore prescribed by law for such officers.
- Duties, &c.**
- Election, how held.**      **SEC. 10.** That all elections held by virtue of this act shall be held under the supervision of the sheriff of Wayne county, who shall attend the polls, and by himself and his deputies preserve order.
- Terms of office of mayor and aldermen.**      **SEC. 11.** That the mayor and aldermen shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.
- Oath of mayor.**      **SEC. 12.** That the mayor immediately after his election and before entering upon the duties of his office shall take before a justice of the peace the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, according to my best

skill and ability, all the duties of the office of mayor of the city of Goldsboro, while I continue therein; and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations enacted for the government of the city, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

SEC. 13. That on Thursday succeeding the day of election, the aldermen elected thereat shall qualify by taking the oath of office before the mayor or a justice of the peace as prescribed for commissioners of incorporated towns, according to section fifteen, chapter three, Battle's Revisal, and when organized shall succeed to and have all the rights, powers and duties prescribed by law. Oath of aldermen.

SEC. 14. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the aldermen shall choose some qualified person mayor for the term, or the unexpired portion of the term, as the case may be; and on like occasions and in like manner, the aldermen shall choose other aldermen to supply the place of such as shall refuse to act, and all vacancies which may occur, and such persons only shall be chosen as are hereinbefore declared to be eligible. Vacancy in office of mayor.

SEC. 20. That in case of failure to elect municipal officers on any said first Monday in May, the electors residing within said city of Goldsboro may, after ten days' notice, signed by any three of said electors and posted up at three public places within the corporate limits of said city, proceed to hold an election for municipal officers in the way and manner provided for in Battle's Revisal, chapter one hundred and eleven. In office of aldermen.

SEC. 21. That the mayor of said city is hereby constituted an inferior court, and as such shall, within the corporate limits of the city of Goldsboro, have all the power, jurisdiction and authority of a justice of the peace in criminal cases to issue process, and also to hear and determine all causes of action which may arise upon the ordi- Special election on failure to elect municipal officers.

Mayor constituted an inferior court, &c.

Jurisdiction of justice of the peace.

nances and regulations of the city to enforce penalties by issuing executions upon any adjudged violation thereof and to execute the by-laws, rules and regulations made by the board of aldermen. The mayor shall further be a special court within the corporate limits of the city, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the city, and if the accused be found 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 city lock-up or in the common jail of the county. And that in all cases where a defendant may be adjudged to be imprisoned by the said special court, it shall be competent for said court to adjudge also that the said defendant work during the period of his confinement in the public streets or other public works of said city.

Special court.

Defendants adjudged to be imprisoned liable to work on streets.

Precepts.

SEC. 22. That the mayor may issue his precepts to the chief of police or any policeman of the city and to such other officers to whom a justice of the peace may direct his precepts.

Minutes.

SEC. 23. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the courts of Wayne and elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Wayne.

Force of judgments.

Violation of city ordinance a misdemeanor.

SEC. 24. That any violation of a city 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. And no preliminary affidavit shall be necessary to give the mayor final jurisdiction over the offences against the city ordinances.

Penalty.

No preliminary affidavit necessary to give jurisdiction.

SEC. 25. That all fines collected under the provisions Fines. of this act, for violation of the ordinances of said city, shall go to the use of said city.

SEC. 26. That the mayor when present shall preside at Mayor to preside at meetings of aldermen, &c. all meetings of the board of aldermen, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties at the board, and in the event of his absence or sickness the board of aldermen may appoint one of their own number *pro tempore* to exercise his duties.—(Battle's Revisal, chapter three, section eight.)

SEC. 27. That the aldermen shall form one board, and Board of aldermen. a majority of them shall be competent to perform all the duties prescribed for the aldermen, unless otherwise provided. Within five days after their election they shall Organization. convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as Regular meetings. often at least as once in every calendar month. The Special meetings. special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen; and of every such meeting when called by the mayor, all the aldermen, and when called by a majority of the aldermen, such as shall not join in the call shall be notified in writing.

SEC. 28. That if any alderman shall fail to attend a Penalty for failure of aldermen to attend meeting of board. general meeting of the board of aldermen, or any special meeting of which he shall have notice as prescribed in this charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of four dollars.

SEC. 29. That among the powers hereby conferred on Board of aldermen authorized to borrow money upon vote, &c. the board of aldermen, they may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens

Ballots.

Board of aldermen to provide water, &amp;c.

of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "approved," and those who do not consent shall vote "not approved;" they shall provide water, provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires; make regulations to cause the due observance of Sunday, appoint and regulate the city police force, suppress and remove nuisances, preserve the health of the city from contagious or infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the city; and shall appoint and provide for the pay, and prescribe the duties of all such other officers as may be deemed necessary.

City officers.

SEC. 30. That the aldermen at their first meeting after their election, or as soon thereafter as possible, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police, and one or more assistants, who shall respectively hold their offices during the official term of the aldermen, subject, however, to removal at any time and others appointed in their stead for misbehavior or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond payable to the city of Goldsboro, in such sum as the aldermen shall determine.

Terms of office.

Removal.

Oath.

Bond.

Salary of city clerk.  
Duties.

SEC. 31. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor; and generally to perform such other duties as may be prescribed by the board of aldermen.

Journal, &amp;c., of aldermen open to inspection.

SEC. 32. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk.

SEC. 33. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified: he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

Salary of city treasurer.  
Duties.

SEC. 34. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purposes for which the money is applied, and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Orders on city treasurer.

SEC. 35. The tax collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the board of aldermen may direct within five days after the lists shall have been placed in his hands, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers, and so forth, as they are collected to the treasurer, taking his receipt for the same, and for this purpose he is hereby invested with all the powers which are now or may hereafter be invested in a sheriff or collector of state taxes: he shall rent out the market stalls and vegetable stands; prosecute all persons who retail without having paid the tax imposed, or sell without a license. Also, at every monthly meeting of the board of aldermen he shall produce an abstract, showing the sums received by him

Tax collector.  
Duties.

Powers.

To present monthly abstract of taxes, &c.

- upon each subject of taxation, and the amounts still due thereon: he shall further specify in said abstract the amount of cash received, and the amount of certificates or other vouchers received in payment of taxes, which abstract shall be placed in the hands of the committee on finance to be filed with their chairman, and all books and documents belonging to or used in the office of the collector shall be and are hereby declared to be the property and records of the city, and shall be at all times subject to the inspection and examination of the mayor and board of aldermen. The collector shall receive for his compensation such fees and commissions as may be allowed by the board of aldermen, and he shall on or before the fifteenth day of April in each year settle his accounts in full for the entire amount of taxes levied by the board, under the supervision of the committee of finance, and if the collector shall have been unable to collect any part of said taxes, by reason of the insolvency of any of the persons owing the same, or other good reasons, he shall on oath deliver a list of all such insolvents, delinquents, and all other tax returns uncollected, to the committee on finance, to be laid before the board of aldermen, and if approved he shall be credited with the amount thereof, or so much as may be approved: he and his sureties on his bond shall be answerable for the remainder, and for all other taxes or levies not collected and paid over by him, which he is or may be required by law to collect, and his bond shall be put in suit by the chairman of the finance committee and the city attorney.
- Compensation.**
- Accounts to be settled before April 15th in each year.**
- List of insolvents, &c.**
- Liability of sureties.**
- Suit on bond.**
- Board of aldermen to make annual transcript of receipts and disbursements.**
- To be posted at court-house door.**
- Duties of police.**
- SEC. 36. That the board of aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the city, for the general inspection of the citizens, and cause the same to be posted up at the court-house door in said city ten days before the day of the annual election of aldermen.
- SEC. 37. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of alder-

men are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the city by suppressing disturbances and apprehending all offenders, and for that purpose they shall have all the power and authority vested in sheriffs and county constables; they shall execute all precepts lawfully directed to them by the mayor or other judicial officers, and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and they shall have the same fees on all processes and precepts executed or returned by them which may be allowed to the sheriff of the county on like process and precepts, and also such other compensation as the board of aldermen may allow.

Powers.

Fees.

Additional compensation.

SEC. 38. That for any breach of his official bond by the treasurer, clerk, tax collector, or any other city officer who may be required to give an official bond, he shall be liable in an action on the same in the name of the city at the suit of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time, until the whole penalty be recovered.

Action on bond of city official.

SEC. 39. That the board of aldermen shall have power to lay out and open new streets within the corporate limits of the city, whenever by them deemed necessary, and 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 city; 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. But in case the owner of the land and the aldermen cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the city; and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall, in his stead, select

Streets.

Condemnation of land.

Proceedings in case of failure to agree as to damages.

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 damages sustained, and the benefits accruing to the owner in consequence of the change ; and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the alderman the right to use the land for the purposes specified ; and all damages agreed upon by the aldermen or awarded by the arbitrators or umpire shall be paid as other city liabilities, by taxation : *Provided*, That either party may appeal to the superior court as now provided by law.

Proviso.

Persons failing to pay fine, &c., imposed by mayor liable to work on streets, &c.

SEC. 40. That the board of aldermen shall have authority to put to and keep at work upon the streets or public grounds of the city any person or persons who may fail to pay any fine, penalty or forfeiture which may have been imposed on such person or persons by the mayor of the city ; and the said aldermen shall have authority by the ordinances and by-laws of the city, to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may establish.

Taxation.

SEC. 41. That in order to raise a fund for the expenses incident to the proper government of the city, the aldermen may annually levy and collect the following taxes, viz: upon all real estate and personal property within the corporate limits of the city ; upon all money on hand ; solvent credits ; upon all polls and other subjects of taxation, taxed by the general assembly for public purposes.

Subjects of taxation.

Limitation of taxation.

SEC. 42. That the annual tax on property enumerated in preceding section shall not exceed fifty cents on the one hundred dollars valuation thereof, nor shall the poll tax annually exceed one dollar and fifty cents.

License tax.

SEC. 43. That in addition to the subjects of taxation for state purposes, the aldermen shall have power to levy

and collect a special or license tax not to exceed fifty dollars on the following subjects, to-wit: all itinerant merchants, peddlers or auctioneers, who shall sell or offer to sell privately or at public outcry within the city limits, whether by ascending or descending bids; all drummers or commercial travelers; each express company; each telegraph office and each railroad company having a depot within the city limits; each photograph artist and person taking likeness of the human face by whatsoever art; each broker, bank or banker's office; each dealer in cotton futures; each dealer in patent rights; each sewing maching agent; all commission merchants and commercial brokers; each distiller of fruit or grain; each livery stable; every resident or non-resident huckster or trader or agent of such who buys produce on the street for sale in other markets; each gift enterprise and lottery; each dray; each omnibus; each hotel; each barber shop; each lightning rod agent; each fire or life insurance agent; on each auctioneer; on every agency for the sale of steam engines, boilers and machinery not manufactured in this city; every dealer in buggies, wagons or other vehicles not manufactured in this city; each and every surgeon, dentist, practicing physician, optician, practicing lawyer, civil engineer, real estate agent or broker, aurist, oculist and chiropodist; on every dealer in horses or mules sold, bartered or exchanged; every cattle, horse or mule drover or dealer; and every agency for the sale of snuff, tobacco or other articles of merchandise not manufactured in this city.

Subjects of taxation.

Authority of aldermen to declare animals running at large a nuisance.

SEC. 44. That the board of aldermen shall have power to declare all horses, mules, cattle, swine, sheep, goats and dogs running at large within the limits of the city a nuisance, and the aldermen may at their option impose a fine upon the owner or owners of said animals so running at large or may treat the same as a nuisance and abate or prohibit by law.

Additional subjects of taxation.

SEC. 45. That in addition to the subjects of taxation enumerated in section forty-three, the aldermen may levy

a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector instantly; and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Bowling alleys,  
&c.

I. Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink, or any other game allowed by law, and every victualling house or restaurant, established, used or kept in the city, a tax not exceeding fifty dollars a year.

Retail liquor  
dealers.

II. Upon every permission by the board of aldermen to retail spirituous liquors, a tax not exceeding one hundred dollars.

Circuses.

III. Upon every company of circus riders who shall exhibit within the city, a tax not exceeding thirty dollars for each separate exhibition; the tax to be paid before the exhibition, and if not, to be double.

Theatrical com-  
panies, &c.

IV. Upon every company of stage or theatrical performers, every slight of hand performer, rope or wire dancer or performer, every exhibitor of natural or artificial curiosities, every single person or company of singers, dancers, Ethiopian minstrels, or performers on musical instruments who shall sing, dance, perform or play on musical instruments for reward, five dollars for each exhibition.

Concerts, &c.

V. Upon each show or exhibition of any other kind, and upon each concert or lecture for reward, a tax of five dollars for each exhibition.

Aldermen to  
keep streets in  
repair, &c.

SEC. 46. That the board of aldermen shall cause to be kept clean and in good repair, the streets, sidewalks and alleys; they may establish the width and ascertain the location of those already provided, and lay out and open others, and may reduce the width of all of them; they may also establish and regulate the public grounds and protect the shade trees of the city.

SEC. 47. That the board of aldermen shall have power Fires and fire companies. to establish ordinances to prevent and extinguish fires; to provide for the establishment, organization, equipment and government of fire companies; provide said companies with fire engines, fire hose and necessary appurtenances, and that in all cases of fire, a majority of such board of aldermen as shall be present may, if they deem it necessary to stop the progress of the fire, cause any dwelling house or other buildings to be blown up or pulled down, for which they shall not be responsible to any one for damages.

SEC. 48. That the aldermen may require and compel Nuisances. the abatement and removal of all nuisances within the city, at the expense of the person causing the same, or the owner or tenant of the grounds whereon the same may be, and may regulate the same if allowed to be established, any slaughter house or place, or the exercise within the city of any offensive or unhealthy trade, business or employment.

SEC. 49. That they may prohibit by penalties the riding Fast riding, &c. or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than seven miles per hour within the city limits, and also the firing of Firing guns, &c. guns, pistols, gunpowder, crackers, or other explosive, combustible or dangerous materials in the streets, public grounds, or elsewhere within the city.

SEC. 50. That the aldermen may establish and regulate Markets. the markets, prescribe at what time and place within the city marketable articles shall be sold.

SEC. 51. That they may establish all public buildings, Public buildings, &c. necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger of fire.

SEC. 52. That they may provide grave-yards in or near Grave-yards. the corporate limits, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning

bills of mortality; and they may prohibit interments within the city.

Contagious diseases.

SEC. 53. That the board of aldermen may take such measures as they deem effectual, to prevent the entrance into the city, or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city, or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

Penalty for attempting to prevent removal to hospital of person ordered to be conveyed thither.

SEC. 54. that if any person shall attempt by force or by threats of violence to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Misdemeanor.

Railroad trains.

SEC. 55. That the board of aldermen may govern and regulate the speed of railroad trains while running within the corporate limits of the city; and prohibit the ringing of bells, blowing of steam whistles either during the day or night within the city limits.

Bells, &c.

County commissioners of Wayne not permitted to grant retail license without permission of board of aldermen.

SEC. 56. That it shall not be lawful for the commissioners of Wayne county to grant any license to retail spirituous liquors within the limits of the city or within one mile thereof, without permission first obtained from the board of aldermen for the city, in being at the time of the application to the county commissioners; and if any license shall be granted without permission in writing

attested by the clerk of the board of aldermen and exhibited to the county commissioners and filed with the clerk of the board of county commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment, as in other cases of retailing without a license, and shall moreover forfeit and pay to the city the sum of twenty dollars.

License granted without permission void.

SEC. 57. That all penalties imposed by law, relating to the city of Goldsboro or by this act, by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Goldsboro before the mayor, or any tribunal having jurisdiction thereof.

Penalties, how recoverable.

SEC. 58. That the board of aldermen shall not have power to impose for any offence a larger penalty than fifty dollars, unless the same be expressly authorized, and from any judgment of the mayor by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from a judgment of a justice of the peace.

No penalty to be greater than \$50.

Appeal from mayor.

SEC. 59. That the board of aldermen shall have power to fix the salary of the mayor, treasurer, clerk, tax collector and any other officer of the city, or increase or diminish the same from time to time as they may elect.

Salary of mayor and other officers.

SEC. 60. That the city of Goldsboro is hereby vested with all the power, rights, privileges and immunities enumerated in chapter one hundred and eleven, and elsewhere in Battle's Revisal, not inconsistent with any of the provisions of this act.

Powers of corporation.

SEC. 61. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 62. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 51.

AN ACT TO INCORPORATE THE TOWN OF BURNESVILLE, IN  
THE COUNTY OF YANCY.

*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the town of Burnesville, in the county of Yancy, be and the same is hereby incorporated by the name and style of the town of Burnesville, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.
- Name.**
- 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 court-house in the town of Burnesville, and shall run with the four cardinal points of the compass.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-one, viz: mayor, J. E. Rheim; commissioners, Joshua Williams, Samuel Bennett, Robert McCracken, James McCandless and Sullivan Boon; Marshal, G. D. Ray.
- Temporary Officers.**
- Election.** 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 eighty-one, and each succeeding year thereafter, under the same rules and regulations that county and state elections are held, and all citizens within said corporate limits, who have resided twelve months within the state and ninety days within the corporate limits previous to the day of election, shall be entitled to vote at said election.
- Electors.**
- Powers of commissioners.** 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 the United States, and levy and collect a tax on
- Taxation.**

all subjects of taxation by the state not exceeding one half of the state tax, and to impose fines for the violation of town ordinances and to collect the same.

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

Ratified this the 3rd day of March, A. D. 1881.

## CHAPTER 52.

AN ACT TO INCORPORATE CLAYTON LODGE, NUMBER THIRTY-THREE, INDEPENDENT ORDER OF GOOD TEMPLARS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. C. Ellington, J. B. Robertson, J. L. **Body politic.** Johnson, A. J. Ellis and J. T. Ellington, trustees of Clayton lodge, number thirty-three, Independent order of Good Templars, in the town of Clayton, county of Johnston, and their associates and successors, be and they are hereby incorporated into a body politic and corporate, under the name and style of "Clayton Lodge, number **Name.** thirty-three, Independent Order of Good Templars," and by that name may have succession and a common seal, **Powers.** and the same change at pleasure, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, contract and be contracted with, hold and dispose of personal property for the benefit of said lodge, and also such real estate as now belongs to or may hereafter be acquired by said lodge for the convenient transaction of its business.

SEC. 2. That said corporation shall have power to pass, **By-laws.** enact and adopt 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.

Vacancies.

SEC. 3. That a majority of said trustees may have the right to fill any vacancy which may occur in their number.

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

In the general assembly read three times, and ratified this the 3rd day of March, A. D. 1881.

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## CHAPTER 53.

### AN ACT TO INCORPORATE THE RALEIGH COUNCIL OF THE ROYAL ARCANUM.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That C. A. Sherwood, J. W. Brown, W. B. Kendrick, P. C. Hardie, J. J. Fray, R. J. Harris, N. S. Mosely, T. S. Stevenson, A. H. Kaufman, J. A. Jones, J. B. Jordan, W. A. Gattis, John Whitelaw, R. B. Ellis, G. W. Poe, Wm. Simpson, Jos. G. Brown, Maurice Rosenthal, Hugh Morson, D. P. Meacham, James Williamson, W. W. Upchurch, J. P. Pritchard, R. H. Brooks, and their associates and successors, are hereby created and constituted a body corporate under the name and style of the Raleigh Council of the Royal Arcanum, number five hundred and fifty-one, and by such name may sue or be sued, and contract and be contracted with.

Name.

Powers.

By-laws.

SEC. 2. That said corporation may pass all such by-laws, not inconsistent with the laws of North Carolina, as may be necessary for their government, may purchase, lease, hold and convey all such real estate as is necessary for carrying out the objects and purposes of the Royal Arcanum and for which it is incorporated.

Empowered to hold, &c., real estate.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 54.

### AN ACT TO INCORPORATE THE TOWN OF BAYBOROUGH, IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Bayborough, in Pamlico county, be and the same is hereby incorporated by the name and style of the town of Bayborough, and shall be subject to all the provisions contained in chapter one hundred and eleven (111), Battle's Revisal, not inconsistent with the constitution and laws of this state and the United States.

SEC. 2. That the corporate limits of said town shall be as follows: beginning at a stake on the north side of Bay river, three-fourths of a mile below the court-house, running thence north one hundred and ten polls to a ditch, on the line between J. B. Quick's and C. M. Babbitt's; thence west three hundred and twenty poles to a pine, northwest of Milton church; thence south one hundred and ten poles to Bay river; thence down Bay river to J. H. Miller's one hundred poles; thence north thirteen east sixty poles, to the old mill dam; thence east one hundred and sixty poles to the beginning.

SEC. 3. The officers of said corporation shall consist of a mayor, three commissioners and a constable, and the commissioners shall have power to appoint a secretary and treasurer.

SEC. 4. That the commissioners shall have power to pass all by-laws for the government of said town, not

Taxation. inconsistent with the laws of the state or of the United States, and shall have power to tax all taxables within the corporation, not to exceed one-fourth of the state taxes.

Temporary of-  
ficers. SEC. 5. That until their successors are elected under the laws of the state, Charles M. Babbitt shall act as mayor, and Church W. Miller, W. H. Rawls and S. W. Fowler shall act as commissioners, and John B. Quick shall act as constable of said town.

Jurisdiction of  
mayor. SEC. 6. That the mayor of said town shall have jurisdiction to hear and determine violations of town ordinance without requiring the preliminary complaint on oath in writing of the party injured, but may exercise said jurisdiction on the complaint of any other person of a breach of the peace, or when the offence comes under his own observation. The mayor shall also have power to commit any one convicted before him to the common jail until the fine and costs are paid, and such persons can only be released as is provided in like cases in other courts.

Fines. SEC. 7. That all fines collected for the violation of any town ordinances shall go into the town treasury for the benefit of the town.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 55.

AN ACT TO INCORPORATE THE TOWN OF SIDNEY, IN THE COUNTY  
OF COLUMBUS.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Sidney, in the county of Columbus, be and the same is hereby incorporated by the name and style of the town of Sidney, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal, not inconsistent with the constitution and laws of this state or of the United States.

SEC. 2. That the corporate limits of said town shall be as follows, viz: beginning at a stake on the Peacock road, running due north twenty-five chains to a stake; thence due west twelve chains to a stake; thence due south twenty-five chains to a stake; thence due east twelve chains to the beginning.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a treasurer and a constable, and that the following named persons shall be commissioners until their successors are elected and qualified, viz: J. C. Hines, Manuel Wright and Rufus M. Meares, who shall elect some suitable person as mayor, and shall also appoint a treasurer and constable.

SEC. 4. It shall be the duty of the commissioners to provide for a registration of the voters of said town, and an election on the first Monday in May annually, according to the laws of the state for the officers required in section three of this act, who shall serve until their successors are duly elected and qualified.

SEC. 5. It shall be the duty of the commissioners elected to meet within five days after their election, and before some justice of the peace take the oath required by law, and the constable before entering into his office shall be

Bond of constable. required to execute a bond in the sum of two hundred dollars, to be approved by the commissioners, and take the usual oath of office. The commissioners are also authorized to demand of the treasurer such bond as they deem proper.

Bond of treasurer.

Citizens of town not exempt from working roads. SEC. 6. Nothing in this act shall be so construed as to exempt the citizens of the town of Sidney from working on the public roads outside of the incorporation.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

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## CHAPTER 56.

AN ACT TO AMEND CHAPTER THIRTY-SIX OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, CONCERNING GRAHAM HIGH SCHOOL.

*The General Assembly of North Carolina do enact:*

Ch. 36, §1, private laws 1874-75, amended.

SECTION 1. That section one, chapter thirty-six of the laws of one thousand eight hundred and seventy-four, be amended by striking out the words "Graham High School," and inserting in lieu thereof the words "Graham Normal College."

Graham Normal College.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 57.

AN ACT TO CHANGE THE NAME OF THE TOWN OF QUHELE, IN ROBESON COUNTY, TO THAT OF SHOE HEEL.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the name of the town of Quhele, in Robeson county, be and the same is hereby changed to Shoe Heel, and by such name shall have all the powers and be subject to all the liabilities contained in the charter heretofore granted said town.

Name changed to Shoe Heel.  
Corporate powers.

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

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

## CHAPTER 58.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF FAYETTEVILLE TO COMPROMISE ITS INDEBTEDNESS.

WHEREAS, The debt of the town of Fayetteville is so great that it cannot be paid in full ;

Preamble.

AND WHEREAS, To enforce collection of the same would be very burthensome and cause great distress among the citizens of said town ;

AND WHEREAS, In all proper cases it is the duty of the sovereign to afford all proper constitutional relief.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the committee of finance for Fayetteville are authorized and empowered to compromise and settle the bonded indebtedness and interest thereon of said town, by issuing new bonds in exchange for the said in-

Committee of finance of town authorized to compromise bonded indebtedness of town and issue new bonds.

Description of bonds.

Floating indebtedness to be paid before charter of town shall be abrogated under this act.

Bonds and coupons after maturity receivable for taxes.

Laws governing issue of outstanding bonds applicable to bonds issued under this act.

Executors, &c., authorized to compromise.

Election to be held upon the question of surrender of charter, if bondholders fail to compromise.

Election, how held.

Ballots.

debtedness at fifty per centum of said indebtedness, which bonds shall run for twenty years and bear interest at four per centum per annum. And the said town authorities shall pay the floating debt of said town in full before the provisions of this act allowing an abrogation of the charter shall be of force.

SEC. 2. That said bonds and the interest coupons thereto attached shall, after the maturity thereof, be receivable in payment of taxes assessed by and due to the said town.

SEC. 3. All the provisions of the laws authorizing the issue of said bonds shall be applicable to the new bonds that may be issued under the provisions of this act, in same manner as same were applicable to the bonds for which they were given in compromise and settlement except as herein otherwise provided.

SEC. 4. That any executor, administrator, guardian or other fiduciary may make compromise as above provided without becoming liable for any breach of his or her bond, or violation of the trust, or devastavit of the estate, in his or her hands on account of such compromise.

SEC. 5. If the owners and holders of the indebtedness of said town shall fail to come to an agreement with the authorities of said town, on or before the first day of September, one thousand eight hundred and eighty-one, then the said authorities shall inform the sheriff of Cumberland county of that fact. And it shall then be the duty of said sheriff to hold an election on the first Monday in October, one thousand eight hundred and eighty-one, upon such notice and under such rules and regulations as the annual municipal elections are held. And at such election a proposition to surrender the charter of said town shall be submitted to the qualified electors, and those who are in favor thereof may deposit a ballot on which shall be written or printed the word "Approved," and those who are opposed thereto may deposit a ballot on which shall be written or printed the word "Opposed;" and if at such election a majority shall vote "Approved," then

the following sections of this act, from section six to section eight inclusive, shall be in force and go into immediate effect, viz:

If majority vote for surrender of charter, §§6, 7, 8, of this act to be in force.

SEC. 6. All laws and parts of laws incorporating the town of Fayetteville and granting corporate powers to said town are repealed.

Repeal of charter.

SEC. 7. The board of supervisors of Cross Creek township, in the county of Cumberland, are hereby required to keep in repair all roads, streets, lanes, alleys and bridges in said township in like manner and with like powers as to apportioning hands, laying off road districts, and so forth, as are now provided by law for other townships.

Board of supervisors of Cross Creek township to keep streets, &c., in repair.

SEC. 8. Any person who, within the lines heretofore known as Fayetteville, shall violate any of the police or sanitary regulations, or any of the rules or ordinances which have been prescribed by the mayor and commissioners of Fayetteville, or any law prescribed for the government and well being of the citizens residing within the limits heretofore prescribed for Fayetteville, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in said laws, ordinances, rules and regulations, but said punishment shall in no case exceed thirty days imprisonment and fifty dollars fine. Any such offenders shall be tried by any magistrate, as in case of other crimes and misdemeanors. And the sheriff of Cumberland county is hereby invested with all the power and authority, rights and duties, which now belong to or are invested in the town marshal of said town.

Persons violating ordinances, &c., prescribed by town authorities, guilty of misdemeanor.

Penalty.

Justices of the peace to have jurisdiction. Sheriff invested with powers, &c., of town marshal.

SEC. 9. Sections one, two, three, four and five of this act shall take effect and be in force from and after its ratification; and sections six, seven and eight shall take effect as provided in section five.

When act to take effect.

Ratified this the 5th day of March, A. D. 1881.

## CHAPTER 59.

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

*The General Assembly of North Carolina do enact:*

Erection of frame or wooden building in certain places prohibited.

SECTION 1. That for the better protection of property-holders in the town of Hickory, in the county of Catawba, there-shall hereafter be no frame or wooden building erected or put up fronting on the public square in said town, or fronting on any street leading into said public square within two hundred feet of said public square.

Ch 52, §20, private laws 1879, amended.

SEC. 2. That an act entitled "an act to incorporate the town of Hickory, in the county of Catawba," being chapter fifty-two (52), laws of one thousand eight hundred and seventy-nine, be amended so that section twenty (20) thereof shall read as follows: "That the commissioners shall have power from time to time to open out any new streets within the limits of said corporation by paying the owners through whose lands the said streets run the damage, if there be any: *Provided*, That if the said commissioners and the owners of said land cannot agree as to the price of the same, it shall be left to three disinterested persons, to be selected by the parties; and if either fail upon notice to select, then the clerk of the superior court shall appoint a jury who shall assess the damages, whose judgment shall be conclusive.

New streets.

How damages ascertained in case of disagreement.

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

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1881.

## CHAPTER 60.

## AN ACT TO INCORPORATE THE BINGHAM SCHOOL TRUST FUND.

WHEREAS, The Bingham school has been for nearly a century a leading educational institution in the southern states of the highest grade, of large patronage from states of every section of the union;

*Preamble.*

AND WHEREAS, Said school has always, with generous liberality, dispensed its teachings to indigent and worthy young men without charge for tuition, having aided more than one hundred and forty within the past five years;

AND WHEREAS, With increased funds such school would be a more powerful factor in the education of our people: Therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. Thomas J. Jarvis, governor of North Carolina, W. N. H. Smith, chief justice of North Carolina, John M. Worth, treasurer of North Carolina, John C. Scarborough, superintendent of public instruction, and Robert Bingham, superintendent of the Bingham school, and their successors in office, shall be a body politic and corporation under the name of "The Bingham School Trust Fund," with the right to sue and be sued, plead and be impleaded, and other rights and incidents possessed by like corporations under chapter twenty-six of Battle's Revisal, entitled "corporations."

*Body politic.*

*Name.*

*Corporate powers.*

SEC. 2. The corporation shall have power to solicit, receive and invest all such money, funds and property of whatsoever kinds, as may be given to said corporation, and they may employ agents for soliciting the same, and change investments from time to time as they may deem best. The interest and profits of all such funds and property shall be used for the purpose of the support and instruction of indigent pupils of the Bingham school, and

*Authorized to solicit and invest money, &c.*

*Interest, &c., to be applied to support and instruction of indigent pupils.*

If school ceases to exist for ten years, fund to belong to trustees of University.  
 How to be used.

if at any time the existence of said school shall cease and the same shall be closed for a period of ten (10) consecutive years, the principal of said fund and said property shall belong to the trustees of the University of North Carolina, to be used in the education of youths at said University in such manner as said trustees shall choose.

Corporation, how governed.

SEC. 3. The government of said corporation shall be under the direction of said corporation and their successors, any three of whom shall constitute a quorum for the transaction of business, but no order shall be made touching the interest or profit of said fund and property, without the concurrence and approval of said Robert Bingham and his successor in office.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 61.

AN ACT TO INCORPORATE RISING SUN LODGE, INDEPENDENT ORDER OF IMMACULATES, NUMBER ONE HUNDRED AND FOURTEEN.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That officers J. W. Telfair, C. H. Ward, J. C. Norwood, F. C. Sadgnar, Aaron Kellogg, Thomas Rivera, J. O. Nixon, Gilbert Williams, David Jocelin, D. J. Sanders, J. E. Sampson, and their associates and successors, are hereby created and constituted a body corporate under the name and style of Rising Sun Lodge, Independent Order of Immaculates, number one hundred and fourteen, and by such may sue and be sued and contract and be contracted with.

Name.

Corporate powers.

SEC. 2. That said corporation may pass all such by-laws <sup>By-laws.</sup> not inconsistent with the laws of North Carolina as may be necessary for their government; may purchase, lease, <sup>Authorized to purchase and hold real estate.</sup> hold and convey all such real estate as may be necessary for carrying out the objects and purposes of the Independent Order of Immaculates, and for which they are incorporated.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 62.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PLYMOUTH,  
WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Plymouth, in Washington <sup>Government of town.</sup> county, shall be governed by the general law for the government of cities and towns, as is contained in Battle's Revisal, chapter one hundred and eleven.

SEC. 2. That all laws and clauses of laws in conflict <sup>Conflicting laws repealed. Exception.</sup> with this act are hereby repealed, except that part of said law defining the boundaries of said town.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 63.

AN ACT TO AMEND CHAPTER SEVENTY-TWO (72), PRIVATE LAWS OF (1866—'77) EIGHTEEN HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN.

*The General Assembly of North Carolina do enact :*

Ch. 72, §3, private laws 1876-'77, amended.

Roan Mountain Steel and Iron Company authorized to construct turnpike road from Wilder's forge to Carver's gap.

Grade.

Commissioners of Mitchell to appoint three justices of the peace to examine road when completed.

Tolls.

Authorized to construct turnpike road from

SECTION 1. That section three (3), chapter seventy-two, private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by adding to said section: And the said John L. Wilder, John E. Toppan, Fredrick H. Toppan George S. Tollansber, their associates, successors and assigns, be and are hereby authorized to make and construct a turnpike road from Wilder's forge, on Big Rock creek, in Mitchell county, across the Roan mountain to Carver's Gap, on the Tennessee state line.

SEC. 2. At no place shall the road have a steeper grade than one foot in twelve feet, nor be less than twelve feet wide.

SEC. 3. That when the said road shall have been completed, the board of commissioners of Mitchell county shall appoint (3) three disinterested justices of the peace, who shall examine said road, and upon the certificate of said justices filed with said commissioners, that the road is completed in accordance with the provisions of this act, the company herein chartered shall have the right to erect a toll gate on said road and to collect toll thereat from all persons passing through said gate, not to exceed the following rates, to-wit: for each six-horse wagon, sixty cents; three-horse wagon, thirty-five cents; two-horse wagon or buggy, twenty-five cents; one-horse wagon, buggy or other vehicle, twenty-five cents; loose horses and mules, five cents each; cattle, three cents each; other loose stock, two cents each.

SEC. 4. And said company, herein chartered, shall have the further right to make and construct a turnpike road

from Carver's Gap, (on Tennessee state line) down the valley of Little Rock creek to the ford of said creek at John G. Benleson's dwelling house.

Carver's gap to  
ford on Little  
Rock creek.

SEC. 5. That at no place shall the division of said road mentioned in section (4) four of this act have a steeper grade than one foot in sixteen feet, nor be less than sixteen feet wide.

Grade.

SEC. 6. That when the road from Carver's Gap to Benleson's house shall have been finished, examined and approved, as provided in section three (3) of this act, the company may erect a toll gate on said section, and collect tolls thereat from persons passing through said gate, not to exceed the rates mentioned in section three of this act: *Provided*, Said company shall at all times, when demanding tolls at their gates, have the road on which said gate is erected in good repair: *Provided, further*, The citizens living in Little Rock township shall have the right to pass over that part of said road in Little Rock township free of charge.

Examination of  
road.

Tolls.

Proviso.

Proviso.

SEC. 7. The company herein chartered shall have one year to commence work on said road, and three years from first day of January, one thousand eight hundred and eighty-one (1881), to complete the same. The rights, franchises and privileges herein granted shall cease and determine twenty years from and after the passage of this act.

When work to be  
commenced and  
completed.

When rights, &c.,  
to cease.

SEC. 8. That this act shall take effect from and after its ratification.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 64.

AN ACT TO INCORPORATE THE ASHEVILLE STREET RAILWAY  
COMPANY.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That E. J. Astin, John Cheesboro, Joseph Reid, W. W. Roselle, James P. Sawyer, J. E. Rankin, Richmond Pearson, Thomas W. Patton, Jas. W. Wilson, G. M. Roberts, Thomas S. Clayton, A. T. Davidson, D. C. Waddell, M. E. Carter, C. M. McCloud, and their associates, successors and assigns, be and hereby are created a body politic and corporate by the name and style of "The Asheville Street Railway Company," and by that name and style may acquire and hold, own and transfer real and personal estate, may contract and be contracted with, sue and be sued, plead and be impleaded in any court of the state, have a common seal with power to revise or change the same, with all the rights, powers, privileges and immunities of all other corporations of like nature in the state, for ninety-nine years, with the usual powers of renewal and succession so long as there shall be no violation of its purchases.

Name.

Corporate powers.

Authorized to construct street railway in Asheville.

Permission of town authorities, &c., to be obtained.

SEC. 2. Said corporation shall have power to construct a street railway in the town of Asheville, county of Buncombe, and run cars upon the track of the same, propelled by steam, animal or other power, in any of the streets, alleys or suburbs of Asheville, within a radius of five miles of the court-house of said town, having first obtained permission from the authorities of said town for the use of said streets and alleys, and from the board of commissioners of said county for the use of the highways which may be deemed necessary for the business of said company and the construction of its ways, for such term of years as may be agreed upon between said corporation on

the one part, and the said authorities of said town and county on the other.

SEC. 3. The capital stock of said company shall be fifty thousand dollars with power to increase the same to two hundred and fifty thousand dollars, and shall be divided into such number of shares and of such amounts as the directors of said company shall deem expedient; and the company shall have the right to mortgage its line, property and franchise, and issue bonds and other securities, on the construction of said road, depots and other requirements for the operation of the same.

Capital stock.

Mortgage bonds.

SEC. 4. The officers of said company shall be managed by a board of not less than five nor more than thirteen directors, one of whom shall be chosen as president; and they shall have the right to appoint such other officers, agents and employees as they shall deem expedient, all of which and all other duties and regulations not herein enumerated shall be fixed by the by-laws, which may be adopted at any time by the corporation or stockholders: said company shall also possess all the powers and privileges granted to the Fayetteville Street Railway Company by section six of its charter, as ratified February twelfth, one thousand eight hundred and sixty-seven, and such other privileges as may be granted by the municipal authorities of Asheville or of the county of Buncombe aforesaid.

Directors.

President.

Other officers.

Powers, &amp;c.

SEC. 5. Said company shall be deemed to be fully organized immediately on the ratification of this act and a majority of the incorporators named in the first section may meet at any time thereafter and elect a board of directors, adopt a code of by-laws, elect and appoint officers, issue stock, bonds and other securities, obtain subscriptions, and enter into contracts for the construction of their line or lines, depots and buildings, and to do all other lawful things necessary to carry out the purposes of this act.

Organization of company.

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

Ratified this the 9th day of March, A. D. 1881.

## CHAPTER 65.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVEN OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, RELATING TO THE TOWN OF LAGRANGE, COUNTY OF LENOIR.

*The General Assembly of North Carolina do enact :*

Commissioners.

SECTION 1. That hereafter the qualified voters of the town of LaGrange in Lenoir county shall, at the annual election on the first Monday in May in each year, elect five commissioners, and said commissioners when duly qualified shall elect a mayor : said mayor shall be some other elector than one of said commissioners.

Mayor.

Commissioners to receive no compensation.

SEC. 2. That the said commissioners hereafter elected for said town of LaGrange shall receive no compensation for their services.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

## CHAPTER 66.

AN ACT TO INCORPORATE MILL CREEK LODGE, NUMBER ONE HUNDRED AND TWENTY-FIVE, FREE AND ACCEPTED MASONS.

*The General Assembly of North Carolina do enact :*

Body politic.

SEC. 1. That the worshipful master, wardens and members of Mill Creek lodge, number one hundred and twenty-five, Free and Accepted Masons, in Sampson county,

be and the same is hereby constituted a body politic and corporate under the name and style of Mill Creek Lodge, <sup>Name.</sup> number one hundred and twenty-five, of Free and Accepted Masons, and by that name may have a perpetual succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in the state, 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, and in general exercise all such rights and privileges as are usually incident to such corporations. <sup>Powers, &c.</sup>

SEC. 2. That said corporation shall have power to pass <sup>By-laws, &c.</sup> 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 enforce the same.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 67.

### AN ACT TO INCORPORATE THE PAPER AND PULP WORKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Robert F. Hoke, Robert R. Bridgers, <sup>Body politic.</sup> Preston L. Bridgers, John F. Divine and Bolin B. Barron, and such other persons, companies or corporations as may hereafter be associated with them for the purposes of this act declared, are hereby constituted and declared to be a body politic and incorporate, by the name and style of <sup>Name.</sup> the Paper and Pulp Works, or such name as may here- <sup>Corporate powers.</sup> after be agreed on, with power to purchase, hold, sell,

lease, mortgage, or otherwise have and dispose of any real or personal estate, to borrow money, and make and issue bonds and promissory notes or other evidences of its indebtedness, and secure the payment of the same by mortgage or otherwise, as may be deemed best, to make advances of money or other things on such terms or rates of interest, at a rate not exceeding eight per centum per annum, and on such securities, real or personal, as may be agreed on, and with all the rights, powers and privileges incident or belonging to corporations as set forth in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina entitled corporations.

Capital stock.

SEC. 2. The capital stock shall not be less than fifty thousand dollars, and may be increased to a further sum not exceeding one million dollars, as the stockholders of said company may from time to time determine. Such capital shall be divided into shares of such amount as shall be fixed by the corporation, and may be paid in money, real estate, machinery or material, as required by the company, or cash for working capital; and at all meetings of stockholders of said company each share shall entitle the holder of the same to one vote, either in person or by proxy, in manner as by-laws may direct.

Authorized to manufacture paper, &c.

SEC. 3. That said company is hereby authorized and empowered to manufacture paper or pulp or any materials of any character or description used in making paper, and shall also have the power to manufacture wooden fabrics or iron fabrics, or to make iron from the ore.

By-laws, &c.

SEC. 4. The stockholders of said company shall make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said company; they may prescribe the number of directors, the number and character of the officers of said company, the manner of their election, the amount of their compensation, the terms of their respective offices, the manner in which any director or officer may

Directors.

Officers.

Election.

Compensation.  
Terms of office.

be removed, and the mode of supplying any vacancy arising from any cause whatever, either among the directors or officers of said company. Removal.  
Vacancies.

SEC. 5. Books of subscription for capital stock of this company shall be opened by the persons named in the first section, and such as they may associate with them, at such time and place, and under such rules and regulations as they may deem best, and shall be kept open for thirty days for subscriptions. If at the end of thirty days fifty thousand dollars or more shall have been subscribed and ten per centum of such subscriptions paid in, the persons named and their associates shall call a meeting of the subscribers of the capital stock, who shall adopt by-laws and elect such officers as they may consider necessary for the purposes of this corporation. The said officers or their successors may from time to time open up books of subscription, under such rules and regulations as they may deem best, for such additional stock as they may desire, not exceeding the sum of one million dollars. The corporate rights and privileges hereby granted shall continue for a term of ninety-nine years. Books of sub-  
scription.  
  
Organization of  
company.  
  
Additional sub-  
scriptions.  
  
Corporate rights  
to continue for  
ninety-nine  
years.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1881.

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## CHAPTER 68.

### AN ACT TO INCORPORATE UNION CHAPEL CHURCH AND CAMP GROUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That David Boyles, Noah Boyles and J. A. Davis, and their successors, shall be and they are hereby Body politic.

- declared a body politic and corporate in deed and in law, by the name and style of the Trustees of Union Chapel Church and Camp Ground, in the county of Lincoln, 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, and 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 a treasurer.
- Name.**
- Corporate powers.**
- Officers.**
- Vacancies.** SEC. 2. That in case of death, or refusal to act, or removal from any other cause, there becomes a vacancy, the remaining trustee or trustees shall have power to fill the same by election, a majority electing: *Provided*, Their number shall not be less than three (3) nor more than ten (10) trustees.
- Proviso.**
- Corporate limits.** SEC. 3. That the corporate limits of said Union Chapel Church and Camp Ground hereby incorporated, shall extend two (2) miles in every direction from said church, Union Chapel.
- Intendant of police.** SEC. 4. That the trustees of said Union Chapel Church and Camp Ground may elect an intendant of police.
- Term of office.** SEC. 5. That said intendant of police shall hold his office for one year, or until his successor is appointed.
- Special police.** SEC. 6. That the trustees of said Union Chapel Church and Camp Ground, and their successors, shall have full and ample power to appoint special police and to prescribe rules and regulations for their government and remuneration, not inconsistent with the constitution and laws of the state.
- Rules, &c.**
- Ordinances for good government of camp ground, &c.** SEC. 7. That the trustees of said Union Chapel Church and Camp Ground, and their successors in office, may enact all ordinances that they may deem necessary for the good government, peace and protection of the camp ground and corporate limits, and the people there assembled for the purpose of divine worship, and for the protection of their property which they may have with them within

the corporate limits; and said trustees shall also have full and ample power to enact rules and regulations for the enforcement of all ordinances by them regularly passed: *Provided*, Said ordinances are not inconsistent with the constitution and laws of the state. Proviso.

SEC. 8. That said Union Chapel Church and Camp Ground shall be considered as occupied for divine worship from the arrival of the first vehicle or person to the departure of the last, at any encampment and so occupied throughout the whole limits of the incorporation as herein before stated. When considered occupied for divine worship.

SEC. 9. That it shall be a misdemeanor for any person to exhibit himself drunk in the limits of said incorporation, while the said camp ground or church is being occupied for worship as stated in section eight (8) of this act. Misdemeanor to exhibit one's self drunk.

SEC. 10. That it shall be a misdemeanor for any one to use loud and profane language, or loud and indecent language, or quarrel in a loud and angry manner, in the hearing of them assembled in the limits of said incorporation for worship, whether divine service is going on at the time or not. That it shall be a misdemeanor for any one to fire off a gun or pistol in the limits of said incorporation while occupied for worship, or to ride or drive in the corporation at an unusual rate of speed; or to sell or buy any intoxicating liquors in the said incorporation while occupied for worship; or wilfully to throw any rock, stick, clod, chunk or other missile of any kind against, in or upon any tent in the limits of said incorporation, or against any arbor that may be therein erected, or against said church, while the ground is occupied for worship; or make any loud noises under the arbor where divine worship is usually held whether divine service is going on or not; or to upset any wagon, vehicle or tent, or destroy, injure, or pull down the same in the limits of said incorporation; or to destroy any harness, saddle or bridle; or to wilfully injure or render impure any spring in the Misdemeanor to use loud and profane language, &c.  
Misdemeanor to fire gun, to sell or buy intoxicating liquors, &c.

limits of the incorporation ; or to bring any lewd woman or women, knowing them to be such, in the limits of the incorporation ; or to utter loud and unusual noises in the night time in the limits of this incorporation whereby those who are occupying the ground for worship are disturbed, or any part of them : *Provided*, That the offences described in this section be committed while the ground is being occupied for worship, but they shall be misdemeanors whether divine service is being held or not.

Proviso.

Penalty.

SEC. 11. That any one violating any of the provisions of the last two preceding sections, or who shall be guilty of any offence made a misdemeanor by this act, shall, on conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days.

Any justice of the peace of Lincoln co. empowered to issue process, &c.

SEC. 12. That any justice of the peace for said county of Lincoln shall have full power to issue process for the proper enforcement of this act, and to hear and determine any charge made to them upon a proper affidavit against any person for violating any of the provisions of this act, and to try any person brought before them upon proper process, for violation of any provisions of this act, and to inflict the punishment as herein before stated : *Provided*, That nothing herein contained shall be construed to interfere with the right of appeal as now allowed by law.

Proviso.

Officers authorized to keep the peace, &c.

SEC. 13. That any lawful officer of said county of Lincoln, or the intendent of police, or any special police regularly appointed according to the provisions of this act, shall have full power to keep the peace within the said incorporation while the same is occupied for worship, and to execute any process issued by any justice of the peace for said county for any violation of any of the provisions of this act, within the limits of the said county of Lincoln.

Misdemeanor to injure church, &c.

SEC. 14. That it shall be a misdemeanor to wilfully destroy, injure, deface or pull down the said church or any arbor, tent, shed, or appurtenances to either, whether the said camp ground is then being occupied for worship

or not, and any one violating this section shall be tried and, on conviction, punished as in this act before provided for violation of any other offence made a misdemeanor by this act. Penalty.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1881.

## CHAPTER 69.

### AN ACT TO INCORPORATE "THE CAROLINA AND OCEAN STEAMSHIP COMPANY."

*The General Assembly of North Carolina do enact :*

SECTION 1. That F. O. French, T. H. Porter, A. B. Graves, James S. Whedbee, D. R. Murchison, V. V. Richardson, J. W. Atkinson, D. G. Worth, Robert E. Calder, Edmund Lilly, B. F. Hall, A. Adrain and John Colville, and their associates and successors, are hereby incorporated under the name and style of "The Carolina and Ocean Steamship Company," and by such name may acquire, own and transfer property, sue and be sued, plead and be impleaded, and do and perform all other acts and things which a company incorporated to own and run steamships or steamboats may of right do, not inconsistent with the laws and constitution of the United States or of this state, and especially own and run steamships or steamboats between Wilmington and New York or elsewhere. Incorporated.  
Name.  
Corporate powers.

SEC. 2. The capital stock shall not exceed three millions of dollars and the company may organize and commence business when a *bona fide* subscription of one hundred thousand dollars shall have been made, and Capital stock.  
Organization.

five per centum paid thereon in shares of one hundred dollars each.

Railroad companies and other corporations authorized to subscribe to capital stock.

SEC. 3. The Carolina Central Railroad Company, and any other railroad company or corporation chartered by the laws of this state, may subscribe to the capital stock of this company in such sums as their respective boards of directors may authorize.

Steamers authorized to navigate waters of North Carolina, &c., without pilots.

SEC. 4. The steamers of this company may navigate the waters of North Carolina and ocean contiguous, with or without pilots at their option, and without any liability therefor.

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

Ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 70.

AN ACT TO INCORPORATE GOLDSBORO LODGE, NUMBER ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX, GRAND UNITED ORDER OF ODD FELLOWS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Body politic.

Name.

Authorized to hold real and personal property, &c.

SECTION 1. That H. Sears, John Taylor, John Thompson, R. H. McKoy, and the present officers and members of Goldsboro Friendly Brothers Lodge, number one thousand seven hundred and eighty-six, Grand United order of Odd Fellows, and their successors, be and they are hereby declared to be a community corporation and body politic by the name and style and title aforesaid, and by that name they and their successors shall and may at all times be capable in law to have, receive and retain to them and their successors property both real and personal, also devises and bequest of any person or persons, body corporate or politic, capable of making the same,

and the same at their pleasure to transfer or dispose of in such manner as they think proper.

SEC. 2. That the said corporation and their successors, <sup>Corporate powers.</sup> by the name and style and title aforesaid, shall be thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any court of justice, and before all and any judges, officers and persons whatever in all and singular actions, matters or demand whatsoever.

SEC. 3. That it shall and may be lawful for said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew from time to time, as they may think best, and shall in general have and exercise all such rights, privileges and immunities as by law are incumbent or necessary to corporations of a like character and that may be necessary to the corporation herein constituted. <sup>Rights, privileges, &c.</sup>

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 71.

AN ACT TO INCORPORATE THE WESTERN UNION NORMAL SCHOOL FOR THE COLORED, IN THE TOWN OF MONROE, IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Rev. R. Hasty, J. T. Davis, A. F. Blakely, the Rev. William Johnson, Charles Achans, Peal Helms, H. Walkup, Perry Laney, the Rev. John T. Sarvis, Burrel Davis and Isaac Miller, and their successors, <sup>Body politic.</sup> be and they are hereby created and constituted a body

Name. politic and corporate, for educational purposes under the name and style of the Western Union Normal School

Corporate powers. for the colored, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may acquire, have and hold by purchase, donation or otherwise, goods and chattels, lands and tenements in furtherance of the objects and purposes aforesaid of said corporation, and shall have corporate existence for and during the term of ninety-nine years.

Powers of trustees. SEC. 2. That said trustees shall have all the powers of corporate trustees of like institution[s] in this state, as to making by-laws for the government of said corporation, and in directing and controlling the affairs thereof, and may appoint a president, secretary and treasurer and such other officers as they may deem necessary, and define and fix the duties and terms of such, and all vacancies occurring in the board of trustees by death, resignation or other cause shall be filled by the remaining trustees.

Officers.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 72.

AN ACT TO INCORPORATE THE BOARD OF TRADE OF NEWBERN,  
NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Body politic. SECTION 1. That George B. Guion, F. Ulrich, Claudius E. Foy, C. H. Blank, T. A. Green, J. F. Clark, William Salter, J. K. Willis, K. R. Jones, Thomas Gates, G. F. M. Dail, Alex. Miller, J. J. Tolson, J. A. Meadows, W. F. Roundtree, J. H. Hackburn, and such other persons as

low are, or may hereafter become members, be and they are hereby created and declared a body politic and corporate by the name and style of The Board of Trade of Name. Newbern, North Carolina, and by that name may have succession and a common seal, sue and be sued, plead Corporate powers. and be impleaded before any court of record or before any justice of the peace in the state, contract and be contracted with, acquire, hold, and dispose of real or personal property as may be necessary and convenient for the purpose of their association, and for government may make all necessary by-laws, rules and regulations not inconsistent with the constitution of this state or of the United States, and shall have and enjoy all the rights, privileges and franchises which belong to bodies corporate and politic.

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

Ratified this the 10th day of March, A. D., 1881.

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## CHAPTER 73.

AN ACT TO INCORPORATE THE TOWN OF YEATESVILLE, IN  
BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the village now known as Yeatesville, Incorporated. in the county of Beaufort, is hereby created an incorporate town under the name of Yeatesville, and that C. A. Campbell, T. J. Godley, W. D. Taylor and A. W. Satterthwaite, and their successors, are hereby created a body corporate under the name and style of "The Commissioners Commissioners created a body corporate. of the Town of Yeatesville," to have perpetual succession Powers, &c. and a common seal, together with all the rights, privileges and powers granted to such corporations in chapter one hundred and eleven of Battle's Revisal.

Commissioners. SEC. 2. That the above named commissioners shall hold their offices until their successors shall be duly elected on the first Monday of May, one thousand eight hundred and eighty-one.

Mayor. SEC. 3. That said commissioners may elect one of their own number to be mayor of said town, and they may also elect a town marshal and a town constable.

Town marshal. SEC. 4. That the corporate limits of said town shall be ascertained as follows, to-wit: beginning on Pungo creek at the mouth of Massey branch; thence up said branch to the public road leading to North creek; thence westerly to J. T. Killingsworth's road; thence with said road to the Washington and Leachville road; thence the same course to Pungo creek; thence down said creek to the beginning. The territory included within said bounds shall be the corporate limits of said town.

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

Ratified 10th day of March, A. D. 1881.

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## CHAPTER 74.

### AN ACT TO CHARTER THE BANK OF KINSTON.

*The General Assembly of North Carolina do enact:*

Body politic. SECTION 1. That E. F. Cox, A. Nicol, B. W. Cannady, L. Harvey, J. W. Grainger, G. E. Miller, D. Oettinger, W. C. Moore, S. H. Loftin, W. C. Fields, J. A. Pridgen and L. H. Abbott, their present and future associates and successors, are hereby constituted a body politic and corporate by the name and style of the Bank of Kinston, and shall so continue for the term<sup>1</sup> of sixty years, with the capacity to take, hold and convey real and personal estate, and with all the powers and privileges incident to or

Name.  
To continue for sixty years.  
Corporate powers.

belonging to corporation as set forth in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled corporations.

SEC. 2. The capital stock of said corporation shall not Capital stock. be less than twenty-five thousand dollars, in shares of one hundred dollars each, and capital stock may be increased from time to time as said corporation may elect, to a sum not exceeding two hundred thousand dollars.

SEC. 3. The corporators in the first section named, or Books of subscription. any three of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods, as they shall determine, and the stockholders at any general meeting called after 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.

SEC. 4. Whenever twenty-five thousand dollars shall Meeting of stockholders. be subscribed, and shall be paid into the capital stock of said bank, the before named corporators, or three of them, shall call a meeting of the subscribers to said stock, at such a time and place and on such notice as they may deem sufficient, and such stockholders shall elect such Directors. 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-pres- President, &c. ident to serve during their continuance in office.

SEC. 5. The president and directors of the bank may Powers of president and directors. 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 allowed by law, and in general have the privileges conferred on corporations by the general law of the state relating to corporations. The

bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Banking privileges, &c.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper, and public and 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 notes and other evidences of debt, and lend money on such terms as may be allowed by law. It may receive on deposit moneys on terms to be agreed on between the officers and depositors. The bank may receive on deposit money held in trust by administrators, executors, guardians or others, and issue certificates thereof bearing such rates of interest as may be agreed on between the parties, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposits, signed by the proposed officers of the bank, shall be as binding as under the seal of the bank: *Provided*, That no provision in this act shall relieve any executor or administrator or guardian from any responsibility now imposed by law.

Proviso.

Failure of subscriber to pay.

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 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 two days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the banking house after advertisement of sale for twenty days in a newspaper published in the county of Lenoir, or posted in three

Sale of stock.

prominent places in said county; and if at such sale the price shall not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscribers shall be liable for the deficiency in a civil action.

Liability for deficiency.

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.

Liability of assignee of stock.

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation, shall have power to prescribe the rules of the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this state, and may regulate the terms and rates in which discounts and loans may be made, and deposits received by the bank; and they shall direct when dividends of profit shall be made; and 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 of Lenoir, or posted in three prominent places in said county: at all meetings stockholders may be represented by proxy, each share being entitled to a vote.

Authority of president and directors, &c.

SEC. 10. That to aid planters, miners, manufacturers, merchants and other classes of persons, the said bank shall and may have power to advance or loan to a planter, farmer, miner, manufacturer, or merchant or other classes of persons, any sum or sums of money, and to secure the payment of the same, taking in writing a lien or liens on

Advancements planters, miners, &c.

the crop or crops to be raised, even before planting the same; or upon the present or prospective products of any mining operations, 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, providing the same is duly recorded under the existing 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 or other produce, or any manufactured article whatsoever, as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said lien, pledges or mortgages, being duly recorded or registered, as in the case of mortgages or deeds of trust, and any sales made thereunder, according to the trust therein recited, shall be good and valid in law.

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 75.

### AN ACT TO INCORPORATE THE TRUSTEES OF TYSON'S CREEK ACADEMY, IN CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That John W. Calder, Emsley Welch, Burnice B. Phillips, George T. Womble and Laban Moon, their associates and successors, are hereby created a body politic and corporate under the name and style of "The Trustees of Tyson's Creek Academy," and in that name

Name.

may sue and be sued, plead and be impleaded, contract <sup>Corporate powers.</sup> and be contracted with, acquire and hold in their corporate capacity property real and personal, such as may be necessary and suitable for maintaining a school of high grade at the place where said academy may be situated in the Bear Creek township in said county, with power to make all needful rules, by-laws, regulations, for their own government and that of said academy, and under that name and style shall have continued succession for the period of ninety-nine years.

SEC. 2. That in case of vacancy in said board of trustees, such vacancy shall be filled by appointment by the remaining members thereof. <sup>Vacancies.</sup>

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

In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

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## CHAPTER 76.

AN ACT TO INCORPORATE SHADY GROVE METHODIST EPISCOPAL CHURCH, SOUTH, IN THE COUNTY OF HAYWOOD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Shady Grove Methodist Episcopal <sup>Incorporated.</sup> Church, South, in the county of Haywood, be and the same is hereby incorporated by the name and style of <sup>Name.</sup> Shady Grove church.

SEC. 2. That the corporal limits of said church shall <sup>Corporate limits.</sup> include all the grounds or lands which have heretofore been set apart and owned or now owned by said church for church and school purposes, known as Shady Grove church property.

- Body politic.      SEC. 3. That John H. Boyd, D. A. Owen, E. H. Howell, L. H. Moody and M. H. Allison, and their successors in office, shall be and are hereby [created] a corporate body by the name and style of Shady Grove Methodist Episcopal Church, South, and said corporation shall have all the powers usually granted to corporations of like nature, with the power to hold and receive real or personal property by purchase or otherwise.
- Name.
- Corporate powers.
- Vacancies.      SEC. 4. That in case a vacancy in the board of trustees, as heretofore mentioned in this act, may occur by refusing to act, or by death, removal or otherwise, the quarterly conference of Haywood circuit Methodist Episcopal Church, South, may fill the same within twelve months after such vacancy may occur: *Provided*, The number at no one time shall be more than nine or less than five.
- Proviso.
- Police powers, &c.
- SEC. 5. That the said trustees and their successors in office shall have all the powers of a police force, and may make and establish such rules, regulations, by-laws and ordinances as they deem best for the well being and protection of said church and church property, and for the maintenance of order and decorum within the corporate limits thereof, and the removal of nuisances therefrom, not inconsistent with the laws and constitution of this state, and may appoint a sufficient police force to enforce the same.
- Unlawful to sell or give away spirituous liquors within three miles.
- Misdemeanor.
- Penalty.
- SEC. 6. That it shall be unlawful for any person or persons to sell, directly or indirectly, or give away any spirituous or intoxicating liquors within three miles of said Shady Grove church, and any one offending against or violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined or imprisoned, or both, at the discretion of the court.
- SEC. 7. This act shall be in force from and after its ratification.
- In the general assembly read three times, and ratified this the 10th day of March, A. D. 1881.

## CHAPTER 77.

## AN ACT TO INCORPORATE THE NORTH CAROLINA FERTILIZER COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Charles G. Latta, William A. Myatt, Body politic. William C. Stronach, Marcellus A. Parker, and such other persons as are now or may hereafter be associated with them for the purposes in this act declared, are hereby created a body politic and incorporated by the name and style of the North Carolina Fertilizer Company, and Name. under that name and style shall have a right to sue and Corporate powers. be sued, plead and be impleaded in any court of record, contract and be contracted with, adopt, make and use a common seal, and have perpetual succession, may purchase, hold, sell, lease, mortgage or otherwise convey and dispose of any real or personal estate, may borrow money, make and issue bonds and promissory notes or other evidences of its indebtedness, and secure the payment of the same by mortgage or otherwise as may be deemed best, may make advances of money or other things on such terms or rates of interest, not inconsistent with the constitution and laws of this state, and on such securities, real or personal, as may be agreed on, and do such other things and perform such other acts as appertain to bodies corporate and politic, not inconsistent with the constitution and laws of North Carolina.

SEC. 2. The said company is hereby authorized and empowered to engage in the manipulation or manufacture of fertilizers, and chemicals of any character and description, or to prepare materials for the manufacture of such fertilizers or chemicals, to catch fish, extract the oil therefrom and prepare the same for fertilizing purposes, or to prepare lime, marl, plaster and any other ingredients used in agriculture, and generally to conduct Authorized to manufacture fertilizers, &c.

and carry on in all its branches the business of manufacturing, transporting, buying and selling fertilizers, chemicals, or other ingredients used in agriculture. Said company shall also have a right to contract for the storage of fertilizers, material of any kind, grain, cotton or any other thing, to make advances on the same at a legal rate of interest.

**Capital stock.**

SEC. 3. The capital stock shall be fifty thousand dollars, and may be increased to a further sum, not exceeding two hundred thousand dollars as the stockholders of said company may from time to time determine; said capital stock shall be divided into shares of one hundred dollars each, and may be paid in money, real estate, machinery, or material, as required by the company, and at all meetings of the stockholders, each share of stock shall entitle the holder of same to one vote, either in person or by proxy, as the by-laws may direct.

**Books of subscription.**

SEC. 4. That for the purpose of raising the capital stock of this corporation, books of subscription may be opened at such times and places as the persons named in the first section of this act see fit or may direct, and as soon as seventy per centum of said capital stock shall be subscribed and paid in, this corporation shall go into operation; and the stockholders of said company may make all such rules, by-laws and regulations, as may be considered necessary for the well doing of said company: they may prescribe the number of directors and number and character of the officers of said company, the manner of their election, and the amount of their compensation, the terms of their respective offices, the manner in which any officer or director may be removed, and the mode of supplying any vacancy arising from any cause whatever, either among the directors or officers of said company.

**Organization.**

**Powers of stockholders.**

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 78.

AN ACT TO AMEND SECTION ONE, CHAPTER EIGHTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section first, chapter eighty, laws of eighteen hundred and seventy-nine, entitled "an act to appoint cotton weighers for the towns of Goldsboro, Kinston and Newbern," be amended by striking out the word "Goldsboro" in line two thereof, and add at the end of said section the following, to-wit: The cotton and merchants' exchange of the city of Goldsboro, and the county commissioners of Wayne county, shall appoint on the first Monday of August, eighteen hundred and eighty-one, and annually thereafter, four persons as cotton weighers for the city of Goldsboro, one-half of which persons shall be chosen by each. Any vacancy occurring in said offices of cotton weighers for the city of Goldsboro shall be filled in like manner for the unexpired term, at the first meeting of said county commissioners or said cotton and merchants' exchange, after any vacancy in their respective appointments may occur.

Ch. 80, § 1, private laws 1879, amended.

Appointment of cotton weighers for Goldsboro.

Vacancies.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 79.

AN ACT TO INCORPORATE THE SONS AND DAUGHTERS OF CHARITY BENEVOLENT AID SOCIETY, OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That John Gause, chief; Samuel Wilkins, vice-chief; Jacob Thompson, prelate; Elisha Gause, recording scribe; James Crawford, financial scribe; Jas. Price, first conductor; Nancy Gause, assistant conductor; Lizzie Rhaford, inside sentinel; C. McRea, outside sentinel; their associates, successors and assigns, and all who have or may associate with them under articles of agreement for the purpose contemplated in this act, shall be and they are hereby constituted and declared a body politic and corporate by the name and style of The Sons and Daughters of Charity Benevolent Aid Society of New Hanover county; and by that name they and their associates and successors shall and may have combined succession, and shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended in all and every manner of actions and suits, complaints, matter and cause whatever, and by that corporate name aforesaid shall and may be capable of purchasing, holding and conveying each and every estate real and personal, necessary to a safe, useful and profitable investment of the funds belonging to said society, and the convenient and proper transaction of business, in giving aid to its distressed members, or in their burial.

Name.

Corporate powers.

By-laws, &c.

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

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 80.

AN ACT TO INCORPORATE THE SALISBURY HOOK AND LADDER COMPANY, NUMBER ONE, OF THE CITY OF SALISBURY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Theo. F. Kluttz, W. R. Barker, Alex. Parker, R. M. Davis, W. A. Welborn, W. S. Negus, R. L. Saon, W. L. Skahon, 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 Salisbury Hook and Ladder Company, number one, of the city of Salisbury.

Body politic.

Name.

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.

Corporate powers.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 81.

AN ACT TO ENABLE THE CITY OF WILMINGTON TO PROVIDE FOR THE BONDS MATURING IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of paying such bonds of the city of Wilmington as shall mature and become

Mayor and board of aldermen, with approval of board

of audit, authorized to issue bonds to pay bonds maturing in 1882.

Description of bonds.

due during the year one thousand eight hundred and eighty-two, the mayor and board of aldermen of said city, by and with the sanction and approval of the board of audit and finance of the city of Wilmington, are hereby authorized and empowered to issue coupon bonds, bearing interest payable semi-annually, at a rate not exceeding six per centum per annum, to the amount of eighty thousand dollars, (\$80,000,) in denominations of not less than one hundred dollars nor more than one thousand dollars, to be made payable on the first day of January, one thousand nine hundred and ten, with a provision that the same may be called in and paid at any time after the expiration of ten years from date of issue: said bonds shall be made payable at such places as the said boards may determine, and shall not be valid unless signed by the mayor and countersigned by the chairman of the said board of audit and finance of the city of Wilmington.

Bonds to be sold at par.  
Non-taxable by city.  
Coupons receivable for city taxes, &c.

SEC. 2. The said bonds shall be sold and exchanged at par and at no less a rate; they shall not be taxable by the said city for any purpose whatever, and the coupons shall be receivable, from and after maturity, in payment of any and all taxes or other indebtedness due the said city.

Registration of bonds.

SEC. 3. The said bonds shall be registered at the option of their holders by the treasurer of said city, and after such registration shall be transferable only by endorsement.

Executors, &c., authorized to exchange bonds.

SEC. 4. All executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, who now hold or may hereafter hold or become possessed of any of the bonds of said city, which may become due during the year one thousand eight hundred and eighty-two, are hereby authorized and empowered to exchange the same for bonds issued under this act.

Misdemeanor for city officer or employee to mis-

SEC. 5. Any officer or employee of the said city, who shall apply the proceeds of any bond or bonds issued un-

der this act, or exchange any such in any other manner <sup>apply proceeds of bonds, &c.</sup> or for any other purpose than is hereby provided, or shall issue or have issued any more of the bonds provided for by this act than is necessary for the specific purposes of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred <sup>Penalty.</sup> dollars nor more than five hundred dollars, or be imprisoned not less than one month nor more than six months, or both, at the discretion of the court.

SEC. 6. It shall be the duty of the mayor and the chairman of the board of audit and finance, within three <sup>Duty of mayor and chairman of board of audit to destroy bonds, &c.</sup> months from the time when the said bonded debt shall be funded in accordance with the provisions of this act, to conjointly destroy all the said bonds in the possession of the city of Wilmington which have not been used for the specific purpose of this act.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 82.

### AN ACT TO INCORPORATE THE BANK OF CRAVEN.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Edward F. Smallwood, Thomas P<sup>Body politic.</sup>owers, Washington Bryan, Daniel Stinson, George Sloan, Elijah Ellis, Benjamin Lane, Thomas Daniels, C. T. Watson, John D. Whitford, G. F. M. Dail, William Salter, Charles C. Clark, R. N. Duffy, F. M. Simmons, Ferdinand Ulrich, George Green, junior, William Clere, C. E. Foy, M. Brag, William C. Clarke, L. H. Gray, William Foy, R. W. King and James Redmond, their associates and

<p>Name. To continue for ninety-nine years. Capital stock.</p>	<p>successors, shall be and they are hereby constituted and declared a body politic and corporate by the name and style of "The Bank of Craven," and shall continue for the term of ninety-nine years, with a capital stock not to exceed five hundred thousand dollars, to be controlled by five directors, with capacity to hold and convey real and personal property, and shall have, enjoy and exercise all the powers, rights and privileges usually granted to banking institutions, together with the rights, powers and privileges incident and belonging to corporations as set forth or referred to in the first, second and third sections of the twenty-eighth chapter of the Revised Code of North Carolina, entitled "corporations."</p>
<p>Corporate pow- ers.</p>	
<p>Organization.</p>	<p>SEC. 2. That whenever twenty five thousand dollars of the capital stock of said corporation shall be subscribed and paid in, said corporation shall be deemed to be fully organized.</p>
<p>Stock, how is- sued.</p>	<p>SEC. 3. That said stock may be issued in shares of twenty-five, fifty or one hundred dollars each, as the directors thereof may determine, and such capital stock may be increased from time to time as said corporation may elect, not exceeding five hundred thousand dollars.</p>
<p>Books of sub- scription.</p>	<p>SEC. 4. That said corporation 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 place or places, and for such periods as they shall determine, and the stockholders, at any general meeting called after due organization of said bank, may at their discretion, from time to time, re-open books of subscription to said capital stock until the same be wholly taken.</p>
<p>Meeting of stock- holders.</p>	<p>SEC. 5. That whenever twenty-five thousand dollars shall be subscribed and paid into the capital stock of said bank, the before named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place, and on such notice as they may deem sufficient; and such stockholders shall elect five di-</p>

rectors, who shall hold their office for one year and until their successors are elected, and said directors shall choose a president to serve during their continuance in office.

Directors.

President.

SEC. 6. That the president and directors of said 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 performance of their duties; prescribe the manner for paying stock and the transfer thereof; may do a general business on such terms and rates of discount and interest as may be agreed on: *Provided*, The rate of interest shall not exceed the rate allowed by law; and in general have the privileges conferred on corporations by the general law of the state relating to corporations.

Powers of president and directors.

Proviso.

SEC. 7. That the said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper, and public or other securities; may purchase and hold such real and personal 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 may at pleasure sell or exchange the same; may discount notes and other evidences of debit, and lend money on such terms as may be agreed on: *Provided*, The rate of interest shall not exceed eight per centum between the parties, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit, signed by the proper officers of the bank, shall be as binding as if the same were under the seal of the bank.

Banking privileges, &amp;c.

Proviso.

SEC. 8. That 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 due, and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may

Failure of subscriber to pay stock, &amp;c.

reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the banking house in Newbern, after advertisement of sale for twenty days in some newspaper published in Newbern; and in case there be none such, then in any newspaper published in the state; 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.

Assignee of stock.

SEC. 9. That 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.

Subscription deemed a promissory note, &c.

Authority of president and directors.

SEC. 10. That the president and directors shall be capable of exercising any 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: *Provided*, That the rate of interest shall not exceed eight per centum by the bank; and they shall direct when the dividends of profit shall be made; may call a meeting of the stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days' notice in a newspaper published in the town of Newbern, and in absence of such, in any newspaper published in the state; and at all meetings stock-

Proviso.

Special meetings of stockholders.

holders may be represented by proxy, each share being entitled to one vote.

SEC. 11. That agencies of the said 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. Agencies.

SEC. 12. That to aid planters, miners, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons any sum or sums of money; and to secure the repayment of the same, take in writing a lien or liens on the crop or crops to be raised, even before planting the same, or upon the present or prospective products of any mining operations, or upon any article or articles then existing or thereafter to be made or manufactured or purchased, or otherwise acquired; and any liens so taken in writing shall be good and effectual in law: *Provided*, The same is duly recorded under existing laws of registration anterior to all other liens and mortgages for securing such loans and advancements; and the said bank shall have power to make loans upon mortgages of real and personal property with powers of sale inserted upon default of payment, and also to receive in storage or warehouse any cotton, wheat, corn or other produce, or any manufactured article whatsoever, as a pledge or pledges for the repayment of any moneys loaned upon the faith of the same, the said lien, 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. Authorized to make advancements to planters, &c.  
Proviso.

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

Ratified this the 11th day of March, A. D. 1881.

## CHAPTER 83.

## AN ACT TO INCORPORATE THE RALEIGH STREET RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That for the purpose of constructing and maintaining a street railway in the city of Raleigh for the transportation of freight and passengers, P. F. Faison, B. P. Williamson, M. T. Norris, W. G. Upchurch, F. H. Busbee, and such other persons as they may associate with them, are hereby constituted a body politic and corporate, under the name and style of "The Raleigh Street Railway Company," and by that name shall be entitled to sue and be sued, plead and be impleaded in any court in or out of North Carolina, shall have and use a common seal and alter the same at pleasure, may buy, sell, and hold such real and personal estate as it shall deem proper for the carrying on of the business hereinafter mentioned, may make contracts, establish by-laws for its government, and shall have, use and enjoy all other rights, powers and privileges which by law belong to any and all other street railway companies in this state.

Name.

Corporate powers.

Authorized to construct street railway in Raleigh, &c.

SEC. 2. That the said company is hereby authorized to make, construct and maintain a railway with one or more tracts, to be used with such motor power as shall be determined by the board of directors, from the depots in the city of Raleigh or elsewhere, as shall be determined, along such streets or elsewhere in the city of Raleigh as the directors may determine, by and with the consent of the board of aldermen of said city. That such street railway shall be for the transportation of passengers and freight, and the charge for the transportation of a passenger along any part of the route within the city limits shall not exceed ten cents.

Capital stock.

SEC. 3. The capital stock of the company shall be twenty-five thousand dollars, in shares of one hundred dol-

lars each, but it may be increased to a sum not exceeding one hundred and fifty thousand dollars, whenever the board of directors shall so determine. The persons above named may open books of subscription at such time and place as they deem expedient.

Books of subscription.

SEC. 4. Whenever twenty-five thousand dollars of stock shall be subscribed, and ten per centum thereof paid in,

Organization.

it shall be the duty of the corporation above named to call a meeting of the subscribers, who shall elect a board of directors to consist of not less than three nor more than nine, and such board of directors shall elect one of their number president, and the company shall be considered

Directors.

as fully organized. The stockholders may provide for the election of such officers as they shall determine, may pass

President.

by-laws, fix the compensation of officers and their mode of election, and make all needful rules for the carrying

Officers.  
By-laws, &c.

out of the provisions of this charter. In case of the failure to act by the stockholders, then the board of directors shall have the power to act as above stated. The board

Directors authorized to call in remainder of stock, &c.

of directors may call in the remainder of the stock subscribed to be paid in such installments as they think

proper, and in case any stockholder refuses or fails to pay, the board of directors, after giving thirty days' notice,

Failure of stockholder to pay, &c.

may sell at public auction the shares subscribed by him, or so many thereof as will pay the balance due on his subscription (whether it is all then called for or not) and

apply the proceeds to the payment of such balance. If there shall remain a balance still due, the company may recover the same by action.

SEC. 5. Whenever any lands may be required for such railway, or any branches, the company shall have the same power to have the same assessed and condemned as

Condemnation of land.

that granted to the Raleigh and Gaston Railroad Company, and the company shall be bound to keep up all bridges and crossings in good repair, whenever the same shall be affected by their track.

Misdemeanor to injure or obstruct railway.

SEC. 6. Any person who shall in any manner injure or obstruct said railway or its cars, or other property, shall be deemed guilty of a misdemeanor.

Company to have exclusive right for thirty years to construct railway.

SEC. 7. This act shall be in force from and after its ratification, and the company shall have the exclusive right for a term of thirty years to construct a street railway in said city: *Provided*, Work shall be commenced upon the same in five years after the granting of this charter.

Proviso.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 84.

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

*The General Assembly of North Carolina do enact:*

Commissioners to appoint registrar and inspectors of election.

SECTION 1. That the commissioners of the town of Beaufort shall appoint a registrar and two inspectors of the election to be held on the first Monday in May, one thousand eight hundred and eighty-one, and for each succeeding municipal election, and the registrar so appointed shall open the registration books at the mayor's office on Thursday, Friday and Saturday immediately preceding the day of election, and keep them open between the hours of eight a. m. and five p. m., of each day, when all persons legally entitled to register may do so.

Registration books to be opened, &c.

Taxation.

SEC. 2. The said commissioners may, not oftener than annually, lay a tax on real and personal property situated within the corporation, not exceeding fifty cents on each one hundred dollars valuation, and on each taxable poll one dollar and fifty cents. They shall also have power to impose and collect a license tax for the privilege of carrying on the business or doing within the corporation

License tax.

any of the acts named in this section, to-wit: on all persons retailing or selling in quantities less than one quart any spirituous or vinous liquors, ale, porter, lager beer, or other malt liquors; all circuses, shows or exhibitions for reward; all gift enterprises; each billiard table, bowling alley, or alley of the like kind, 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, and not kept or used in connection with any place where spirituous or malt liquors are sold; every merchant, jeweler, grocer, druggist and other trader who, as principal or agent, carries on the business of buying or selling goods, wares or merchandise of whatever name or description; hotels, board-houses, restuarants and eating houses; auctioneers, commission merchants, or agents, life or fire insurance or assurance agents, and sewing machine agents, every horse or mule drover or person who buys and sells or receives horses or mules, or both, for sale, and every person who keeps horses or mules for hire; every itinerant dentist or medical practitioner, portrait or miniature painter, and every person taking likenesses of the human face, every person who peddles goods, wares or merchandise, except vegetables, fruits, oysters, clams, fish or articles of his own growth or manufacture; on every itinerant who deals in or puts up lightning rods; every butcher or dealer in fresh meats; every huckster or his agent who buys produce for sale in other markets; every fish and oyster dealer who buys fish or oysters to be sold in other markets; every owner or driver of a dray or cart who hauls for pay; on all dogs and all other subjects, persons and franchises within the town of Beaufort that may be taxed by the general assembly.

Subjects of license  
tax.

SEC. 3. Every person who shall practice any trade or profession, or use any franchise taxed by the commissioners as provided in this act, without having first paid the

Misdemeanor.

tax and obtained a license signed by the mayor and clerk of the town, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed fifty dollars, or be imprisoned not more than thirty days, and shall also forfeit and pay to the town a penalty not to exceed twenty-five dollars for every day on which he shall practice such trade or profession or use such franchise.

**Penalty.**

**No license to be granted by co. commissioners, &c., unless previously granted by commissioners of town.**

**SEC. 4.** That no court, board of county commissioners, sheriff or other officer shall grant a license to any person to practice any trade or profession within the town of Beaufort which may be taxed by the commissioners in pursuance of this act, unless such person shall first produce before such court, board of county commissioners, sheriff or other officer a license therefor, granted by the commissioners of said town and signed by the mayor and clerk; and that any person who shall violate any of the provisions of this section shall forfeit and pay to the commissioners of said town the sum of fifty dollars for each offence to be sued for and recovered by the said commissioners in any court of competent jurisdiction, and such violation shall be deemed and held to be a misdemeanor, and any person convicted thereof shall be fined fifty dollars, or imprisoned thirty days, at the discretion of the court.

**Penalty.**

**Misdemeanor.**

**Penalty.**

**Condemnation of land for streets, &c.**

**Damages, how ascertained.**

**SEC. 5.** That when any land or right of way shall be required by said town of Beaufort, for the purpose of opening new streets or alleys, or for widening any street or alley, the same may be taken at a valuation to be made by twelve freeholders, resident in the town, to be chosen jointly by the commissioners and the party owning the land, or their personal representatives. But if any person, on whose land said street or alley may run, shall refuse to join in the selection of the freeholders, the board of commissioners of said town shall select the entire twelve; and in making said valuation said freeholders, after being duly sworn by some justice of the peace, 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 benefit or advantage such owner may receive from the opening or widening of streets or alleys, and shall state the value and amount of each; and the excess of loss or damage over and above the advantage to such person shall form the measure of valuation of said land or right of way: *Provided*, Proviso.

That if any person on whose land the said street or alley may pass or the commissioners of the town be dissatisfied with the valuation thus made, either party may appeal to the next term of the superior court of Carteret county to be held thereafter. The said freeholders shall make a return of their proceedings with the valuation of the land to the mayor of the town, who shall cause them to be recorded with the records of the town, and shall, if either party appeals, send up the papers with a statement Return to be made to mayor. of all the proceedings to the superior court. Appeal. The land so valued by the freeholders shall vest in the town as soon as the valuation may be paid to the owner, or placed 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 of Carteret county. Land to vest in town, &c.

SEC. 6. All laws or clauses of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 85.

AN ACT TO AMEND THE CHARTER OF STATESVILLE, AS CONTAINED IN THE ACT OF THE TWENTY-SIXTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE, AND ACTS PASSED SUBSEQUENT THERETO.

## Preamble.

THAT, WHEREAS, The town of Statesville has greatly increased in extent and population, since the twenty-sixth of January, one thousand eight hundred and sixty-one, and for other good causes here shown : therefore,

*The General Assembly of North Carolina do enact :*

## Corporate boundaries.

SECTION 1. That the boundary lines of the town of Statesville be extended so as to commence and run as follows, to-wit: beginning at a stone, on the north side of the Jonesville road near where said road and the Mocksville road forks, thence south twenty-four degrees, east one hundred and ninety-four poles to a stone, thence south sixty-six degrees, west one hundred and thirty-five poles to a stone in the old corporation line, thence south twenty-four degrees east, one hundred and thirty poles to a stone, thence south sixty-six degrees, west one hundred and twenty five poles to the switch of the Atlantic, Tennessee and Ohio Railroad, thence with said switch to the Western North Carolina Railroad, thence west with said railroad two hundred and fifteen poles to a stone, thence north twenty-four degrees, west sixty-two poles to a stone, corner of old corporation line, thence south sixty-six degrees, west seventy-six poles, to a stone, thence north twenty-four degrees west, passing near the fork of the Taylorsville and Lewis' ferry roads two hundred and twenty-two poles to a stone, thence north sixty-six degrees, east five hundred and fifty-six poles, to the beginning corner. And that the territory included within these boundaries shall constitute the town of Statesville, instead of the bounda-

ries and territory so designated in the acts heretofore passed designating and locating the same: *Provided*, That no tax on poll, personal or real property shall be levied or collected upon the person or property in the new territory taken in by this act, to pay any debt or debts now due from the town of Statesville. Proviso.

SEC. 2. *Be it further enacted*, That the mayor and commissioners of the town of Statesville be and they are hereby authorized to subscribe to the capital stock of any work of internal improvement, in which said town may be interested, a sum not exceeding fifty thousand dollars, including any unpaid debt said town may then have for subscriptions theretofore made to any work of internal improvement: *Provided*, A majority of the qualified voters of said town shall have voted for said subscription, as provided by the constitution and laws of North Carolina. Mayor and commissioners authorized to subscribe to capital stock of works of internal improvement, &c.  
Proviso.

SEC. 3. *Be it further enacted*, That the mayor and commissioners of the town of Statesville be and they are authorized and empowered to purchase a tract or parcel of land, in or near the town of Statesville, not to exceed twenty acres, to be held and used by said town as a public cemetery; to levy and collect such taxes as shall be necessary to raise money to pay for such land so purchased, to enclose and prepare the same for the use for which it shall be purchased, and to keep the same in repair, and in suitable condition for the burial of the dead: *Provided*, A majority of the qualified voters of said town shall have voted for the same, as is provided by the constitution and laws of North Carolina. Public cemetery.  
Funds for purchase, &c., of cemetery, to be raised by taxation.  
Proviso.

SEC. 4. *Be it further enacted*, That the act of the twenty-sixth January, one thousand eight hundred and sixty one, and all other acts passed and ratified since that time, amendatory of said act of the twenty-sixth January, one thousand eight hundred and sixty-one, not herein amended, and which are not in conflict with this act, are hereby declared to be and remain in full force and effect. Ch. 176, laws 1860-'61, and amendatory acts, continued in force.

SEC. 5. *And be it further enacted,* That this act be and remain in force from and after its ratification.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 86.

AN ACT TO AMEND THE CHARTER OF THE FAIRFIELD CANAL COMPANY, IN HYDE COUNTY.

*The General Assembly of North Carolina do enact :*

Ch. 131, laws 1849  
amended.

Condemnation of  
land.

SECTION 1. That chapter one hundred and thirty-one of the laws of one thousand eight hundred and forty-nine be amended as follows: add to section three of said chapter the words, "and the said company are hereby authorized and empowered to have condemned for the use of said canal, on either side thereof, lands to the width of sixty feet, when a contract of purchase cannot be made with the owners thereof, under the rules, regulations and restrictions now prescribed by law.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 87.

AN ACT TO AMEND THE CHARTER OF THE HIGH SHOALS MINING  
AND MANUFACTURING COMPANY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the act incorporating the High Shoals Directors.  
Manufacturing Company, ratified the third day of Janu-  
ary, one thousand eight hundred and thirty-nine, and  
the act amendatory thereof, changing the name thereof  
to "The High Shoals Mining and Manufacturing Com-  
pany," and extending the corporate existence thereof,  
ratified the ..... day of ....., 186..., be amended in the  
third section by inserting the words "three directors" in  
place of the words "five directors."

SEC. 2. *Be it further enacted,* That all acts, contracts and Former acts, con-  
tracts, &c., of  
company vali-  
dated.  
doings of said company prior to this act, purporting to  
have been done or made by the authority of the directors  
or stockholders of said company, whether calling them-  
selves directors or stockholders of the High Shoals Man-  
ufacturing Company, or the High Shoals Mining and  
Manufacturing Company, be and they are hereby vali-  
dated: *Provided,* They were authorized by the powers Proviso.  
conferred upon said corporation by the acts creating it  
and amendatory thereof.

SEC. 3. That this act shall take effect from its ratifica-  
tion.

In the general assembly read three times, and ratified  
this the 11th day of March, A. D. 1881.

## CHAPTER 88.

## AN ACT TO INCORPORATE THE BANK OF ENFIELD.

*The General Assembly of North Carolina do enact :*

- Body politic. SECTION 1. That Spier Whitaker, L. G. Estes, George B. Curtis, Isaac Leay, Walter P. Williamson and John F. Gregory, their associates and successors, are hereby constituted and declared a body politic and corporate by the
- Name. Name and style of the Bank of Enfield, and shall continue for the term of sixty years, with a capacity to take, hold and convey real and personal estate, and with the powers, rights, and privileges usually granted to banks or banking institutions, together with the rights, powers and privileges incident or belonging to corporations, as set forth in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations."
- Corporate powers. SEC. 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars, in shares of one hundred dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding one hundred thousand dollars.
- Capital stock. 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 banking and loan association, at such time or times, at such places, and for such periods as they shall determine, and the stockholders, at any general meeting called after the organization of said banking and loan association, may at their discretion from time to time reopen books of subscription to said capital stock, until the sum be wholly taken.
- Books of subscription. SEC. 4. Whenever twenty-five thousand dollars shall be subscribed, and twelve thousand dollars shall be paid into the capital stock of the said banking and loan asso-
- Meeting of stockholders.

ciation, the before-named corporators, or a majority of them, shall call a meeting of the subscribers of said stock at such time and place, and on such notice as they may deem sufficient; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president to serve during their continuance in office.

Directors.

President.

SEC. 5. The president and directors of the said banking and loan association 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 is now provided by law; and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The said corporation shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity.

Authority of president and directors.

Lien on stock.

SEC. 6. The said banking and loan association may secure [receive] and pay out the lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper, and public or other securities, may purchase and hold real and personal estate and property as may be conveyed to secure debts to said banking and loan association, or may be sold under execution to satisfy any debt due to said association, and may sell and convey the same, may purchase and hold real and personal estate, personal property, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money on such terms as is now provided by law, and it may receive deposits. The said association may receive on deposit money held in trust by administrators, executors, guardians, or others, and issue certificates therefor,

Banking privileges.

bearing interest, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposit, signed by the proper officers of the said association, shall be as binding as under the seal of the same: *Provided*, That nothing herein contained shall be construed to relieve any guardian, trustee, or other person acting in a judiciary [fiduciary] capacity from being liable as now prescribed by law, and that no greater rates of interest shall be charged than is allowed by law.

Proviso.

Failure of subscriber to pay stock.

SEC. 7. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the association either by motion to the court of the county where delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors, for cash, at the banking house in Enfield, after advertisement of sale for twenty days in a newspaper published in the town; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for the delinquency in a civil action.

Liability of assignee of stock.

SEC. 8. If any subscriber shall assign his stock before its full payment, he and his assignees and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action; in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the association, as well in respect to the remedy for recovering the same, as in the distribution of assets of any deceased subscriber.

Agencies.

SEC. 9. Agencies of the said banking and loan association 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 said banking and loan association.

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 association, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this state, and may regulate the terms and rates on which discounts and loans may be made, and deposits received by the association, 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 Enfield. At all meetings stockholders may be represented by proxy, each share being entitled to one vote: *Provided*, No greater rate of interest shall be charged than that allowed by law.

Powers of president and directors.

Meetings of stockholders.

Proviso.

SEC. 11. That to aid planters, miners, manufacturers and others, the said banking and loan association 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 the same, taking in writing a lien or liens on the crop or crops to be raised, even before planting the same, or upon the present or prospective products of any mining operations, or upon any articles then existing, or thereafter to be made, purchased, manufactured, or otherwise acquired; and any liens so taken shall be good and effectual in law: *Provided*, The same are duly recorded under the existing laws of registration anterior to all other liens and mortgages for securing such loans or advances. And the said association 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

Advancements in aid of planters, &c.

Proviso.

Loans on mortgage, &c.

in storage or warehouse any cotton, wheat, corn or other produce, or any manufactured article whatsoever, as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said liens 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.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws coming in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 89.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Trinity be amended by adding the following sections:

SEC. 2. 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 support 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 a period of time, not exceeding thirty days, as in the discretion of the commissioners shall be deemed proper.

SEC. 3. 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

Charter amended.

Commissioners empowered to provide for the arrest of vagrants.

To work on streets, &c.

Basis of taxation.

may levy a tax, after giving ten days' notice to all the 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 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.

Commissioners  
empowered to  
levy tax.

Proviso.

Proviso.

SEC. 4. That the commissioners shall have power to appropriate a portion of the corporation tax to the repairing and keeping up a suitable enclosure around the graveyard in the said town, and to the keeping of the said yard in proper order.

Commissioners  
empowered to  
use part of tax in  
enclosing grave-  
yard, &c.

SEC. 5. That the mayor of said town shall have jurisdiction to hear and determine all violations of the ordinances of the town, 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 within his own knowledge.

Jurisdiction of  
mayor.

SEC. 6. That the mayor shall have power to commit any person convicted of a violation of the ordinances of said town to such a prison or lock up as the commissioners may select, or to the county jail, until the fines and costs are paid, and such persons can only be released as is provided in like cases in other courts.

Penalty for vio-  
lation of town  
ordinance.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 90.

AN ACT TO INCORPORATE "THE CHARLOTTE CITY WATER WORKS COMPANY."

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Charles E. Robinson, of the city of Charlotte, State of North Carolina, George H. Moller, G. W. Church and George Bacon, of the city of New York, state of New York, and their associates, successors and assigns, or any three of them, be and they are hereby created and made a body politic and corporate by the name, style and title of "The Charlotte City Water Works Company;" and by such name and title shall have perpetual succession for the purpose of obtaining and supplying the city of Charlotte, and all other persons within the county of Mecklenburg, with water for public, domestic and manufacturing purposes, and for building, erecting and owning machinery and fixtures for said purpose, and for buying, owning, holding such real or personal estate as may be necessary in connection with or advantageous to the object and purposes of this charter; and shall be capable of suing and being sued, of pleading and being impleaded, and having and using a corporate seal and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name, for the purpose of carrying on, enlarging or reducing its business, property, real and personal.

Name.

Corporate powers.

Authorized to erect reservoirs, to lay mains, &c.

SEC. 2. That the said corporation shall have a right to erect and establish a reservoir or reservoirs of sufficient area and capacity to furnish an adequate supply of water to meet the fullest demands; to erect engines, rams, or other machinery necessary or advantageous to the supply or distribution of water, to lay mains, pipes, conductors, or aqueducts, and for the purpose of erecting or establishing the same, whether reservoir, machinery, ditches,

dams, laying of pipe, or tapping the same, building aqueducts, or any other thing necessary to be done in the furtherance of the object of this act. The said corporation, its agents or employees, and the officers thereof, may enter upon the lands of any person or persons, or corporation, and in case an agreement cannot be made between this corporation and the owner of the land, or the person entitled to the beneficial interests therein, this corporation may have the same condemned to its use in the manner now provided by law for the condemnation of lands for railroads or other public uses: *Provided, always,* That the corporation provided by this act shall pay all damages that may accrue or be incurred by reason of the condemnation of land. And it shall at all times have a right to enter upon the said lands for the purpose of repairing, improving or replacing mains, pipes, ditches, etc.

Condemnation of land.

Proviso.

SEC. 3. A minimum capital stock shall be fifty thousand dollars, to be divided into shares not less than ten dollars each, with power to increase the capital stock from time to time by a majority vote of the stockholders to a sum not exceeding one million dollars.

Capital stock.

SEC. 4. The principal office of the company shall be at Charlotte, North Carolina, with such branch offices located when and where the said company may deem proper, and as may be necessary and advantageous for the business of the company. And the affairs of the company shall be managed by a board of directors of such number as the stockholders may select, a quorum of whom may be such number as the stockholders may name. But for the purpose of organization, the corporators herein named shall constitute the board of directors, and shall hold office until their successors are elected and qualified. The officers of the company shall be a president, treasurer and secretary, and such other officers as the board of directors shall name. All officers except those herein named may be abolished or combined, and

Principal office.

Branch office s.

Direct ors.

Corporators to constitute temporary board of directors.

Officers.

the office of president, secretary and treasurer may be combined and filled by the president.

SEC. 5. The subscription to the capital stock of said company shall and may be paid in such installments in such manner and in such property, real or personal, as a majority of the corporators herein named may determine. But the stockholders of this company shall not be liable for any loss, damage or responsibility beyond the assets of the said company; and the said company may make, alter, repeal or amend such by-laws and regulations covering all points of organization, not herein specifically provided for, as they may deem necessary and proper: *Provided*, The same are not inconsistent with the provisions of the constitution of the United States or the state of North Carolina, or the provisions of this act.

SEC. 6. The said company may issue certificates of stock in such forms and subject to such regulations as it may from time to time prescribe, with power also to issue bonds with coupons attached, or other evidences of debt; to make such contracts for the furnishing of the city of Charlotte with water, as the mayor and board of aldermen may approve; and to make and establish such a schedule of prices for water supply, and pledge the same as security for the loan of money, and generally to do all other matters and things necessary to the proper and successful transaction of the business for which it is organized.

SEC. 7. That any and all persons who shall wantonly, maliciously or negligently interfere with or injure mains, pipes, ditches, reservoir, fire plugs, or other property of the said company, necessary or used in obtaining supply or distributing water, or shall place in the water used by the said company before distribution, or while in the pipes, any poisonous or unwholesome material or matter calculated to render unwholesome the same, shall be guilty of a misdemeanor, and upon conviction thereof

Capital stock,  
how paid.

Liability of stock-  
holders.

By-laws, &c.

Provido,

Corporate pow-  
ers.

Misdemeanor to  
wantonly, &c.,  
interfere with or  
injure mains, &c.

shall be fined or imprisoned, or both, at the discretion of <sup>Penalty.</sup> the court.

SEC. 8. This act shall be in full force and effect from and after the date of its ratification.

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 91.

### AN ACT TO INCORPORATE THE TOWN OF LEWISTON, IN THE COUNTY OF BERTIE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Lewiston, in the county <sup>Incorporated.</sup> of Bertie, be and the same is hereby incorporated by the name and style of the town of Lewiston, and shall be sub- <sup>Name,</sup>ject to the provisions contained in the one hundred and eleventh chapter of the Revised Code, and the one hundred and eleventh chapter of Battle's revision, not inconsistent with the constitution and laws of this state or of the United States; also subject to the general law of incorporation.

SEC. 2. That the corporate limits of said town shall be <sup>Corporate limits.</sup> two thousand yards square, with the new store of J. W. Ballance & Company in the centre.

SEC. 3. That the officers of said incorporation shall con- <sup>Officers.</sup>sist of a mayor, three commissioners and a constable. It shall be the duty of the sheriff of the county of Bertie, <sup>Elector.</sup> after ten days' notice of the same, to open the polls on the first Monday of May, Anno Domini one thousand eight hundred and eighty-one, for the election of mayor, three commissioners and a constable, under the same restrictions that county and state elections are held.

Electors.

SEC. 4. That all qualified voters of the state residing within said corporate limits, that have resided therein thirty days previous to the election, shall be entitled to vote at said election.

Taxation.

SEC. 5. That the commissioners shall have power to levy a tax not to exceed fifty cents on the poll, and not to exceed twenty-five cents on the one hundred dollars valuation of property.

Tax, how expended.

SEC. 6. That it shall be the duty of said commissioners to expend the tax so levied and collected in repairing the streets and side-walks, and for such other purposes as may be for the interest of said corporation, and no person inside of said town shall be compelled to work the public roads.

Secretary and treasurer.

SEC. 7. That the commissioners, when organized, shall appoint a secretary and treasurer, who shall enter into bond to be approved by the commissioners; and it shall be their duty to require of the constable elect to enter into bond in the sum of five hundred dollars, payable to the state of North Carolina, to be approved by the commissioners, and conditioned as the official bonds of constables are now required by law.

Constable to give bond.

Annual election.

SEC. 8. That it shall be the duty of said commissioners to provide for an election on the first Monday in May, Anno Domini one thousand eight hundred and eighty-two, and annually thereafter, according to the laws of the state, for the officers of said town, and the officers elect shall serve until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 9. That so much of all laws and clauses of laws as are inconsistent with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect from and after its ratification.

Ratified this the 11th day of March, A. D., 1881.

## CHAPTER 92.

AN ACT TO INCORPORATE THE TOWN OF ROXBORO, IN PERSON COUNTY, PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT AND [ONE THOUSAND EIGHT HUNDRED AND] SEVENTY-NINE, RATIFIED THE FOURTEENTH DAY OF MARCH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the third section of said act be amended to read as follows: that the first election for municipal officers and constable shall be held at any time after the ratification of this act, and annually on the first Monday of May thereafter.

Ch. 109, 23, private laws 1879, amended. Town election, when held.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

## CHAPTER 93.

AN ACT TO INCORPORATE THE TOWN OF PANTEGO, IN THE COUNTY OF BEAUFORT.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Pantego, in the county of Beaufort, be and the same is hereby incorporated under the name and style of the town of Pantego, and shall be subject to all the provisions contained in the one hundred and eleventh (111) chapter of Battle's Revisal.

Incorporated.

Name.

SEC. 2. That the corporate limits of said town shall be as follows: beginning at a ditch near W. J. Bullock's on the main road to Hyde county, and with said ditch to Pantego creek, thence with said creek to P. H. Johnson's

Corporate limits.

landing, thence to the gate at the Marceller's creek, thence with an old road just south of M. J. Whitley's to the south-west corner of E. S. Ratliff's yard, thence northwardly to Pantego mill pond and across said pond to where the A. S. L. Co's tram-road across the public road, thence north-east to the back of Walter Clarke's farm, thence south seventy degrees east to R. Blount's and George B. Topping's lines, thence with said line to the beginning.

Officers.

SEC. 3. The officers of said town shall consist of a mayor, five commissioners, and a treasurer, who shall be *ex-officio* clerk of the board of commissioners, and a constable.

Temporary officers.

SEC. 4. That under the next regular election under general law concerning corporate towns, Geo. L. Swindell is appointed mayor, and Geo. D. Old, W. J. Bullock, Walter Clark, Lewis Latham and M. J. Whitley are appointed commissioners, and M. J. Whitley as treasurer, and James O. Simmons as constable of said town, to serve until the time prescribed by law for the next election of officers for corporate towns.

Streets.

SEC. 5. The commissioners of said town shall 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 said 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 shall have a right of appeal to the superior court of the county.

By-laws, &c.

Proviso.

Fines.

SEC. 6. That all the fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

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

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 94.

AN ACT TO INCORPORATE THE TOWN OF JAMESTOWN, IN GUILFORD COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the inhabitants of the town of James-<sup>Incorporated.</sup> town shall be a body politic and corporate, and henceforth the corporation shall bear the name and style of "The Town of Jamestown," and under such style and <sup>Name.</sup> name is hereby invested with all the property and rights of property which now belong to the corporation under any other name or names heretofore, and by this name <sup>Corporate powers.</sup> may acquire and hold for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

SEC. 2. That the corporate limits shall be as follows, <sup>Corporate limits.</sup> viz: beginning at the railroad bridge on Deep river (that being the south-east corner of the town,) running nearly west to a stone near the south-west corner of the Bertran house, thence north to a point on Deep river at or near D. C. Mendenhall's mill dam, thence following the bank of the river to the point of beginning.

SEC. 3. *Be it further enacted,* That there shall be a mayor <sup>Officers.</sup> and four commissioners annually elected by the qualified voters of the town, who shall hold office until their successors are qualified, and that the first election shall be <sup>Election.</sup> held on the first Monday of May, one thousand eight hundred and eighty-two. But at all township, county and state elections, Jamestown township shall vote at Jamestown depot, it being more central.

SEC. 4. *Be it further enacted,* That any qualified elector <sup>Qualifications of mayor and commissioners.</sup> in this state shall be eligible as mayor and commissioner.

ers, provided he shall have resided in the corporation sixty days next preceding the day of election.

Inspectors of election.

SEC. 5. *Be it further enacted*, That for the purpose of electing said officers, the commissioners shall, at least twenty days before the election, appoint three inspectors for the town, who shall be each a qualified voter, and the inspectors shall give ten days' notice thereof by public advertisement, and if from any cause inspectors shall not be appointed, the sheriff of Guilford shall designate inspectors qualified in like manner.

Duties of inspectors of election.

SEC. 6. *Be it further enacted*, That on the day of election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes, and conduct the election in like manner and during the same hours of the day as election for the members of the general assembly. The voter shall designate on his ballot the person for whom he votes as mayor, and the persons for whom he votes as commissioners, otherwise the votes shall not be counted.

Ballots.

Electors.

SEC. 7. *Be it further enacted*, That all persons entitled to vote in the state, who shall have been residents of the town for sixty days next preceding the day of election, shall be allowed to vote for mayor and commissioners: *Provided*, They have complied with registration laws, and paid the taxes assessed against him [them] for town purposes [the] preceding year.

Proviso.

Canvass of votes, &c.

SEC. 8. *Be it further enacted*, That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be duly elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared elected commissioners, and mayor and commissioners [shall be] notified of their election by the inspectors.

Tie vote.

SEC. 9. *Be it further enacted*, That if, of the persons voted for as mayor, there shall be an equal number of votes between any two or more having the largest number, the

commissioners elect shall proceed within five days after their qualification to elect a mayor of such persons. And if, of the persons voted for as commissioners, there shall be a tie, the commissioners elect, within five days after their qualification, shall select of such the person or persons to be commissioners.

SEC. 10. *Be it further enacted*, That the inspectors before they proceed shall be sworn by the mayor or a justice of the peace to conduct the election fairly, impartially and according to law, and in the case of the absence of one of the inspectors, his place shall be forthwith supplied by the commissioners.

Inspectors of election to be sworn, &c.

SEC. 11. *Be it further enacted*, That the inspectors shall certify and subscribe the poll and registration list, and return them to the clerk of the board of commissioners, who shall keep them among the archives of town.

Inspectors to certify poll list, &c., to commissioners.

SEC. 12. *Be it further enacted*, That the mayor, immediately after election and before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: I, A. B., &c., do solemnly swear (or affirm) that I will diligently endeavor to perform, faithfully and truly, according to my skill and ability, all the duties of office of mayor in the town of Jamestown, while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatever.

Oath of mayor.

SEC. 13. *Be it further enacted*, That each commissioner, before entering upon the duties of his office, shall take, before the mayor or some other 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 ability and judgment.

Oath of commissioners.

SEC. 14. *Be it further enacted*, That the mayor and commissioners shall hold their offices respectively until the

Term of office of mayor and commissioners.

next ensuing election and until their respective successors shall be qualified.

Vacancies.

SEC. 15. *Be it further enacted*, That if any person elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, or if the mayor be absent from the town, or be unable to discharge the duties of his office, the commissioners shall choose some qualified person, mayor for the time, or the unexpired portion of the time, or during such absence or disabilities, as the case may be, and on like occasions and in like manner, the commissioners shall choose another commissioner to supply the place of such as shall refuse to act, or are absent, or unable, and for all vacancies that may occur, such persons only shall be chosen as are heretofore declared to be eligible.

Jurisdiction of  
mayor.

SEC. 18. *Be it further enacted*, That the mayor shall be a special court, and within the corporate limits shall have the powers and authorities of a justice of the peace, to preserve and keep the peace, and may cause to be arrested and detained criminals who flee to the town from other states and counties, and shall cause to be arrested and bound for their appearance at the proper tribunal, to answer to their offences, all persons offending against laws of the state, or against the law or ordinances and regulations of the corporation. He shall also have within the same limits, as a judicial officer, all the power, jurisdiction and authority of a justice of the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the laws and rules made by the commissioners, and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same, and he may issue process without complaint when he is satisfied that there has been a breach of the law: *Provided, nevertheless*, That he shall not have jurisdiction of the

Proviso.

laws of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act.

SEC. 19. *Be it enacted*, That the mayor may issue his precepts to constables of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Precepts of mayor.

SEC. 20. *Be it further enacted*, That the mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the county of Guilford and elsewhere in the same manner, and by the same means, as if the same had been rendered by a justice of the peace for the county of Guilford.

Mayor to keep record, &c.

Judgments rendered by mayor.

SEC. 21. *Be it further enacted*, That the mayor shall keep his office in some convenient part of town, designated by the commissioners. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by this act and the ordinances of the corporation.

Mayor's office.

Corporate seal.

Compensation of mayor.

SEC. 22. *Be it further enacted*, That the mayor when present shall preside at all meetings of the board of commissioners; and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent, the board may appoint one of their members *pro tempore* to exercise his duties.

Mayor to preside at meetings of commissioners, &c.

SEC. 23. *Be it further enacted*, That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners, unless otherwise provided. Within five days after their election, they shall convene for the transaction of business, and shall then fix their stated days of meet-

Board of commissioners.

ings for the year, which shall be as often at least as once in every month. A special meeting of the commissioners may also be held on the call of the mayor, or a majority of the commissioners, and of every such meeting, when called by the mayor, or by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Penalty for failure of commissioners to attend meetings of board.

SEC. 24. *Be it further enacted*, That if any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he may have notice as provided in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of four dollars, and it shall be the duty of the mayor to enforce such forfeitures.

Ordinances, &c.

SEC. 25. *Be it further enacted*, That the commissioners, when convened, shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, The same be allowed by the provisions of this act, and be consistent with the laws of the land.

Proviso.

Powers of commissioners.

SEC. 26. *Be it further enacted*, That among the powers hereby conferred on the board of commissioners, they shall have power to provide water, provide for repairing and cleaning the streets, take all proper means to prevent and extinguish fires, make regulations to cause due observance of Sunday, to suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order, and execute the ordinances of the town, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary.

Subordinate officers.

SEC. 27. *Be it further enacted*, That the commissioners, at their first meeting after their election, shall appoint a

clerk, treasurer, a collector of taxes, and one or more constables, all of whom shall hold their offices for twelve months and until the appointment of their successors, subject, however, to be removed at any time and others appointed in their stead, for misbehaviour or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security, payable to the town of Jamestown, in such sums as the commissioners may determine: *Provided, however,* That the duties of the collector of taxes may be performed by a constable, if the board so direct, and those of the clerk and treasurer by members of the board.

Term of office.

Removal.

Oath.

Bond.

Proviso.

SEC. 28. *Be it further enacted,* That the clerk shall keep regular and fair minutes of the proceedings of the board, and preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally perform such other duties as may be prescribed by the commissioners.

Duties of clerk.

SEC. 29. *Be it further enacted,* That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk, on paying him twenty-five cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Journals, &amp;c., open to inspection.

SEC. 30. *Be it further enacted,* That the treasurer shall call on all persons who may have in their hands any money or securities belonging to the town, which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securi-

Duties of treasurer.

ties and other properties entrusted to him for safe-keeping, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Orders on treasurer.

SEC. 31. *Be it further enacted*, That all orders drawn on the treasurer shall be signed by the mayor, and countersigned by the clerk, and state the purpose for which the money is applied, and the treasurer shall specify said purpose in his account, and also the sources whence are derived the moneys received by him.

Duties of constable.

SEC. 32. *Be it further enacted*, That it shall be the duty of the constable to see that the laws, ordinances and the orders of the commissioners are enforced, and to report all breaches thereof to the mayor, to preserve the peace of the town, by suppressing the disturbances and apprehending offenders, and for the purpose he shall have all the power and authority vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him by the mayor or by others, and in the execution thereof he shall have the same powers which the sheriffs and constables of the county have, and he shall have the same fees on all processes and precepts executed or returned by him, which may be allowed to the constable of county on like process and precepts, and also such other compensation as the commissioners may allow.

Powers of constable.

SEC. 33. *Be it further enacted*, That the constables shall have the same power and be bound by the same rules in this respect as constables of the county of Guilford, to apprehend all offenders against the state within the limits of the town, and to carry them before the mayor or some justice of the peace; and he shall have the same fees as constables of said county, to be paid by the party offending, if found guilty.

Fees.

Watch-house.

SEC. 34. *Be it further enacted*, That the mayor and commissioners may establish a watch house in which to secure and confine offenders against the town ordinances and regulations, and all such offenders arrested or taken

up by any constable of the town, may be therein confined until such time when said offender can be taken before the mayor to be dealt with according to law: *Provided*, Proviso. *however*, That no such offender shall be thus imprisoned for more than twenty-four hours.

SEC. 35. *Be it further enacted*, That in order to raise Taxation. a fund for the expenses incident to the proper government of the town, and other expenses which they may be authorized by law to pay, the commissioners may annually levy and collect the following taxes, namely:

1. On all real and personal property whatever, which Real and personal property. may at the same time be subject to taxation by the state, an *ad valorem* tax not exceeding ten cents on the hundred dollars valuation.

2. On all persons liable under the constitution to pay Poll tax. a poll tax, who may be residents of the town sixty days preceding May the first in each year, fifty cents.

SEC. 36. *Be it further enacted*, That the citizens of James- Property to be listed. town, and others liable to be taxed on account of foregoing subjects, shall, on the thirty-first day of May, or within five days thereafter, render to the mayor, on oath, a list of the property and subjects for which they may be liable to be taxed, and if any person shall fail to render such Penalty for failure to list. list, he shall pay double the tax assessed on any subject for which he is liable to be taxed.

SEC. 37. *Be it further enacted*, That within one week Assessors. after receiving the tax list, the mayor shall return the same to the commissioners, who shall forthwith appoint two freeholders, not of their body, as assessors, who, being duly sworn before the mayor to do equal and impartial justice to all in the discharge of their duties, shall assess the cash value of the taxable real estate, with its improvements, lying within the incorporate limits of the town, and they shall make a list thereof, together with the names of the owners thereof, previous to laying the tax and return to the commissioners on or before the first day of August

next ensuing, and the value of the real estate of the assessors shall be assessed by the commissioners.

Levy of taxes.

SEC. 38. *Be it further enacted*, That as soon as the assessors shall have made their returns, the board shall proceed to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall complete the same on or before the first day of October next ensuing, and shall pay the moneys weekly as they are collected, to the treasurer, and the collector shall receive five per centum on the amount so collected.

Collection of taxes.

Commissions of collector.

Collection by distress.

SEC. 39. *Be it further enacted*, That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days if the property be personal, or twenty days if the property be real.

Sale of real estate for taxes.

SEC. 40. *Be it further enacted*, That when the tax due on any land or lot, which is hereby declared to be a lien on the same, shall remain unpaid on the first day of October, and there is no other visible estate, but such lot or land of the person in whose name it is entitled, liable to distress and unknown to the collector, he shall report the facts to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold [on] the premises by the collector, after advertising for twenty days in some newspaper published in the county, which the collector shall do; and the collector shall divide the land into as many parts as may be convenient, for which purpose he is authorized to employ a surveyor, and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon: if the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes, the expenses for the whole of the land, the same shall be struck off to the

town; if not redeemed as hereinafter prescribed, shall belong to said town in fee.

SEC. 41. *Be it further enacted*, That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided and the purchaser or purchasers thereof, and the price of each, which shall be entered into the book of proceedings of the commissioners; and if there shall be a surplus after paying said taxes, the same shall be paid into the town treasury—subject to the demands of its owners.

Collector to render account to commissioners.

Surplus.

SEC. 42. *Be it further enacted*, That the owner of any lands sold under the provisions of said charter, heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds less double the amount of taxes.

Redemption of land sold for taxes.

SEC. 43. *Be it further enacted*; That if the real estate sold as aforesaid shall not be redeemed within the time prescribed, the corporation shall convey the same in fee to the purchaser or his assigns, and the recital in such conveyance, or in any other conveyances of land sold for taxes due the town, that the taxes were due, or any other matter required to be tried or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Unredeemed land to be conveyed to purchaser.

SEC. 44. *Be it further enacted*, That the real estate of infants, or persons *non compos mentis*, shall not be sold for taxes, and the same shall be conveyed by such, in common with other persons free of such disabilities, the sale shall be made according to statute in such cases made and provided.

Real estate of infants, &c.

SEC. 45. *Be it further enacted*, That no mayor or commissioner shall, directly or indirectly, become a contractor for work to be done for the town, and any person

Mayor and commissioners not to contract for town work.

Penalty.

herein offending shall forfeit and shall pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Abatement of nuisances.

SEC. 46. *Be it further enacted*, That commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of persons causing the same, or the owner or tenant of the ground whereon the same may be. They may also prevent the establishment within the town, and may regulate the same if allowed to be established, of any slaughter-house, or place, or the exercise within the town of any dangerous, offensive or unhealthy trade, business or employment.

Slaughterhouses, &amp;c.

Commissioners of Guilford co. not to grant license to retail liquors in town without permission of town commissioners.

SEC. 47. *Be it further enacted*, That it shall not be lawful for the sheriff or board of commissioners for the county of Guilford to grant license to retail spirituous liquors within the limits of the town, without permission first obtained from the board of commissioners of the town in being at the time of application to the sheriff or board of county commissioners, and if any license shall be granted without permission in writing, attested by the clerk of the board, and exhibited to the said sheriff or board granting such license and filed with the register of deeds for Guilford county, the same shall be void, and the same person obtaining such license shall be liable to indictment as in other cases of retailing without license, and for any offense of retailing shall moreover forfeit and pay to the town the sum of twenty dollars.

Penalties incurred by minor recoverable from parent, &amp;c.

SEC. 48. *Be it further enacted*, That all penalties incurred by any minor for the breach of any of the provisions of this act or any ordinances formed in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor is an apprentice) of such minor.

Penalties, how recoverable.

SEC. 49. *Be it further enacted*, That all penalties imposed by law relating to the town, or by this act, by any ordinance of the town unless otherwise provided, shall be recoverable in the name of the town of Jamestown, before the mayor, or any other tribunal having jurisdiction thereof: *Provided* Any person failing to pay the taxes or

Proviso.

finer imposed in accordance with authority of this charter, shall be required to work upon the public streets to the value of said fine or taxes, if he has no property that can be distrained.

SEC. 50. *Be it further enacted*, That the mayor and commissioners are required to order an election on the subject of extending the corporate limits whenever a majority of the voters within the town shall petition them to do so, and if, after giving twenty days' notice in some paper in the county of such election, a majority shall be in favor of extension, then the limits must be so enlarged: *Provided, however*, That not more than half a mile of territory shall so be added to the corporation in any one year: *Provided, further*, That when such election is ordered by the mayor, it shall also be the duty of the sheriff of Guilford county to give like notice of the holding of such election [to] the voters residing outside the corporate limits, but embraced in the bounds intended to be taken in, and shall arrange that they may vote, whether they desire to be taken into the corporate limits, and such votes shall be properly authenticated by the inspectors of the polls and forwarded to the mayor of the town of Jamestown; and if a majority of either the town or those residing within the bounds of the proposed extension, vote against the proposition to enlarge the limits thereof, in that case the town limits will not be extended, nor shall it be legal to hold another such election within the space of twelve months.

Election upon question of extending corporate limits.

Proviso.

Proviso.

SEC. 51. *Be it further enacted*, That the commissioners shall not have power to impose for any offence a larger penalty than one hundred dollars, unless the same be authorized, and from any judgment of the mayor, for any penalty which is imposed, or allowed to be imposed by this act, or for other causes of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Penalties.

Fees of mayor. SEC. 52. *Be it further enacted*, That he be entitled to the same fees allowed by law to justices of the peace, and such

Compensation. further compensation as the commissioners shall deem reasonable and proper.

Charter of town. SEC. 53. *Be it further enacted*, That the same shall thenceforth be the charter of the town of Jamestown, and all laws now constituting the charter of the town and affecting the government thereof in the grants heretofore made of its corporate franchise and power, and all laws of a public and general nature, inconsistent with or arising in the purview of this act, are hereby repealed, so far,

Proviso. however, as they may affect the town: *Provided, however*, That such repeals shall not annul any ordinance, by-law or right, accruing or accrued and established, or any suit had or commenced in any cause before the time when such repeal shall take effect, neither shall right, estate, duty or obligation proceed by, or due to the corporation by its present name, from any corporation or person whatever, be lost, affected or impaired; but the same remains in full force, and be enforced, and in the corporation by the name of "The Town of Jamestown," nor shall any right, duty, obligation, or liability whatever, accrued, or owing to the state, or to any corporation or person, by such repeal be lost, affected or impaired, but the name shall remain in full force, and may be possessed, enforced, enjoined by the state, and such corporation or person, against the corporation by this act styled "The Town of Jamestown."

Authority to convey lands, &c. SEC. 54. *Be it further enacted*, That the town of Jamestown may convey lands and all other property which is transferable by deed, of bargain and sale, or other proper deed sealed with a common seal, signed by the mayor and five members of the corporation and attested witness.

Conflicting laws repealed. SEC. 55. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 56. *Be it further enacted*, That the following officers, J. H. Johnston as mayor, P. S. Benbow, H. W. Reed, J. R. Ragsdale and J. A. Gray, shall fill their respective offices of mayor and commissioners until the first election provided for in this charter. Temporary of-  
ficers.

SEC. 57. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 95.

AN ACT TO CHANGE THE BOUNDARY LINE OF THE TOWN OF BETHEL, IN PITT COUNTY, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twenty, private laws of one thousand eight hundred and seventy-three and seventy-four, be amended as follows: strike out all of section two and insert the following: that the corporate limits of said town shall be as follows: beginning in the road on the railroad near J. R. Nelson's store, running with the railroad west two hundred and fifty yards; thence south to Bryan and Moore's line; thence east to the south-west corner of the Spain lot; thence east one hundred and twenty-five yards with G. H. Andrews' line; thence north to the railroad; thence west with the railroad to the beginning: *Provided*, The question [of] changing the boundary line of said town shall be submitted to the voters of said town at the election to be held on the first Monday in May, one thousand eight hundred and eighty-one. Those persons voting for the change of said boundary line shall vote a ticket with the words: "For the change of the boundary line," and those voting against

Ch. 20, private laws 1873-74, amended.

Corporate limits.

Proviso.

Election.

Ballots.

said change shall vote a ticket with the words: "Against the change of the boundary line," and if a majority of the votes cast shall be in favor of the said change in the said boundary line, then the boundary line hereinbefore mentioned shall be in force and effect.

§3 amended.

SEC. 2. In section three, line three, after the word "first" strike out the word "Saturday" and insert "Monday."

§4 amended.

In section four, line five, strike out the words "treasurer and clerk." In section five, line two, strike out "thirty" and insert "seventy-five." Strike out in line three the

§5 amended.

word "ten" and insert "twenty-five."

Condemnation of  
land for streets.

SEC. 3. That the commissioners of said town shall have power to condemn land and lay off, mark out and open streets whenever it is, in their judgment, to the interest and progress of the town to do so, and the said town shall be liable for any and all damages which may be adjudged in favor of any person or persons over whose land said street or streets may run, said damage to be assessed by four freeholders, two of whom shall be appointed by the board of commissioners of said town, and two to be selected by the person or persons over whose lands such streets may run; and in case they cannot agree they shall call in the fifth person, who shall also be a freeholder. Said persons shall be duly sworn before some justice of the peace before entering upon the discharge of their duty; they shall also make a report of their proceedings under their hands and seals to the board of commissioners of said town.

Damages.

How assessed.

SEC. 4. That this act shall be in force from and after the first Monday in May, one thousand eight hundred and eighty-one.

Read three times in the general assembly, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 96.

AN ACT TO AMEND AND DEFINE THE BOUNDARY LINE OF THE CORPORATION OF THE TOWN OF MORGANTON, IN BURKE COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. The corporate limits of the town of Morganton be and the same is hereby fixed as follows: beginning at the south-west corner of Mrs. Kate Erwin's lot on the Western North Carolina railroad and run north-west to the south-west corner of D. C. Pearson's vacant lot on Concord street; thence south-west with the rear line of Hardin's, Erwin's and Mrs. McDowell's lots to the Rutherford road; thence north with said road to its junction with the Asheville road; thence northly to Judge Avery's south-west corner of present enclosure on McDowell ford road; thence about fifteen degrees north of east, to the head of the Rocky Ford lane; thence south eastward to where the old line crossed the railroad; thence with the railroad to the place of beginning.

SEC. 2. That R. K. Preswell, Benj. F. Davis and Richard Williams are hereby appointed commissioners to survey the lines, mark the same and post the corners, and to make report with map of the town to the mayor.

SEC. 3. That all laws in conflict with this act are hereby repealed, and that this act be in force from and after its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 97.

## AN ACT TO INCORPORATE THE HILLSBORO MANUFACTURING COMPANY, IN ORANGE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That Thomas Ruffin, John W. Graham, James Webb, Jr., Joseph B. G. Roulhac, Augustus W. Graham, Joseph C. Webb, Charles M. Parks, George A. Faucette, Thomas M. Cheek and Halcott P. Jones, of Orange county, their associates, successors and assigns, be and the same are hereby created a body politic and corporate in law and in fact, for the uses, purposes and intents of this act, under the name and style of the "Hillsboro Manufacturing Company," and under that name and style may sue and be sued, plead and be impleaded in any court of record, contract and be contracted with, adopt, make and use a common seal, have perpetual succession, take, own and possess, by gift, grant, devise, settlement, purchase, or by any and all other lawful methods, acquire and possess lands in such sized tracts, greater or less, as may be desired for the purposes of the corporation, and also personal property, rights, franchises, and choses in action, and retain any or all the same, construct dams, canals, locks, mills and buildings for the manufacture of any goods or fabrics; also for sawing, planing or otherwise working in timber or stone, or other thing, and place machinery therein, and operate the same in the county of Orange, North Carolina, either by steam or water power, or both, as said corporation may desire, also to erect such other buildings and conveniences as it may desire for the carrying on of its enterprise or enterprises, or the uses, convenience or habitation of its employes or others.

Name.

Corporate powers.

Authorized to manufacture, &c.

SEC. 2. Said corporation hereby has power and right to manufacture fabrics of any kind, cloths, prints, goods and

wares, and merchandise of any and every sort and kind out of and from cotton, wool, jute, hemp, flax, leather, or any other material whatever to carry on tanning and currying, to grind grain, gin cotton, to manufacture agricultural and mechanical tools and implements, wagons, furniture, and any and all other things whatever they see fit out of iron, wood or other material or thing, or the combination of any or all other material or thing; and to buy and sell and deal in any or all of the matters and things herein mentioned, alluded to or intended, said manufacturing and dealing to be carried on at such place or places in Orange county, as said corporation may desire.

SEC. 3. This corporation to exist and be in full force and effect, with each and all the powers, rights and privileges herein and hereby granted, for and during the full term of ninety-nine years from and after the passage of this act.

Corporation to exist for ninety-nine years.

SEC. 4. The persons named in this act or their legal representatives may each receive subscriptions to the capital stock of this corporation, or appoint some person or persons so to do in writing, and the person or persons receiving such subscriptions may give certificates of subscription, and also give receipts for payments upon subscriptions; but no certificate of stock in said corporation shall be issued until after the organization of this corporation and the election of its board of directors and president, and the said president and said board of directors shall, as soon as possible, issue shares of stock to subscribers upon payment therefor, and to those who may hold receipts for payment upon subscription to stock in said corporation.

Subscriptions to capital stock.

SEC. 5. Within ninety days after the passage of this act, any three of the corporators of this corporation may call a general meeting of the stockholders at Hillsboro in Orange county, and proceed to elect five directors, and at each meeting a majority of the voters present shall be

General meeting of stockholders.

Directors.

requisite to elect such directors, and also a majority of the stock then subscribed shall be represented and present at such meeting. The directors thus chosen at said meeting shall from among them, the so chosen directors, choose one of their own number president of this corporation, and annually thereafter the stockholders of this corporation shall meet at the office of this corporation in said Orange county for the purpose of electing five directors of and for this corporation, which directors, chosen by a majority of the votes present, shall, as pointed out in this section, annually choose one of their number president of this corporation. The directors having chosen one of their number president, he and the other directors shall constitute and be the board of directors for said corporation at all times; and the said president and board of directors shall hold their offices for one year and until their successors are duly qualified. A majority of the board of directors hereby have power and authority to transact all business. The said board of directors shall appoint all other agents and officers they deem proper to carry on the affairs of this corporation, and said directors shall make such rules and regulations or by-laws as may to them seem proper for the government, control, management and carrying on of the affairs and business of this corporation for and during the said term and until their successors are lawfully elected and qualified, and in case of absence of the president shall appoint one of their number president *pro tempore*.

President.

Board of directors.

Term of office.

Duties of board of directors.

President *pro tempore*.

Capital stock.

SEC. 6. The capital stock of this corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each. Each share of said stock to draw such dividend, or bear such rate of interest as the directors may from time to time determine, and said directors may increase the capital stock of this corporation, if they desire, to the amount of five hundred thousand dollars, or retire or decrease the same: the owners of stock in this corporation shall, to all intents

and purposes, be members of this corporation to the extent of the par value of each share of stock he may own therein.

SEC. 7. That for the purpose of raising the capital stock of this corporation, books of subscription may be opened at such times and places as the persons named herein, or their legal representatives, see fit or may direct, and as soon as twenty thousand dollars of said capital stock shall be subscribed, this corporation shall go into operation and elect its directors, and the directors its president, as pointed out in section five hereof.

Books of subscription.

Organization of company.

SEC. 8. The stock of this corporation shall be owned, held and deemed in law and equity as personal estate, and shall be transferred in such way and manner as the board of directors shall from time to time direct.

Stock declared to be personal estate.

Transfer of stock.

SEC. 9. The board of directors have power hereby to make such rules, regulations and by-laws concerning stock, certificates of stock, the transfer, negotiation, dealing in, hypothecation, payment of the same, and all manner of matters and things touching the stock and all other property of said corporation, also concerning the payment and declaring of dividends, or other source or method of profit or earning as may to them seem proper, and they may from time to time declare dividends.

Powers of board of directors.

SEC. 10. The dividends upon shares of stock in this corporation may, at the option or discretion of the board of directors, be payable and paid in scrip dividend certificates, to be issued under the order of said board.

Dividends.

SEC. 11. Each holder of stock in this corporation shall only be liable, and so held liable for, for the contracts and indebtedness of this corporation to the amount of the par value of the capital stock of this corporation owned by him or them individually.

Liability of stockholder.

SEC. 12. Whenever any stockholder or stockholders in this corporation shall sell or assign his or their share or shares of stock in this corporation, he or they shall cease to be members of, and stockholders in, this corporation ;

Assignment of stock.

and the purchasers or assigns of said stock shall be entitled to all the rights and privileges, and be subject to all the liabilities of the former owner of said stock.

Authorized to borrow money, build railroad, &c.

SEC. 13. This corporation may borrow money on such terms as its directors may determine upon, and they may issue bonds or other evidences of indebtedness. It may build, equip with rolling and other stock and operate a rail, tram, turnpike or other road, connecting its factories, works, buildings and premises with other roads of any and all kinds, and to that end may build bridges or culverts across streams or depressions; and to further each and all these ends, this corporation hereby has all the powers conferred on railroads and other companies by chapter sixty-two, Battles's Revisal, entitled "internal improvements."

Record of proceedings, &c., to be kept.

SEC. 14. This corporation shall keep in proper books a full and true record of all its proceedings, and also of the proceedings, transactions and business of its board of directors, and shall also keep books of account, any and all of which proceedings shall be produced in any court of record in this state when required by said court.

Meetings of stockholders.

SEC. 15. The president may call a meeting of the stockholders whenever in his judgment the business of this corporation may require it. In all meetings of the stockholders each stockholder in person or by proxy shall be entitled to one vote for each share of stock owned by him, and may vote in person or by proxy in such manner as the directions in their by-laws may prescribe. All proxies shall be in writing, and shall set forth by the number thereof the share or shares represented in and by said proxy. In all meetings where a majority of the stock is represented, any and all general as well as special business may be transacted. The directors shall fix the day and hour for the holding of the annual meetings.

Proxies.

Annual meetings.

Authorized to make contracts, &c.

SEC. 16. This corporation, through its board of directors, may make contracts, become bound by instruments, security or agreement in writing, signed by the president

or other person duly authorized by him, and the said board may authorize the president in general terms at any time to bind this corporation, or to make any contract, agreement, instrument or stipulation, touching its affairs, without specially meeting for such purpose. But the legal estate and title in the lands, tenements and hereditaments, owned or claimed by said corporation shall pass to the purchaser, mortgagee, trustee, or other contracting party to whom any transfer, interest, or instrument or conveyance, lease or writing may be made, shall only be made under the signature of the president and the corporate seal of said corporation: *Provided*, That no mortgage or alienation of the property or franchises of the corporation shall be made without the consent of the stockholders.

Transfer of title,  
&c.

Proviso.

SEC. 17. This corporation may buy, sell, lease, mortgage or otherwise convey any real or personal estate, rights or privileges, easement or franchise herein conferred on this corporation, to any person or persons, firm or corporation. This corporation has the right to receive money, rights, credits, choses in action, trusts, real estate, franchises, personal property and any and every kind of property or thing whatever; to discount any sum of money, notes, bills and credits, and to receive any such thing on deposit or for storage, and if so requested shall issue receipts or certificates of deposit therefor, and it may receive a reasonable charge for services, and sell property and things in its possession to defray such charge and costs, and may invest the property, funds and assets of the corporation in such securities or such other way and manner, as the board of directors may deem safe and profitable. It may deal in gold or silver coin or bullion or other mineral products, crude ore or manufactured; may discount commercial paper, or may receive interest on any discount of any kind of bill or paper in advance: it may carry on the business of general merchandise, and buy and sell and exchange all manner of goods, wares

Authorized to  
buy, &c., real and  
personal prop-  
erty.

Banking privi-  
leges, &c.,

Proviso.

and merchandise and products: *Provided, however,* That nothing in this section or in this act shall operate or be construed to prevent said corporation to emit bills of credit payable on demand, or to circulate or issue any paper as money.

Service of legal process concerning corporation.

SEC. 18. Any legal process against or concerning this corporation may be served on the president, and in case he is not in the state, or avoids service, or is sick, the service of the same on any of the directors shall be lawful and sufficient.

SEC. 19. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 98.

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH.

*The General Assembly of North Carolina do enact:*

Ch. 98, private laws 1856-57, amended.

SECTION 1. That private acts of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, chapter ninety-eight, be amended as follows:

Authorized to regulate charges for carriage of persons, &c., by omnibus, &c.

(1) By adding to the end of section twenty-six the following words: they shall have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicle, and to issue license for omnibuses, hacks, drays or other vehicles used for the transportation of persons or things for hire.

245 amended.

(2) That section forty-five be amended by making the following sub-divisions read:

Tax on real and personal estate,

1. On all real and personal property within the corporate limits, including money on hand and upon all other

subjects taxed by the general assembly *ad valorem*, except money on hand, solvent credits and incomes, a tax not exceeding one dollar on every hundred dollars value. &c.

(2) Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding fifteen dollars a year, and upon every hack, carriage or other vehicle, including express wagons, used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding five dollars a year; and a discrimination may be made between one and two horse vehicles. License tax on omnibuses, &c.

(3) That section forty-five be further amended by adding thereto:

Upon every express company, and upon every telegraph company doing business in the city, a tax not exceeding one per centum of its gross receipts in the city, to be given in upon oath by the managing agent of such company annually at the time when other taxes are listed, and under the same penalty as that prescribed in the law of the state. Tax on express and telegraph companies.

(4) And that sub-division seven be stricken out.

(5) That section forty-six be amended so as to read:

That the citizens of Raleigh and others liable to be taxed under the charter, shall on the day prescribed for listing state and county taxes, render to the clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, on oath, a list of their property, and subjects for which they may be liable to be taxed, under all the rules and penalties prescribed for listing state and county taxes; and if any person shall fail to render such list within the time prescribed for state and county taxes, he shall pay double the tax assessed on any subject for which he is liable to be taxed. The clerk shall procure from the register of deeds of Wake county a duly certified list of the assessments of the value of the property made by the county assessors, and such other Tax-payer to list property on oath. Sub-division 7 stricken out. §46 amended. Penalty for failure. Clerk to procure from register a certified list of assessments, &c.

records pertaining to matters taxable by the city as shall be kept in his office. The board of aldermen shall have all the power given to the board of commissioners of a county to revise the tax list, except to alter valuations of real estate, and shall as near as may be make the city tax list correspond with the tax list given into the county by the citizens of Raleigh upon all subjects embraced in both lists.

Revisal of list by board of aldermen.

§47 repealed.

(6) That section forty-seven be repealed.

§48 amended.

(7) That section forty-eight be amended so as to read :

Levy of taxes.

That as soon as the tax list can be completed, and not later than the first day of September, the board shall proceed to lay the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer, and the tax collector for his compensation shall receive not more than five nor less than three per centum on the amount collected, as the board of aldermen shall determine. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

Collection of taxes.

Compensation of tax-collector.

Penalty for non-payment of taxes.

§55 amended.

(8) That section fifty-five as amended by private acts, one thousand eight hundred and sixty-two and one thousand eight hundred and sixty-three, chapter forty-nine, be amended so that the sub-divisions mentioned shall read as follows :

License tax on itinerant merchants, &c.

(1) Upon all itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts or maps or wares of their own manufacture, but not excepting vendors of medicines by whomsoever manufactured: not more than one person shall peddle under a single license.

(2) Upon every billiard table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table stand or place for any other game or play with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with such house, or used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars. Upon every hotel, restaurant or eating house, a license tax not exceeding twenty-five dollars.

Billiard tables  
&c.

(3) Upon every company of circus riders or performers by whatever name called, who shall exhibit within the city or in one mile thereof, a license tax not exceeding fifty dollars for each performance or separate exhibition, and upon every side show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled.

Circus compa-  
nies, &c.

SEC. 2. That private acts one thousand eight hundred and seventy-nine, chapter one hundred and ten, be amended by striking out the word "October," wherever the same shall occur, and inserting the word "December."

Ch. 110, private  
acts 1879, amend-  
ed.

Collection of  
taxes.

SEC. 3. That all the acts relative to the city of Raleigh, enacted prior to February sixteenth, one thousand eight hundred and seventy-five, shall be amended by striking out the word "commissioner" and "commissioners," wherever the same shall appear, and inserting instead thereof the words "alderman" and "aldermen" respectively.

Aldermen.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 99.

## AN ACT TO INCORPORATE THE ASHEVILLE GAS AND WATER SUPPLY COMPANY.

*The General Assembly of North Carolina do enact:*

- Body politic. SECTION 1. That John B. Steel, Hermon Hinckley, Benjamin Wood, Thomas W. Patton, Robert M. Furman, J. E. Rankin, D. C. Waddell, Francis Randall and Virgil S. Lusk, their associates and successors, be and are hereby created a body corporate and politic by the name and style of the "Asheville Gas and Water Supply Company," and by that name and title they shall be known, have perpetual succession, be capable of suing and being sued, impleading and being impleaded, in all the courts of this state, may have and use a common seal, shall be capable of purchasing, holding, leasing and conveying property real, personal and mixed, and acquiring the same by gift or devise, with all the rights, privileges and powers incident to corporations prescribed in chapter twenty-six, Battle's Revisal, entitled "corporations."
- Name. Corporate powers. Capital stock. SEC. 2. The capital stock of the said company shall be fifty thousand dollars (with the privilege to the shareholders of increasing the amount to two hundred thousand dollars) divided into shares of fifty dollars each. Each share shall be entitled to one vote in all the meetings of the stockholders, and shall be transferable as by the by laws of the company may be prescribed.
- Books of subscription. SEC. 3. The books of subscription to the capital stock of said corporation shall be opened at such place or places and time as a majority of the corporators hereinbefore named shall designate; and when ten per centum of the fifty thousand dollars capital stock hereinbefore mentioned shall have been paid in, it shall be the duty of the said corporators, or a majority of them, to call a meeting of the subscribers, who may then proceed to organize by
- Organization.

the election of at least five directors, who shall select one of their number as president; and the said directors may choose such other officers as may be prescribed by the by-laws.

Directors.

President.

Other officers.

SEC. 4. That the said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches of supplying the corporation and inhabitants of the town of Asheville and its vicinity with gas and water, and to that end are hereby authorized and empowered to enter upon and hold for the purposes of this act so much of the water of any stream within ten miles of the town of Asheville, and such land over or through which it is proposed to construct ditches, reservoirs, necessary buildings, hydrants, fixtures, lay pipes, or construct roads for the purpose of surveying, running or laying out the lines thereof. After such survey, if it shall be found that the owner or owners of any such stream or land cannot agree upon a price to be paid by the said company for a right of way or use thereof, it shall be lawful for the said company to file a petition in the superior court of the county of Buncombe, 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, and assess the damages thereon, if any. The said commissioners having been appointed, 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 to the owner for the right of way and use; and shall within ten days thereafter file with the clerk of the said court a certificate, under oath, setting forth the amount of said assessment. Either party to the proceedings may appeal to the superior court in term time from said assessment, and on such appeal the said court may proceed to trial and judgment, as in other cases, and as the facts may require. Upon the filing of the said certificate of assessment with the clerk aforesaid, it shall be lawful for said company to file its bond

Authorized to conduct business of supplying Asheville with gas and water, &amp;c.

Proceeding to ascertain damages to land-owner.

Appeal.

Company authorized to file bond, &amp;c., and thereupon enter upon land, &amp;c.

with the said clerk, to be approved by him, in a sum not to exceed double the amount of said assessment, conditioned for the payment of said damages so assessed, to the person entitled thereto, whenever the same shall be demanded; and the said company shall then be authorized, without further delay or hindrance, to enter upon such stream or land, construct such ditches, ways, reservoirs, necessary buildings, and lay such pipes, and enjoy the exclusive right of way, and use said property so condemned, so long as the said company, its successors or assigns, may continue to use the same.

Reasonable and uniform rates of prices to be fixed, &c.

SEC. 5. That whenever the said company shall have introduced gas and water, or either, into the said town of Asheville, to supply the corporation and inhabitants thereof, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants, pipes and fire plugs, wherever they shall deem the same necessary and proper, they shall then fix and determine reasonable and uniform rates of prices to be paid by the said corporation and citizens of the said town of Asheville for the use of said gas and water; and if the said rates be not paid according to the terms of the parties using the same and said company, the same may be collected by said company as rates and levies are now collected, or by action as debts of like amount and character are recoverable, at their option.

Company authorized to issue mortgage bonds.

SEC. 6. Said company may issue bonds of such denomination and form as may be deemed most advantageous to said company, bearing interest not exceeding eight per centum per annum, payable at such times and places and in such manner as said company may deem expedient, and may make, execute and deliver mortgages in such manner and form, and to such trustee or trustees as may be deemed best, upon all the property, assets and effects, rights, privileges and franchises of said company.

Offices, &c.

SEC. 7. The offices and records of said company shall be in the town of Asheville.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

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## CHAPTER 100.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of corporation of the town of Mount Olive, in the county of Wayne, be amended as follows:

SEC. 2. That the mayor and board of commissioners of said town shall have authority to impose and collect a monetary tax on persons or companies, who shall be engaged in the following trades, professions or callings in said town, to-wit: First. On persons keeping horses or vehicles for hire, a tax not exceeding five dollars. Second. On hotels, a tax not exceeding ten dollars. Third. On drinking saloons, a tax not exceeding twenty-five dollars. Fourth. On drays, carts, and wagons for hire, a tax not exceeding ten dollars. Fifth. On billiard-tables and bowling alleys, a tax not exceeding five dollars. Sixth. On persons or firms engaged in buying and selling goods, wares, merchandise, produce, or other articles, a tax on the amount of purchases, not exceeding one per centum, to be given in on oath before the mayor. Seventh. On eating-saloons, cook-shops and oyster-houses, a tax not exceeding three dollars. Eighth. On lawyers, physicians, dentists and druggists, a tax not exceeding two dollars and fifty cents. Ninth. On butchers, daguerreans, photographers, auctioneers, commission and forwarding merchants, soda-water and ice-cream venders, a tax not ex-

Charter amended.

License tax.

Horses, &c., kept for hire.

Hotels.

Drinking saloons.

Drays, &c.

Billiard tables, &c.

Merchants.

Eating saloons.

Lawyers, &c.

Butchers, &c.

Express compa-  
nies, circuses, &c.

ceeding five dollars. Tenth. On express companies, having an office in the town, a tax not exceeding ten dollars. On every circus, menagerie, theatrical company, concert, minstrel, or exhibition for reward (except for benevolent purposes to be judged of by the mayor), a tax not exceeding ten dollars for each exhibition.

Ordinances.

SEC. 3. That the commissioners of said town may adopt such ordinances as they may deem proper to enforce the powers hereby vested in them.

County commis-  
sioners not to  
grant license to  
retail spirits in  
town unless on  
recommendation  
of town commis-  
sioners.

SEC. 4. That the board of commissioners of Wayne county shall not have power to grant license to retail spirits in said town unless the person applying shall produce to the commissioners a written recommendation from a majority of the commissioners of said town.

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

In the general assembly read three times, and ratified this the 11th day of March, A. D. 1881.

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## CHAPTER 101.

AN ACT TO AMEND CHAPTER FIFTY-SEVEN, LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FOUR AND FIVE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SHELBY, CLEVELAND COUNTY," RATIFIED THE TWENTY-SIXTH DAY OF FEBRUARY, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

*The General Assembly of North Carolina do enact :*

Ch. 57, private  
laws 1874-'75,  
amended.

SECTION 1. That section eleven of chapter fifty-seven of the laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, entitled an "act to incorporate the town of Shelby, Cleveland county," be amended by striking out all of said section after "take," in line three, and insert: "the oaths prescribed for public officers

Oath of mayor.

and an oath that he will faithfully and impartially discharge the duties of his office according to law.”

SEC. 2. That section twelve of said chapter be amended by adding after the word “peace,” in line three, “the oaths prescribed for public officers and”.

Oath of commissioners.

SEC. 3. That section seventeen of said chapter be amended by adding after the word “town,” in the eleventh line, the following: “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 cost, 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 works until, at a fair rate of wages, such person will have worked out the full amount of the fine and the costs of the prosecution.”

Mayor empowered to order defendants convicted before him, to work the streets, &c.

SEC. 4. Strike out all of section thirty-two of said chapter, and insert the following: “The board of commissioners shall have power annually to levy and collect in the manner herein prescribed an *ad valorem* tax, not exceeding forty cents on the one hundred dollars of the assessed valuation of all real and personal property, and a like tax upon the true value of all bonds, stocks, or other investments in banks, railroads, or other incorporated companies, and on cash on hand or deposit, solvent credits, et cætera; and a tax on all taxable polls not exceeding one dollar and twenty cents on the poll: *Provided*, That in levying taxes the constitutional equation between the tax on property and the tax on polls shall always be observed.”

Taxation.

Proviso.

SEC. 5. That section thirty-five be amended by adding after the word “printed” in the third line of said section the words “or written.”

Public notice of ordinances.

SEC. 6. That section forty be amended by striking out “clerk of the mayor’s court,” in the fifth line, and inserting “mayor, who shall pay the fines to the treasurer.”

Fines, &c., to whom payable when collected by constable.

Tax-payer to list property for taxation under oath, &c.

SEC. 7. Strike out all of section forty-two, and insert the following: "The clerk shall in each and every year advertise for two weeks previous to the first day of June in one or more newspapers published in the town of Shelby, or 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 May next preceding, and all persons who own or were possessed of taxable property within said town on the said first day of May, to give to him within the first ten days of June a list of their polls and taxable personal property, cash on hand or deposit, solvent credit, bonds, stocks and all other personal property subject to taxation by the state at its true value; also a list of all real estate so owned. It shall be the duty of such persons to give in, under oath, said list or lists, within the time specified, which said list shall be filed, and from it the clerk shall, on or before the first day of July in each and every year, make on a book, to be kept for that purpose, an alphabetical list of the persons liable to pay poll tax, and the owners of property with the valuation of the property liable to taxation set opposite the name of the owners thereof, and return the same to the board of commissioners on or before the first day of July following, who shall proceed to levy the taxes and complete the said list by computing the taxes payable by each person, and placing the amount opposite his name, on or before the first day of August ensuing.

Subjects of taxation.

Clerk to make return to commissioners.

Commissioners to levy tax.

Unlisted property, &c.

SEC. 8. That after section forty-two the following sections shall be added:

SEC. 42a. 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 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 a description, and the value of said property. That all persons who shall fail to list their polls or

property within the time above prescribed, shall pay a Penalty.  
double tax for that year.

SEC. 42b. That on or before the fifteenth day of August Collection of taxes.  
in each and every year, the board of commissioners shall cause their said clerk to make a fair copy of said completed list, and they shall deliver the said copy to the tax collector, together with a warrant, 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 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.

SEC. 42c. That the said taxes shall be due the first Taxes, when due.  
Monday in September in each and every year, but the tax collector shall have no power to enforce the collection of the same by sale before the first day of October next When collectable by sale, &c.  
ensuing, except in case of the apprehended removal of the tax-payer.

SEC. 42d. Then in addition *ad valorem* tax on property License tax.  
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 or acts named, to wit:

1. On all licensed retailers of spirituous or alcoholic liquors, should it become lawful to license the same within the town, a tax not exceeding five hundred dollars. Retail liquor dealers.

2. On all licensed retailers of malt liquors and wine, Retail dealers in malt liquors and wine.  
one hundred dollars.

3. On all venders of wine, cordials, or other spirituous, alcoholic or malt liquors of the measure of a quart, or more, a tax not exceeding two hundred dollars. Wholesale liquor dealers.

4. Upon all ten-pin alleys or bowling alleys, a tax not Ten-pin alleys, &c.  
exceeding one hundred dollars.

- Hotels. 5. On all hotels, a tax not exceeding twenty-five dollars.
- Banks, &c. 6. On all banks or banking agencies, or bankers and brokers, or money exchange dealers, a tax not exceeding one hundred dollars.
- Billiard tables. 7. On billiard and bagatelle tables, a tax not exceeding fifty dollars.
- Drays, &c. 8. On all drays, wagons and carts, hauling cotton, goods, ware or merchandise of any kind whatsoever, for compensation, except for the owner thereof, a tax not exceeding one hundred dollars.
- Peddlers. 9. On all peddlers of soap, medicine, ink, or any goods, ware or merchandise of any kind whatsoever, except books, maps and charts and articles of his own manufacture or production, a tax not exceeding ten dollars.
- Insurance companies. 10. On all insurance companies, or their agents, whether resident or itinerant, a tax not exceeding twenty-five dollars.
- Lectures. 11. On all lectures for reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not exceeding five dollars.
- Photographic artists, &c. 12. On all photographic artists, or picture-takers of any kind, a tax not exceeding twenty dollars.
- Auctioneers. 13. On every auctioneer, a tax not exceeding ten dollars.
- Commission merchants. 14. On every commission merchant, a tax not exceeding twenty-five dollars.
- Restaurants, &c. 15. On every public eating house or restaurant, a tax not exceeding twenty-five dollars.
- Express companies. 16. On every express company having an office or resident agent or officers doing business within the corporate limits of the town, a tax not exceeding fifty dollars.
- Telegraph companies. 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.
- Theatrical companies. 18. On all travelling theatrical companies, a tax not exceeding twenty dollars.

19. On every concert or musical entertainment, a tax Concerts, &c. not exceeding ten dollars, unless such concert or musical entertainment be given for religious or charitable purposes.
20. On all museums, wax-work, or curiosities of any Museums, &c. kind, a tax not exceeding ten dollars.
21. On every exhibition of a circus or menagerie, a tax Circuses, &c. 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 Other exhibitions. 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 establish- Gift enterprises, &c. ment 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 Itinerant lightning rod dealers. not exceeding ten dollars.
25. On every itinerant physician, surgeon, dentist, Itinerant physicians, &c. chiropodist, a tax not exceeding twenty dollars.
26. On every company of gypsies or strolling compa- Gypsies. nies, who make a support by fortune-telling and horse-jockeying, a tax not exceeding twenty-five dollars.
27. On every livery stable, or person who keeps horses Livery stables, &c. or vehicles for hire or for carrying the general public, a tax not exceeding one hundred dollars.
28. On all subjects taxed by the state not herein spe- Subjects taxed by state. cifically taxed, a tax not exceeding that levied by the state.
29. On all dogs, a tax not exceeding five dollars; and Dogs. the board of commissioners shall have power to make all Rules, &c. necessary rules, regulations or ordinances for the levying and collecting the aforesaid taxes for the privilege of doing the act named as carrying on the business specified, and order the destruction of any dog upon which the tax is not paid.

Assessment of  
property.

ASSESSORS.

SEC. 9. Strike out all of section forty-three and insert the following: The clerk shall assess all personal property at its true value, and in case of dissatisfaction an appeal may be had to the board of commissioners, whose decision shall be final. And on the return of the tax list to the commissioners in the year one thousand eight hundred and eighty-one, and every three years thereafter, they shall forthwith appoint three freeholders, not of this body or assessors, who being duly sworn before the mayor to do equal and impartial justice to all in the discharge of their duties, shall assess each separate parcel of real property, with its improvements, at their true value in money, lying within the incorporate limits of the town, and they shall make a list thereof together with the owner thereof, and return it to the commissioners on or before the fifteenth day in July in each and every year, and the value of the real estate of the assessor shall be assessed by the commissioners.

§§ 44 and 45 and  
conflicting laws  
repealed.

SEC. 10. That sections forty-four and forty-five of said chapter and all laws in conflict with the provisions of this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 102.

AN ACT TO AMEND CHAPTER SIXTY-SEVEN (67) PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, AND TO AUTHORIZE THE CONSTRUCTION OF A BRANCH ROAD FROM HAYESVILLE, IN CLAY COUNTY, TO GR NEAR ADDINGTON'S MILLS, ON CLAYTON ROAD, IN MACON COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That sections five (5) and sixteen (16), chapter sixty-seven (67), private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out "two years," in line one (1), and insert in lieu thereof "four years" from January first, one thousand eight hundred and eighty-one.

Ch. 67, private laws 1876-'77, amended.

Time for commencing work.

SEC. 2. Amend section two so as to read: "at no place shall the road have a steeper grade than one foot in fourteen, nor be less than sixteen feet wide."

Grade, &c.

SEC. 3. Amend section eight by inserting after the word "road," and before the word "not," in the tenth line, "not exempted under any provisions of this act."

Tolls.

SEC. 4. That H. M. Pendland and John Patterson, of Clay county, and W. C. Kinsey and Lafayette Norwood, of Macon county, with one other person to be selected by the person herein named, be and are hereby appointed commissioners and authorized by themselves and under such agents as they may select, to open books of subscription of stock, in shares of twenty dollars each, to build and construct a turnpike road from Hayesville, in Clay county, by or near the Brock Creek corundum mines, to or near Addington's Mills, on the Clayton road, in Macon county.

Commissioners to open books of subscription.

SEC. 5. That when the sum of four hundred dollars is subscribed, the commissioners shall notify all the stockholders to meet at some designated place and organize

Organization of company.

said company, and at any time thereafter to commence work. The company thus formed shall be known as "The Clay and Macon Turnpike Company," and shall have the power to appoint and designate officers, and adopt rules and regulations for the government of its affairs, and to enjoy the rights and privileges herein conveyed for a term not exceeding fifteen years.

Name.

Corporate powers.

Subscriptions by Clay and Macon counties.

SEC. 6. That the board of commissioners of Clay and Macon county, [counties] or either of them, may, with the approval of a majority of the justices of the peace, subscribe a majority or less of the stock necessary to build that part of the road in their respective counties, and shall have the right to estimate as subscribed and paid up stock all money expended by said county on the mountain section of said road since the first day of January, one thousand eight hundred and seventy-nine, and shall have the right to appoint a proxy, to represent the county in all elections and the transaction of all business belonging to said company. All labor or money expended by any person or persons on the mountain section of said road since January the first, one thousand eight hundred and seventy-nine, shall be credited to such person at a fair value in paid up stock of the company.

Expenditures by any person on mountain section of road since Jan. 1st, 1879, to be credited in stock.

Township board of trustees to keep road in repair.

Exception.

SEC. 7. It shall be the duty of the township board of trustees of the counties herein named to keep in good repair, as now or may hereafter be required by law, all that part of said road in their respective townships, except the mountain section, which shall embrace all that part of said road east of James Pendland's and west of the foot of the main mountain in Macon county.

Width.

Grade.

SEC. 8. That at no place shall said road be less than twelve feet wide, with a maximum grade of one foot in twelve feet.

Examination of road, when completed.

SEC. 9. That when said road shall have been completed, the county commissioners of Clay and Macon counties shall each appoint one discreet person, and the person so appointed may select a third person to act as commis-

sioners to examine said road, and upon certificate of said commissioners that the road has been completed in accordance with the provisions of this act, the company shall have the right to establish a toll-gate at or near the Clay and Macon line, and to collect tolls from all persons passing over said road, except from any citizen of Clay or Macon county, not to exceed the following rates, viz: for each six horse wagon, fifty cents; for each five horse wagon, forty cents; for each four horse wagon, thirty-five cents; for each three horse wagon, thirty cents; for each two horse wagon or carriage, twenty-five cents; for each one horse vehicle, twenty cents; horse and rider, ten cents; each head of loose horses, mules or cattle, five cents; all other loose stock, three cents: *Provided*, Said company shall, at all times when demanding such tolls, have said road in good repair.

Toll gate.

Tolls.

Proviso.

SEC. 10. It shall be the duty of the company to keep a record of all subscriptions of stock, and to issue certificates of shares of stock to all subscribers, and shall have two years from the ratification of this act for obtaining stock, organizing the company and commencing work.

Record of subscriptions to be kept, &amp;c.

Time within which company to be organized, &amp;c.

SEC. 11. The company chartered by chapter sixty-seven, private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, to build the Hayesville and Murphy branch of Cheoah turnpike, and the corporation herein established, shall have the right to contract with the board of commissioners of any county for the service of any person sentenced to imprisonment in the county jail for fine or failure to pay costs, and said corporations, or either of them, shall have the right to use all the convicts on the Georgia and North Carolina railroad from and after such time as the Georgia and North Carolina railroad company shall propose to return said convicts to the state penitentiary, the corporations herein named to have the use of said convicts on such terms and conditions as they are held by said railroad company at the time of such delivery.

Authorized to contract for service of persons sentenced to imprisonment in jail, &amp;c.

Use of convicts on Ga. &amp; N. C. railroad.

SEC. 12. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

### CHAPTER 103.

AN ACT SUPPLEMENTAL TO AN ACT INCORPORATING THE NEWBERN BOARD OF TRADE, PASSED DURING THE PRESENT SESSION OF THIS GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

Act incorporating  
"Newbern  
Board of Trade,"  
how construed.

SECTION 1. That nothing in the act entitled an act to incorporate the "Newbern Board of Trade" shall be so construed as to allow said "board of trade" to pass any rule, regulation or law, that will be in conflict with the laws of this state, or the ordinances of the city of Newbern.

Conflicting laws  
repealed.

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

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 104.

AN ACT TO AMEND CHAPTER SEVENTY-ONE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, IN REGARD TO THE SALE OF SPIRITUOUS LIQUORS NEAR THE TOWN OF RIDGEWAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy-one, laws of one thousand eight hundred and seventy-nine, be amended by adding at the end of section two, of said act, the following proviso: *Provided*, That nothing herein contained shall be construed to prevent the manufacture and sale of vinous liquors.

Ch. 71, §2, laws 1879, amended.

Vinous liquors.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1881.

## CHAPTER 105.

AN ACT TO INCORPORATE THE SALAMANDER FIRE COMPANY, OF THE TOWN OF WASHINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Sylvester Dibble, Narris Hargett, John S. Howard, Matthew Little, Andrew Leary, James Carter, Charles Williams, Thomas Williams, Charles S. Howard, Benjamin Swan, and such other persons as now or hereafter may become members, not to exceed one hundred and twenty-five in number, be and they are hereby created and declared a body politic and corporate, by the name and style of the "Salamander Fire Company," and shall by that name sue and be sued, plead and be im-

Body politic.

Name.

Corporate powers.

pleaded, in any and all courts of law, and shall have perpetual succession and a common seal, and may purchase, hold and transfer real and personal estate as may be necessary and convenient for the purposes of their association, and for their government may make all necessary by-laws, rules and regulations not inconsistent with the constitution and laws of this state or of the United States, and shall have and enjoy all other rights, privileges and franchises which belong to bodies corporate and politic.

Officers.

SEC. 2. That the officers of such corporation shall be fixed by the by-laws of the same, shall be elected annually and shall hold office until their successors are elected and qualified.

Fines.

SEC. 3. That said corporation is empowered to impose reasonable fines and penalties to secure prompt and efficient services from its members.

Members exempt from jury service, &c.

SEC. 4. That the members of said corporation while they continue to perform the duties of firemen, shall be exempt from serving upon juries and from the performance of road duty either within or beyond the corporate limits of the town of Washington.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

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## CHAPTER 106.

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

*The General Assembly of North Carolina do enact:*

Ch. 110, private laws 1874-'75, amended.

SECTION 1. That section forty-four of the charter of said town of Durham be amended by striking out the word

“estate” in sub-division one, line one of said section, and insert in lieu thereof “and personal property.”

SEC. 2. Amend section sixty-six of said charter by adding thereto: “that they may divide the said town into five districts, with such boundaries as they may determine, within which they may prescribe by general rules or special permits the kind of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. They may also provide for the inspection of all buildings now erected or hereafter to be erected, and condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction or dilapidation. And they may notify the owner or owners to remove or repair such as are condemned, within thirty days, and if the owner or owners shall refuse to remove or repair the same, or shall neglect so to do, for the space of thirty days, the commissioners shall have power to remove the same, and the owner or owners shall be liable for all such loss as may be incurred by the commissioners. And the commissioners shall not be responsible for damages.”

Subjects of taxation.

Authorized to regulate erection of buildings.

Inspection of buildings, &c.

Removal of buildings condemned as unsafe, &c.

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

Read three times in the general assembly, and ratified this the 14th day of March, A. D. 1881.

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CHAPTER 107.

AN ACT TO INCORPORATE FREEDMAN'S CHAPEL, IN RANDOLPH COUNTY, N. C.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Freedman's Chapel, of the Methodist Episcopal church, in the county of Randolph, be and the

Incorporated.

same is hereby incorporated by the name of "Freedman's Chapel."

Corporate limits. SEC. 2. That the corporate limits of the grounds of said church shall extend one half of a mile north, south, east, and to the line of the corporation of the town of Trinity, on the west side.

Commissioners. SEC. 3. That Alson Brown, B. F. Robbins and David Gibson, the trustees of said Freedman's Chapel, and their successors in office, shall be the commissioners of the said chapel, one of whose number, to be chosen by themselves, shall be chairman.

Powers of commissioners. SEC. 4. That the said commissioners and their successors in office shall have all the powers of police force, and may make and establish such rules, regulations and ordinances for the government of said Freedman's Chapel 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.

Unlawful to sell or give away intoxicating liquors, &c. SEC. 5. That it shall not be lawful for any person to vend or give away intoxicating liquors within the corporate limits aforesaid, 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.

Misdemeanor. Penalty.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 108.

AN ACT TO ESTABLISH AND DEFINE BOUNDARY LINE BETWEEN LANDS OF ALBEMARLE SWAMP LAND COMPANY AND ADJACENT LAND OWNERS.

WHEREAS, Long standing disputes and controversies Preamble. regarding boundary lines now exist between the Albemarle Swamp Land Company and the owners of lands lying adjacent to the land of said company, Pantego township of Beaufort county; and all means to settle said disputes have been exhausted: therefore

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful for a commission to Commission. be formed consisting of three intelligent citizens of Beaufort county, whose duty it shall be to employ a competent Duties. surveyor, and with him to survey and lay off and establish the boundary lines between lands of the said Albemarle Swamp Land Company and the lands of the private land-holders adjoining.

SEC. 2. That the said Albemarle Swamp Land Com- Commission, how selected. pany shall select one member of said commission, the adjacent land owners shall select another, and the board of county commissioners shall select the third commissioner. The said commissioners shall all be freeholders in said county.

SECTION 3. That should either the said land company or the adjacent land holders fail to select their respective commissioners, when they shall be notified to do so by the said board of county commissioners, then and in that event the said board of commissioners shall also appoint the commissioner for the said party so failing. In case of failure to select, county commissioners of Beaufort to appoint.

SEC. 4. That the said commissioner shall have the right Powers of commission. to call for persons, deeds and other papers that shall be necessary to make said survey, and determine the said boundary line.

Commission to  
make report, &c.

SEC. 5. The said commission shall make a report, accompanied with a plot of the survey, which shall clearly and distinctly define the boundary lines between the lands of the said land company and the lands of the said adjacent land owners, and shall be deposited with the clerk of the superior court of said county twenty days before the next term of the superior court of said county after the making of said survey.

Exceptions to re-  
port.

SEC. 6. It shall be lawful for any of said parties, feeling aggrieved by the said report, to make written exception to the said report during the said twenty days before the said superior court, and have any issue made by said exceptions tried in the said superior court.

Report not ex-  
cepted to, to  
stand approved  
and to be record-  
ed, &c.

SEC. 7. That all of said report not excepted to within the specified time shall be deemed and stand approved, and be recorded in the register's office of said county, as establishing the boundary lines of lands therein affected.

Judgment on ex-  
ceptions to be re-  
corded, &c.

SEC. 8. That should the said exceptions on trial of the issues made, be sustained or overruled, the said exception and judgment thereon shall be recorded, with the said report in the said office of the register of deeds.

Costs, how paid.

SEC. 9. That the costs of the said commission and survey shall be paid by the parties of interest, each party paying one-half of the costs incurred on his line. That in case of exceptions filed and issues tried, the party defeated shall pay all costs of said exceptions and trial.

Proceedings un-  
der this act, how  
instituted, &c.

SEC. 10. That any person desiring to avail himself of the provisions of this act, shall petition the board of county commissioners to that effect, and shall give all parties interested in said proceedings ten days' notice of the intention to file said petition.

Proceedings by  
board of county  
commissioners.

SEC. 11. When the said board of county commissioners shall have official notice that the parties in interest have been duly notified of the intent to file said petition, it shall proceed to appoint a commissioner under this act, and shall make an order directing the said land company and the said adjacent land owners to appoint a commis-

sioner each under this act. And should the said parties fail to do so, the said board of county commissioners shall, at its next meeting, fill all vacancies existing in said commission by reason of said failure, or otherwise, and the said commission so constituted shall proceed as speedily as possible to execute the powers and duties imposed by this act.

SEC. 12. This act shall be in force from its ratification.

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

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## CHAPTER 109.

AN ACT TO REPEAL CHAPTER TWENTY-SEVEN, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, BEING "AN ACT IN RELATION TO THE SALE OF SPIRITUOUS LIQUORS IN THE TOWN OF ASHEVILLE."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-seven, private laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, being "an act in relation to the sale of spirituous liquors in the town of Asheville," be and the same is hereby repealed. Ch. 27, private laws 1870-'71, repealed.

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

Read three times in the general assembly, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 110.

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

*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the town of Keyser, in the county of Moore, be and the same is hereby incorporated by the name and style of "The Town of Keyser," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.
- Name.**
- Corporate limits.** SEC. 2. That the corporate limits and boundaries of said town shall be one mile square, taking the depot house of the Raleigh and Augusta Air-Line railroad as the center.
- Officers.** SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-one, viz: mayor, J. R. Page; commissioners, J. S. Meims, W. R. McDuffee, S. B. Spear, S. M. Jones, and Duncan Keith; Marshal, D. F. McDuffee.
- Temporary officers.**
- Election.** 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 eighty-one, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens within said corporation who shall have resided twelve months within the state and ninety days within the corporate limits previous to the day of election, shall be entitled to vote at said election.
- Electors.**
- By-laws, &c.** SEC. 5. That said commissioners shall have power to pass all by-laws and regulations for the good government of the town not inconsistent with the laws of the state and United States, and levy and collect a tax on all subjects of state taxation, not to exceed one half the state tax, and
- Taxation.**

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 ratification.

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

## CHAPTER 111.

### AN ACT CONCERNING THE TOWN OF WOODVILLE, PERQUIMANS COUNTY.

WHEREAS, Doubts exist as to the power of the board Preamble.  
of supervisors of public roads in New Hope township of Perquimans county to regulate and provide for the proper repairs and drainage of the same in the town of Woodville, in said township, the said town not being incorporated.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the supervisors of public roads in said township shall have full power to regulate and manage the roads in and through said town, in such manner as will best provide for the proper repairing of said roads and the drainage of the same in and through the town of Woodville, in said county, and to promote, as far as may be consistent with law, the health of the citizens of said town. Township supervisors of public roads to regulate, &c., roads in town.

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

In the general assembly read three times, and ratified this the 14th day of March, A. D. 1881.

STATE OF NORTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Raleigh, May 14th, 1881.

Certificate of secretary of state.

I, W. L. SAUNDERS, Secretary of State, hereby certify that the foregoing are true copies of the original acts and resolutions on file in this office.

W. L. SAUNDERS,  
*Secretary of State.*

INDEX  
TO THE  
LAWS AND RESOLUTIONS  
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