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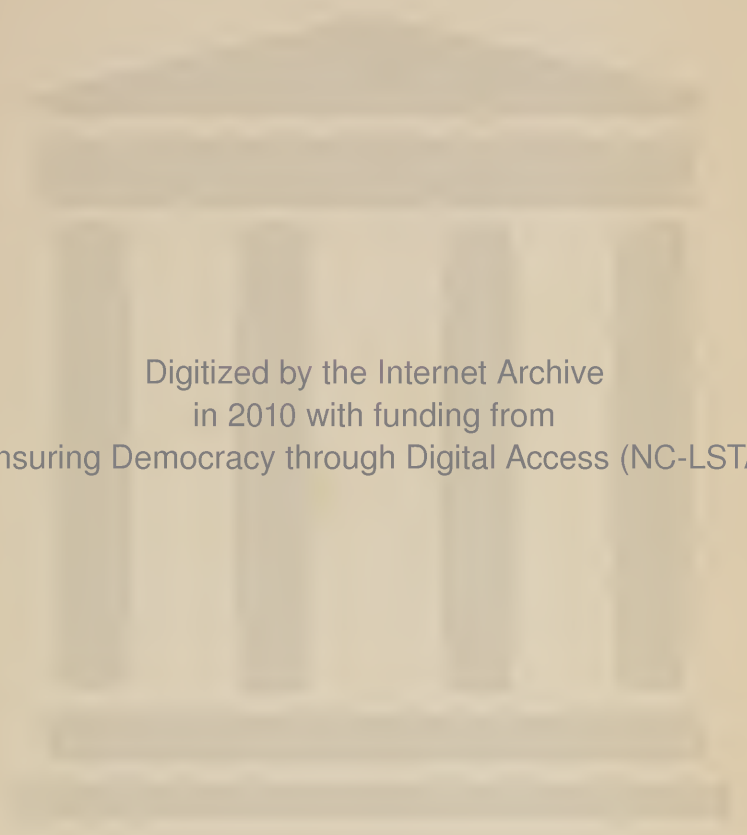
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LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1883,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE THIRD DAY OF JANUARY, A. D. 1883,

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,

1883.

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# OFFICIAL REGISTER

FOR THE

YEAR 1883.

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## STATE GOVERNMENT.

---

THOMAS J. JARVIS, .....Pitt county,..... Governor.  
JAMES L. ROBINSON,.....Macon county,.....Lieut.-Governor.  
WILLIAM L. SAU DERS, ..Wake county,.....Secretary of State.  
W. 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.  
C. M. ROBERTS,.....Vance county,.....Keeper of Capitol.  
SHERWOOD HAYWOOD,....Wake county,.....State Librarian.  
G. L. DUDLEY,.....New Hanover county,..Private Sec. to Gov.  
W. P. BATCHELOR,.....Wake county,.....Clerk to Sec. State.  
C. E. CROSS,.....Gates county,.....Chief Cl'k to Auditor.  
DONALD W. BAIN,.....Wake county, .....Chief Cl'rk to Treas'r.  
H. M. WORTH,.....Randolph county,.....Teller.

## 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 and Librarian,.....	Raleigh, “

## SUPERIOR COURT JUDGES.

NAMES.	DISTRICTS.	RESIDENCES.
JAMES E. SHEPHERD,.....	1st.....	Beaufort, N. C.
FRED. PHILLIPS,.....	2d.....	Edgecombe, “
A. A. MCKOY,.....	3rd.....	Sampson, “
JAMES C. MACRAE,.....	4th.....	Cumberland, “
JOHN A. GILMER,.....	5th.....	Guilford, “
WILLIAM M. SHIPP,.....	6th.....	Mecklenburg, “
JESSE F. GRAVES,.....	7th.....	Surry, “
ALPHONSO C. AVERY,.....	8th.....	Burke, “
J. C. L. GUDGER,.....	9th.....	Haywood, “

## SOLICITORS.

NAMES.	DISTRICTS.	RESIDENCES
JOHN H. BLOUNT,.....	1st.....	Perquimans, N. C.
JOHN H. COLLINS,.....	2nd.....	Halifax, “
SWIFT GALLOWAY,.....	3rd.....	Wayne, “
JAMES D. McIVER,.....	4th.....	Moore, “
FRED. N. STRUDWICK,.....	5th.....	Orange, “
FRANK I. OSBORNE,.....	6th.....	Mecklenburg, “
JOSEPH DOBSON,.....	7th.....	Forsyth, “
JOSEPH S. ADAMS,.....	8th.....	Iredell, “
GARLAND S. FERGUSON,.....	9th.....	Haywood, “

---

 CRIMINAL COURT JUDGE.

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

## SOLICITOR.

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

# MEMBERS OF THE GENERAL ASSEMBLY.

CONVENES IN THE CITY OF RALEIGH ON THE FIRST WEDNESDAY AFTER THE FIRST MONDAY IN JANUARY.

## SENATE.

J. L. ROBINSON, Lieutenant-Governor, President.

DISTS.	NAMES OF SENATORS.	POST OFFICES.	COUNTIES.
29	Alexander, S. B.,	Charlotte,	Mecklenburg,
7	Battle, James S.,	Rocky Mount,	Nash,
36	Berry, B. A.,	Morganton,	Burke,
25	Black, J. C.,	Carthage,	Moore,
14	Boykin, E. T.,	Clinton,	Sampson,
2	Caho, W. T.,	Stonewall,	Pamlico,
19	Carter, H. W.,	Warrenton,	Warren,
8	Clarke, W. E.,	Newbern,	Craven,
37	Costner, A.,	Lincolnton,	Lincoln,
21	Cozart, B. H.,	Oxford,	Granville,
10	Dortch, W. T.,	Goldsboro,	Wayne,
34	Dotson, J. F.,	Oak Forest,	Iredell,
39	Eaves, J. B.,	Rutherfordton,	Rutherford,
40	Ebbs, I. N.,	Lynch,	Madison,
20	Evans, C. N. B.,	Milton,	Caswell,
7	Farmer, W. W.,	Wilson,	Wilson,
4	Goodwyn, J. J.,	Halifax,	Halifax,

N. C.  
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## SENATE.—Continued.

DIST.	NAMES OF SENATORS.	POST OFFICES.	COUNTIES.
26	Graham, G. A.,	Wadesville,	Montgomery,
5	Gray, R. R.,	Tarboro,	Edgecombe,
33	Hampton, J. A.,	Hamptonville,	Yadkin,
10	Hill, E. J.,	Kenansville,	Duplin,
41	Jones, W. W.,	Hendersonville,	Henderson,
42	King, M. C.,	Murphy,	Cherokee,
6	King, John,	Falkland,	Pitt,
34	Linney, R. Z.,	Taylorsville,	Alexander,
11	Loflin, F. B.,	Kinston,	Lenoir,
35	Lovill, E. F.,	Boone,	Watauga,
13	Lyon, R. H.,	Elizabethtown,	Bladen,
15	McLan, N. A.,	Lumberton,	Robeson,
3	Mebane, George A.,	Windsor,	Bertie,
24	Morehead, J. T.,	Greensboro,	(Guilford,
16	Morrison, D.,	Johnsonville,	Harnett,
36	Neill, J. R.,	Bald Creek,	Yancey,
27	Payne, J. F.,	Monroe,	Union,
28	Pemberton, S. J.,	Albemarle,	Stanly,
31	Pinnix, M. H.,	Lexington,	Davidson,
2	Poole, T. W.,	Williamston,	Martin,
18	Purnell, T. R.,	Raleigh,	Wake,
30	Ramsay, J. G.,	Mount Vernon,	Rowan,
17	Richardson, William,	Selma,	Johnston,
12	Scott, H. E.,	Wilmington,	New Hanover,

28 Scott, H. R., .....	Wentworth, .....	Rockingham,	N. C.
1 Speight, W. W., .....	Sunbury, .....	Gates,	"
20 Strayhorn, I. R., ..	Hillsboro, .....	Orange,	"
15 Toon, T. F., .....	Fair Bluff, .....	Columbus,	"
32 Watson, C. B., .....	Winston, .....	Forsyth,	"
38 Webb, J. L., .....	Shelby, .....	Cleveland,	"
9 Whitford, J. N., *	Newbern, .....	Craven,	"
22 Womack, T. B., .....	Pittsboro, .....	Chatham,	"
1 Woodhouse, J. M., .....	Poplar Branch, .....	Currituck,	"

\* Senator Whitford resides in Jones county, but his post office is as given above.

## HOUSE OF REPRESENTATIVES.

GEORGE M. ROSE, Cumberland County, Speaker.

NAMES OF MEMBERS.	POST OFFICES	COUNTIES.
Abbott, J. K., .....	South Mills, .....	Camden.
Anderson, J. S., .....	Hayesville,.....	Clay.
Bailey, W. H.,.....	Charlotte, .....	Mecklenburg.
Bailey, J. L., .....	Toisnot, .....	Wilson.
Baker, Wiley, .....	Dogwood, .....	Northampton.
Ball, D. S., .....	Stock, .....	Madison.
Barrett, L. J., .....	Greenville,.....	Pitt.
Baum, J. B., .....	Stencil House, .....	Hyde.
Beall, J. F., .....	Linwood, .....	Davidson.
Belcher, William, .....	Tarboro, .....	Edgecombe.
Bennett, D. N.,.....	Norwood, .....	Stanly.
Bledsoe, E. M.,.....	Raleigh, .....	Wake.
Bower, W. H., .....	Cilley, .....	Caldwell.
Bradley, T. C.,.....	Mills' Springs,.....	Polk.
Bridgers, A. R., .....	Tarboro, .....	Edgecombe.
Brown, Jesse, .....	Selma,.....	Johnston.
Bruce, R.,.....	Nottla,.....	Cherokee.
Bryan, J. Q. A., .....	Trap Hill, .....	Wilkes.
Bullock, B. F., jr., .....	Franklinton, .....	Franklin.
Bunn, B. H.,.....	Rocky Mount, .....	Nash.
Byrd, J. F., .....	Ramseytown,.....	Yancey.
Cain, P. H.,.....	Mocksville,.....	Davie.
Candler, J. M., .....	Webster, .....	Jackson.
Covington, H. H., .....	Rockingham,.....	Richmond.
Check, James A.,.....	Hillsboro, .....	Orange.
Crouse, W. L.,.....	Crouse, .....	Lincoln.
Cowell, W. H.,.....	Bailey, .....	Currituck.
Dixon, W. T.,.....	Hookerton,.....	Greene.
Eaton, H. B., .....	Williamsboro, .....	Vance.
Forbis, James W., .....	Greensboro, .....	Guilford.
Frayser, R. B.,.....	Point Caswell, .....	Pender.
Fulton, Winston,.....	Mount Airy, .....	Surry.
Gatling, John J.,.....	Gatlington, .....	Gates.
Glenn, James D., .....	Leaksville, .....	Rockingham.
Green, W. F., .....	Franklinton, .....	Franklin.
Green, E. E., .....	Wilmington, .....	New Hanover.

HOUSE OF REPRESENTATIVES.—*Continued.*

NAMES.	POST OFFICES.	COUNTIES.
Grissett, W. M., .....	Walden, .....	Brunswick.
Gudger, B. G., .....	Leicester, .....	Buncombe.
Hamilton, R., .....	Brevard, .....	Transylvania.
Hardy, L. H., .....	Newport, .....	Carteret.
Harris, H. J., .....	Thomasville, .....	Davidson.
Harris, James H., .....	Raleigh, .....	Wake.
Harrison, J. O., .....	New Light, .....	Wake.
Hayes, O. S., .....	Pates, .....	Robeson.
Hayes, A. H., .....	Charleston, .....	Swain.
Henderson, A. L., .....	Eldorado, .....	Montgomery.
Hewlin, H. J., .....	Brinkleyville, .....	Halifax.
Holt, Thomas M., .....	Haw River, .....	Alamance.
Holton, A. E., .....	Yadkinville, .....	Yadkin.
Houston, James, .....	Stout, .....	Union.
Jenkins, E. J.,*	Franklinton, .....	Franklin.
Johnson, W. H., .....	Newbern, .....	Craven.
Johnson, H. M., .....	Rome, .....	Johnston.
King, J. L., .....	Greensboro, .....	Guilford.
Landreth, Isaac W., .....	Elk Creek, .....	Alleghany.
Lawrence, W. A., .....	Goff, .....	Chatham.
Leary, E. H., .....	Mackey's Ferry, .....	Washington.
Leazar, A., .....	Mooreville, .....	Iredell.
Lenoir, W. W., .....	Shull's Mills, .....	Watauga.
Liles, W. A., .....	Wadesboro, .....	Anson.
Lineback, H., .....	Lineback, .....	Mitchell.
McAllister, H. C., .....	Mount Pleasant, .....	Cabarrus.
McCotter, R. D., .....	Pamlico, .....	Pamlico.
McCurry, J. C., .....	Marion, .....	McDowell.
McLoud, C. M., .....	Asheville, .....	Buncombe.
Marsh, D. H., .....	Gulf, .....	Chatham.
Matheson, R. P., .....	Taylorville, .....	Alexander.
Matthews, W. S., .....	Six Runs, .....	Sampson.
Mitchell, George H., .....	Winton, .....	Hertford.
Montgomery, J. H., .....	Warrenton, .....	Warren.
Myers, J. S., .....	Charlotte, .....	Mecklenburg.
Newby, N. R., .....	Nixonville, .....	Pasquotank.
Newell, John, .....	Clarksville, .....	Bladen.

\* Representative Jenkins is from Granville county, but his post office is as above.

HOUSE OF REPRESENTATIVES.—*Continued.*

NAMES OF MEMBERS.	POST OFFICES.	COUNTIES.
Nixon, Francis, jr.,.....	Winfall, .....	Perquimans.
Overman, L. S., .....	Salisbury, .....	Rowan.
Page, E. R.,.....	Trenton,.....	Jones.
Patrick, F. C.,.....	Leona,.....	Gyrrrell.
Peebles, R. B.,.....	Jackson, .....	Northampton.
Person, John B.,.....	Tremont,.....	Wayne.
Phillips, John Y., .....	Dalton, .....	Stokes.
Pittman, James M.,.....	Halifax, .....	Halifax.
Poe, J. W., .....	Ashland,.....	Caswell.
Posey, B. F., .....	Hendersonville,.....	Henderson.
Powers, L. E., .....	Shelby, .....	Cleveland.
Powers, E. P.,.....	Fayetteville, .....	Cumberland.
Proctor, E. K.,.....	Lumberton, .....	Robeson.
Pruett, G. B., .....	Webb Ford, .....	Rutherford.
Ray, J. F.,.....	Franklin, .....	Macon.
Reid, J. W.,.....	Lowell, .....	Gaston.
Reade, W. F., .....	Mount Tirzah, .....	Person.
Reynolds, Pryor,.....	Leaksville, .....	Rockingham.
Riggs, E. H., .....	Buxton, .....	Dare.
Robins, M. S., .....	Asheboro,.....	Randolph.
Sandifer, T. T., .....	Paw Creek,.....	Mecklenburg.
Sherrill, M. O.,.....	Newton,.....	Catawba.
Simmons, E. S., .....	Washington, .....	Beaufort.
Smith, J. R.,.....	Goldsboro, .....	Wayne.
Speller, T. R., .....	Windsor,.....	Bertie.
Stanford, J. D.,.....	Kenansville, .....	Duplin.
Steed, B. W.,.....	Hill's Store, .....	Randolph.
Stewart, Daniel,.....	Troyville, .....	Harnett.
Stokes, Calvin,.....	Johnson's Mills,.....	Pitt.
Stringfield, W. W.,.....	Waynesville, .....	Haywood.
Strudwick, R. C.,.....	Durham,.....	Durham.
Sutton, E. H., .....	Edenton,.....	Chowan.
Tate, S. McD.,.....	Morganton, . . . . .	Burke.
Temple, J. A.,.....	Raleigh, .....	Wake.
Thompson, C.,.....	Jacksonville, .....	Onslow.
Tomlin, A. C.,.....	Olin, .....	Iredell.
Turner, H., .....	Cameron, .....	Moore.
Waddell, W. H.,.....	Wilmington, .....	New Hanover.
Walker, George B.,.....	Robbinsville,.....	Graham.

HOUSE OF REPRESENTATIVES.—*Continued.*

NAMES OF MEMBERS.	POST OFFICES.	COUNTIES.
Williams, A. H. A.,.....	Oxford, .....	Granville.
Williams, C. H.,.....	Dismal, .....	Sampson.
Williamson, H. D,.....	Cerro Gordo, .....	Columbus.
Wilcox, J. O., .....	Stagg's Creek,.....	Ashe.
Wilson, G. W.,.....	Kernersville, .....	Forsyth.
Wood, Dempsey,.....	Kinston, .....	Lenoir.
Worthington, D.,.....	Williamston, .....	Martin.

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

*List of Commissioners of Affidavits in the several States and Territories, and in the District of Columbia, for the State of North Carolina, together with residence, date of appointment and date of expiration of commission.*

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF EXPIRATION.
California, .....	Lee D. Craig.....	San Francisco,.....	Sept. 29th, 1881,...	Sept. 29th, 1883.
" .....	Edward Chatin.....	" .....	Jan. 12th, 1882,.....	Jan. 12th, 1884.
" .....	James L. King.....	" .....	Jan. 27th, 1883,.....	Jan. 27th, 1885.
Connecticut, .....	Henry E. Taintor.....	Hartford .....	Nov. 29th, 1881,...	Nov. 29th, 1883.
" .....	S. Arthur Marsden,...	New Haven,.....	May 1st, 1882,.....	May 1st, 1884.
District of Columbia,	Thomas W. Soran.....	Washington, .....	Dec. 2d, 1881,.....	December 2d, 1883.
" .....	John E. Beall.....	" .....	June 3d, 1882,.....	June 3d, 1884.
Georgia, .....	Henry Krouse. ....	Atlanta, .....	Jan. 31st, 1882,.....	Jan. 31st, 1884.
" .....	William B. Adams,...	Savannah, .....	June 5th, 1882,.....	June 5th, 1884.
" .....	George Latham,.....	Fairburn, .....	Dec. 2d, 1882,.....	Dec. 2d, 1884.
" .....	Jehu W. Burroughs,...	Savannah, .....	March 15th, 1883,...	March 15th, 1885.
Illinois, .....	Simcon W. King,.....	Chicago, .....	May 14th, 1881,.....	May 14th, 1883.
" .....	S. S. Willard,.....	" .....	Jan. 16th, 1882,.....	Jan. 16th, 1884.
" .....	Lynan B. Tichnor,...	" .....	April 4th, 1882,.....	April 4th, 1884.
" .....	Philip A. Hoyne,.....	" .....	Nov. 17th, 1882,...	Nov. 17th, 1884.
Kentucky, .....	William Reimecke,...	Louisville,.....	May 2d, 1882,.....	May 2d, 1884.
Louisiana, .....	Charles T. Soniat,.....	New Orleans, .....	Nov. 2d, 1881, .....	Nov. 2d, 1883.

Louisiana, .....	George A. Hero, .....	New Orleans, .....	April 10th, 1882, .....	April 10th, 1884.
" .....	M. C. Soniat, .....	" .....	April 10th, 1882, .....	April 10th, 1884.
Maryland, .....	Ph. H. Hoffman, .....	Baltimore, .....	Dec. 19th, 1881, .....	Dec. 19th, 1883.
" .....	G. Evert Rcardon, .....	" .....	Jan. 3d, 1882, .....	Jan. 3d, 1884.
" .....	F. H. Grussy, .....	" .....	Jan. 28th, 1882, .....	Jan. 28th, 1884.
" .....	Murray Hanson, .....	" .....	August 4th, 1882, .....	August 4th, 1884.
Massachusetts, .....	William S. Bryan, Jr., .....	" .....	Jan. 20th, 1883, .....	Jan. 20th, 1885.
" .....	Joseph B. Braman, .....	Boston, .....	July 16th, 1881, .....	July 16th, 1883.
" .....	Hamilton D. Clarke, .....	Medford, .....	August 11th, 1881, .....	August 11th, 1883.
" .....	Edward J. Jones, .....	Boston, .....	March 18th, 1882, .....	March 18th, 1884.
" .....	James F. Hayden, .....	" .....	March 10th, 1882, .....	March 10th, 1884.
" .....	Charles A. Shaw, .....	" .....	May 24th, 1882, .....	May 24th, 1884.
" .....	Samuel Jennison, .....	" .....	Nov. 27th, 1884, .....	Nov. 27th, 1884.
" .....	Charles Hall Adams, .....	" .....	Feb. 17th, 1883, .....	Feb. 17th, 1885.
" .....	James W. Chapman, .....	" .....	March 30th, 1883, .....	March 30th, 1885.
Minnesota, .....	Frank H. Carleton, .....	Minneapolis, .....	Nov. 11th, 1881, .....	Nov. 11th, 1883.
Missouri, .....	Fred. W. Perkins, .....	Kansas City, .....	June 18th, 1881, .....	June 18th, 1883.
" .....	John W. Hodgkin, .....	St. Louis, .....	Sept. 3d, 1881, .....	Sept. 3d, 1883.
" .....	C. D. Greene, Jr., .....	" .....	Nov. 25th, 1882, .....	Nov. 25th, 1884.
New Jersey, .....	H. J. Stratemeyer, Jr., .....	Elizabeth, .....	Feb. 10th, 1882, .....	Feb. 10th, 1884.
New York, .....	Edw. W. Francis, .....	New York, .....	May 24th, 1881, .....	May 24th, 1883.
" .....	Charles Edgar Mills, .....	" .....	May 5th, 1881, .....	May 5th, 1883.
" .....	William M. Thomas, .....	" .....	July 5th, 1881, .....	July 5th, 1883.
" .....	S. Allaire Murden, .....	" .....	July 7th, 1881, .....	July 7th, 1883.
" .....	W. H. Clarkson, .....	New York, .....	July 16th, 1881, .....	July 16th, 1883.
" .....	T. Henry Dewey, .....	" .....	July 25th, 1881, .....	July 25th, 1883.
" .....	Geo. Wetmore Colles, .....	" .....	August 1st, 1881, .....	August 1st, 1883.
" .....	Edwin C. Clarke, .....	" .....	Nov. 29th, 1881, .....	Nov. 29th, 1883.
" .....	A. H. Nones, .....	" .....	Jan. 19th, 1882, .....	Jan. 19th, 1884.
" .....	Louis Beckhardt, .....	" .....	Jan. 20th, 1882, .....	Jan. 20th, 1884.

LIST OF COMMISSIONERS OF AFFIDAVITS.—Continued.

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF EXPIRATION.
New York,.....	F. A. Cummings,.....	New York,.....	Jan. 30th, 1882,....	Jan. 30th, 1884.
"	Richard M. Bruno,...	"	April 12th, 1882,...	April 12th, 1884.
"	Thos. W. Falsour,.....	"	April 18th, 1882,..	April 18th, 1884.
"	S. A. Emmanuel,.....	"	May 5th, 1882,.....	May 5th, 1884.
"	Thomas B. Clifford,...	"	June 8th, 1882,....	June 8th, 1884.
"	Isaac S. Smith,.....	"	June 16th, 1882,....	June 16th, 1884.
"	A. H. Osborn,.....	Brooklyn,.....	August 29th, 1882,	August 29th, 1884.
"	J. B. Nones,.....	New York,.....	October 6th, 1882,	Oct. 6th, 1884.
"	A. C. Anderson,.....	"	Dec. 4th, 1882,.....	Dec. 4th, 1884.
"	Thomas Kilvert,...	"	Dec. 4th, 1882,.....	Dec. 4th, 1884.
"	Charles T. Lunt,...	"	Dec. 9th, 1882,.....	Dec. 9th, 1884.
"	Jacob DuBois,.....	"	Dec. 11th, 1882,...	Dec. 11th, 1884.
"	Spencer C. Doty,.....	"	Dec. 14th, 1882,...	Dec. 14th, 1884.
"	Charles Nettleton,.....	"	Jan. 8th, 1883,.....	Jan. 8th, 1885.
"	Francis P. Burke,.....	"	Oct. 18th, 1882,...	Oct. 18th, 1884.
"	Rufus K. McCoy,.....	"	Feb. 21st, 1883,....	Feb. 21st, 1885.
"	Edwin F. Corley,.....	"	Feb. 23d, 1883,....	Feb. 23d, 1885.
"	A. C. Keyes,.....	Alleghany,.....	March 7th, 1883,....	March 7th, 1885.
"	Ethan A. Allen,.....	New York,.....	March 20th, 1883,	March 20th, 1885.
"	Vincent Roseman,.....	"	March 28th, 1883,	March 28th, 1885.
"	John A. Hillery,.....	"	March 31st, 1883,...	March 31st, 1885.
"	J. Luther Bright,.....	"	April 4th, 1883,....	April 4th, 1885.
"	Moses B. Maclay,.....	"	March 22d, 1883,...	March 22d, 1885.
"	Eleazer Jackson,.....	"	April 9th, 1883,....	April 9th, 1885.

Ohio, .....	Howard Douglass,.....	Cincinnati, .....	June 3d, 1881,.....	June 3d, 1883.
" .....	Samuel S. Carpenter,.....	" .....	Jan. 2d, 1883,.....	Jan. 2d, 1885.
Pennsylvania,.....	Thomas J. Hunt,.....	Philadelphia,.....	Nov. 9th, 1882, .....	Nov. 9th, 1883.
" .....	H. E. Garsed,.....	" .....	Jan. 3d, 1882,.....	Jan. 3d, 1884.
" .....	William F. Kobb,.....	Pittsburg,.....	Feb. 6th, 1882,.....	Feb. 6th, 1884.
" .....	R. S. Child, Jr.,.....	Philadelphia,.....	April 22d, 1882,.....	April 22d, 1884.
" .....	Kinley J. Tenner,.....	" .....	Dec. 2d, 1882,.....	Dec. 2d, 1884.
" .....	Samuel L. Taylor,.....	" .....	Dec. 6th, 1882,.....	Dec. 6th, 1884.
" .....	John Spearhawk,.....	" .....	Dec. 6th, 1882,.....	Dec. 6th, 1884.
" .....	Edw. Shippen,.....	" .....	Dec. 7th, 1882,.....	Dec. 7th, 1884.
" .....	Theo. D. Rand,.....	" .....	Nov. 27th, 1882,.....	Nov. 27th, 1884.
" .....	Charles Chauncey,.....	" .....	Dec. 18th, 1882,.....	Dec. 18th, 1884.
" .....	Alexander Ramsey,.....	" .....	Dec. 27th, 1882, .....	Dec. 27th, 1884.
" .....	Joseph Frankish, Jr.,.....	" .....	March 5th, 1883,.....	March 5th, 1885.
Rhode Island,.....	John C. Purkis,.....	Providence,.....	April 21st, 1883,.....	April 21st, 1885.
South Carolina,.....	Augustus E. Cohen,.....	Charleston .....	May 6th, 1881,.....	May 6th, 1883.
" .....	Yates Snowden,.....	" .....	Sept. 6th, 1882,.....	Sept. 6th, 1884.
" .....	Robert T. Caston,.....	Charaw,.....	Oct. 2d, 1882,.....	Oct. 2d, 1884.
" .....	George W. S. Hart,.....	Yorkville,.....	Jan. 29th, 1883,.....	Jan. 29th, 1885.
" .....	George K. Wright,.....	Columbia,.....	April 19th, 1883,.....	April 19th, 1885.
" .....	Thomas Frost,.....	Charleston .....	April 4th, 1883,.....	April 4th, 1885.
Tennessee, .....	N. W. Baptist, .....	Covington, .....	July 8th, 1881,.....	July 8th, 1883.
Virginia,.....	David A. Lyon,.....	Petersburg,.....	Sept. 16th, 1881,.....	Sept. 16th, 1883.
" .....	James M. Donnan,.....	Richmond,.....	March 31st, 1882,.....	March 31st, 1884.
" .....	W. B. Martin,.....	Norfolk, .....	Nov. 22d, 1882,.....	Nov. 22d, 1884.
" .....	T. R. Borlaug,.....	" .....	Dec. 27th, 1882,.....	Dec. 27th, 1884.
" .....	L. D. Starke,.....	" .....	Jan. 6th, 1883,.....	Jan. 6th 1885.
" .....	John C. Baker,.....	" .....	Jan. 17th, 1883,.....	Jan. 17th, 1885.
" .....	Warren G. Elliott,.....	" .....	Jan. 18th, 1883,.....	Jan. 18th, 1885.
" .....	Alexander Donnan,.....	Petersburg,.....	January 2d, 1883,.....	Jan. 2d, 1885.

COMMISSIONERS OF AFFIDAVITS.—Continued.

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF EXPIRATION.
Virginia, .....	L. J. Cobb, .....	Danville, .....	March 21st, 1883, .....	March 21st, 1885.
Wisconsin, .....	F. Bloodgood, .....	Milwaukee, .....	April 27th, 1883, .....	April 27th, 1885.
England, .....	Augustus F. Warr, .....	Liverpool, .....	Oct 26th, 1881, .....	Oct. 26th, 1883.
" .....	Edw. Harry Adcock, .....	London, .....	Nov. 11th, 1881, .....	Nov. 11th, 1882.
" .....	Alfred Heales, .....	" .....	August 29th, 1881, .....	August 29th, 1883.
Scotland, .....	William B. Patterson, .....	Glasgow, .....	June 1st, 1882, .....	June 1st, 1884.

STATE OF NORTH CAROLINA,  
OFFICE SECRETARY OF STATE, RALEIGH, MAY 24, 1883.

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 appointment and places of residence, as recorded in this office.

W. L. SAUNDERS, *Secretary of State.*

CAPTIONS  
OF THE  
LAWS AND RESOLUTIONS,  
SESSION 1883.



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OF THE

# PUBLIC LAWS,

SESSION 1883.

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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 acknowl-  
edging 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 lib-  
erty and free government may be recognized and estab-  
lished, 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 The equality and  
rights of men.  
men are created equal; that they are endowed by their  
Creator with certain inalienable rights; that among

these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

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

Internal government 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 consistent 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. government.

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 nor 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 that 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 and 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 of-  
ficers.

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 advisor 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, unless 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 Super-  
ior 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 ac-  
tions at law and  
suits in equity,  
pending when  
this Constitution  
shall go into ef-  
fect, &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.

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 Justice.

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 Superior 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.

Amendments not to vacate existing offices.

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.

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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. 8. 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 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 regulation in relations 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. Exemption.

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

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

Laborers' lien.

SEC. 4. The provisions of section 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.

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.

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.

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 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 Commander-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.

Mechanics' 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 appoint-  
ments.

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

Seat of govern-  
ment.

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 ne-  
groes prohibited.



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TO THE

## CONSTITUTION OF NORTH CAROLINA.

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA.

1883.



# PUBLIC LAWS

OF THE

# STATE OF NORTH CAROLINA,

SESSION 1883.

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## CHAPTER 1.

An act to cede to the United States jurisdiction over a tract of land in the city of Greensboro.

WHEREAS, The congress of the United States has made an appropriation for building a court house and post office at Greensboro, North Carolina : Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the consent of the state is hereby given to the purchase by the United States of a lot or tract of land, not to exceed in quantity two acres, within the corporate limits of the city of Greensboro, for the purpose of erecting and maintaining thereon a suitable building for a court house and post office. Consent of state given to purchase of land for U. S. court house and post office in Greensboro.

SEC. 2. That the consent so given is granted and given upon the express condition, that the state of North Carolina shall retain a concurrent jurisdiction with the United States in and over the said tract of land, so far that civil process in all cases and such criminal process as may issue under the authority of North Carolina against any person charged with the commission of any crime without said jurisdiction, may be executed in the same way and manner as if this jurisdiction had not been ceded. Jurisdiction of state retained over premises.

Duration of jurisdiction of United States.

SEC. 3. That the United States are to retain said jurisdiction so long as said tract of land shall be used for the purposes expressed in the first section of this act.

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

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

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## CHAPTER 2.

An act for the relief of the tax payers of Rockingham county.

*The General Assembly of North Carolina do enact:*

John S. Johnson, sheriff, allowed until May 1st, 1883, to collect taxes and make settlements with state and county treasurers.

SECTION 1. That John S. Johnson, sheriff of Rockingham county, be allowed until the first day of May next to collect the county, state and special taxes, and to settle with the state and county treasurers for the year one thousand eight hundred and eighty-two, and that the said sheriff is hereby relieved from all pains, forfeitures and penalties incurred by reason of not settling within the time prescribed by law for the settlement of sheriffs.

Act to take effect upon written assent of sureties on sheriff's bond being filed with register.

SEC. 2. That this act shall go into effect upon the filing with the register of deeds of said county the written assent of the sureties of said sheriff on his official bond.

In the general assembly read three times, and ratified the 16th day of January, A. D. 1883.

## CHAPTER 3.

## An act to repeal the prohibition law.

WHEREAS, The act of the general assembly of the state Preamble.  
of North Carolina, ratified the eleventh day of March,  
eighteen hundred and eighty-one, and known as the  
"Prohibition Act," was in accordance with the provisions  
thereof duly voted upon on the first Thursday of August,  
Anno Domini eighteen hundred and eighty-one;

AND WHEREAS, By the provisions thereof by the said  
vote the will of the people of the state was expressed  
against the acceptance and ratification of the said act;

AND WHEREAS, The said act still remains on the statute  
books, and although in law and effect a nullity, yet as  
some doubts have been entertained about the propriety  
of allowing the same to remain and encumber said statute  
books;

Now, therefore, in order to remove all doubts, and the  
more effectually to carry out the will of the people as ex-  
pressed at the ballot box;

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and nineteen  
of the laws of one thousand eight hundred and eighty-  
one, ratified the eleventh day of March, Anno Domini  
one thousand eight hundred and eighty-one, be and the  
same is hereby repealed. Chap. 319, laws of  
1881, repealed.

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 16th day of January, A. D. 1883.

## CHAPTER 4.

An act to amend chapter two hundred and thirty-four, of the laws of eighteen hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

Chap. 234, sec. 2,  
laws 1881, amended.

Roxboro Methodist church stricken out.

SECTION 1. That section two of chapter two hundred and thirty-four of the laws of eighteen hundred and eighty-one, entitled "An act to prohibit the sale of spirituous liquors in certain localities," is hereby amended by striking out the words "Roxboro Methodist church," in lines nineteen and twenty of 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 16th day of January, A. D. 1883.

## CHAPTER 5.

An act to prohibit the sale of spirituous and malt liquors within one mile of Holt's Chapel, in Guilford county.

*The General Assembly of North Carolina do enact:*

Sale of liquors within one mile of Holt's Chapel, Guilford county, prohibited.

Chap. 234, sec. 3,  
laws 1881, amended.  
Holt's Chapel stricken out.

SECTION 1. That the sale of spirituous and malt liquors shall be prohibited within one mile of Holt's Chapel, in Guilford county.

SEC. 2. That the words "Holt's Chapel," in section third, chapter two hundred and thirty-four, of the laws of North Carolina, passed by the general assembly at its session in eighteen hundred and eighty-one be stricken out.

SEC. 3. Any person violating the provisions of section Misdemeanor.  
 one of this act shall be deemed guilty of a misdemeanor,  
 and upon conviction shall be punished by fine or impris- Penalty.  
 onment, in the discretion of the court.

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

In the general assembly read three times, and ratified  
 this the 16th day of January, A. D. 1883.

## CHAPTER 6.

An act to re-enact and amend chapter ninety-eight, laws of  
 eighteen hundred and seventy-nine, entitled "An act to com-  
 promise, commute and settle the State debt."

*The General Assembly of North Carolina do enact :*

SECTION 1. That section eleven, chapter ninety-eight of Chap. 98, sec. 11,  
 laws 1879, amen-  
 ded.  
 the laws of eighteen hundred and seventy-nine, being  
 "An act to compromise, commute and settle the state  
 debt," ratified the fourth day of March, one thousand  
 eight hundred and seventy-nine, is amended by striking  
 out the word "two" in the last line of said section eleven  
 and inserting "five," so as to extend the time at which Time extended to  
 January 1st, 1885.  
 said act shall expire, to January first, one thousand eight  
 hundred and eighty-five.

SEC. 2. Said section eleven is further amended by add- Treasurer to can-  
 cel coupons on  
 bonds issued un-  
 der this act,  
 maturing prior  
 to the delivery of  
 such bonds.  
 ing thereto the following words: "*Provided, however, that*  
 in issuing bonds under the aforesaid act as now ex-  
 tended, the public treasurer shall, before delivering any  
 new bonds thereunder, cut off and cancel all coupons  
 whose date of maturity is prior to the time of such de-  
 livery."

SEC. 3. Chapter ninety-eight of the laws of eighteen Chap. 98, laws 1879,  
 re enacted as  
 amended.  
 hundred and seventy-nine, entitled an act to compromise,

commute and settle the state debt, is hereby re-enacted in every respect subject to the amendments made thereto by this act.

Treasurer authorized to make advertisement.

SEC. 4. The public treasurer is authorized to use so much of the appropriation mentioned in section sixteen of said chapter as may be necessary for the purpose of advertising through the public journals, or otherwise, the details of exchange, for the information of the holders of the bonds.

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

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

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## CHAPTER 7.

An act to authorize the commissioners of Haywood county to levy a special tax for the purpose of building a court house.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to levy special tax.

SECTION 1. That the commissioners of Haywood county be authorized and empowered to levy a special tax upon the property and poll of said county not to exceed thirty-three and one-third cents on the one hundred dollars' worth of property and one dollar on the poll.

To be applied to building court-house.

SEC. 2. The tax authorized to be levied under this act shall be applied to the purpose of paying for the building of a court house in said county.

Tax to be levied and collected annually until sufficient sum is raised.

SEC. 3. Said taxes shall be levied and collected as other taxes are, and shall be levied and collected annually until a sum shall be raised sufficient to pay for said building.

SEC. 4. In all levies made pursuant to this act the equation between property and poll shall be observed. Equation between property and poll to be observed.

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

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

## CHAPTER 8.

An act for the relief of the tax payers of Granville county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Robert Garner, late sheriff of Granville county, be allowed until the first day of May next to collect the county, state and special taxes and to settle with the state and county treasurers for the year one thousand eight hundred and eighty-two, and that the said sheriff is hereby relieved from all pains, forfeitures and penalties incurred by reason of not settling within the time prescribed by law for the settlement of sheriffs. Sheriff allowed until May 1st, 1883, to collect taxes and settle with state and county treasurers.

SEC. 2. That this act shall go into effect upon the filing with the register of deeds of said county the written assent of the sureties of said sheriff on his official bond. Act to take effect upon written consent of sureties on sheriff's bond being filed with register.

In the general assembly read three times and ratified this the 16th of January, A. D. 1883.

## CHAPTER 9.

An act to amend chapter two hundred and thirty-two of the laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

Chap. 232, sec. 1,  
laws 1879,  
amended.

SECTION 1. That section one of chapter two hundred and thirty-two of the laws of eighteen hundred and seventy-nine be amended by striking out the words "Albemarle, Stanly county."

Albemarle,  
Stanly county,  
stricken 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 16th day of January, A. D. 1883.

## CHAPTER 10.

An act to amend chapter one hundred and sixteen of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 116, sec. 26,  
laws 1881,  
amended.

SECTION 1. That section twenty-six (26), chapter one hundred and sixteen, of the laws of one thousand eight hundred and eighty-one, be amended by striking out the word "gallon" in the third line between the words "a" and "shall," and inserting the word "quart."

Retail liquor  
dealers.

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 20th day of January, A. D. 1883.

## CHAPTER 11.

An act to confirm a donation of land and right of way made by the town of Edenton to the Elizabeth City and Norfolk Railroad Company.

WHEREAS, The board of councilmen of the town of Edenton, in pursuance of the expressed will of the qualified voters of the said town, at an election regularly held under the direction of the said board, submitting to said qualified voters a proposition to donate certain lands and rights of way hereinafter more particularly described, to the Elizabeth City and Norfolk Railroad Company, did, on the third day of August, in the year of our Lord one thousand eight hundred and eighty-one, execute and deliver to the said Elizabeth City and Norfolk Railroad Company a deed in the name of the said town conveying to said railroad company all that certain property in Chowan county adjoining the town of Edenton, beginning at the intersection of Cemetery and Broad streets, thence on the north side of Cemetery street westwardly four hundred feet, thence along a line parallel to and one hundred and twenty-six feet from the Elizabeth City and Norfolk Railroad (as located and shown on a map or plat accompanying said deed) six hundred and sixty feet to the Virginia road, thence eastwardly along said road one hundred and fifty feet to Broad street, thence along the west side of Broad street to first station, containing four acres, including one acre the right of way over said land; also the right of way over all streets within the said town west of Broad or Main streets, except Broad street and Granville street; also the right of way across Chin-copin chapel as now located and shown by the map or plan accompanying said deed; and also the right to construct wharves from the south end of Granville street to the channel of the bay or Machamacomick creek; on

condition that the said railroad company should complete its road to Edenton and make said town a point of transshipment;

AND WHEREAS, The said conditions have been fulfilled by the said railroad company;

*The General Assembly of North Carolina do enact :*

Donation of land,  
&c., by town of  
Edenton to E. City  
& Norfolk R. R.  
Co., confirmed.

SECTION 1. That the donations of said land and rights be and the same are hereby confirmed, and the title to the same vested in the said Elizabeth City and Norfolk Railroad Company.

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

In the general assembly read three times, and ratified this the 20th day of January, A. D. 1883.

## CHAPTER 12.

An act to repeal an act to make Tuckaseegee river a lawful fence.

*The General Assembly of North Carolina do enact :*

Chap. 85, laws  
1879, repealed.

SECTION 1. That the laws (chapter eighty-five, laws of one thousand eight hundred and seventy nine) making Tuckaseegee river a lawful fence in Jackson county, be and is hereby repealed.

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

In the general assembly read three times, and ratified this 20th day of January, A. D. 1883.

## CHAPTER 13.

An act to amend chapter two hundred and eighty-two of the laws of one thousand eight hundred and eighty-one, entitled "An act to protect fish in Lumber river in the counties of Columbus and Robeson."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and eighty-two of the laws of one thousand eight hundred and eighty-one, be amended by striking out the words "or the waters tributary thereto," in section first, line third. Chap. 282, sec. 1, laws 1881, 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 20th day of January, A. D. 1883.

## CHAPTER 14.

An act to amend section one (1), chapter two hundred and thirty-four (234), of the acts of the General Assembly of the session of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, recited in the title of chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one, be amended by striking out, in lines seventeen and eighteen of said section, the words "Providence church, in Alamance county," and by adding at the end of said section the following words, to-wit: Also in one-half of a mile of Providence church, in Alamance county. Chap. 234, sec. 1, laws 1881, amended.

Unlawful to sell liquor in one-half mile of Providence church, Alamance 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 20th day of January, A. D. 1883.

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## CHAPTER 15.

An act to amend section five, chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

Chap. 234, sec. 5,  
laws 1881 amend-  
ed.

SECTION 1. That section five, chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one, be amended by striking out in line fourteen of said section, the words "Warsaw High School," Duplin county.

"Warsaw high  
school" stricken  
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 20th day of January, A. D. 1883.

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## CHAPTER 16.

An act to prevent the felling of timber or brush in Spring Creek, or any of its tributaries, in Madison county.

*The General Assembly of North Carolina do enact:*

Unlawful to ob-  
struct with tim-  
ber or brush  
Spring creek and  
tributaries in  
Madison county.

SECTION 1. That it shall be unlawful for any person or persons to fell any timber or brush in Spring creek, or its tributaries in Madison county, in which there is a con-

tinuous 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.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction of the same be fined not more than fifty dollars or imprisoned not more than thirty days 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 20th day of January, A. D. 1883.

## CHAPTER 17.

An act to protect the fish in the waters of Henderson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That no person or persons shall place or allow to remain in the French Broad, Mills, Green or Broad rivers, or any of their tributaries, in Henderson county, any obstruction whatever to the free passage of fish up said streams, other than a dam for manufacturing purposes, under a penalty of ten dollars for every day such obstruction is allowed to remain, one-half to the party suing for the same, and the other to the school fund of said county. Unlawful to obstruct certain streams in Henderson county.  
Penalty.

SEC. 2. That no person or persons shall haul any seine or use any net in any of said streams, nor place or use any trap for the purpose of catching fish in said streams, under the same penalty as prescribed in section one of this act. Unlawful to haul seine or use net.  
Penalty.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act, in addition to the penalty prescribed in sections one and two of this act, shall be guilty of a misdemeanor, and upon a conviction shall be fined and imprisoned at the discretion of the court.

Penalty.

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

In the general assembly read three times, and ratified this 20th day of January, A. D. 1883.

## CHAPTER 18.

An act for the protection of sheep and other domestic animals in the county of Yancey.

*The General Assembly of North Carolina do enact :*

Chap. 32, sec. 116, ;  
Battle's Revisal  
amended.

Proviso.

Exemption from  
indictment for  
entry on lands in  
Yancey county  
for the purpose of  
hunting certain  
animals.

SECTION 1. That section one hundred and sixteen, chapter thirty-two, Battle's Revisal, be amended by adding the following proviso thereto, viz.: *Provided further*, that no person who, in the county of Yancey, shall enter on the lands of another with the *bona fide* intent of capturing or slaying any bear, wolf, panther, wildcat, catamount, fox or coon in said county, shall be liable to indictment or conviction thereof.

Exemption from  
liability for entry  
on posted lands.

SEC. 2. That any person who, in said county, with such intent and for such purpose, so enters on the lands of another after the same may have been posted as provided for by law, shall also be exempt from the pains and penalties prescribed by statute relative to game, hunting and wild fowl.

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 20th day of January, A. D. 1883.

## CHAPTER 19.

An act to authorize the President of the Senate and the Speaker of the House of Representatives to administer oaths in certain cases.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the president of the senate is authorized to administer oaths for the qualification of senators and officers of the senate, and the speaker of the house of representatives is authorized to administer oaths for the qualification of all officers of the house and all members who shall appear after the election of speaker.

President of senate authorized to administer oaths for qualification of senators and officers of senate. Speaker of house authorized to administer oaths for qualification of officers of house, &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 23d day of January, A. D. 1883.

## CHAPTER 20.

An act entitled an act to repeal the local prohibitory laws of the town of Hendersonville, in Henderson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and seventy-one, of the laws of eighteen hundred and seventy-two and three, chapter one hundred and thirty-seven of the laws of eighteen hundred and seventy-three and four, and chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-four and five, be amended, so that the same shall not apply to the corporate limits of the town of Hendersonville, in Henderson county.

Chap. 171, laws 1872-'3, chap. 137, laws 1873-'4, chap. 126, laws 1874-'5, amended so as not to apply to town of Hendersonville.

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

In the general assembly read three times, and ratified this the 23d day of January, A. D. 1883.

## CHAPTER 21.

An act to amend an act entitled “An act to amend chapter twenty-seven, section fifteen, Battle’s Revisal,” being chapter three hundred and eighteen of the public laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 318, sec. 1,  
laws 1881, amend-  
ed.

SECTION 1. That section one of chapter three hundred and eighteen of the public laws of one thousand eight hundred and eighty-one, ratified March eleventh, one thousand eight hundred and eighty-one, be and the same is hereby amended by striking out the words “and Halifax” in line five in said section.

“Halifax” strick-  
en 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 23d day of January, A. D. 1883.

## CHAPTER 22.

An act to amend chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one, be and the same is hereby amended by striking out the words "Bethany Presbyterian church and Sandy Grove Baptist church in Robeson county," in section third of said chapter. Chap. 234, sec. 3, laws 1881, amended. "Bethany Presbyterian church" and "Sandy Grove Baptist church" stricken 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 23d day of January, A. D. 1883.

## CHAPTER 23.

An act to levy a special tax for the county of Jones.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of the county of Jones, shall be and they are hereby authorized and empowered to levy a special tax of five thousand dollars, three thousand dollars to be levied and collected in the year one thousand eight hundred and eighty-three, and two thousand dollars thereof in the year one thousand eight hundred and eighty-four, to be used for the purpose of building a jail in said county. Commissioners authorized to levy special tax of \$5,000. When to be collected.

SEC. 2. That said tax shall be levied and collected as other taxes are levied and collected in said county, observing the due equation between the property and polls in said county. How collected. Equation between property and polls to be observed.

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

In the general assembly read three times, and ratified this the 23d day of January, A. D. 1883.

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## CHAPTER 24.

An act to amend chapter one hundred and seventy-three, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 173, sec. 1,  
laws 1881,  
amended.

Additional com-  
missioners.

SECTION 1. That section one of chapter one hundred and seventy-three, of the laws of one thousand eight hundred and eighty-one, be amended by adding to the number of commissioners therein mentioned the names of T. B. Young, A. S. Barnes, William Blanton, John Yancey, Jr., and James M. Hicks, of the county of McDowell; and also by striking out the words "Isaac Cox's at the foot of the Blue Ridge" in the eighth and ninth lines of said section, and inserting in lieu thereof "the town of Marion," and also by striking out the words "any three" in fifth line, and inserting the words "a majority" in lieu 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 23d day of January, A. D. 1883.

## CHAPTER 25.

An act to authorize the registration of the bonds of this state, and to provide the means therefor, and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That from and after the passage of this act any holder of the bonds of this state, whether in his own right or in a fiduciary capacity, may have the same registered at the office of the state treasurer upon application and presentation of said bonds to the treasurer as hereinafter provided.

Registration of  
state bonds  
authorized.

SEC. 2. It shall be the duty of the treasurer to procure and provide at the expense of the state a suitable book or books, in which upon application and presentation of a bond or bonds as aforesaid, he shall enter in a manner to be of easy and ready reference, a description of said bond or bonds, giving the number, series, date of issue, denomination, by whom signed, and such other data as may be necessary for the ready identification thereof, together with the name of the person registering the same, the character or capacity in which said person holds said bond or bonds, and for whose benefit the same is or are registered; and the said treasurer shall enter upon each and every bond so registered as aforesaid, the date of said registration, by whom registered and in what character and capacity, and shall sign said entry officially; and shall cut with a stamp prepared therefor under the direction of the treasurer the letter "R" in the face of said bonds so registered, and such person or persons having such bond or bonds so registered shall be required to pay to the treasurer the sum of fifty cents for each bond so registered, which said registry fee shall be paid into the treasury by said treasurer.

Duty of treasurer.

Registration fee.

SEC. 3. None of said bonds shall, after such registration, be negotiable by delivery, but said bonds may

Registered bonds  
not negotiable by  
delivery.

How transferred. nevertheless be negotiated or transferred by the person in whose name they are registered, by registration in the name of the person to whom the same are to be transferred or negotiated.

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

In the general assembly read three times, and ratified this the 23d day of January, A. D. 1883.

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## CHAPTER 26.

### An act to incorporate the Coast Turnpike Company.

*The General Assembly of North Carolina do enact:*

Incorporation authorized.

SECTION 1. That for the purpose of constructing a turnpike road from some point on or near the sound, in New Hanover county, between Hewlett's and Whiskey creeks, to some point at or near Wilmington or within five miles of Wilmington, the formation of a corporation with a capital stock not exceeding twenty-five thousand dollars (\$25,000), to be styled "The Coast Turnpike Company" is hereby authorized.

Capital stock.

Books of subscription.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the city of Wilmington, under the direction of any three of the following named persons, to-wit: G. W. Williams, George D. Parsley, Walter L. Parsley, E. A. Anderson, George A. Peet, Henry Savage, D. R. Murchison and Isaac Bates.

Shares.

SEC. 2. That the capital stock of said corporation shall be divided into shares of twenty-five dollars each, and whenever fifty of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates

are hereby declared to be a body politic and incorporated Body politic.  
 by the name and style of "The Coast Turnpike Com- Name.  
 pany" for the term of ninety years, with all and singular  
 the same special and general rights, privileges and powers Powers.  
 incident or belonging to the corporation now known as  
 "The Wilmington and Coast Turnpike Company," as set  
 forth and enacted heretofore by the general assembly of  
 North Carolina in an act to incorporate the "Wilmington  
 and Coast Turnpike Company," ratified the nineteenth  
 day of March, Anno Domini eighteen hundred and sev-  
 enty-five, with all subsequent amendments thereto, to  
 which said act and said subsequent amendments thereto  
 reference is hereby made.

SEC. 4. That said Coast Turnpike Company shall be Authorized to  
 issue shares in  
 exchange for  
 land, &c.  
 empowered to issue shares of capital stock in exchange for  
 land or right of way.

SEC. 5. That the administrators of the estate of I. B. Adm'rs of I. B.  
 Grainger author-  
 ized to subscribe  
 for stock, to be  
 paid for in right  
 of way.  
 Grainger are hereby empowered and authorized to sub-  
 scribe for any number of shares of the capital stock of  
 said turnpike company, such shares to be paid for in right  
 of way only, certificates for such shares to be made in  
 favor of the estate of I. B. Grainger.

SEC. 6. This act shall be in force from and after its rat-  
 ification.

In the general assembly read three times, and ratified  
 this the 23d day of January, A. D. 1883.

## CHAPTER 27.

An act to repeal chapter one hundred and forty-seven of the laws of one thousand eight hundred and eighty-one, and to regulate pilotage.

*The General Assembly of North Carolina do enact :*

Chap. 147, laws  
1881, repealed.

SECTION 1. That chapter one hundred and forty-seven of the laws of one thousand eight hundred and eighty-one be and the same is hereby repealed.

Pilot absenting  
himself from state  
for ten days dis-  
qualified, until he  
has reported to  
board of com'rs of  
navigation of  
Hatteras inlet.

SEC. 2. That should any pilot of Hatteras inlet absent himself from the state for the period of ten days, he shall be disqualified from acting as a pilot upon his return until he has reported in person to the board of commissioners of navigation for said inlet.

Certificates to  
pilot, issued oth-  
erwise than by  
b'd of com'rs of  
navigation, null.

SEC. 3. That all branches or certificates to pilot at said inlet, issued by any other authority than the said board of commissioners of navigation, shall be null and void upon the ratification of this act.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 23d day of January, A. D. 1883.

## CHAPTER 28.

An act for the relief of the administrators of the estate of A. McCollum, deceased, late sheriff of Columbus county.

*The General Assembly of North Carolina do enact :*

N. McPhaul,  
adm'r, authorized  
to collect arrears  
of taxes for 1880  
and 1881.

SECTION 1. That Neil McPhaul, administrator of the estate of A. McCollum, deceased, be and is hereby authorized to collect arrearages of taxes due A. McCollum as sheriff of Columbus county for the years one thousand

eight hundred and eighty and one thousand eight hundred and eighty-one.

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 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.

Who 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 23d day of January, A. D. 1883.

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## CHAPTER 29.

An act to amend chapter one hundred and seventy-three of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred and seventy-three of laws of one thousand eight hundred and eighty-one, be amended by adding after "Samuel Bennet," in line first, the names of McWm. Young, J. O. Griffith, Wilson Hensley and B. B. Whittington.

Chap. 173, sec. 1, laws 1881, amended.

Additional commissioners, Marion & Asheville turnpike.

SEC. 2. That section two of said chapter be amended by adding after the word "Yancey," in the fourth line thereof, the following words, viz: And also from the said Thomas Young's place to Burnsville, in said county of Yancey, and thence from Burnsville to the Ivy Gap, following as near as may be the survey made by Montgomery, and known as the Montgomery survey.

Sec. 2 amended.

Survey.

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 26th day of January, A. D. 1883.

## CHAPTER 30.

### An act for the relief of the sheriffs of the state.

*The General Assembly of North Carolina do enact:*

Sheriffs and tax collectors and their bondsmen and personal representatives authorized to collect arrears of taxes from 1875 to 1882.

SECTION 1. That all persons who are now or have been sheriffs or tax-collectors of the several counties, cities and towns of the state 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, one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two, 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: *Provided*, this act shall not effect purchases without notice.

Proviso.

Act not applicable where taxes have not been paid by sheriff, &c.

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

When county comm'rs to appoint tax collector.

shall have the power given in section one of this act to sheriffs and collectors to collect arrears of taxes for the years therein named, and be subject to the same rules and regulations which are or may be prescribed for the collection of taxes: *Provided*, this act shall not authorize any sheriff or tax collector who is not now in office, to collect any insolvent taxes where the same have been credited to him, but the county commissioners, or other authority established by law to levy taxes, 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.

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, &c., not relieved from liability to pay taxes.

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.

Who not compelled to pay.

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

Authority to collect arrears of taxes to cease Dec. 31st, 1884.

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

In the general assembly read three times, and ratified this the 26th day of January, A. D. 1883.

## CHAPTER 31.

An act to amend section three of chapter three hundred and seven of the acts of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

Chap. 307, sec. 3,  
laws 1879,  
amended.

SECTION 1. That section three, chapter three hundred and seven of the laws of eighteen hundred and seventy-nine be and the same is hereby amended by adding to the said section three, after the word "August" in the fourth line of said section, the following provision, to-wit:

February and August terms of the superior court of Wake county to be exclusively devoted to the trial of civil causes.

*Provided*, that at the said February and August terms of said court in each year no criminal causes, or causes of a criminal nature, shall be tried, heard or determined; but the said February and August terms shall be entirely and exclusively devoted to the trial, hearing and disposition and determination of civil causes and business.

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

In the general assembly read three times, and ratified this the 26th day of January, A. D. 1883.

## CHAPTER 32.

An act to incorporate the Charlotte Street Railway Company.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That for the purpose of constructing, maintaining and operating street railways in the city of Charlotte, E. K. P. Osborne, Thomas M. Pittman and S. H. Hilton, their associates and successors, are hereby made and declared a body politic and corporate, under the name and style of "The Charlotte Street Railway Com-

Name.

pany," and by that name shall be capable of purchasing and holding such real and personal property as may be necessary; with all the rights, powers and privileges granted to corporations by chapter twenty-six, section ten of Battle's Revisal, or granted by charter to any and all other street railway companies in this state, and in particular that of having lands condemned for railway purposes, and shall have perpetual succession and a common seal.

Corporate powers.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, in shares of fifty dollars each, and may be increased to a sum not exceeding one hundred and fifty thousand dollars, at any time, by a majority in interest of the stockholders; and the company shall have the right to borrow money, to make, negotiate and dispose of its promissory notes, drafts or bonds, and to mortgage any or all of its property and franchise to secure their payment.

Capital stock.

Authorized to borrow money, &c.

SEC. 3. The said company is hereby authorized to make, construct, equip, maintain and operate lines of street railways, with one or more tracks, and all necessary branches, turnouts and switches, using such motor power as shall be determined by the board of directors, through and along the streets within the corporate limits of the city of Charlotte, and to points within the vicinity thereof, and erect such depots, stables, offices, shops and other buildings as are necessary and proper for conducting the business of said railway company, and to demand and receive such sum or sums of money for the carriage of passengers as the directors may think proper, not to exceed ten cents for each person, on any line within the corporate limits of the city, nor more than twenty-five cents to points beyond the city limits, and if the directors shall determine to carry freight or parcels, such compensation for these services as may be reasonable: *Provided*, that the tracks laid by said company shall conform to the grades of the streets through which they pass, and shall

Authorized to construct street railway, &c.

Proviso.

be so laid as to present no unnecessary obstacle to wagons or other vehicles turning in or crossing the streets or roads, through or over which said railways, branches, turnouts or switches may be laid; and shall at its own expense repair and put in as good condition as they were previous to the laying of the tracks the streets through which said railways may be constructed.

Majority of directors authorized to transact business, &c.

SEC. 4. A majority of the directors of said company shall be competent to transact all its business, to make such by-laws, rules and regulations not inconsistent with the laws of this state or of the United States, as shall appear proper, concerning its business, and to appoint such officers, clerks and servants, other than president, vice-president and secretary and treasurer, and fix for them such salaries and wages as they think proper.

Misdemeanor.

SEC. 5. Any person who shall remove, obstruct, injure, deface or destroy any part of said railways, cars, fixtures, machinery or structures of any kind, shall be deemed guilty of a misdemeanor, and fined and imprisoned at the discretion of the court.

Penalty.

Conductors, &c., invested with powers appertaining to similar officers of railway companies.

SEC. 6. The conductors and other agents and servants of said company are hereby invested with same authority, powers and privileges which belong to similar officers and agents of railway companies now operating in this state.

Organization of company.

SEC. 7. Said company shall be deemed fully organized immediately upon the ratification of this act, and a majority of the corporators named in the first section may meet at any time thereafter and elect a president, vice-president, secretary and treasurer, and not less than three nor more than five directors; issue stock, bonds and other securities, obtain subscriptions and enter into contracts for the construction and furnishing of their line or lines, depots and buildings; and to do all other lawful things they may consider necessary and proper to carry out the purposes of this act, and the said company shall have the exclusive right for a term of thirty years to con.

Officers.

Power to issue stocks, &c.

Exclusive right for thirty years.

struct and operate lines of street railways in the city of Charlotte: *Provided*, work shall be begun upon some one Proviso. line thereof in five years after the granting of this charter.

In the general assembly read three times, and ratified the 26th day of January, A. D. 1883.

## CHAPTER 33.

### An act touching injunction orders.

*The General Assembly of North Carolina do enact :*

SECTION 1. That by stipulation in writing, signed by all the parties to an application for an injunction order, or their attorney, to the effect that the matter may be heard before any judge, to be designated in such stipulation, the judge before whom the restraining order is returnable by law, or who is by law the judge to hear the motion for an injunction order, shall, upon receipt of such stipulations, forward the same and all the papers to the judge designated in the stipulation, whose duty it shall thereupon be to hear and decide the matter, and return all the papers to the court out of which they issued: *Provided*, that the necessary postage or expressage money Proviso. be furnished to said judge.

Parties to an application for injunction empowered to designate by written stipulation a judge before whom the matter may be heard. Duty of judge to hear and decide the matter.

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

In the general assembly read three times, and ratified this 26th day of January, A. D. 1883.

## CHAPTER 34.

An act to amend section three, chapter eighty-four, of the laws of eighteen hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

Chap. 81, sec. 3,  
laws 1879,  
amended.

Burke county  
added.

Hands.

SECTION 1. That section three, chapter eighty-four of the laws of eighteen hundred and seventy nine, be amended by striking out the word "county" in the fourth line of said section, and inserting in lieu thereof the word counties, and by adding the words, and Burke, after the word "McDowell" in said line of said section; and by striking out the word "shall" in ninth line of said section, and inserting after the word "each," in said ninth line of said section, the words, owner of land in said boundary shall; and by inserting the words "he or she" after the word "as" in the tenth line of said section.

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 26th day of January, A. D. 1883.

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 CHAPTER 35.

An act to authorize the commissioners of Moore county to levy a special tax.

*The General Assembly of North Carolina do enact :*

Authorized to  
levy special tax  
for the payment  
of county debt.

SECTION 1. That the commissioners of Moore county be, and they are hereby authorized and empowered to levy a special tax, at the same time of other levies, upon the taxable property and polls of said county for the years one thousand eight hundred and eighty-three and

one thousand eight hundred and eighty-four. Said special taxes 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, in excess of the constitutional limitation provided by law, thirteen and one third cents on the hundred dollars' valuation of property, and forty cents on each poll. 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 26th day of January, A. D. 1883.

CHAPTER 36.

An act to establish a graded public school in the town of Statesville.

*The General Assembly of North Carolina do enact:*

SECTION 1. The commissioners of the town of Statesville are hereby authorized to submit to the qualified voters of said town at such time or times, not oftener than once in any one year, under such regulations as said commissioners may prescribe, whether an annual tax shall be levied therein for the establishment and support of a graded school in said town. That such qualified voters at such election shall vote on written or printed ballots the words "For School" or "Against School," and the penalties for illegal and fraudulent voting in this election shall be the same as for the annual elections for mayor and commissioners of said town of Statesville. In case a majority of the qualified voters at such election shall be in favor of such tax, the same shall be levied and collected by the town authorities under the same rules and regulations and in the same manner as other town taxes are or may be collected, and the tax collector shall be

Commissioners authorized to submit to qualified voters of town question of taxation for graded school.

Ballots.

Penalty for illegal voting.

Tax to be levied upon majority vote.

Collection of tax.

subject to the same liabilities for the collection and paying over of said taxes, as he is or may be for other taxes : *Provided*, that the tax so collected shall not exceed one-fifth of one per centum on the value of property, and sixty cents on the poll ; and the taxes thus levied and collected shall be applied exclusively to the purpose of providing, by purchase or otherwise, suitable buildings and grounds, and to the support of a graded public school, which shall be free to all white persons within the school age, living within the corporate limits of the town of Statesville ; and for the education of colored persons within the school age living in said town, as hereinafter provided.

Tax not to exceed one-fifth of one per cent.

Application of tax.

Tax collected from whites to be exclusively applied to maintaining school for whites.

SEC. 2. The special tax thus collected from the taxable property and polls of white persons shall be applied and expended exclusively for the purpose aforesaid of procuring buildings and grounds for, and in keeping up a graded public school, free for all white persons of both sexes within the school age resident in said town ; and the special tax thus collected from the property and polls of colored persons shall be expended exclusively for the education of colored children of both sexes, within the school age, resident in said town, by the same persons and as other free common school funds are or may be by law expended.

Tax collected from colored persons to be exclusively applied to maintaining school for colored children.

Board of education.

SEC. 3. If a majority of the qualified voters of the town of Statesville shall vote "For School," the commissioners of said town at their next regular meeting, and they and their successors in office, at their first regular meeting in the month of June annually thereafter, shall elect three qualified voters of the town of Statesville, who, together with the school committee for the school district composed of the town of Statesville for the time being, and the mayor of the said town for the time being, shall be a body corporate, which shall be called "The Board of Education of the town of Statesville," and the said mayor shall be

Body corporate

*ex-officio* chairman of said board, but shall have no vote except in case of a tie; and said board shall have full power and authority to carry out the provisions of this act, and shall have full control and management of the said "Statesville Graded School," and each member of said board shall continue in office until his successor shall be elected or appointed and qualified; and a majority of said board shall constitute a quorum to do any business.

SEC. 4. That said "Board of Education of the town of Statesville" may sue and be sued, have a common seal, purchase and hold real estate for the purposes of said corporation as herein expressed, not exceeding fifty thousand dollars in value; and may adopt rules for its government not inconsistent with the constitution and laws of the state; and the said board shall receive and apply to the purposes of the said graded school all public school moneys from whatsoever source arising which are now or may hereafter be applicable to the common school education of white children within the school age and resident within the town of Statesville. Corporate powers

SEC. 5. The principal and teachers of the said graded 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, or any other such restriction now existing by law, but may be paid such compensation as said board may deem just and proper. Salaries of principal and teachers.

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

In the general assembly read three times, and ratified this the 26th day of January, A. D. 1883.

## CHAPTER 37.

An act to amend chapter sixty-two, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, prohibiting the sale of cotton within certain hours.

*The General Assembly of North Carolina do enact:*

Chap. 62, sec. 2,  
laws 1873-'4,  
amended.

SECTION 1. That section second of chapter sixty-two, of the laws of one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four, be amended by striking out all in said section after the word "punished," and inserting after the word "punished" the words "by fine or imprisonment, or both, in 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 26th day of January, A. D. 1883.

## CHAPTER 38.

An act to repeal chapter three hundred and forty-four, of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

Chap. 344, laws  
1881, repealed.

SECTION 1. That chapter three hundred and forty-four, of the laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

Debt of Madison  
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 26th day of January, A. D. 1883.

## CHAPTER 39.

An act to appropriate and set apart certain funds to the use of the board of directors of the Western North Carolina Insane Asylum.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of six thousand two hundred and seventy-six dollars and thirty cents, the balance now remaining in the hands of the state treasurer, collected under previous levy for construction account of said asylum, be and the same is hereby appropriated and set apart for account of furnishing and maintenance of said asylum.

\$6,276.30, balance in hands of treasurer, collected for construction account of Asylum appropriated to its furnishing and maintenance.

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 26th day of January, A. D. 1883.

## CHAPTER 40.

An act to incorporate the Highland Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing and operating a railroad from Highlands, in Macon county, to an available point of connection with the Raburn Gap railroad, or any other railroad line that shall be as available, and for extending the railroads from Highlands to other points in the adjacent mountain country, S. T. Kelsey, S. W. Hill, E. E. Ewing, J. W. Dobson, G. A. Boynton, H. A. Tutton and J. H. Allen and their associates and successors are hereby constituted a body politic and corporate, with perpetual succession under the

Body politic.

Name.	name and style of "The Highlands Railroad Company," and in that name may sue and be sued in any court of law or equity in this state, and shall be competent to purchase or acquire by gift, devise or otherwise, such real or personal estate or property as shall be necessary for carrying out the object and intent of this charter.
Capital stock.	SEC. 2. The capital stock of the company shall be twenty-five thousand dollars (\$25,000) in shares of fifty dollars (\$50.00) each, but the stock may be increased as shall be deemed necessary for the construction and operating of the proposed railroad, to one hundred and fifty thousand dollars (\$150,000). The stock may be subscribed and paid in money, labor, machinery, land or any material that can be made available for the construction, repairs or other necessary purposes of making and operating the road.
Stock vote.	SEC. 3. Each stockholder shall be entitled to one vote in person or by proxy for each and every share of fifty dollars (\$50) which such stockholder shall own for at least ten days previous to any meeting of the stockholders. The stockholders shall have the power to make and alter such rules, regulations and by-laws as they may deem necessary and proper for the government and interest of the company not inconsistent with this charter or the constitution and laws of this state, or of the United States.
Rules, &c.	No stockholder shall be liable for more than the amount of his subscription to the capital stock of the company.
Liability of stockholder.	SEC. 4. The track of the said railroad may be constructed of wood or iron, or both, as the stockholders may decide, and the same may be changed at any time that the stockholders may deem necessary or advisable.
Track.	SEC. 5. Whenever the amount of four thousand dollars (\$4,000) shall have been subscribed to the capital stock, the company may proceed to locate and construct the railroad as provided for in section one of this act, and shall have and possess all the powers and privileges granted in chapter ninety-nine of Battle's Revisal, and
When road to be located.	
Corporate powers.	

shall be subject to all the duties and provisions of the sections enumerated in section forty-five, of chapter ninety-nine, of Battle's Revisal, not inconsistent with the provisions of this chapter: *Provided, however,* that work shall commence on the said railroad by the first day of January, one thousand eight hundred and eighty-five. 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 26th day of January, A. D. 1883.

## CHAPTER 41.

An act to amend chapter forty-five, laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter forty-five, of the laws of eighteen hundred and seventy-nine, be and the same is hereby repealed. Chap. 45, sec. 3,  
laws 1879, re-  
pealed.  
Removal of  
causes.

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 26th day of January, A. D. 1883.

## CHAPTER 42.

An act to establish the county line between the counties of Northampton and Warren.

*The General Assembly of North Carolina do enact :*

Commissioners of Northampton and Warren counties to select two surveyors.

SECTION 1. That in order to establish the county line between the counties of Northampton and Warren, concerning which disputes have arisen, the commissioners of the county of Northampton and those of the county of Warren shall each select a surveyor, and said surveyors shall establish said line and mark the same by suitable monuments, or stones, or otherwise in a prominent manner.

Survey.

Disagreement of surveyors.

SEC. 2. That in case said surveyors cannot agree, they shall select a third surveyor, whose decision shall be final.

Expense of survey.

SEC. 3. The expenses of said survey shall be paid by said counties equally.

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

In the general assembly read three times, and ratified this the 26th day of January, A. D. 1883.

## CHAPTER 43.

An act to authorize the board of commissioners of Wilkes county to pay L. C. Hartin fifty-five dollars (\$55) for services in teaching free schools.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to pay L. C. Hartin \$55.00.

SECTION 1. That the board of commissioners of Wilkes county be, and they are hereby authorized to pay to Lee C. Hartin the sum of fifty-five dollars out of the general

school fund of Wilkes county, before it is distributed among the different school districts by them on the first Monday of March, one thousand eight hundred and eighty-three, or out of any school funds that may come into their hands belonging to said county, and this upon presentation to them of the warrant on the treasurer, in the possession of the said L. C. Hartin.

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

In the general assembly read three times, and ratified this 26th day of January, A. D. 1883.

## CHAPTER 44.

An act to authorize B. F. Logan, ex-sheriff of Cleveland county, to collect arrears of taxes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That B. F. Logan, ex-sheriff of Cleveland county, be and is hereby authorized to collect arrearages of taxes due him in said county 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, under such rules and regulations as are provided or may be provided by law for the collection of taxes.

Authorized to collect arrears of taxes from 1875 to 1880.

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

Who not compelled to pay.

be compelled to pay any arrearages of taxes under this act.

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 26th day of January, A. D. 1883.

## CHAPTER 45.

An act concerning the vacancy in the third congressional district.

Preamble.

WHEREAS, A vacancy exists in the representation in congress for the state of North Carolina by reason of the death of Hon. John W. Shackelford, late representative from the third congressional district;

AND WHEREAS, Under the laws of the state, said vacancy cannot be filled in time to allow the representative elected to take his seat before the expiration of the term for which representatives are elected; now, therefore,

*The General Assembly of North Carolina do enact:*

Governor relieved from duty of ordering special election.

SECTION 1. That the governor shall not be required to observe the fiftieth section of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven concerning the vacancy now existing in the third congressional district.

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 26th day of January, A. D. 1883.

## CHAPTER 46.

An act to amend section one, chapter two hundred and sixty of the acts of eighteen hundred and seventy-six and seventy-seven, concerning the sale of spirituous liquors at Germanton, in the county of Stokes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter two hundred and sixty of the acts of assembly of eighteen hundred and seventy-six and seventy-seven, be amended by striking therefrom the words "Germanton Methodist church, in Stokes county."

Chap. 260, sec. 1,  
laws 1876-'7  
amended.

"Germanton  
Methodist  
church" stricken  
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 30th day of January, A. D. 1883.

## CHAPTER 47.

An act to extend the time of getting grants for entries of land.

*The General Assembly of North Carolina do enact :*

SECTION 1. The time for getting grants from the state for entries of land made since the thirty-first day of December, one thousand eight hundred and seventy-nine, is extended to the first day of January, one thousand eight hundred and eighty-four.

Time for obtain-  
ing grants for en-  
tries made since  
Dec. 31st, 1879, ex-  
tended to Jan.  
1st, 1884.

SEC. 2. This act shall not affect rights acquired under junior entries.

Rights acquired  
under junior en-  
tries not affected.

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

In the general assembly read three times, and ratified this the 30th day of January, A. D. 1883.

## CHAPTER 48.

An act to authorize the Seaboard and Raleigh Railroad Company to change its corporate name.

*The General Assembly of North Carolina do enact :*

Authorized to change name to Albemarle and Raleigh R. R. Co.

SECTION 1. That the Seaboard and Raleigh Railroad Company by a vote of a majority of its board of directors, is hereby authorized to change its corporate name to "The Albemarle and Raleigh Railroad Company."

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 30th day of January, A. D. 1883.

## CHAPTER 49.

An act to prohibit the sale of intoxicating liquors within one and one-half miles of Maiden Cotton Mills, in Catawba county.

*The General Assembly of North Carolina do enact :*

Unlawful to sell liquor within one mile and a half of Maiden Cotton Mills.

SECTION 1. That it shall be unlawful for any person to sell intoxicating liquors within one and one-half miles of Maiden Cotton Mills, in Catawba county.

Misdemeanor.

SEC. 2. That if any one shall violate the provisions of this statute, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, not to exceed a fine of sixty dollars or imprisonment for more than thirty 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 30th day of January, A. D. 1883.

## CHAPTER 50.

An act to amend chapter two hundred and thirty-two of the laws of one thousand eight hundred and seventy-nine, entitled an act to prohibit the sale of intoxicating liquors in certain localities.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter two hundred and thirty-two, of the laws of one thousand eight hundred and seventy-nine, be amended by striking out all in said section relating to Eden church, in Greene county, and adding, "that it shall be unlawful for any person to sell any spirituous liquors, bitters, or any intoxicating drinks within one mile of Eden church, Greene county."

Chap. 232, sec. 1,  
laws 1879,  
amended.

Eden church,  
Greene county.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby 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 30th day of January, A. D. 1883.

## CHAPTER 51.

An act to repeal chapter one, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one, public laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

Chap. 1, laws 1881  
repealed.  
Cotton weigh  
for town of  
Wilson.

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 30th day of January, A. D., 1883.

## CHAPTER 52.

An act to amend chapter one hundred and twenty-eight, acts of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four.

*The General Assembly of North Carolina do enact:*

Chap. 123, sec. 1,  
laws 1873-'74;  
amended.

SECTION 1. That section one, of chapter one hundred and twenty eight, acts of one thousand eight hundred and seventy-three and seventy-four, be amended by striking out all after the word "Smith," in line eight (8) of said section, down to the word "on," in line eleven (11) of said section, and inserting in lieu of the words stricken out the following: "thence with the road to Scotland Neck to the point where it crosses Kahukee creek, thence down the run of Kahukee creek to."

Part of Halifax  
county exempt  
from provisions  
of chap. 48, Bat.  
Rev.

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

In the general assembly read three times, and ratified this the 30th day of January, A. D. 1883.

## CHAPTER 53.

An act making it the duty of the owners of the railroad bridge across the Cape Fear river above Wilmington to keep lights burning on said bridge during the night.

*The General Assembly of North Carolina do enact:*

Lights to be kept  
burning on upper  
side of bridge  
during every  
night.

SECTION 1. That it shall be the duty of the owners of the railroad bridge across the Cape Fear river about four miles above Wilmington, to keep three lights burning on the upper side of said bridge during every night for the protection of raftsmen, boatmen, etc.

SEC. 2. That for every night the owners of said bridge shall fail to keep said lights burning, as directed in section one of this act, they shall be guilty of a misdemeanor, and on conviction, shall be fined not more than fifty dollars or imprisoned not longer than thirty days. <sup>Misdemeanor.</sup> <sup>Penalty.</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 30th day of January, A. D. 1883.

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### CHAPTER 54.

An act for the relief of the sureties of K. H. Winstead, late sheriff of Wilson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. The sureties of the official bond of K. H. Winstead, late sheriff of Wilson county, be and they are hereby authorized to collect arrearages of taxes due the said K. H. Winstead for the years one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, as well also the delinquent list for the years in which lands have escaped taxation, the assessment and collection of which was provided in section twenty-two of chapter seventy-one, of the laws of one thousand eight hundred and seventy-nine, and for that purpose a majority of the said sureties may appoint one or more persons to make said collections, under the same rules and regulations as are now provided for the collection of taxes; and the power and authority hereby granted shall cease on the first of January, Anno Domini one thousand eight hundred and eighty-four. And the name of the tax payer appearing on the tax list not checked off, shall be conclu-

Sureties of K. H. Winstead, late Sheriff of Wilson county, allowed to collect arrears of taxes for 1879, 1880 and 1881.

Authority to cease Jan. 1st, 1884.

Evidence of  
payment.

sive that such tax is still unpaid, unless he shall produce a proper receipt therefor, or make affidavit that such tax has been paid. That this act shall apply to any person who is the owner of the property on which the tax is chargeable.

Sureties to have  
credit for insol-  
vent taxes.

SEC. 2. *Be it further enacted*, that the said sureties shall have credit on the amount still due against said K. H. Winstead, late sheriff, for the amount of the taxes of such of the tax payers on any of the aforesaid lists as may be insolvent, to be ascertained by the county commissioners of Wilson county, on the oath of the said sureties or the collectors by them appointed, as provided for allowances of insolvents to sheriffs by existing laws, that the state treasurer will refund such proportion of the state taxes by the treasurer heretofore received as may be certified by the commissioners of Wilson county as just and proper.

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 30th day of January, A. D. 1883.

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## CHAPTER 55.

An act to extend the time for paying the State taxes in the county of Dare.

*The General Assembly of North Carolina do enact :*

Sheriff of Dare  
county allowed  
until April 1st,  
1883, to settle  
with state treas-  
urer.

Proviso.

SECTION 1. That the sheriff of Dare county is granted until the first day of April, Anno Domini one thousand eight hundred and eighty-three, to collect and pay over to the state treasurer the state taxes: *Provided*, the sureties upon said sheriff's official bond be not discharged

from any liability for default of said sheriff by reason of this act.

SEC. 2. That this act shall go into effect upon the filing with the register of deeds of said county the written consent of the sureties of said sheriff on his official bond.

Act to take effect upon written consent of sureties being filed with register.

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

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## CHAPTER 56.

An act to change the name of the Elizabeth City and Norfolk Railroad Company to the Norfolk Southern Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of the Elizabeth City and Norfolk Railroad Company, a corporation chartered by an act of the legislature of North Carolina, ratified on the twentieth day of January, eighteen hundred and seventy, be and it is hereby changed to that of the Norfolk Southern Railroad Company, under which name it may exercise all the powers, and shall have all the rights, privileges and advantages conferred by the said act of incorporation, and all acts amendatory thereof.

Name changed to Norfolk Southern R. R. Co.

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 31st day of January, A. D. 1883.

## CHAPTER 57.

An act to consolidate the insurance laws of North Carolina.

*The General Assembly of North Carolina do enact :*

Unlawful to contract or solicit insurance with resident of state without a license.

Contract entered into otherwise than provided in this act not enforceable in state courts.

Secretary of state to issue licenses.

General agent (a citizen and resident of state) to be appointed.

Service of process.

Proviso.

SECTION 1. That it shall be unlawful for any person, whether natural or corporate, either as principal or as agent, to do or to contract or solicit for any insurance business with any resident of this state, unless such insurance business shall have been licensed, as provided in this act, and no contract for any such insurance business entered into otherwise than as this act permits, shall be enforceable in any of the courts of this state.

SEC. 2. That the secretary of state may issue licenses to do insurance business, but before the issue of any license the applicant therefor shall :

*First.* Appoint a general agent, who shall be a citizen and a resident of this state, and file a certificate of such appointment, under the seal of the applicant, together with the written acceptance thereof by such appointee, with the secretary of state, and copies of such certificate of appointment and of such acceptance, certified by the said secretary, shall be received as sufficient evidence of such appointment and acceptance before any court in this state, and such certificate shall contain a stipulation agreeing that so long as there may be any liability on the part of the applicant, under any contract entered into in pursuance of any law of this state concerning insurance, any legal process affecting the applicant may be served in his absence upon such general agent, or upon the secretary of state, and when so served, shall have the same effect as if served personally on such applicant in this state: *Provided,* that when such service is made upon the secretary of state, it shall be his duty to transmit at once a copy of the process to the home office of the company.

*Secondly.* File in the office of the secretary of state in such form and in such detail as he shall prescribe, a statement of the business standing and financial condition of the applicant on the preceding thirty-first day of December, signed and sworn to by said principal, or by the chief managing agent or officer thereof, before the secretary of state, or before a commissioner of affidavits for North Carolina, or before some notary public.

Statement of business standing and financial condition of applicant to be filed with secretary of state.

*Thirdly.* File in the office of the secretary of state a statement under seal, from the public treasury, showing that the applicant, if desirous to do a fire insurance business, has deposited with him ten thousand dollars in United States bonds, or in North Carolina four per cent. coupon bonds. And it shall be unlawful for any person to transact any fire insurance business, or receive any premium upon risk against loss by fire before making such deposit: *Provided*, that this section shall not apply to persons that invest all their assets in this state: *Provided further*, that this act shall not be construed so as to deprive any person making such deposit of bonds from using the coupons on such bonds while they are so deposited.

Certificate of deposit of \$10,000 with treasurer to be filed with secretary of state by fire insurance company.

Unlawful to transact fire insurance business before making deposit.

Proviso.

Proviso.

*Fourthly.* File in the office of the secretary of state a copy of the charter, articles of association, or other statement, showing the mode in which the applicant proposes to do business.

Charter, &c., to be filed with secretary of state.

*Fifthly.* Pay the license and other fees required by this act.

License fee to be paid.

SEC. 3. That nothing in this act shall be construed to extend to the Masonic or Odd Fellows association, or to the Royal Arcanum, Knights of Pythias, or Knights of Honor, or other benevolent associations that only levy an assessment upon their members to create a fund to pay to the family of a deceased member and make no profit therefrom, and that have been incorporated under the laws of this state.

Act not to extend to Masonic, Odd Fellows or other benevolent associations.

Statement of business standing and financial condition to be filed by general agent on or before March 1st in each year.

SEC. 4. That every general agent shall file in the office of the secretary of state, on or before the first day of March in each year, in such form and in such detail as the secretary shall prescribe, a statement showing the business standing and financial condition of his principal, on the preceding thirty-first day of December, signed and sworn to by said principal, or the chief managing agent, or officer thereof, before the secretary of state, or before a commissioner of affidavits for North Carolina, or before some notary public.

Statement of gross receipts in North Carolina for six months to be filed by general agent in January and July of each year.

SEC. 5. That every general agent shall, within the first thirty days of January and July of each year, make a full and correct statement, under oath, of the amount of the gross receipts derived from insurance business, obtained from residents of this state during the preceding six months, and shall, within the first fifteen days of February and August of each and every year, pay to the secretary of state a tax of two per centum upon the amount of such gross receipts therein returned: (*Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement of investments in real property in this state by his principal, or a like statement of loans, secured by mortgage to citizens of this state, of an amount equal to one-half of such gross receipts, the tax shall be only one per centum thereon:) *Provided*, that no county or corporation shall be allowed to add any additional tax license or other fee.

Tax of two per cent. on gross receipts to be paid to secretary of state.

Proviso.

Proviso.

Secretary of state to examine annual statements.

SEC. 6. It shall be the duty of the secretary of state to receive and thoroughly examine each annual statement required by this act, and if made in compliance with the laws of North Carolina, to publish an abstract of the same in one of the newspapers of the state, to be selected by the general agent making such statement and at the expense of his principal.

To publish abstract.

When secretary of state to revoke and cancel license.

SEC. 7. That if the secretary of state shall become satisfied at any time that any statements, made by any person licensed under this act, shall be untrue, or in case a gen-

eral agent shall fail or refuse to obey the provisions of this act, the secretary of state shall have power to revoke and cancel such license.

SEC. 8. It shall be the duty of any person having in his possession or control any books, accounts or papers of any person licensed under this act, to exhibit the same to the secretary of state on demand, and on refusing so to do, or knowingly or wilfully making any false statement in regard to the same, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 9. The secretary of state shall keep on file in his office, for the inspection of the public, all the reports received by him in obedience to this act, and shall certify to the clerk of the superior court of each and every county, under the seal of his office, an abstract of each annual statement at the expense of the person making the same, and he shall also certify at like expense to said clerks on the first day of each month, a list of the licenses in force at such dates, and of those that have expired without renewal, or that have been revoked during the preceding year, and the said certified abstracts, and certified lists, each clerk, as aforesaid, shall file in stub-books kept for the purpose, furnished by the secretary of state, which books shall be open to the inspection of the public: *Provided*, that there shall be no tax for any seal required by this section.

SEC. 10. The secretary of state shall furnish to the auditor, on the first of each month, a statement in detail of the taxes and license fees received by him under this act during the previous month, and shall pay to the treasurer the amount in full of such taxes and license fees.

SEC. 11. That upon the failure of any person licensed to do fire insurance business under this act to satisfy and pay any final judgment recovered by any citizen of this state upon any policy of fire insurance issued in this state,

Books, &c., subject to examination of secretary of state upon demand.

Misdemeanor.

Secretary of state to keep reports on file, subject to public inspection.

To certify abstracts of annual statements and list of licenses to superior court clerks.

Clerks to file abstracts and lists, subject to public inspection.

Proviso.

Secretary of state to furnish to auditor on the first of each month statement of taxes and license fees received.

To pay same to treasurer.

Judgment against fire insurance company, how enforceable against deposit with treasurer.

within ninety days after the rendition of such final judgment, then, upon the filing with the public treasurer of a transcript of such judgment, he shall raise upon such securities deposited by such defendant, by sale or otherwise, a sufficient sum to discharge such judgment, interest and costs, which he shall so apply; that he shall thereupon notify such defendant of the amount by which its deposits have been so reduced, and thereafter it shall not be lawful for such person to transact any other fire insurance business in this state, until it shall have increased its deposits to the required sum.

Deposit to be maintained at \$10,000.

Act applicable to judgments which have been obtained against fire insurance companies.

Proceeding by insurance company to withdraw deposit on retiring from business in this state.

SEC. 12. That this act shall apply to fire insurance companies and their deposits against which final judgments have been obtained in any of the courts of this state.

SEC. 13. That whenever any insurance company that has deposited bonds or other securities with the treasurer, as required by this act, desires to retire from business in this state and withdraw its bonds or other securities deposited as aforesaid, then,

*First.* It may file the affidavit of its president, managing agent, or other chief officer with the secretary of state, to the effect that it has no policies outstanding, nor has any losses unpaid in this state, and thereupon the secretary of state shall give an order for such company, its agents or assigns, upon the treasurer for the delivery of such bonds or other securities, and the said bonds or other securities shall be delivered to said company or its assigns:

*Provided,* that if the secretary of state has good reason for believing such affidavit is untrue, he shall cause a satisfactory investigation to be made, the cost of which shall be payable by said company, and be a lien upon the bonds in the hands of the treasurer.

*Secondly.* Such company so desiring to withdraw its bonds may file with the secretary of state a duly executed contract of re-insurance, whereby some other insurance company in good standing, doing business in this state, shall undertake to pay all losses on policies heretofore

Proviso.

issued by the company so retiring; whereupon the secretary of state shall give an order on the treasurer as above required for the bonds or other securities of the retiring company as aforesaid: *Provided*, that such company so making the re-insurance, shall have on deposit, with the treasurer, bonds or other securities of equal value with those sought to be withdrawn: *And provided further*, that the policy holders in said company resident in this state shall assent in writing to the transfer of their policies to the company so making the re-insurance, and the secretary of state shall be entitled to twenty-five dollars, to be paid by said company, for his services in performing any duty imposed upon him by this section.

Proviso.

Proviso.

SEC. 14. The fee for license as required by this act shall be one hundred and twenty dollars per annum, and the license shall continue for the next ensuing twelve months after the first day of April in each year: *Provided*, the secretary of state may receive from applicants after the first day of April so much of said license fee as may be due *pro rata* for the remainder of the year.

License fee, \$120.

To continue for twelve months from April 1st.

Proviso.

SEC. 15. That every general agent making deposits under this act shall, on doing so, pay to the public treasurer a fee of ten dollars, and the like sum whenever any additional deposits shall be made with him as is above provided.

General agent making deposits to pay fee of \$10.

SEC. 16. No person licensed to do insurance business under this act shall limit the term within which any suit shall be brought against such person to a period less than one year from the time when the loss insured against shall accrue.

Unlawful to limit time within which suit can be brought against insurance company to less than one year from time loss accrued.

SEC. 17. Any insurance agent doing business in this state, who shall unlawfully withhold or expend the funds of his principal, shall upon conviction thereof be deemed guilty of felony, and punished accordingly.

Insurance agent unlawfully withholding or expending funds of principal, guilty of felony.

SEC. 18. Every person who, either as principal or agent, shall solicit, examine or inspect any risk, or shall examine into, adjust, or aid in adjusting any loss, or shall

Forfeiture of \$50 to secretary of state for every violation of this act.

receive, collect or transmit any premium of insurance, or shall do any other act in the soliciting, making or executing any contract of insurance of any kind otherwise than as this act permits, shall forfeit and pay to the secretary of state fifty dollars for every such violation, to be recovered before any justice of the peace at the suit of said secretary.

How recoverable.

General agent failing or refusing to perform duties prescribed by this act to forfeit \$50 to secretary of state.  
How recoverable.

SEC. 19. Every general agent who shall fail or refuse to perform any duty required of him by this act, shall forfeit and pay to the secretary of state fifty dollars for every such refusal, to be recovered before any justice of the peace at the suit of said secretary.

Conflicting laws repealed.

SEC. 20. All laws and clauses of laws coming in conflict with this act are hereby repealed.

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 7th day of March, A. D. 1883.

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## CHAPTER 58.

An act to restore the burnt records of Cabarrus county.

Preamble.

WHEREAS, on or about the eleventh day of February, one thousand eight hundred and seventy-four, the court house in Cabarrus county, containing the records of wills probated and recorded, and many original wills which had been probated but not recorded, was destroyed by fire; and whereas, many of said records and said original wills were lost or destroyed by said fire; therefore

*The General Assembly of North Carolina do enact :*

Copies of will admitted to probate, etc.

SECTION 1. If the executor, or any other person, has preserved a copy of any will recorded or probated as

aforesaid in said county, and lost or destroyed as aforesaid, such copy, upon satisfactory proof before the clerk of the superior court for said county that it is a full and correct copy, may be admitted to probate under the same rules and in the same manner as now prescribed by law for proving wills, and the proceedings in such cases shall be the same as though such copy was the original offered for the first time for probate, except that notice of the motion to probate such copy must be posted at the court house door and one or more public places in each township in said county, for the period of thirty days.

Notice.

SEC. 2. If it is made to appear by affidavit that any one claims an interest in the probate of such will and desires to contest the same, the clerk of the superior court of said county shall allow said party, if he demands it, ten days to prepare for trial, and if the pleadings raise any issue of facts, and either party demands it, the issue or issues must be sent to the next term of the superior court to be held for said county, to be tried by a jury, and shall stand for trial at said term.

Contest in regard to probate.

SEC. 3. When such copy is thus recorded, it shall have the same force and effect as the original would have had, had it been duly probated and recorded and its record preserved.

Copy of will when recorded to have force and effect of original.

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

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

## CHAPTER 59.

An act to make it a misdemeanor for any person to drive faster than a walk over Washington and Aurora bridges, in Beaufort county, and Leechville bridge, between Hyde and Beaufort counties.

*The General Assembly of North Carolina do enact :*

Misdemeanor to ride or drive faster than a walk over Washington and Aurora bridges in Beaufort county, and Leechville bridge between Hyde and Beaufort counties.

SECTION 1. That if any person or persons shall ride or drive a horse, mule or any other animal faster than a walk over Washington bridge, across Pamlico river, at the town of Washington, or Aurora bridge across South creek, in Beaufort county, or Leechville bridge across Pungo river, between Hyde and Beaufort counties, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars, which sum shall be given to the general school fund of said county: *Provided*, that all fines collected for Leechville bridge shall be divided equally between Hyde and Beaufort counties.

Penalty.

Application of fines.

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

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

## CHAPTER 60.

An act to change the fiscal year of the state government, and for other purposes.

*The General Assembly of North Carolina do enact :*

Fiscal year to close November 30th.

Accounts of state officers.

SECTION 1. That the fiscal year of the state government shall annually close on the thirtieth day of November. The accounts of the treasury, the auditor, and the charit-

able and penal institutions of the state shall be annually closed on that date. The accounts of the state treasurer shall be examined during the month of December by commissioners appointed for that purpose at each session of the general assembly, to consist of two senators and three representatives. For the performance of this duty the said commissioners shall receive the same per diem for the number of days engaged therein, at the office of the state treasurer, and mileage to and from the city of Raleigh, that are paid to members of the general assembly.

Examination of treasurer's accounts.

SEC. 2. It shall be the duty of the officers of the executive department of the state, and the boards of directors of the several asylums, institution for the deaf and dumb and the blind, and the penitentiary, to submit their respective reports to the governor, to be transmitted by him with his regular message to the general assembly.

Reports of executive and other state officers.

SEC. 3. The treasurer of state shall, in connection with his report, submit estimates of the expenses of the state for the two fiscal years next succeeding, and the rates of taxation necessary to pay the same.

Treasurer to submit estimates of expenses and necessary rates of taxation for two next succeeding years.

SEC. 4. The directors of the several institutions mentioned in this act, shall submit with their reports, a bill or bills providing for the support and management of their respective institutions, two hundred copies of which bills the governor may have printed for the use of the general assembly, if in his opinion they meet the necessities of said institutions.

Directors of public institutions to submit bills for their support and management.

SEC. 5. The governor, if in his opinion the reports made as required in this act, are in proper form and contain all needful information, shall cause to be printed by the public printer eight hundred and twenty-five copies of each of said reports before the meeting of the general assembly and ready for its use. The governor shall cause said reports to be distributed as follows: to each senator and representative three stitched copies, and the remaining five hundred and ten copies as is provided in section eighteen of chapter ninety-seven of Battle's Revisal.

200 copies to be printed in discretion of governor.

825 copies of reports to be printed in discretion of governor.

Distribution of reports.

Chap. 78 Bat. Rev.  
and chap. 272 laws  
1881, repealed.

SEC. 6 Section sixty-nine of chapter seventy-eight of Battle's Revisal, and chapter two hundred and seventy-two of the laws of one thousand eight hundred and eighty-one, be and the same 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 31st day of January, A. D. 1883.

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## CHAPTER 61.

An act to amend chapter thirty-one, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, relative to the disposition of mortgaged property.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter thirty-one of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four be amended by striking out all in section first of said chapter after the word "punished," and inserting in lieu thereof the words, "by fine or imprisonment, or both, in the discretion of the court"

SEC. 2. That in all indictments for violations of the said provisions of said chapter, it shall not be necessary to allege or prove the person to whom any sale or disposition of said property was made, but proof of the possession of the property embraced in such chattel mortgage, deed in trust or lien, by the grantor thereof, after the execution of said chattel mortgage, deed in trust or lien, and while it is in force, and further proof of the fact that the sheriff or other officer charged with the execution of said process cannot after due diligence find said property under process directed to him for its seizure, for the satisfaction of such chattel mortgage, deed in trust

Chap. 31, sec. 1,  
laws 1873-4,  
amended.

Penalty.

Indictments and  
evidence.

or lien, or that the mortgagee demanded the possession thereof of the mortgagor for the purpose of sale to foreclose said mortgage, deed in trust or lien, after the right to such foreclosure had accrued, and that the mortgagor failed to produce, deliver or surrender the same to the mortgagee for that purpose, shall be *prima facie* proof of the fact of a disposition or sale of said property, by said grantor, with the intent to hinder, delay or defeat the rights of the person or persons to whom said chattel mortgage, deed in trust or lien was made.

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 31st day of January, A. D. 1883.

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## CHAPTER 62.

An act to amend section one, of chapter fifty-eight of the public laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter fifty-eight of the public laws of North Carolina of the year one thousand eight hundred and eighty-one, be amended as follows, viz: strike out the word "Mining" in line seven of said section, and substitute in lieu thereof the words "Iron and Transportation," so that the name and style of the corporation chartered by said chapter fifty-eight, as thus amended, shall be changed from the "North State Mining Company," to "The North State Iron and Transportation Company."

Chap. 58, sec. 1,  
laws 1881, amend-  
ed.

Name.

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 31st day of January, A. D. 1883.

## CHAPTER 63.

An act to amend chapter three hundred and twenty-two, laws of one thousand eight hundred and eighty-one, entitled 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 section one, chapter three hundred and twenty two, laws of one thousand eight hundred and eighty-one, be amended as follows: by inserting after the word "Monday" in seventh line of said section, the following words, "after the fourth Monday," so as to read, "in Madison on the first 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."

Chap. 322, sec. 1,  
laws 1881  
amended.

Madison 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 1st day of February, A. D. 1883.

## CHAPTER 64.

An act to amend the charter of the Atlantic Coast Railway Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the Atlantic Coast Railway Company, a corporation created by "An act to amend the charter of the Wilmington and Planters Railway Company, ratified the eighteenth day of December, A. D. one thousand eight hundred and seventy-two," is authorized to extend its line of railway through the counties of Wayne, Johnston, Harnett and Cumberland to the South Carolina line,

Authorized to extend  
line of rail-  
way.

Route.

the same to be so located as to run through the corporate limits of the city of Goldsboro and through or near the corporate limits of the town of Fayetteville, and to adopt and establish the same as its main line of railway, and its line in Jones and Onslow as one of its divisions.

SEC. 2. That the said Atlantic Coast Railway Company is authorized to change its name by filing in the office of the secretary of state a certificate setting forth the fact that such change has been made, and the name of the substituted or successor company; said corporation shall be known by the name so set forth in such certificate, and under such name so set forth shall succeed to, have, hold and enjoy all the rights, privileges, franchises and immunities secured to the said Atlantic Coast Railway Company.

Authorized to change name.

SEC. 3. That said company may commence the construction of its railway at any point or points on its line or lines or divisions, and use any portion or portions or divisions of its said railway constructed before its final completion, and charge for transportation and passage thereon.

Construction of railway.

SEC. 4. That the said company may, in its discretion, issue bonds and lay a mortgage deed to secure the payment thereof on its entire railway, or on its main line, or any branch or branches, or any division or divisions of its railway, setting forth such bonded line, branch or division specifically in said 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.

Authorized to issue mortgage bonds.

SEC. 5. That the meetings of the stockholders and of the board of directors of the said corporation may be held in New York City with the like legal effect as if the said meetings were held in the state of North Carolina, and all such meetings of stockholders and of directors heretofore

Meetings of stockholders and directors authorized to be held in New York.

Meetings held heretofore declared valid.

held in the said city of New York, are confirmed and declared to be valid and effectual as if the same had been held in North Carolina.

Registration of mortgages, etc.

SEC. 6. That all mortgages and deeds of trust which may be executed by the said corporation 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 whatsoever, 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.

Construction of railway to be commenced within four years.

SEC. 7. That the said company shall begin the construction of its railway within four years from the ratification of this act, and all limitations or restrictions otherwise are rescinded.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its ratification.

In the general assembly read three times, and ratified this the 1st day of February, A. D. 1883.

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## CHAPTER 65.

An act to give the county commissioners of Pasquotank county the power to levy a special tax.

Preamble.

WHEREAS, the general assembly did enact at their session of one thousand eight hundred and eighty-one, an act authorizing the commissioners of Pasquotank county to levy a special tax of twenty thousand dollars to erect a court house; and whereas, the said sum has been expended for said purpose, and the said court house is still incomplete, and in a condition to be seriously

damaged without further work ; and whereas, it is considered that ten thousand dollars is necessary to complete it.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Pasquotank county are hereby authorized to levy a special tax, not to exceed ten thousand dollars, for the special purpose of completing the court house for said county, said taxes to be collected under the same rules and regulations as other taxes are now collected.

Authorized to levy special tax not exceeding \$10,000 to complete court house.

How collected.

SEC. 2. That the said county commissioners are further authorized, in order to raise the sum of ten thousand dollars, to issue and negotiate bonds to the amount of ten 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 ten thousand dollars that they are hereby given power to levy, shall also have power to levy a tax to pay the interest upon these bonds as said interest becomes due.

Authorized to issue bonds.

To levy special tax to pay interest.

SEC. 3. That all taxes collected by virtue of this act shall be applied to the payment of the principal and interest of these bonds, and for no other purpose.

Application of taxes.

SEC. 4. That these bonds, when issued, shall be placed only in the hands of responsible parties, of which responsibility the county commissioners are to be the judges.

Bonds to be placed in hands of responsible parties.

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 2d day of February, A. D. 1883.

## CHAPTER 66.

An act to amend chapter fifteen, acts of one thousand eight hundred and eighty.

*The General Assembly of North Carolina do enact :*

Chap. 15, laws 1880 amended.

Removal of actions in courts of justices of the peace.

SECTION 1. That chapter fifteen, acts of one thousand eight hundred and eighty, is hereby amended by adding to section one of said act the following proviso: *Provided further*, that such motion to remove shall be made before evidence is introduced.

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

In the general assembly read three times, and ratified this the 2d day of February, A. D. 1883.

## CHAPTER 67.

An act to amend section thirty-eight, chapter one hundred and ninety-three, laws of eighteen hundred and seventy-one and eighteen hundred and seventy-two, concerning alimony.

*The General Assembly of North Carolina do enact :*

Chap. 193, sec. 38, laws 1871-'72, amended.

Alimony *pendente lite*.

SECTION 1. That section thirty-eight of chapter one hundred and ninety-three, of the laws of eighteen hundred and seventy-one and eighteen hundred and seventy-two, be amended as follows: In lines three and four of said section, by striking out after the word "facts" in line three, the words, "as if true will entitle her to the relief demanded," and inserting in lieu thereof the words, "which upon application for alimony shall be found by the judge to be true and to entitle her to the relief demanded in the complaint," and in line sixteen

of said section, by adding after the word "thereof" the words, "and in all cases of application for alimony *pendente lite* under this or the following section, whether in or out of term, it shall be proper and admissible for the husband to be heard by affidavit in reply or answer to the allegations of the complaint.

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 2d day of February, A. D. 1883.

## CHAPTER 68.

An act to amend an act to appoint cotton weighers for the towns of Enfield and Weldon, being chapter twenty-four of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-four of the laws of one thousand eight hundred and eighty-one, be amended by substituting "town" for "towns," whenever the word "towns" occurs in said chapter.

Chap. 24, laws  
1881, amended.

SEC. 2. That said chapter be amended by striking out the words "and Weldon," in line two of the first section, and by striking out the words "for each of said towns" in lines two and three of said section.

"Weldon" strick-  
en out.

SEC. 3. That section two of said act be and the same is hereby amended by striking out the word "and" in line two, and the word "Weldon" in line three of said section.

Sec. 2 amended.

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 2d day of February, A. D. 1883.

## CHAPTER 69.

An act to require fishermen to pull up and remove their net stakes.

*The General Assembly of North Carolina do enact:*

Fishermen in certain sounds required to remove their net stakes within thirty days after nets are taken from them.

SECTION 1. That all fishermen in the waters of Pamlico, Croatan, Currituck and Albemarle Sounds and their tributaries, shall be required to pull up and remove their net stakes within thirty days from the day the nets were taken from them.

Misdemeanor

SEC. 2. All persons failing to pull up and remove their stakes, as required by the foregoing section of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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 2d day of February, A. D. 1883.

## CHAPTER 70.

An act to prevent live stock from running at large in the counties of Greene and Lenoir.

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large within certain boundaries in Lenoir and Greene counties.

SECTION 1. That it shall be unlawful for any live stock to run at large in Lenoir and Greene counties, within the following boundaries, to wit: beginning on the north bank of Neuse river, at the Lenoir and Wayne county line, thence with said line to the Greene county line, thence with the line between Greene and Wayne counties to the run of Nahunta creek, thence down said creek

to Contentnea creek, thence down said creek to Neuse river, thence up said river to the beginning.

SEC. 2. That any person who shall wilfully permit his or her live stock to run at large within the boundaries mentioned in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars, or imprisonment not exceeding thirty days.

Misdemeanor.

Penalty.

SEC. 3. The board of commissioners of Lenoir county and the board of commissioners of Greene county, respectively, shall appoint on the first Monday of April of each year, or at the first regular meeting thereafter, one registrar for each township embraced in this act in each respective county, whose duty it shall be to register all descriptions of live stock taken up, or impounded, and shall receive twenty-five cents for each registration so made; said registrar shall keep such register open for inspection at all times, Sundays excepted.

Registrar to be appointed by commissioners of Lenoir and Greene.

Duty of registrar.

SEC. 4. The commissioners of each of said counties shall have power to remove said registrars and appoint their successors in their respective counties.

Removal of registrar.

SEC. 5. And it shall be lawful for any person to take up any live stock running at large in the territory embraced in this act, and to impound the same in the township where said stock is taken up: *Provided, however,* that the person taking up said stock shall file a description of said stock with the registrar of the township, and each person so taking up and impounding the same may demand fifty cents for each animal so taken up, and twenty-five cents per head 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 the damages caused by said stock are paid: *Provided,* that no stock crossing Contentnea creek shall be impounded at the expense of the owner of the said stock, and that if any stock should cross Neuse river from Wayne county into the territory embraced within the

Any person empowered to take up and impound stock running at large.

Proviso.

Proviso.

limits prescribed by this act, they shall not be subject to its provisions, and if any person living within the prescribed limits, shall drive or knowingly permit their stock to range on the lands of those living outside of said limits, they shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned at the discretion of the court.

Misdemeanor.

Sale of stock on refusal or neglect of owner to redeem.

SEC. 6. That if the owner of any live stock so impounded refuse or neglect to redeem the same within twenty days after said description is filed with the registrar, then the impounded stock shall, after ten days' written notice posted in three or more public places in said township, where the said stock is impounded, describing the same, and 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 fee provided for in this act, and the balance he shall turn over to the owner, if known, and if the owner be not known, then to the county commissioners of the county in which said stock is impounded, for the benefit of the public schools therein.

Proceeding to obtain damages suffered by reason of stock running at large.

SEC. 7. That upon the written application, under oath, of any person, stating that he or she has suffered damages by reason of stock running at large, any justice of the peace, in said township where such stock shall be impounded, shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming the said stock, before it is delivered, and in the case of sale, before the owner shall be entitled to receive or demand any part of the proceeds of said sale. And any person who may suffer damages by reason of said stock running at large in the territory embraced in this act, may recover double the amount of damages sustained, by an action against the owner of said stock.

Double damages.

Wilful misappropriation of money by impounder

SEC. 8. That any impounder wilfully misappropriating any 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

Misdemeanor.

thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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 thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Wilful rescue of impounded stock

Misdemeanor.

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

Construction of word "stock."

SEC. 11. That whenever any justice of the peace and any two freeholders in the county of Greene, and whenever any justice of the peace and any two freeholders in the county of Lenoir, residents of the territory embraced in this act, shall certify to the board of county commissioners of their respective counties, that the citizens thereof have built a sufficient fence along the line or route as described in section one of this act, with gates upon all highways, public and private, leading into the territory embraced in this act, then and in that case, the commissioners of each of said counties of Greene and Lenoir shall immediately give public notice by advertising in three public places in each township in said counties embraced in this act of the establishment of said fence, and from and after ten days from the date of such publication, the provisions of this act shall go into operation and take effect, and such fence shall be declared a lawful fence for the purposes of this act.

When this act to go into effect.

SEC. 12. It shall be the duty of the board of county commissioners of Lenoir and Greene counties to erect a good and lawful fence around the territory included in the provisions of this act and to erect gates on all the highways leading into said territory; and to defray the expense of the same, it shall be lawful for said commissioners to levy and collect an assessment upon all the realty in the aforesaid territory. That Neuse river from the dividing line of Wayne and Lenoir counties to the

Fence to be erected around territory included in the provisions of this act.

Neuse river and Contentnea creek declared lawful fence.

mouth of Contentnea creek and the said creek from its mouth to the mouth of Nahunta creek be, and the same are hereby declared a lawful fence for the purposes of this act.

Wilful injury to fence.

SEC. 13. That any person or persons, who shall wilfully or maliciously 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 thereof, shall be fined not more than fifty dollars or imprisoned not exceeding thirty days, for each and every offence.

Misdemeanor.

Citizens residing in territory embraced in this act authorized to build fence.

SEC. 14. That any citizen or citizens of the counties of Greene and Lenoir, residents of the territory embraced in this act, are hereby authorized and empowered, and, at their own expense, to construct said fence along the line specified in this act, and also to erect gates across any highway on the said line of fence.

Condemnation of land.

SEC. 15. And if the owner of any land shall object to the building of any fence herein allowed, his land, not exceeding twenty feet in width, shall be condemned for the fenceway herein provided, upon the application of any person or persons to any justice of the peace of either of said counties of Greene and Lenoir, which justice of the peace shall, at once, proceed to summons two disinterested freeholders, who shall, together with himself, proceed to lay off and condemn such fenceway after giving to the owner of said lands, or to his or their agents, two days' notice, and they may assess such damages as they may think just.

Removal of fence authorized in case of application by owner of adjacent land.

SEC. 16. That whenever any owner of real estate living along the line of the said fenceway, may upon his or her petition to the regi trars, or either of them, provided for in this act, ask that the said fence be removed so as to include his or her real estate within the territory embraced in this act, the said registrar shall so order the removal of said fence in such manner and upon such terms and conditions as may, in his judgment, be proper

and right, and the line of fence thus changed shall be the line for the purposes of this act.

SEC. 17. That all fines and penalties that may be collected by any court, by reason of any violation of this act, shall be paid into the county treasury of each of said counties of Greene and Lenoir, to be expended in the keeping in repair the said fence and gates.

Application of  
fines and pen-  
alties.

SEC. 18. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws  
repealed.

SEC. 19. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified the 2d day of February, A. D. 1883.

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## CHAPTER 71.

An act to authorize the auditor of the state to draw all warrants for the payment of money.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the auditor of the state shall hereafter have the exclusive power and authority to issue all warrants for the payment of money upon the state treasurer; and it shall be the auditor's duty, before issuing the same, to examine the laws authorizing the payment thereof, and satisfy himself of the correctness of the accounts of persons applying for warrants; and to this end he shall have the power to administer oaths, and he shall also file in his office the voucher upon which the warrant is drawn and cite the law upon said warrant.

Auditor given ex-  
clusive power to  
issue warrants for  
payment of  
money upon  
treasurer.

Duty of auditor.

SEC. 2. All laws and clauses of laws giving the power to issue said warrants to any other officer or agent of the state, 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 2d day of February, A. D. 1883.

## CHAPTER 72.

An act to authorize Granville county to fund its floating debt.

*The General Assembly of North Carolina do enact :*

Commissioners  
authorized to  
issue bonds not  
exceeding \$25,000.

SECTION 1. That in order to fund the just debt of Granville county, due prior to the first day of January, Anno Domini one thousand eight hundred and eighty-three, and incurred for the necessary expenses thereof, the board of commissioners of said county is hereby authorized to issue bonds not to exceed twenty-five thousand dollars in amount, in denominations of not less than twenty-five, nor more than one hundred dollars, with coupons attached, calling for interest at six per cent. per annum on the principal of said bonds; said coupons to be due and payable the first day of January of each and every year.

Denominations.

Interest.

Coupons.

Bonds to be dated  
January 1st, 1883.

SEC. 2. Said bonds shall be dated as of the first day of January, Anno Domini one thousand eight hundred and eighty-three, and shall run for fifteen years from said date, but shall be payable at the option of the board of commissioners of said county at any time after the first day of January, Anno Domini one thousand eight hundred and eighty-five. They shall be numbered and shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board.

Payable at option  
of commissioners  
after January 1st,  
1885.

Clerk of commis-  
sioners to keep  
record of bonds,  
etc.

SEC. 3. The clerk of said board of county commissioners shall keep a suitable book for the purpose, in which he shall keep a true and accurate account of the number and denominations of each bond issued and the person to whom payable. He shall also keep in said book a true and accurate account of the coupons and bonds which shall be paid or taken up or otherwise cancelled. Said book shall at all times be open to the inspection of any and all the tax payers of the county, and any clerk of said board of county officers, or other person having custody of said book, who shall refuse or wilfully neglect to

Record open to  
inspection.

afford such inspection shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, in the discretion of the court.

Misdemeanor.

SEC. 4. It shall be the duty of the said board of commissioners to examine carefully all claims presented to be funded under this act and to reject any that may be unjust; no claim shall be allowed for more than its full or par value, and the accrued interest thereon, and no creditor whose claim has not been funded shall be entitled to any part of the funds that may be raised by the special tax herein provided for.

Commissioners to examine claims.

Creditor whose claim is not funded not entitled to any part of funds raised under this act.

SEC. 5. To pay the interest on the bonds herein provided for, and to raise a fund sufficient for the payment of the principal, the board of commissioners of said county of Granville is hereby authorized to levy and cause to be collected in the same manner and under the same regulations as other county taxes are required to be levied and collected, a special tax sufficient to pay the said interest and one fifteenth part of the principal of said debt, or they are hereby authorized and empowered to levy and collect more than one fifteenth part of the principal, if in their wisdom and discretion they think it best to pay off the debt at a more rapid rate. And it shall be the duty of the said board of commissioners to apply and use the fund so collected for the payment of the principal of said debt, together with the accrued interest for the satisfaction and payment of the bonds aforesaid, which they are hereby authorized to call in for that purpose at any time after the first day of January, Anno Domini one thousand eight hundred and eighty-five.

Commissioners authorized to levy special tax.

Application of tax.

SEC. 6. The coupons issued under this act as they become due shall be receivable in payment of county taxes, and the sheriff shall so receive them in payment of county taxes when presented by the tax payers of the county.

Coupons receivable in payment of county taxes.

Obligation of Vance county to pay her part of debt of Granville county not impaired by this act.

SEC. 7. This act shall in no wise impair the obligation of Vance county to pay her proportionate part of the debt of Granville county that existed at the time of the passage of the act to lay off and establish the county of Vance.

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

In the general assembly read three times, and ratified this the 2d day of February, A. D. 1883.

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## CHAPTER 73.

An act to incorporate the Wilmington, Chadbourn and Conwayborough Railroad Company.

*The General Assembly of North Carolina do enact :*

Body politic.

Name.

Corporate powers.

SECTION 1. That James H. Chadbourn, George Chadbourn, William H. Chadbourn and James H. Chadbourn, Jr., and their associates and successors, be and they are hereby constituted a body politic and corporate with perpetual succession under the name of the Wilmington, Chadbourn and Conwayborough 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 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 Chadbourn or elsewhere, under such regulations as they may prescribe. The capital stock of the said company shall be two hundred and fifty 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 five 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.

Books of subscription.

Capital stock.

SEC. 2. The said Wilmington, Chadbourn and Conwayborough Railroad Company shall have power to construct and operate a railroad from Chadbourn, in the county of Columbus, to the dividing line between the states of North Carolina and South Carolina, running mainly in the direction of Conwayborough, in South Carolina. And the 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 the capital stock of said company may be made by individuals in money, credits, labor, material, timber, 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.

Route.

Authorized to use wooden or iron rails.

Subscriptions to capital stock.

SEC. 3. Whenever the company and the landowners 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 the powers given in chapter ninety-nine of Battle's Revisal for that purpose: *Provided*, the width of the roadbed shall not extend more than forty feet on each side of the main track: *And provided*, that in the con-

Condemnation of land.

Width of roadbed.

Superior court clerk to have jurisdiction.

demnation of land under the above chapter the clerk of the superior court shall have the jurisdiction heretofore conferred on the superior court by said chapter, and in ascertaining the damages, the advantages and benefits to accrue to such landowner by the construction of said road through his or her land may be taken into consideration: *Provided further*, that only ten days' notice shall be required.

Notice.

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, and may build, operate and use tram, turnpike or other roads to serve the purpose of its convenience in obtaining timber, wood, stone or other material, 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.

Authorized to issue mortgage bonds.

SEC. 5. For the purpose of raising money to accomplish the purpose of this act, said company may at its option make, execute and issue its bonds payable with interest thereon either in United States currency 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 five thousand 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 roadbed, 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 thus executed, may be registered in the county of Columbus, 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.

Registration of mortgage deed.

SEC. 6. 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 manner to hurt or damage or to obstruct or injure said railway, its track, road, 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 for a misdemeanor.

Wilful damage, etc., to road a misdemeanor.

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

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

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## CHAPTER 74.

An act relating to working the public roads in Watanga county.

*The General Assembly of North Carolina do enact:*

SECTION 1. The eleventh section of chapter eighty-two, of the laws of one thousand eight hundred and seventy-nine, is amended by striking therefrom the word Watanga.

Chap. 82, sec. 11, laws 1879, amended.

"Watanga" stricken out.

Chap. 30, sec. 9,  
laws 1880, amend-  
ed.

“Watauga”  
stricken out.

Overseers of roads  
in Watauga  
county compe-  
tent witnesses  
against hands.

Costs, how paid.

SEC. 2. The ninth section of chapter thirty, of the laws of one thousand eight hundred and eighty, is amended by striking therefrom the word Watauga.

SEC. 3. Overseers of roads in Watauga, in suits against their hands for failure to work, may be witnesses as in other counties; and the costs in such cases may be paid, as in other counties, notwithstanding any special laws to the contrary now in force.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

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## CHAPTER 75.

### An act to perfect grants to Cherokee lands.

*The General Assembly of North Carolina do enact:*

Secretary of state  
to insert in body  
of grant number  
of tract or section  
as shown by plot.

SECTION 1. That the secretary of state is hereby directed in the issuing of grants for the Cherokee lands, which have been laid off into sections and numbered, to insert in the body of such grant, the number of the tract or section as shown by the plot describing the same.

In grants hereto-  
fore issued regis-  
ter of deeds to in-  
sert in body of  
grant number of  
tract or section.

SEC. 2. That in all grants heretofore issued for the Cherokee lands, whether the same have been registered or not, in which the number of tract or section is not inserted, the register of deeds of the county in which such lands are situate, is hereby authorized and empowered upon the application of the parties owning such grants, to insert the true number of the tract or section as shown by the plot attached to such grant, in the body of such grant, and in the record, if the same be registered: *Provided*, that no person is in the possession of said tract of

Proviso.

land, claiming to hold the same adversely to such applicant.

SEC. 3. That the register of deeds shall make his entries in the body of said grant, and also in the blank in the record in red ink, and shall also write on the margin of the said grant, and likewise on the margin of the record, in red ink, his initials and the date of the correction as made by himself, which shall be evidence of such alteration by the authority of this act. Duty of register.

SEC. 4. For such service the register of deeds shall receive a fee of ten cents, to be paid by the applicant. Fee of register.

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

In the general assembly read three times, and ratified this 6th day of February, A. D. 1883.

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## CHAPTER 76.

An act to amend chapter seventy-two, laws of one thousand eight hundred and sixty-eight and sixty-nine.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter seventy-two, laws of one thousand eight hundred and sixty-eight and sixty-nine, ratified March eleventh, one thousand eight hundred and sixty-nine, be amended by striking out the words "superintendent of public works," wherever they occur in said chapter, and inserting in lieu thereof the words "chairman of the board of county commissioners of Carteret county." Chap. 72, laws 1868-'9, amended..

Turnpike road in Carteret 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 6th day of February, A. D. 1883.

## CHAPTER 77.

An act to amend chapter thirty-four, laws of special session of one thousand eight hundred and eighty.

*The General Assembly of North Carolina do enact :*

Chap. 34, sec. 1,  
laws 1880,  
amended.

SECTION 1. That section one, chapter thirty-four, laws of special session of one thousand eight hundred and eighty, be amended by striking out all of line thirty-two, commencing at the word "in" down to and including the word "Pacolet," in line thirty-three, and inserting in lieu thereof the words, "in Green river from its mouth to the falls near Isaac Henderson's."

Unlawful to  
maintain dam in  
Green river from  
mouth to falls  
near I. Hender-  
son.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

## CHAPTER 78.

An act to amend section one, chapter two hundred and eighty-eight, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 288, sec. 1,  
laws 1881,  
amended.

SECTION 1. That section first, chapter two hundred and eighty-eight, of the laws of one thousand eight hundred and eighty-one, be amended by striking out the words "or the waters tributary thereto," in the fourth line.

Prohibition as to  
use of seines, etc.,  
in waters tribu-  
tary to Lumber  
river, repealed.

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 6th day of February, A. D. 1883.

## CHAPTER 79.

An act for the relief of Nathaniel R. Jones, former sheriff of Warren county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Nathaniel R. Jones, former sheriff of Warren county, be and is hereby authorized to collect the arrears of taxes due the said Nathaniel R. Jones for the years one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four, 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, one thousand eight hundred and eighty, and one thousand eight hundred and eighty-one, and for that purpose he may appoint one or more persons to make said collections under the same rules and regulations as are prescribed by law for the regular collection of taxes, and the power and authority hereby granted shall cease on the first day of January, Anno Domini one thousand eight hundred and eighty-four.

Authorized to collect arrears of taxes for 1873 to 1881 inclusive.

Authority to cease January 1st. 1884.

SEC. 2. *Be it further enacted,* that when any person shall allege that he has paid his taxes, or any part thereof, for either of the years above mentioned and has lost his receipt given for such payment, then the said N. R. Jones shall have the right to give notice to such party to appear before some justice of the peace of the said county of Warren and show cause why judgment shall not be rendered against him for the amount of his taxes for either one or more of said years. The said notice shall be returnable at some place in said county not less than five days from the service thereof, and on the trial of the issues between the parties the same rules of evidence shall prevail as in other trials of law.

Proceeding against persons who alleges payment and loss of receipt.

Provision of act to extend to that portion of Vance county formerly included in Warren county.

Proviso.

SEC. 3. *Be it further enacted*, that the said N. R. Jones shall have the same powers, rights and authority for the collection of arrearage of taxes for the said years in that portion of the present county of Vance which formerly constituted a part of Warren county as are by this act given and conferred for the collection of arrearages of taxes in the county of Warren: *Provided, however*, that all proceedings under the second section of this act which shall be had against any person residing in said Vance county, shall be had and maintained before some justice of the peace in and for said county of Vance, and not before a justice of the peace in and for said Warren county.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

## CHAPTER 80.

An act to amend chapter two hundred and sixty of 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 two hundred and sixty, of the laws 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 inserting after the words "Rountree's church, in Pitt county," the words "east of Little Contentnea creek," so as to make said section read, "Rountree's church, in Pitt county, east of Little Contentnea creek."

Chap. 260, laws 1876-7, amended.

Rountree's church in Pitt 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 6th day of February, A. D. 1883.

## CHAPTER 81.

An act to amend section one, chapter one hundred and twenty-seven, 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 twenty-seven, laws of one thousand eight hundred and seventy-nine, be and is hereby amended by adding in line five of section one, after the word "knuckles," the word "razor."

Chap. 127, sec. 1,  
laws 1879,  
amended.

Unlawful to carry  
concealed razor.

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 6th day of February, A. D. 1883.

## CHAPTER 82.

An act to amend section twenty-six, chapter two hundred, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty-six of chapter two hundred of laws of one thousand eight hundred and eighty-one, be so amended as to allow the committee of school

Chap. 200, sec. 26,  
laws 1881,  
amended.

Repairs on male and female academies in school district No. 4, Lincoln county.

district number four (white), Lincolnton township, Lincoln county, to give orders for repairs in the two academies known in said district as the male and female academies; and that the orders of said committee shall be paid out of the funds apportioned to said district, number four (white), by the treasurer of the county board of education of Lincoln 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 6th day of February, A. D. 1883.

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## CHAPTER 83.

An act to amend the landlord and tenant act.

*The General Assembly of North Carolina do enact:*

Chap. 283, sec. 6, laws 1876-'7, amended.

SECTION 1. That chapter two hundred and eighty-three, of the laws of one thousand eight hundred and seventy-six, and seventy-seven, section six, shall be and the same is hereby amended by adding the following: and if any landlord shall unlawfully, wilfully, knowingly and without process of law, and unjustly seize the crop of his tenant when there is nothing due him, he shall be guilty of a misdemeanor.

Unlawful seizure by landlord of tenant's crop.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

## CHAPTER 84.

**An act to amend section one, chapter two hundred and thirty-four, laws of one thousand eight hundred and eighty-one.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter two hundred and thirty-four, laws of one thousand eight hundred and eighty-one, be and is hereby amended by adding after the last word of said section, "Chapel Hill M. E. Church South, Iredell county." Chap. 234, sec. 1,  
laws 1881,  
amended.  
  
Chapel Hill  
church, Iredell  
county.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

## CHAPTER 85.

**An act to authorize the county commissioners of Cherokee county to issue bonds, and for other purposes.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of settling the outstanding indebtedness of Cherokee county, the board of commissioners of said county, with the approval of the board of justices first had and obtained, are hereby authorized and empowered to issue coupon bonds to an amount not exceeding nine thousand dollars, in denominations not less than twenty-five dollars nor more than five hundred 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 day of April in each and every year. Commissioners  
authorized, with  
approval of board  
of justices, to  
issue bonds not  
exceeding \$9,000.

Bonds, how issued.

SEC. 2. Said bonds shall be dated as of the first day of April, one thousand eight hundred and eighty-four, and shall be due ten years after date, that is to say, on the first day of April, one thousand eight hundred and ninety-four: *Provided*, that the commissioners may retire any portion or all of said bonds at any time before maturity. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds. Said register of deeds shall keep a suitable book for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and to whom payable; and he shall also keep an accurate account of the coupons and the bonds which shall be paid, taken or otherwise canceled, so that the true state of the bonded debt herein provided for can be readily seen and ascertained. Said books shall at all times be open to the inspection of any tax payer of the county, and any register of deeds or other county officer having the custody of said books who shall refuse or willfully neglect to afford such inspection shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not less than one month or more than two months, in the discretion of the court.

Register of deeds to keep record of bonds, etc.

Open to inspection.

Misdemeanor.

Coupons receivable for county taxes.

SEC. 3. That the coupons provided for in this act shall be receivable in payment of county taxes.

Bonds not to be sold for less than par.

SEC. 4. That said bonds shall not be sold for less than their par value.

Commissioners authorized to levy special tax.

SEC. 5. That for the purpose of paying the coupons and for creating a sinking fund for the payment of the bonds herein provided for, the commissioners of Cherokee county, with the consent of the board of justices first had and obtained, are hereby authorized and empowered to levy a special tax of twenty-five cents on the one hundred dollars' worth of property, personal and real, for a period not to exceed ten years or until said bonds are retired under the provisions of this act: *Provided*, the constitu-

tional equation between the property and the poll shall be observed. Said special taxes shall be collected as other taxes and applied only as set forth in this section.

SEC. 6. That should the county commissioners fail to issue bonds under the provisions of this act, then in that case said commissioners, with the consent of the board of justices first had and obtained, are hereby authorized and empowered to levy a special tax of ten cents on the one hundred dollars' worth of property, personal and real, observing the constitutional equation between the property and the poll, for two years only, for the purpose of paying the interest on that part of the county indebtedness which is or shall become within the time interest-bearing. Said taxes to be collected as other taxes.

Commissioners authorized to levy special tax in case of failure to issue bonds.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

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## CHAPTER 86.

An act to pay witnesses in criminal actions in justices' courts.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in all criminal actions of which justices of the peace have final jurisdiction, witnesses attending the courts of justices of the peace, under subpoena, shall receive fifty cents per day: *Provided*, that the party cast shall not be obliged to pay for more than two witnesses subpoenaed, to prove any one material fact, and provided no prosecutor or complainant shall be required to pay any costs, unless the justice shall find that the prosecution was malicious and frivolous.

Witnesses in criminal actions before justice entitled to fifty cents per day.

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 6th day of February, A. D. 1883.

## CHAPTER 87.

An act to amend chapter twenty-six, section forty-five, of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section forty-five, chapter twenty-six, Battle's Revisal, be amended by adding thereto the following proviso, viz: *Provided*, that the provisions of this section shall not apply to dirt turnpike roads, or to bridges over non-navigable 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 6th day of February, A. D. 1883.

## CHAPTER 88.

An act to amend section twenty, chapter sixty-five of Battle's Revisal, relating to enforcement of agricultural liens.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty, chapter sixty-five of Battle's Revisal, be and the same is hereby amended by inserting after the word "are" in the third line of said section, the words, "that the amount secured by said

Chap. 26, sec. 45,  
Battle's Revisal,  
amended.

Dirt turnpike  
roads and bridges  
over non-naviga-  
ble streams ex-  
empt from incor-  
poration tax.

Chap. 65, sec. 20,  
Battle's Revisal,  
amended.

lien for such advances, or any part thereof, is due and unpaid; and after the word "made," in line fourth of said section, the words, "or any other person having the said crop in his possession."

Issuance of warrant for seizure of crop.

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 6th day of February, A. D. 1883.

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## CHAPTER 89.

An act to reduce the number of the jury in the allotment of dower.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section forty-two of chapter ninety-three of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended by striking out the word "five" in the second line of said section, and inserting in lieu thereof the word "three."

Chap. 93, sec. 42, laws 1868-'9, amended.

Jury reduced to three.

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 6th day of February, A. D. 1883.

## CHAPTER 90.

An act to amend chapter two hundred and five, of laws of one thousand eight hundred and fifty-two, relating to the charter of the town of Clinton, Sampson county.

*The General Assembly of North Carolina do enact :*

Chap. 205, sec. 1,  
laws 1852,  
amended.

SECTION 1. That section one, of chapter two hundred and five, of the laws of eighteen hundred and fifty-two, be amended by inserting after the word "town," the following words, "and for the protection of property therein from fire."

Sec. 2 amended.

SEC. 2. That section two of said chapter be amended by adding after the last word thereof the following words:

Extension of cor-  
porate limits.

"*Provided*, that the limits thereof may be extended if twenty-five voters of said town shall petition for the same, prescribing in their petition the proposed limits and boundaries thereof, and if a majority of the qualified voters thereof shall favor the same, after an election ordered therefor by the town commissioners, has been held as required by law for the election of officers of said town."

Sec. 2. amended.

SEC. 3. That section two of said chapter, be amended by adding after the last word thereof, the following words:

Special police-  
men.

"the mayor of said town shall have the right to appoint special policemen at any time, for the protection of property and the preservation of the peace."

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 6th day of February, A. D. 1883.

## CHAPTER 91.

## An act to incorporate the Rutherford Railway Construction Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of constructing a railroad from Rutherfordton, in Rutherford county, North Carolina, by way of Forrest City to the South Carolina line, either in the direction of Spartanburg, South Carolina, or Gafney City, South Carolina, or by way of Forrest City to Shelby and Whitaker, North Carolina, or to King's Mountain or Gastonia, North Carolina, by way of Shelby, as may be most practicable, Dr. T. B. Twithy, L. F. Churchill, R. W. Logan, J. E. Wood, W. G. Trout, M. H. Justice, J. B. Blanton, N. H. Hampton, J. W. Morgan, D. Bevin, A. J. Scoggin, N. Young, Jane Andrews, Martin Walker, A. W. Haynes, J. H. Bradley, G. W. Logan, Dr. G. E. Young, H. B. Wilson, E. Whisenant, J. E. McFarland, G. B. Privit, L. Holland, J. B. Eaves, J. A. Keener, Barney McMahan and John Y. McEntire, and their associates, successors and assigns, are hereby constituted a company and incorporated under the name and style of "The Rutherford Railway Construction Company," with a capital stock of five hundred thousand dollars, with the privilege of increasing the same to two million dollars, which shall have a corporate and perpetual succession as a body politic, and by that name may sue and be sued, plead and be impleaded in any court in North Carolina, and may have and use a common seal and shall be capable of purchasing, holding, leasing and conveying estate real, personal and mixed, and acquiring the same by gift or devise so far as may be necessary for the purpose herein contemplated, and the said company may enjoy all the rights and immunities which other railroad corporations may lawfully exercise under the general corporation laws

Purposes of corporation.

Body politic.

Name.

Capital stock.

Corporate powers.

of North Carolina, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution of North Carolina and the United States.

Subscription to capital stock.

SEC. 2. That the capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations in shares of fifty dollars each, which may be in lands, timber, work or money as may be stipulated.

Books of subscription to be opened.

SEC. 3. It shall be the duty of J. W. Morgan, Barney McMahan, T. B. Twithy, L. F. Churchill, and R. W. Logan to call a meeting of the incorporators named in the first section of this act, at such time and place as they may deem expedient, and the corporators who may meet under said call, a majority not being required or necessary, shall appoint the commissioners to open books of subscription, at such times and places as to them shall seem best, with power to reject subscriptions not made for the *bona fide* purpose of securing the completion of a railroad to Rutherfordton as hereinbefore provided, and that after the sum of fifty thousand dollars has been subscribed to the capital stock of said company, the said commissioners shall call together the subscribers to said stock for the purpose of completing the organization of said company, and the said subscribers shall be, and they are hereby incorporated into a company by the name of "The Rutherfordton Railway Construction Company."

Completion of organization.

Stockholders' meetings.

SEC. 4. That said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and annual meetings subsequent thereto, the stockholders shall elect thirteen directors to hold office for one year or until their successors are elected: *Provided*, that in all such meetings, a majority of the stock subscribed shall be represented in person or by proxy, and each share there represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number as a president of said company, and to fill all vacancies in the boards.

Directors.

Proviso.

SEC. 5. That after the company has been organized as aforesaid, the board of directors shall proceed to locate and have constructed as speedily as possible, on the route they may find most practical, a railroad in accordance with the provisions of the first section of this act.

Location and construction of road.

SEC. 6. That said company may assign or lease their franchise and their rights in said road to any person, persons or corporation having for their object the completion of a railroad to Rutherfordton, or may contract with any person, persons or corporation for the completion of a railroad to Rutherfordton; and may consolidate with any railroad company for the purpose of completing or extending said road or facilitating the operation thereof.

Authorized to assign or lease road.

To consolidate with another road.

SEC. 7. That said company shall have power to use and enforce the payment of stock subscribed, and to condemn lands for the use of the company when a contract of purchase cannot be made with the owners thereof, to the same extent, in the same manner and under the same rules, regulations and restrictions as the North Carolina Railroad Company was authorized to do by act of incorporation.

Authorized to enforce payment of stock subscriptions and to condemn lands.

SEC. 8. That the president of said company, under the instructions of the board of directors, shall issue certificates of stock to the stockholders, which shall be transferable by the laws of the company, and that the gauge of said road shall be such as the board of directors may prescribe.

Certificate of stock.

SEC. 9. That this corporation shall have power from time to time to borrow such sums of money as may be necessary for the completing and furnishing or operating their said road, and to issue and dispose of bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt so contracted by the said company for the purpose aforesaid. The said mortgage when duly executed shall be registered in the register's office of the county of Ruth-

Authorized to issue mortgage bonds.

Registration of mortgage.

erford, and registration in said county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding.

Special election in Rutherford county upon question of transfer of \$50,000 county subscription to Rutherford and Spartanburg R. Co. to this road, an additional subscription of \$50,000.

SEC. 10. That upon the written request of one-fifth of the qualified voters of the county of Rutherford the board of commissioners of said county shall cause an election to be held at the several precincts of said county, for the purpose of submitting to the qualified voters thereof the question whether the subscription of fifty thousand dollars voted by said county on the seventh day of August, one thousand eight hundred and eighty-one, to the Rutherford and Spartanburg Railroad may or may not be transferred and subscribed to the capital stock of "The Rutherford Railway Construction Company," and also at the same time the question of subscribing an additional fifty thousand dollars to the capital stock of said "Rutherford Railway Construction Company."

Upon affirmative vote, county R. R. agents to transfer subscription.

SEC. 11. That if a majority of the qualified voters of Rutherford county at said election shall vote for "transfer," then the railroad agents for said county, appointed by the commissioners to control the subscription voted to the Rutherford and Spartanburg Railroad the seventh day of August, one thousand eight hundred and eighty-one, shall be authorized to subscribe said fifty thousand dollars to the capital stock of "The Rutherford Railway Construction Company," and shall pay said subscription to said company in such manner as said agents shall believe to be best to promote and advance the construction and completion of said railroad.

Upon affirmative vote, county R. R. agents to make additional subscription.

SEC. 12. And if a majority of the qualified voters of said county, at said election as aforesaid, shall vote for "subscription," then the said agents aforesaid shall be authorized to subscribe the additional fifty thousand dollars thus voted for to the capital stock of said "Rutherford Railway Construction Company" in like manner as provided in section eleven of this act.

SEC. 13. In payment of said subscriptions as provided for in sections eleven and twelve, the commissioners of Rutherford county shall issue bonds in the name of said county in the sum of one hundred dollars each, running not exceeding twenty years from date, and bearing interest at the rate of six per cent. per annum, payable annually, to be signed by the chairman of the board of county commissioners, and countersigned by the register of deeds for Rutherford county, and attested by the seal of said county, evidenced by coupons on said bonds, and deliver the same to the agents aforesaid to be appropriated as aforesaid.

County commissioners to issue bonds.

SEC. 14. 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 in each year, compute and levy upon all the property in said county, a special tax to pay said interest and to provide a sinking fund equal to three per centum of the original principal of said bonds, which amount shall be annually collected and paid over to the county treasurer of said county, and invested by him in said bonds at par; and the amount of taxes collected for interest shall be paid to said county treasurer and used by him in the prompt and regular payment of the coupons on said bonds. That said coupons shall be receivable in payment of taxes levied under the provisions of this act. And the authority to transfer the fifty thousand dollars heretofore voted by Rutherford county, and should the county vote an additional fifty thousand dollars as herein provided, the vote of the people shall be authority empowering the commissioners of Rutherford to levy a special tax to pay interest and principal as hereinbefore provided.

County commissioners to levy special tax.

Coupons receivable in payment of special tax.

SEC. 15. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

## CHAPTER 92.

An act to authorize the Virginia and Carolina Railroad and the Palmetto Railroad Companies to construct and operate their roads within the limits of this state.

*The General Assembly of North Carolina do enact:*

Virginia and Carolina R. R. Co. incorporated.

SECTION 1. That the "Virginia and Carolina Railroad Company," chartered by the general assembly of the state of Virginia, February —, one thousand eight hundred and eighty two, be and the same is hereby declared a body politic and corporate within the limits of this state, and authorized to extend, construct, equip and operate its road from any point on the Virginia line to such point on the Raleigh and Gaston Railroad as shall be found in their judgment meet and practicable; and for this purpose the said Virginia and Carolina Railroad Company is hereby invested as a corporation, with all the rights, powers and privileges conferred by chapter one hundred and thirty-eight, acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, upon railroad companies organized under said act, which said act is brought forward in Battle's Revisal, chapter ninety-nine, and subject to the same conditions and restrictions, except so far as may be inconsistent with the provisions of this act or otherwise inapplicable to the work herein authorized.

Route;

Corporate powers.

Palmetto R R. Co. incorporated.

SEC. 2. That the Palmetto Railroad Company, chartered by the general assembly of the state of South Carolina, December twenty-first, one thousand eight hundred and eighty-two, be and the same is hereby declared a body politic and corporate within the limits of this state, and authorized to extend, construct, equip and operate its road from any point on the South Carolina line to such point on the Raleigh and Augusta Air-Line Railroad as shall be found in their judgment meet and practicable; and for this purpose the said Palmetto Railroad

Route.

Company is hereby invested as a corporation with all the rights, powers and privileges conferred by chapter one hundred and thirty-eight, acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, on railroad companies organized under said act, which said act is brought forward in Battle's Revisal, chapter ninety-nine, and subject to the same conditions and restrictions, except so far as may be inconsistent with the provisions of this act or otherwise inapplicable to the work herein authorized.

Corporate powers.

SEC. 3. That the said companies are hereby authorized to organize at such time and place, and in such manner as they may deem best, and to secure subscriptions to their capital stocks, payable in money, labor, lands or material, as may be agreed between either of said companies and such subscribers, but no individual liabilities shall attach to any stockholder. And that said companies may make such agreements and adopt and maintain such business and property relations with any other railroad companies as shall be judged by said railroad companies respectively as best calculated to advance and secure their interests, not inconsistent with the laws of North Carolina and the rights of her citizens, to which end full authority is hereby granted to said companies or any of them so agreeing.

Organization.

Subscriptions to capital stock.

Agreements with other roads.

SEC. 4. 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 February, A. D. 1883.

## CHAPTER 93.

An act making indictable the felling of trees in Muddy Fork creek, in Cleveland county.

*The General Assembly of North Carolina do enact :*

Unlawful to fell trees in Muddy Fork creek, Cleveland co.

SECTION 1. That it shall be unlawful for any person to fell or cause to fall any tree into Muddy Fork creek, in Cleveland county.

Misdemeanor.

SEC. 2. That if any person shall offend against the provisions of this act, or shall incite or procure any other person so to do, he or she shall be guilty of a misdemeanor, and upon conviction, shall be fined at the discretion of the court.

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 7th day of February, A. D. 1883.

## CHAPTER 94.

An act to amend section three, chapter two hundred and sixteen, 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 :*

Chap. 216, sec. 3, laws 1876-'7, amended.

SECTION 1. That section three of chapter two hundred and sixteen, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by inserting after the word "order," and before the word "but," in the third line, the following: "on any day except Sunday and legal holidays, after advertising the same as required by law."

Sale of real estate under order of court.

SEC. 2. That all rules made contrary to the provisions of said section three, but in all other respects regular, shall be valid.

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 7th day of February, A. D. 1883.

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## CHAPTER 95.

An act to allow the commissioners of Nash county to borrow money and levy a special tax to pay the same.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Nash be and they are hereby authorized to borrow a sum of money not to exceed ten thousand dollars, for the purpose of building a county jail, and a public bridge across Tar river, at the falls of said river.

Authorized to borrow not exceeding \$10,000, to build jail and bridge over Tar river.

SEC. 2. That to secure the sum so borrowed by them, they are authorized and empowered to issue county bonds of the denomination of one hundred dollars; said bonds shall bear interest from date at six per cent., and shall mature on or before the first day of January, one thousand eight hundred and eighty-seven, but shall be payable at the option of the board of commissioners of said county at any time.

Authorized to issue county bonds.

SEC. 3. To pay the principal and interest of said bonds, the board of commissioners of Nash county is hereby authorized to levy and cause to be collected, in the same manner and under the same regulations as other county taxes are required to be levied and collected, a special tax sufficient to pay one-third of the principal and accrued interest on said bonds each year, till a sufficient sum has

Authorized to levy special tax.

been levied and collected to pay said bonds and accrued interest in full.

Fund collected to be applied to payment of bonds.

SEC. 4. It shall be the duty of the said board of commissioners to apply and use the funds collected, to the payment of said bonds as fast as they are collected and paid in.

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 7th day of February, A. D. 1883.

## CHAPTER 96.

**An act to authorize the county treasurer of Caswell county to pay certain claims.**

Preamble.

WHEREAS, in the county of Caswell, prior to the year one thousand eight hundred and eighty-two, certain persons taught public schools under the employment of school district committeemen, and,

WHEREAS, when the claims of such persons were presented for payment there was no money in the county treasury belonging to said districts to pay off and discharge the same; therefore,

*The General Assembly of North Carolina do enact:*

Claims of school teachers for services prior to January, 1883, authorized to be paid.

SECTION 1. That all persons in the county of Caswell who prior to the first day of January, one thousand eight hundred and eighty-three, taught public schools under the employment of school committeemen, may present their claims, as approved by said committeemen, to the board of county commissioners of Caswell county, and have the same audited, and when so audited, the treasurer of the county of Caswell is hereby authorized to pay the same out of any school funds in his hands belonging

to the districts wherein such schools were taught, and take a receipt for the same, which receipt shall be a proper voucher in his hands in his settlement with the proper officer of his school accounts.

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 February, A. D. 1883.

## CHAPTER 97.

An act to prevent the felling of timber in Three Top creek, in the county of Ashe.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person or persons cutting timber and leaving the same within high-water mark on the waters of Three Top creek shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not more than thirty days.

Misdemeanor to cut and leave timber within high water mark.

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 9th day of February, A. D. 1883.

## CHAPTER 98.

An act to prevent the felling of trees in North Hunting creek, in Iredell county.

*The General Assembly of North Carolina do enact :*

Unlawful to fell trees, etc., in North Hunting creek below high water mark.

SECTION 1. That it shall be unlawful for any person to fell any tree or place any other obstruction in the waters of North Hunting creek, or on the banks of said creek below high-water mark, or in the channel thereof, and permit the same to remain for the space of five days between that point where the said creek comes into Yadkin county to where it empties into South Hunting creek.

Misdemeanor.

SEC. 2. If any person shall violate the first section of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined at 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 9th day of February, A. D. 1883.

## CHAPTER 99.

An act to amend chapter one hundred and forty-three of the public 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 :*

Chap. 143, sec. 3,  
laws 1876-'77,  
amended.

SECTION 1. That section three of chapter one hundred and forty three, of the public laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out of

lines eight and nine, the words "not exceeding six hundred dollars per annum."

Salary of clerk of board of audit and finance of Wilmington.

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 February, A. D. 1883.

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## CHAPTER 100.

An act to authorize and empower the trustees of the Supreme Court library to appoint a librarian and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the justices of the supreme court and their respective successors in office, be and they are hereby appointed trustees of the supreme court library, and all moneys appropriated for its increase shall be paid out under their direction and supervision. The justices aforesaid shall have charge of the court library and may, in their discretion, employ a librarian, who shall perform his duties under such rules and regulations, and shall receive such compensation as may be prescribed by such trustees.

Justices of supreme court created trustees of supreme court library.

Authorized to employ librarian.

SEC. 2. That the said trustees of the supreme court library are hereby authorized to employ such person as may be by them appointed or selected to act as librarian for the supreme court at a salary not to exceed the sum of three hundred dollars per annum.

Salary of librarian.

SEC. 3. That all claims for such service shall be audited and approved by the auditor, and the same shall be paid by the treasurer of the state upon the warrant of the auditor.

Claims to be audited, etc.

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

Conflicting laws 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 February, A. D. 1883.

## CHAPTER 101.

An act to amend section ten, chapter sixty-five, Battle's Revisal.

*The General Assembly of North Carolina do enact :*

Chap. 65, sec. 10,  
Battle's Revisal,  
amended.

Action on me-  
chanic's lien to  
be instituted  
within twelve  
months.

SECTION 1. That chapter sixty-five, section ten, Battle's Revisal, be amended by striking out the word "six" in the third line of said section, and inserting in lieu thereof the word "twelve."

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 February, A. D. 1883.

## CHAPTER 102.

An act to amend section three hundred and sixty-nine of the original Code of Civil Procedure, being also section three hundred and sixty-nine of chapter seventeen of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

C. C. P., sec. 369,  
amended.

Arrest of defend-  
ant in action for  
usurping an  
office.

SECTION 1. That the section as cited in the title be amended by striking out the word "supreme" in the ninth line of said section, and inserting in lieu the word "superior."

Order of arrest.

SEC. 2. That the word "may," in the eighth line of said

section, be stricken out, and the word "shall" be inserted in lieu thereof.

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

In the general assembly read three times, and ratified this the 9th day of February, A. D. 1883.

### CHAPTER 103.

An act to amend the acts of one thousand eight hundred and eighty-one, chapter four.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter four, acts of one thousand eight hundred and eighty-one, be amended by inserting after the word "telegraph" in second and third lines, the words "or telephone."

Chap. 4, sec. 1, laws 1881, amended.

Wilful injury to telephone pole, etc., a misdemeanor.

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 February, A. D. 1883.

### CHAPTER 104.

An act to allow the board of commissioners of Jones county to change the place of their meetings from the town of Trenton.

WHEREAS, the small-pox is now raging in the town of Trenton, in the county of Jones; and,

Preamble.

WHEREAS, by law the board of commissioners of said

county can only meet at the county seat for the transaction of business; therefore,

*The General Assembly of North Carolina do enact :*

Commissioners of Jones county authorized to meet elsewhere than at Trenton.

SECTION 1. That the board of commissioners of said county shall be and they are hereby authorized and empowered to meet at the town of Pollocksville, or such other place in the county of Jones as the chairman may designate, for the purpose of transacting the business of said county; and all their acts shall have like power and effect as though they met at the town of Trenton.

How long authority to exist.

SEC. 2. This power shall remain with said board only so long as necessary for the public health of said 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 9th day of February, 1883.

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## CHAPTER 105.

### An act to facilitate the construction of the Newbern and Beaufort Canal.

Preamble.

WHEREAS, the Newbern and Beaufort Canal Company have commenced and are now prosecuting the construction of its canal which, when opened, will provide a communication by water between the city of Newbern and the waters of Beaufort harbor, and will also provide a convenient communication by water between all the inland waters of the eastern part of the state and Beaufort harbor, and it is a matter of public interest to the people of this state that the said canal should be constructed as speedily as possible; therefore

*The General Assembly of North Carolina do enact :*

SECTION 1. That the governor of this state and his council be and they are hereby authorized and empowered to transfer, assign and deliver to the Newbern and Beaufort Canal Company the twenty-five hundred shares of the capital stock of the Albemarle and Chesapeake Canal Company now owned and held by this state, so that the said stock, or the proceeds of the sale thereof, may be used by the said Newbern and Beaufort Canal Company in the construction of the said canal: *Provided, however,* that before the transfer and delivery of the said stock, the said Newbern and Beaufort Canal Company shall enter into an agreement or contract which shall be satisfactory to the governor and his council that the said canal shall be opened for navigation by the first day of January, Anno Domini one thousand eight hundred and eighty five.

Governor and council authorized to transfer to the Newbern and Beaufort Canal Company the state's stock in the Albemarle and Chesapeake Canal Company.

Proviso.

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

In general assembly read three times, and ratified this the 10th day of February, A. D. 1883.

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## CHAPTER 106.

An act to authorize the board of county commissioners of Currituck county to levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Currituck county be and they are hereby authorized in their discretion, and if deemed by them expedient, to levy a special tax not exceeding the sum of thirty-five hundred dollars, to build a county almshouse.

Authorized to levy a special tax not exceeding \$3,500, to build almshouse.

Constitutional  
equation to be  
observed.

SEC. 2. That in levying the same the provisions of the constitution shall in all respects be observed, and that the said money when raised shall not be applied to any other purpose than that recited in the first section.

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 February, A. D. 1883.

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### CHAPTER 107.

An act to amend section first, chapter three hundred and eighteen, of the laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

Chap. 318, sec. 1,  
laws 1879,  
amended.

SECTION 1. That section first, of chapter three hundred and eighteen of the laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended by striking out the word "south," in lines three and four, and inserting the word "north" therefor. Also amended by inserting after the word "to," in line fourth, the words, "the middle of Sand Hole Island, thence directly across to the south side of the Red Hill road, thence along the south edge of said road to." Also amended by striking out the whole of the proviso in said section.

Boundary line  
between Bladen  
and Columbus  
counties.

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 February, A. D. 1883.

## CHAPTER 108.

An act to amend an act entitled salaries and fees.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and thirty-nine, section five, laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, as brought forward in Battle's Revisal, chapter one hundred and five, section twenty-two, be so amended as to read as follows: "that constables for all services be allowed the same fees as allowed by law to sheriffs."

Chap. 105, sec. 22,  
Battle's Revisal,  
amended.

Fees of constables.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 109.

An act to prevent the erection of artificial islands in certain waters of the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to erect artificial islands or lumps in any of the waters of the state east of the Wilmington and Weldon Railroad and Petersburg and Weldon Railroad.

Erection of artificial islands prohibited east of W. & W. and P. & W. Railroads.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor.

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

In the general assembly read three times, and ratified the 13th day of February, A. D. 1883.

## CHAPTER 110.

## An act for the protection of crops in certain localities.

*The General Assembly of North Carolina do enact :*

Chap. 9, laws 1881,  
repealed.

SECTION 1. That chapter nine of the laws of one thousand eight hundred and eighty-one shall be and the same is hereby repealed.

Unlawful for  
owner, &c., to  
permit live stock  
to run at large.

SEC. 2. 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, goats, or neat cattle of any description, to permit the said animals to run at large beyond the limits of his own land.

Act applicable to  
a section of Cra-  
ven county.

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, the 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 to Neuse river.

Fence commis-  
sioners.

SEC. 4. That Henry R. Bryan, Richard P. Williams, Jesse Brooks, Isaac Forbes, J. A. Meadows and J. J. Wolfenden, shall be and they are hereby appointed fence commissioners, with power to contract for the erection and maintenance of a good and substantial fence, at least five feet high, upon the line mentioned in section three, with gates at every crossing of a public road; that they hold their offices during good behavior, and upon a vacancy occurring by death, resignation or otherwise, such vacancy may be filled by the remaining commissioners, or in default thereof by the county commissioners of Craven county.

Vacancies.

Fence commis-  
sioners to report  
to county com-  
missioners.

SEC. 5. That it shall be the duty of the fence commissioners to report annually to the August meeting of the board of commissioners of Craven county the condition of the said fence and the gates, the cost of building and of its repairs the preceding year, and their estimate of

its costs 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, according to the taxable value thereof, to raise such sums as said fence commission shall report as necessary, which taxes shall be collected by the sheriff of Craven county at the same time and in the same manner and under the same regulations as he now collects the state taxes, and he shall pay over the same, less the usual commissions, to the chairman of the fence commission: *Provided*, only the farming lands, and not the enclosed lots in James City, shall be subject to said tax.

County commissioners to levy tax.

Sheriff to collect tax.

Proviso.

SEC. 6. That it shall be the duty of said fence commissioners to keep said fence and the gates thereon at all times in good and sufficient repair and five feet high, and upon failure to do so they shall be deemed guilty of a misdemeanor.

Fence commissioners to keep fence, etc., in repair and five feet high.

Misdemeanor..

SEC. 7. That it shall be the duty of said commissioners to keep the fence and the gates in good order, and that they shall have power to do so by contracting for material and employing hands under their supervision, or by letting the same out to contract by public bidding at the court house after thirty days' advertisement.

Fence commissioners to keep fence and gates in good order.

SEC. 8. The fence commissioners shall elect a chairman, who shall execute a justified bond in the sum of five hundred dollars, payable to the state on behalf of said commissioners, conditioned for the faithful application and expenditure of all moneys received by him to the construction and repair of said fence and gates, and upon default therein it shall be the duty of the board of commissioners of Craven county to remove said defaulting commissioner and to allow the other commissioners to elect his successor, and they shall also sue his bond and pay over the proceeds to said fence commissioners.

Chairman of fence commissioners.

SEC. 9. It shall be unlawful to injure or destroy said fence or gates, or for any person to leave the same open, except by resolution of said fence commissioners, and

Misdemeanor to injure, etc., fence or gates.

every person so offending shall be guilty of a misdemeanor.

Misdemeanor to permit live stock to run at large.

SEC. 10. Any person who shall knowingly or wilfully permit his live stock to run at large off of his land within said territory, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding thirty dollars.

Lawful for any person to impound live stock running at large.

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 for cash at public auction at the court house door in Craven county, 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-five cents a day for the feed and care of the same while impounded, after payment of one dollar and costs to the justice, the balance shall be paid to the owner of the stock.

Fees.

Patent gates or gate-keeper required.

SEC. 12. Said commissioners shall either have a patent gate, opening by pulling a lever, or a gate-keeper at every public road.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

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## CHAPTER 111.

An act to more effectually prevent the removal of a joint fence.

*The General Assembly of North Carolina do enact:*

SECTION 1. That if any owner of land liable to contribute for the keeping up of a division fence, shall determine neither to cultivate his land nor permit his stock

When land-owner authorized to remove his half of joint fence.

to run thereon, he may give the adjoining owner three months' notice of his determination; and in that case, at any time after the expiration of such notice, and between the first day of January and the first day of March, but at no other time, he may remove the half of the fence kept up by himself, and shall be no longer liable to keep up the same.

SEC. 2. That if any person shall remove any part of such fence as is described in the first section of this act, contrary to the provisions of said section first of this act, he shall be deemed 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 13th day of February, A. D. 1883.

## CHAPTER 112.

An act for the protection of fish in the Neuse and Trent rivers and their tributaries.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one-hundred and forty-six, of the laws of one thousand eight hundred and eighty-one, shall be and the same is hereby amended by striking out the word "meshes" in the second line of the first section of said act, and inserting in lieu thereof the word "bars."

Chap. 146, laws  
1881, amended.

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

Use of drag nets,  
seines, etc.

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 113.

An act to repeal certain local prohibition laws in the county of Perquimans.

*The General Assembly of North Carolina do enact :*

Chap. 150, laws  
1872-'73, repealed.

SECTION 1. That chapter one hundred and fifty, of laws of one thousand eight hundred and seventy-two and seventy-three, ratified March third, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

Windfall.

Chap. 232, sec. 1,  
laws 1879,  
amended.

SEC. 2. That section one of chapter two hundred and thirty-two, of laws of one thousand eight hundred and seventy-nine, be amended by striking out the following words, to wit: "all the churches in Perquimans county except those within the corporate limits of the town of Hertford."

Churches in Per-  
quimans county.

Chap. 234, sec. 3,  
laws 1881,  
amended.

SEC. 3. That section three of chapter two hundred and thirty-four, laws of one thousand eight hundred and eighty-one, be amended by striking out the words "New Hope church, in the county of Perquimans."

New Hope  
church.

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 13th day of February, A. D. 1883.

## CHAPTER 114.

An act to change the time of holding the superior courts in the counties of Gaston, Cleveland, Rutherford and Polk.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the terms of the superior courts for Gaston county shall continue for two weeks.

Gaston county.

SEC. 2. That the terms of the superior courts for Cleveland county shall begin on the seventh Monday after the fourth Monday in March and September in each year.

Cleveland county.

SEC. 3. That the terms of the superior court for Rutherford county shall begin on the ninth Monday after the fourth Monday in March and September in each year.

Rutherford county.

SEC. 4. That the terms of the superior court for Polk county shall begin on the eleventh Monday after the fourth Monday in March and September in each year.

Polk county.

SEC. 5. That all precepts and other legal proceedings in civil and criminal actions which have been already issued, or which may hereafter be issued, returnable to the said 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 in this act.

Process, etc., how returnable.

SEC. 6. That this act shall take effect from and after the first day of April, one thousand eight hundred and eighty-three.

When act to take effect.

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

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CHAPTER 115.

An act to secure the better drainage of the lowlands of South Fork creek and its tributaries in the counties of Forsyth and Davidson.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Harrison Crouse, Frances Shore, M. A. Miller, C. S. Pope, Albert Yokely, A. Q. Pitts, Charles

Commissioners

Rothock, Alfred Smith, Lewis Wilson, A. J. Snider, Eli E. Hine, Lewis Smith and John Stockton be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off South Fork creek and its tributaries in Forsyth and Davidson counties, from the mouth of South Fork creek, where it empties into Muddy creek, to the sources of said tributaries, into sections of convenient length, and to appoint one overseer to 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 is appointed overseer.

To lay off South Fork Creek in sections.

To appoint overseers.

Chairman.

Vacancies.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseers, and in case they fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of either of the said counties shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Duties of commissioners.

SEC. 3. That 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 either or both of said counties on the streams between the points mentioned in section first of this act, and 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 overseers, each of said owners shall furnish one hand sufficient, with appropriate tool, as required by the overseer, for every ten acres of land slobbered or overflowed, and one such hand for every twenty acres not slobbered, and in that proportion for any number of acres; for said 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 shall be an assessment against the

Hands to be furnished overseers on notice.

Penalty for failure.

land of such owner, and which may be recovered by action before a justice of the peace of the county in which the land lies, in the name of the overseer, and the land of such owner shall not be exempt from sale under execution issued to enforce the judgment.

SEC. 4. It shall be the duty of the commissioners in laying off the streams and sections as provided for in section first of this act, to distribute the labor among the land owners in proportion of the number of acres of sotted lands and other lands owned by them within the estimate provided for in section three of this act, as equally as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in his section.

Distribution of labor.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections not less than four, nor more than twenty-four days, at the discretion of the commissioners, on the channels of the streams, with the power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said commissioners may, in their discretion, order any or all of the overseers, with their respective hands, when deemed necessary, to work at any point on said streams.

Duty of overseers

Proviso.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into, or otherwise obstruct the flow of waters and sand in the channel of said streams, between said points of said boundaries in said counties, and shall permit the same to remain therein for the space of ten days, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, at the discretion of the court, one or both.

Wilful obstruction of streams a misdemeanor.

Penalty.

SEC. 7. That all fines and assessments for failure to work, as herein provided, shall be received and recovered by the said respective overseers, to be by them expended in the work of improving the channels of said streams or stopping washes, as hereinafter provided for. Any over-

Penalties, etc., to be collected and expended by overseers.

Failure of overseer to perform duty, a misdemeanor.

Proviso.

Commissioners authorized to stop washes.

Wilful obstruction of commissioners, etc., a misdemeanor.

Building of bridges, etc., not prohibited.

No exemption from work on public roads.

seer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, one or both, at the discretion of the court: *Provided*, that no person shall be required without his consent to serve as such overseer more than two years at any one time.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into said streams or upon said bottom lands, to prevent the inflowing of 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 lowlands, by opening the streams as fully as the power given in the foregoing sections, and for the purpose of stopping said washes said overseers and hands shall have the right to cut bushes and timber, and gather stone from the land of the several and respective owners.

SEC. 9. That any owner of land affected by the provisions of this act who shall wilfully obstruct the said commissioners, overseers or hands in carrying out the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, one or both, at the discretion of the court having jurisdiction thereof.

SEC. 10. 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.

SEC. 11. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

SEC. 12. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 116.

An act to amend chapter eighty-three of Battle's Revisal.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter eighty-three, Battle's Revisal, be amended by inserting after the word "instrument" and before the word "except," the words "in less than eight feet water."

Chap. 83, sec. 2, Battle's Revisal, amended.

Use of drags, etc., to catch oysters, etc.

SEC. 2. That this amendment shall apply only to the waters of Pamlico, Roanoke, Core and Bogue Sounds.

To what waters applicable.

SEC. 3. That this act shall not be construed so as to allow any person who is not a citizen of the state to use dragnets or other instruments in any of the waters of the state for the purpose of catching terrapins or oysters, but that all persons not citizens of the state who shall use any dragnet or other instruments for such purpose, shall be subject to the penalties of said section two of Battle's Revisal.

Construction of act as to non-residents.

SEC. 4. That any person violating any of the provisions of this act, or any of the provisions of chapter eighty-three, Battle's Revisal, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 5. That all laws and clauses of laws prohibiting the carrying of North Carolina oysters out of the state, by the resident citizens thereof, for sale, are hereby repealed.

Laws prohibiting the carrying of oysters from state for sale repealed.

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 13th day of February, A. D. 1883.

## CHAPTER 117.

An act to establish graded schools in the city of NewBerne.

*The General Assembly of North Carolina do enact :*

Election to be held in New-Berne on question of taxation for graded schools.

SECTION 1. The mayor and council of the city of New-Berne are authorized and required to submit to the qualified voters of said city at the next regular election of councilmen, and under the rules and regulations governing said election, whether an annual assessment shall be levied therein for the support of one or more graded schools in said city. That such qualified voters at such election are authorized to vote on written or printed ballots the words, "for schools" and "against schools," and the penalties for illegal and fraudulent voting in this election shall be the same as in the annual election for councilmen in said city of NewBerne.

If majority vote in favor of schools, tax to be levied.

SEC. 2. In case a majority of the qualified voters at such election shall vote "for schools," an assessment shall be levied and collected by the city authorities under the same rules and regulations by which other city taxes are levied and collected, and the assessment collector shall be subject to the same liabilities for the collection and disbursement as he is, or may be, for city taxes: *Provided*, that the assessment collector shall, before receiving the assessment list, enter into bond in the penal sum of double the amount of the assessment levied, payable to the city of NewBerne, conditioned for the faithful collecting and accounting for said assessment, and his compensation for said services shall not exceed two and one-half per centum: *And provided further*, the special assessments so levied and collected shall not exceed one-third of one per centum on the value of property and one dollar on the poll, and that the assessments thus levied and collected shall be applied exclusively for the support of two or more "graded public schools," and shall not be appropriated or expended for any other purpose.

Proviso.

Proviso.

SEC. 3. The special assessments 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 children of both sexes between the ages of six and twenty-one years, and the special assessments thus levied and collected from the taxable property and polls of colored persons shall be expended for the keeping up a graded public school for the colored children of both sexes between the ages of six and twenty-one years in said city.

Taxes collected from whites to be applied to support of white school.

Taxes collected from colored persons to be applied to support of colored school.

Board of trustees for white school.

SEC. 4. That the board of trustees of the NewBerne academy be and they are hereby constituted the board of trustees for the graded school for the white children. That said board shall have power to fill all vacancies occurring in said board, to employ teachers and to do all such acts as may be necessary to carry on said graded school for the white children.

Application of special tax collected from whites.

SEC. 5. That the money arising from the special assessment herein provided for, collected from the property and polls of white persons shall, as soon as collected, be paid over to such person or persons as the board of trustees aforesaid shall appoint, and that the public school money which shall from time to time be collected under the general school law for public school purposes applicable for the white children in said city of NewBerne, shall be in like manner paid over to said board of trustees, and shall be applied for keeping up the said public graded school or schools.

Application of public school money for whites.

SEC. 6. That the school committee of district number eight in the county of Craven, and their successors in office, and E. A. Richardson, V. A. Crawford, I. B. Abbott, A. Bass, B. W. Morris, George H. White, Robert G. Mosely, A. G. Oden, George S. Fisher, Joseph Mumford, M. F. Bryan, Rev. George B. Willis, John A. Jones, H. H. Simmons, Alexander Sanders, E. R. Dudley, C. R. Robbins, be and they are hereby constituted a board of trustees for the graded school for the colored children ;

Board of trustees for colored school.

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 colored children.

Application of special tax collected from colored persons.

SEC. 7. That the money arising from the special assessment herein provided for, collected from the property and polls of colored persons shall, as soon as collected, be paid over to the treasurer of the county of Craven, and held by him, subject to the orders and directions of the board of trustees of said public graded school for the colored children, and the school committee of district number eight in the county of Craven: *Provided*, said treasurer shall receive as compensation for receiving and holding said money, not exceeding two and one-half per centum upon the amount so received and held.

Proviso.

Salary of principal and teachers.

SEC. 8. That the principal and teachers of the schools in this act provided for, 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 may be deemed just and proper.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

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## CHAPTER 118.

An act to prevent the felling of timber in Ararat river, in Surry county.

*The General Assembly of North Carolina do enact :*

Unlawful to fell timber in Ararat river.

SECTION 1. That it shall be unlawful for any person or persons to fell any timber in the Ararat river, in Surry

county, from the Virginia line to the mouth of said river in said county.

SEC. 2. That if any person or persons shall violate the first section of this act, or shall procure any person or persons to do so, 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, or imprisoned more than thirty days. 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 13th day of February, A. D. 1883.

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## CHAPTER 119.

An act to incorporate the Wilmington, Point Caswell and Clinton Railroad and Steamboat Transportation Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of constructing a railroad from the town of Clinton, in the county of Sampson, to Point Caswell, in the county of Pender, F. W. Kerchler, A. H. VanBokkelen, James C. Stevenson, A. Adrian, W. L. Smith, Roger Moore, R. W. Hicks, H. Brunhild, R. P. Paddison, J. D. Kerr, A. A. McKoy, W. A. Johnson, J. A. Ferrell, C. Patrick, H. Boykin, E. T. Boykin, W. H. Moore, E. H. Hawes, J. R. Beaman, E. W. Kerr, Colin Shaw, M. M. Killett, W. B. McKoy, J. W. Wright, and Owen Fennell, and their associates, successors and assigns, are hereby incorporated under the name and style of "The Wilmington, Point Caswell and Clinton Railroad and Steamboat Transportation Company," with a capital stock of two hundred thousand dollars, to be divided into shares of the amount of twenty-five dollars Incorporated.  
Name.  
Capital stock.

Corporate existence.

Corporate powers.

each, which shall have a corporate existence as a body politic for the space of ninety-nine years, and as such, exercise the powers, privileges and franchises herein granted, and which other railroad corporations may lawfully exercise under the general laws of North Carolina, and may make all necessary and needful by-laws and regulations for its government, not inconsistent with the laws of North Carolina, and by its corporate name aforesaid may sue and be sued, plead and be impleaded in all the courts of this state and elsewhere; may use a common seal, and be capable of purchasing, holding, leasing and conveying real and personal estate, and of acquiring the same by gift or devise, for the purposes herein contemplated.

Capital stock.

SEC. 2. The capital stock aforesaid may be created by subscription on the part of individuals, municipal or other corporations, in shares of the denomination and value aforesaid, and may be made either in money, lands, labor or material to the construction of said road.

Subscriptions to capital stock.

SEC. 3. The subscriptions to the capital stock heretofore made and taken to the railroad contemplated by this act, shall be deemed and held valid, and all right to the same shall vest in and be collected by said corporation.

Organization.

SEC. 4. When twenty-five thousand dollars of the capital stock shall be subscribed, the corporators above named and their associates shall call a meeting of the subscribers and organize by the election of a board of thirteen directors, who shall choose from their number a president, and also choose such other officers as they shall see fit.

Officers.

SEC. 5. All other officers of said corporation shall be elected, and the terms of office of all the officers shall be fixed, as may be required by the by-laws.

Condemnation of land.

SEC. 6. That whenever land shall be required for the construction of the road, or for depots, water stations or other purposes, and for any cause the same cannot be purchased from the owners of said lands, the same may

be acquired by the directors at a valuation to be ascertained as follows, viz: the sheriff of the county where the said land may be situated shall, on the written petition of the president of said company, summon three disinterested freeholders of his county, who shall, under oath, ascertain the value of said lands; and upon the payment or tender by said president of the amount so ascertained, the title of the property so seized and appraised shall vest in said corporation: *Provided, however,* that either party may appeal to the superior court upon the question of the amount so assessed: *And provided further,* that not more than sixty feet on each side of the road, measuring from its centre, shall be condemned.

Proviso.

Proviso.

SEC. 7. The gauge of said road shall be fixed by the directors, and may be changed if they shall see fit.

Gauge.

SEC. 8. The said company shall have the exclusive right to carry and transport freight and passengers over and along said road, and at such rates as said company shall prescribe, subject to such general laws regulating the same as the general assembly may from time to time establish.

Transportation of passengers and freight.

SEC. 9. 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 a mortgage or other lien upon its road and other property and franchise; and authority is hereby given the board of directors to issue bonds of said company for the construction and management of said road as the necessity of such issue may arise, and the said bonds so issued shall be signed by the president of said company under the corporate seal and under such rules and regulations as the company may from time to time adopt.

Authorized to issue mortgage bonds.

SEC. 10. The subscribers to the capital stock shall not be liable for the debts of said corporation, and all subscriptions to the same shall be payable at such times and in such amounts as the board of directors may determine.

Stockholders not liable for debts.

Rails.

SEC. 11. The directors of said railroad company may, in their discretion, construct the said railroad with steel, iron or wooden rails.

SEC. 12. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 120.

An act for the relief of E. Kerner, railroad tax collector.

*The General Assembly of North Carolina do enact :*

Allowed until  
October 1st, 1883,  
to collect arrears  
of tax.

SECTION 1. That E. Kerner, railroad tax collector of Forsyth county, be allowed until the first day of October, A. D. one thousand eight hundred and eighty-three, to collect all arrears of railroad taxes in his hands as tax collector.

When act to take  
effect.

SEC. 2. This act shall go into effect upon the filing with the register of deeds of said county the written assent of the sureties of said tax collector on his official bond to the extension of time given in this act.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 121.

An act to amend an act entitled an act to revise and consolidate the public school law, and to make more efficient the system of public instruction in this state, ratified March tenth, one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend section ten, line four, by striking out the word "this" and inserting the word "each" in lieu thereof. And in line seven, after the word "state," strike out all to the word "which," in line eight, and insert "biennially, at least five days previous to each regular session of the general assembly."

Chap. 200, sec. 10, laws 1881, amended.

Duties of superintendent of public instruction.

SEC. 2. Amend section sixteen by inserting the words "and questions" after the word "controversies" in line four; and by inserting after word "districts," in line five, the words, "and to the location of school houses."

Sec 16 amended. Duties of county board of education.

SEC. 3. Strike out section eighteen.

Sec. 18 stricken out, office of county examiner restored.

SEC. 4. Strike out section nineteen and insert the following: the county board of education and the county board of magistrates in joint session shall, on the first Monday in August, Anno Domini one thousand eight hundred and eighty-four, and biennially thereafter, elect by ballot one resident of their county, of good moral character and of liberal education, as county superintendent of public instruction, who shall hold his office for a term of two years from and after the first Monday of the following December, 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 said 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: *And provided further*, that the county board of education may, for good cause, after thirty days' formal notice, suspend the county superintendent until

Sec. 19 amended.

County superintendent of public instruction.

Term of office.

Vacancy.

Secretary of county board to report name to state superintendent.

Suspension and removal of county superintendent.

Powers of school committee.

the next joint meeting of the said boards, when he may be removed from his office, if sufficient cause shall exist therefor, and the said boards shall proceed to fill the vacancy: *And provided further*, when a vacancy occurs in the office of county superintendent of public instruction, the school committee of any school district in such county shall be empowered to employ and dismiss teachers in such district during the vacancy, and determine their pay per month, subject to the approval of the county board of education, and the treasurer of the county shall be authorized to pay the teacher so employed upon his presenting his certificate from the district committee, bearing upon it the written approval aforesaid of the county board of education.

Sec. 22 amended. Apportionment of county school fund.

SEC. 5. Amend section twenty-two by striking out the word "March" in second line, and inserting the word "January."

Sec. 23 amended. Basis of apportionment.

SEC. 6. Amend section twenty-three by striking out in line two the words "section twenty-two of."

Sec. 24 amended. School committees.

SEC. 7. Amend section twenty-four by striking out in line eleven the words "one month's," and inserting the words "thirty days." Amend section twenty-four, line one, by inserting after the word "each" the words "white and each colored." Amend the same section, in line four, by striking out the word "December" and inserting the word "October," and by inserting after the word "whose," in line four, the words, "term of service shall begin the first Monday of December following, and whose."

Order of school committee to be endorsed by county superintendent, etc.

SEC. 8. No order given by a school committee of any district for maps, charts, globes or other school apparatus, shall be valid unless the same be endorsed by the county superintendent of public instruction and approved by the county board of education.

Sec. 26 amended. Payments for building, etc., school houses.

SEC. 9. Amend section twenty-six, in line eighteen, by striking out the words "which shall appear by deed," and insert the words, "and a deed for the same," and by

inserting after the word "executed," in the same line, the words "and delivered."

SEC. 10. If a school house site has been purchased, an ordinary fee simple deed shall be executed. If a site has been donated, the donor may provide in the deed of gift that the title to the site, but not to the improvements, shall revert to him or his heirs in case the same shall cease to be used for school purposes for the space of three years.

Deeds for school house sites.

SEC. 11. Amend section twenty-seven, in line eleven, by inserting the words "within ten days after each apportionment" after the word "circular."

Sec. 27 amended. Duties of treasurer of county board.

SEC. 12. Amend section thirty-one by striking out in line five the words "receipts and."

Sec. 31 amended. Compensation of treasurer.

SEC. 13. Amend section thirty-four, in lines two and three, by striking out the words "section thirty-two of." In line eight strike out "or" and insert the word "nor" in lieu thereof.

Sec. 34 amended. Failure of treasurer to report to state superintendent.

SEC. 14. Amend section thirty-five by striking out in line three the words, "first day of February" and insert the words "thirty-first day of December."

Sec. 35 amended. When sheriff to pay over school tax.

SEC. 15. Amend section thirty-eight, in lines nineteen, twenty and twenty-one, by striking out the words "but a third grade certificate may be issued if the applicant is proficient in spelling, reading, writing and the four fundamental rules of arithmetic." Amend section thirty-eight, after the word "examined," in line seven, insert "and for examinations made at any other time the applicant shall pay the sum of one dollar and no more." Amend section forty-one by striking out the words in lines two and three, "to visit and inspect the public schools of his county regularly;" and by adding after the word "may," in line nine, the words, "with the concurrence of a majority of the school committee of the district in which he is employed," and by striking out all after the word "duties" in line thirteen.

Sec. 38 amended. Teacher's certificates.

Sec. 41 amended. Duties of county superintendent.

Sec. 47 amended.  
Compensation of  
county superin-  
tendent.

SEC. 16. Amend section forty-seven in line three, by striking out "three" and inserting "two," and in line seven by striking out "a certified" and insert "an itemized" and after "account," in said line insert "with an affidavit attached, that the services therein charged have been in fact made and rendered." And after "whereupon" in said line insert "if approved by the board of education."

Sec. 47 amended.  
Compensation of  
county superin-  
tendent.

SEC. 17. Amend section forty-seven in line next to the last, strike out the word "five" and insert the word "three."

Sec. 52 amended.  
Employment and  
dismissal of  
teachers by  
school commit-  
tee.

SEC. 18. Amend section fifty-two in lines seven and eight, by striking out the words "section thirty-nine of." Amend further by striking out all after the word "committee" in line thirteen, down to and including the word "education" in line fourteen. Add after the word "district," in the last line, the words, "he shall receive no compensation for his services, but shall be exempt from jury service and working on the public roads."

Committee ex-  
empt from jury  
service, etc.

Sec. 51 amended.  
Original grantor  
to have option of  
repurchase of  
school house site,  
when same is  
sold by commit-  
tee.

SEC. 19. Amend section fifty-four by adding "*Provided*, the committee shall first offer the site and improvements to the original grantor, donor or his heirs at a price fixed by the committee. And in the event of a disagreement as to the price, the committee shall select one discreet and disinterested person, and the grantor, donor or his heirs shall select another such person, to value and appraise the property, and in the event they cannot agree, they shall call to their aid an umpire; and upon the payment of the price thus fixed the committee shall convey, by proper deed, the property to the original grantor, donor or his heirs.

School commit-  
tee empowered to  
contract with  
teacher of private  
school.

SEC. 20. In any school district where there may be a private school or private schools, regularly conducted for at least nine months in the year, the school committee may contract with the teacher or teachers of such private school or schools to give instruction to all pupils between the ages of six and twenty-one years in the branches of

learning taught in the public schools, as prescribed in this act, without charge and free of tuition; and such school committee may pay such teacher or teachers for such services out of the public school funds apportioned to the district, and the agreement as to such pay shall be entirely subject to arrangement between the committee and teacher: *Provided*, any teacher so employed shall obtain a first grade certificate before beginning his work, and shall from time to time make such reports as are required of other public school teachers under this act.

Proviso.

SEC. 21. 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. 1883.

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## CHAPTER 122.

An act to authorize and empower the board of commissioners of Dare county to levy a special tax.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of Dare county be and they are hereby authorized and empowered to levy a special tax, at the same time with other levies, upon the taxable property and polls of said county annually, beginning with the year one thousand eight hundred and eighty-three, and apply the same to the support of the poor in said county. The amount of tax to be levied and collected under this act shall be in the discretion of the said board of commissioners: *Provided*, that it shall in no one year exceed twenty-five cents on the one hundred dollars' worth of property, and seventy-five cents on the poll: *And provided further*, that the constitutional equa-

Authorized to levy special tax for support of poor.

Proviso.

Proviso.

tion between property and polls shall always be observed in said levy.

Tax not applica-  
ble to payment of  
outstanding  
debts.

SEC. 2. That the tax provided for in this act shall in no case be applied to the payment of the present outstanding pauper claims against said county.

Collection of tax.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner, under the same penalties and within the same time as other taxes are levied and collected in said county.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

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## CHAPTER 123.

An act to amend chapter twenty-seven, laws of one thousand eight hundred and eighty, relating to the Salisbury graded school.

*The General Assembly of North Carolina do enact:*

Chap. 27, sec. 4,  
laws 1880,  
amended.

SECTION 1. That section four of chapter twenty-seven of the public laws of the year one thousand eight hundred and eighty, special session, is amended by adding thereto the following words: and the treasurer of Rowan county is hereby authorized and required to pay over annually, on the first Monday in March, to the treasurer of the Salisbury graded school committee all public moneys in his hands belonging or appropriated to the children of school district number twenty-seven of said county, for the preceding year.

County treasurer  
to pay to graded  
school committee  
moneys belong-  
ing to school dis-  
trict No. 27.

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 13th day of February, A. D. 1883.

## CHAPTER 124.

An act to amend chapter one hundred and twenty-one, laws of one thousand eight hundred and seventy-six and seventy-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and twenty-one of the laws of one thousand eight hundred and seventy-six and seventy-seven, be amended by striking out the word "eight" in the third line of the first section thereof, and inserting the word "sixteen" in lieu thereof.

Chap. 121, sec. 1,  
laws 1876-'7,  
amended.

Additional trustees of University

SEC. 2. That of the additional trustees authorized by this act, two shall be elected for the term of two years, two for four years, two for six years, and two for eight years; and at the expiration of their terms of service, their places shall be filled from time to time in like manner for eight years, so that one-fourth shall be elected every two years.

Terms of office.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 125.

An act to increase the number of justices of the peace in the several townships of the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. The general assembly, at its present session, shall elect two justices of the peace for the several townships of the state in addition to those provided for by section four, chapter one hundred and forty-one (141), of

Two additional justices in each township.

the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

Terms of office.

SEC. 2. Of the additional justices, whose election is provided for by the preceding section, one-half shall be elected for the term of four years and the other half for the term of six years, and their successors thereafter for the term of six years.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

## CHAPTER 126.

An act to enable the commissioners of Warren county, in their discretion, to regulate the amount of the bonds of the sheriff and treasurer.

*The General Assembly of North Carolina do enact :*

Reduction of  
bonds of sheriff  
and treasurer  
authorized.

SECTION 1. That the county commissioners of Warren county may, if they deem it expedient, reduce the amount of the official bond required of the sheriff or the tax-collector of the said county, conditioned for the collection and settlement of the county taxes, and the official bond of the county treasurer: *Provided*, that the said bonds shall not be fixed at a less amount than the taxes levied for county purposes for the preceding year.

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 13th day of February, A. D. 1883.

## CHAPTER 127.

An act for the relief of W. Flow and others.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Mecklenburg county are authorized to pay W. Flow and any other citizens of said county reasonable compensation for work done and material furnished in building the county fence between the counties of Mecklenburg and Union.

Commissioners of Mecklenburg authorized to pay for building county fence between Mecklenburg and Union counties.

SEC. 2. Said account or accounts so allowed by the county commissioners shall be paid by the county treasurer out of the general fund of the county.

To be paid out of general county fund.

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

Conflicting laws 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 15th day of February, A. D. 1883.

## CHAPTER 128.

An act to change the name of the Edenton and Norfolk Railroad Company, and to make the same the Carolina and Chesapeake Railroad Company, and to amend the charter of said company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the name of the Edenton and Norfolk Railroad Company, a corporation chartered by an act of the general assembly of North Carolina, passed March ninth, eighteen hundred and seventy, and confirmed by an act of the general assembly of Virginia, approved July ninth, eighteen hundred and seventy, be and the same is hereby changed to that of the Carolina and Chesapeake Railroad Company, under which name it may exercise

Name changed.

Corporate powers.

all the powers, and have all the rights, privileges and advantages conferred by the said act of incorporation.

Chap. 74, sec. 1,  
laws 1869-'70,  
amended.

SEC. 2. That section one of the said charter of incorporation, passed on March ninth, eighteen hundred and seventy, be and the same is hereby amended and re-enacted, so that the same shall read as follows: that for the purpose of constructing a railroad of one or more tracks from some point at or near Suffolk, in the state of Virginia, to Edenton, or by way of Williamston to the city of Wilmington, or to such point or points on the line of the Wilmington and Weldon Railroad, and to such intermediate points, and upon such line as the directors of the company shall determine, John R. Kilby, F. H. Lassiter, John Gatling, W. A. Moore, W. E. Bond, James J. Cannon, R. D. Simpson, Jephtha Ward, Samuel Long, A. M. Moore, Edward Wood, John F. Pickerell, James A. Nelson, Charles Latham and Joseph Dixon, and their associates, successors and assigns, are hereby constituted a body corporate under the name and style of the "Carolina and Chesapeake Railroad Company," with a capital stock of one million dollars, with power to increase the same to such amount or amounts as the stockholders of said company in general meeting may determine, which shall have a corporate existence, and as such, exercise the powers herein granted in perpetuity, as a body politic, and by that name may sue and be sued, plead and be impleaded in every court 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 of acquiring the same by gift or devise, for the purposes herein contemplated, and the said company shall have and enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the United States and of the state of North Carolina.

Location.

Body corporate.

Name.

Capital stock.

Corporate powers.

By-laws.

SEC. 3. That section two of the said charter of incorporation, passed on March ninth, eighteen hundred and seventy, be and the same is hereby amended and re-enacted, so that the same shall read as follows: "that the capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations, in shares of the value of one hundred dollars each, which may be made in lands, timber, labor or money, as may be stipulated." And the said company shall have power to unite, consolidate or connect the railways owned, operated or controlled by it with any other line of railroad constructed, or which may be constructed in this state, upon such terms as may be agreed upon between it and such other railroad company, and for this purpose power is hereby granted to it, and to any railroad company incorporated by this state, to make and carry out such contracts by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation, subject to the laws of this state.

Sec. 2 amended.

Subscription to capital stock.

Consolidation with other roads.

SEC. 4. This act shall take effect when the same shall be confirmed by the general assembly of Virginia.

In the general assembly read three times, and ratified this the 15th day of February, A. D. 1883.

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## CHAPTER 129.

An act to validate the proof and registration of certain deeds and conveyances of land.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all deeds and conveyances made for lands in this state, which have heretofore been proven before a notary public or clerk of the superior court of any other state, and such proof having been duly certified

Registration of deeds heretofore proven before a notary or clerk of superior court of another state validated.

by such notary or clerk taking the proof as aforesaid, under the official seal of such notary public or superior court, and such deed or conveyance so proven and certified, with the certificate of having been registered in the office of register of deeds in the book of records thereof for the county in which such lands were situate at the time of the registration of such deed or conveyance, shall be sufficient registration of the same, and that such proof and registration shall be adjudged good and valid in law.

Evidence.

SEC. 2. That all deeds and conveyances proven, certified and registered as aforesaid, or certified copies of the same, may be used as evidence of title for the lands on the trial of any suit in any of the courts of this state where title to the lands shall come in controversy, and that further registration of such deeds and conveyances so proven and registered shall not be necessary.

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

In the general assembly read three times, and ratified this the 15th day of February, A. D. 1883.

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## CHAPTER 130.

An act to lay off and construct a road from L. J. Smith's, on the Keowee turnpike, in Jackson county, to Brevard, in Transylvania county.

*The General Assembly of North Carolina do enact :*

Commissioners  
to locate road.

SECTION 1. That James N. Cathey, Andrew Wood, Natt. Brown and Levi Brown, of Jackson county, and W. H. Robertson, R. Hamilton and John Owen, of Transylvania 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 Keowee turnpike, at or near L. J. Smith's store, in Jackson county, up Canz Fork, and crossing through the Rich Mountain gap by Sol's Creek church, in Jackson county, thence by Macedonia Baptist church, in Transylvania county, thence to run the most convenient route to intersect the Hog-back turnpike at the most accessible point, the said road to be named the Central turnpike, 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 description 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 commissioners of Jackson and Transylvania counties; that said road shall be made eighteen feet wide, except where there 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 dollars per day for the time actually employed in making their survey in locating said road, to be paid by the board of commissioners of their respective counties.

Route.

Commissioners to report to commissioners of Jackson and Transylvania.

Width of road.

Oath of commissioner.

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 reason of making of said road, and shall make complaint to the board of county 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 dam-

Damage to landowner, how ascertained and paid.

ages 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 amount so assessed by the jury to any of the parties shall be charged against the county in which the parties reside, and be paid by such counties.

County commissioners to lay off road into sections.

SEC. 3. The county commissioners of each county through which said road runs, shall lay off said road into sections, as nearly as equal as possible, having due regard to the amount of labor required to make said road in 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.

To appoint overseers and assign hands.

What hands liable to work on road.

Proviso.

Overseers to be governed by existing laws.

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.

Misdemeanor.

Authority of overseers.

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.

Liability of hands.

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 15th day of February, A. D. 1883.

## CHAPTER 131.

An act to amend chapter one hundred and sixty-eight, section one, of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, of chapter one hundred and sixty-eight, of the laws of one thousand eight hundred and eighty-one, be amended by adding at the end of said section the following: "that this act shall not apply to the hauling of seines." Chap. 168, sec. 1,  
laws 1881,  
amended.

Seines in Scuppernon river.

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 15th day of February, A. D. 1883.

## CHAPTER 132. •

An act to designate a place for comparing the vote for senator in the twenty-second senatorial district.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter fifty-two, section twenty-two, Battle's Revisal, be amended by adding at the end of line seventeen the words: in the twenty-second district, at Jesse Henley's, in the county of Chatham. Chap. 52, sec. 22,  
Battle's Revisal,  
amended.

Vote to be compared at Jesse Henley's, Chatham 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 15th day of February, A. D. 1883.

## CHAPTER 133.

An act to ascertain and establish the dividing line between the counties of Harnett and Johnston.

*The General Assembly of North Carolina do enact :*

County commis-  
sioners of Har-  
nett, Johnston  
and Moore to ap-  
point representa-  
tives.

SECTION 1. That for the purpose of ascertaining and establishing the dividing lines between the counties of Harnett and Johnston and the counties of Harnett and Moore, the board of commissioners of each of said counties shall, at their regular meetings in April, one thousand eight hundred and eighty-three, appoint one of their members, 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.

Survey.

Plot to be filed in  
each county.

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

Expenses.

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

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 15th day of February, A. D. 1883.

## CHAPTER 134.

An act to provide for the erection of a residence for the governor.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the governor and his council are hereby authorized and directed to cause to be erected upon "Burke Square," in the city of Raleigh, a suitable residence for the use of the governor of the state, and to have the same properly furnished. When the same is completed, the governor is hereby required to occupy it as a residence.

Governor and council authorized and directed to erect and furnish residence for governor on Burke Square in Raleigh.

To be occupied by governor.

SEC. 2. That in the erection of said building, the governor and his council are directed and empowered to use convict labor and such material as can be manufactured or prepared, either in whole or in part, at the penitentiary whenever the same can be done profitably.

Convict labor, etc., to be used.

SEC. 3. To meet the expenses incurred under the provisions of this act, the governor is authorized to use the money heretofore derived from the sale of lots in Raleigh, under the act of March sixth, one thousand eight hundred and seventy-seven, providing for the erection of a residence for the governor. The governor is further authorized and directed, after due advertisement, to sell the old governor's mansion and grounds, and to execute good and sufficient deeds for the same to the purchasers. The proceeds of this sale shall likewise be applied to the erection of the building if necessary, but the expenditures shall not exceed the amount raised from the sources above stated.

Money heretofore derived from sale of lots in Raleigh to be used.

Old governor's mansion to be sold.

Proceeds to be applied to new building.

Limit of expenditures.

SEC. 4. That a record of the expenditures made by the governor and council in the prosecution of the work authorized by this act, shall be entered by them in their journal, and the auditor shall audit and file in his office, itemized accounts of the same and issue his warrants

Record of expenditures.

Auditor to file itemized accounts.

To report expen-  
ditures.

thereon as in the case of other accounts, and his report shall include a statement of such expenditures.

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. 1883.

## CHAPTER 135.

An act to repeal an act declaring Hiswasee river a lawful fence, being chapter one hundred and forty-three, public laws one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and forty-three, public laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

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 15th day of February, A. D. 1883.

Chap. 143, laws  
1881, repealed.

## CHAPTER 136.

## An act to raise revenue.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the taxes hereinafter designated are payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law.

Assessment of taxes.

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty years, (except 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 seventy-five cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, 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 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 attachment, viz:

Poll tax.

How collected.

Form of attachment of debt for poll tax.

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.

SEC. 4. There shall be levied and collected annually an *ad valorem* tax of twenty-five cents on every one hundred dollars' value of real and personal property in this state, and moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, required to be listed in "an act to provide for levying and collection of taxes," subject to exemptions made by law. The taxes collected under the levies herein provided, shall be applied to the payment of the ordinary expenses of the state government, and appropriations not specially provided for, to the support and completion of, or repairs to, the asylums for the insane, to the support of the North Carolina institution for the deaf and dumb and the blind, to the support of convicts and construction of buildings connected with the penitentiary; and to the payment of interest on the four per cent. consolidated debt of the state.

Application of taxes.

Tax on bank stock, etc.

SEC. 5. 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, directed to the state treasurer, within thirty days after the first day of July in each year, and charged by such

How paid.

bank against the individual stockholders; and upon failure to pay the state treasurer as aforesaid, he shall institute an action against the bank to enforce the same, in the county of Wake, or in the county in which the bank is located. The list takers and board of commissioners in the county in which such stockholders reside shall assess against their respective share or shares 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. 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 stocks."

On failure to pay treasurer to institute action.

Stock of non-residents.

Form.

## CLASS II.

SEC. 6. The subjects and persons mentioned in the following second class shall be taxed as specially provided:

Special taxes.

SEC. 7. 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 of expenses 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. 8. 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.

SEC. 9. The taxes in this schedule shall be imposed as 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 charter.

Proviso.

Theatrical companies.

SEC. 10. 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.

Concerts.

SEC. 11. On each concert or musical entertainment for profit, three dollars, unless such concert or musical entertainment be given for religious or charitable purposes.

- SEC. 12. On each lecture for reward, three dollars, unless the same be given for religious or charitable purposes. Lectures.
- SEC. 13. On museums, wax works, or curiosities of any kind, natural or artificial, on each day's and night's exhibition, three dollars. Museums, etc.
- SEC. 14. 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. 15. On all companies or persons whatever who exhibit or give entertainments for amusement of the public, or for reward, otherwise than is mentioned in the five preceding sections, five dollars for each exhibition or performance. Exhibitions or entertainments given for the exclusive benefit of religious, educational or charitable objects shall be exempt from taxation: *Provided*, no part or clause of this section shall be so construed as to exempt from taxation persons claiming to be spiritualists or mediums of communication between the material and immaterial worlds, and giving public exhibitions. Other exhibitions. Proviso.
- SEC. 16. On every gift enterprise, or any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, fifty dollars. On any lottery, whether known as a beneficial association, gift concert or otherwise, one thousand dollars. On every itinerant dealer in prize photographs, or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such persons or establishments from any penalties incurred by a violation of the law. Gift enterprises. Lotteries. Tax, how paid.
- SEC. 17. On each billiard table kept for public use, whether in connection with or separate from any place where liquor is sold, twenty dollars. Billiard tables.
- SEC. 18. On each bowling alley, or alley of the like kind, skating rink, bagatelle table, or stand or place for Bowling alleys, etc.

any other game or play with or without a name, (unless used for private amusement or exercise alone,) whether kept in connection with or separate from any place where liquor is sold, twenty dollars.

Hotels, etc.

SEC. 19. 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, etc.

SEC. 20. On public ferries, bridges and toll-gates across highways, five dollars, and one-half of one per centum on gross receipts.

Livery stables.

SEC. 21. 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.

Proviso.

Horse dealers.

SEC. 22. On every person who buys and sells, or who offers to buy or sell horses or mules as a business, five dollars annually for every county in which he shall conduct the business. On every hog drover, five dollars annually for every county in which he shall conduct the 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 permanently kept. This section shall not apply to persons who sell stock raised by themselves.

Hog drovers.

Register to countersign licenses.

Exception.

Itinerant dentists.

SEC. 23. On every itinerant dentist, optician or portrait painter, daguerrean artist, and other persons taking or enlarging likenesses of the human face, fifteen dollars for every county in which he carries on his business; and upon any itinerant medical practitioner, twenty-five dollars for any county in which he carries on his business: *Provided*, any person who may be lawfully author-

Itinerant medical practitioners.

ized to practice or pursue any such profession or calling in this state, may obtain a license from the state treasurer on payment of fifty dollars, and shall not be liable to be taxed by any county.

SEC. 24. On every commission merchant, agent or dealer buying or selling for another, one per centum on his commissions.

Commission merchants.

SEC. 25. Every person who shall buy and sell spirituous, vinous and malt liquors, and every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell other goods, wares and merchandise, of whatever name or description, not 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, 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 them before any justice of the peace for their county, and return the same list to the

Liquor dealers, merchants, etc.

Sworn statement of purchases.

Duty of sheriff.

Provido.

**Duty of register.** 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.

**Duty of sheriff.** 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 the register of deeds may also require any and all persons who shall have knowledge or information upon this subject to make his statement or exhibit his books for examination by 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 treasurer, fifteen cents for each return made by a merchant or agent. Dealers paying a drummer's tax, prescribed in section twenty-eight (28) of this act, shall be allowed a rebate of that amount upon his purchase tax for the same time.

**Misdemeanor.**

**Penalty.**

**Duty of register.**

**Compensation of register.**

**Rebate allowed dealers paying drummer's license.**

**Peddlers.**

SEC. 26. Every person who, as principal or agent, peddles drugs, nostrums, medicines or goods, wares or merchandise, of whatever name or description, either by land or water, except such as are specially taxed elsewhere in this act, whether such person shall travel on foot or with a conveyance or otherwise, shall pay a tax of ten dollars in each county in which he shall carry on his business as peddler. Every such person shall apply in advance 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 the tax, which shall expire at the end of twelve months from its date. The license issued as above provided shall not be valid until it shall be exhibited to and countersigned by the register of deeds, by whom a permanent record of all such licenses shall be kept. The following restrictions and exceptions shall be made: More than one person shall not peddle under the license at the same time. Any person may sell under this section, without payment of tax as peddler of live stock, except such as are taxed in section twenty-two of this schedule, vegetables, chesnuts, peanuts, fruits or other products of the farm or dairy, oysters, fish, books, charts, maps or printed music. The tax prescribed in this section shall not be required of any person bartering cotton, iron, earthenware, tinware, tobacco, salt, yarns and heavy cotton domestics, or of any person for bartering articles of his own manufacture. The exemption in the last paragraph shall not extend to merchants or peddlers. It shall be the duty of every person receiving a license under this section, to exhibit the same upon demand of any constable or justice of the peace of any township in which he may vend or offer to vend any of the articles taxed in this section; and upon failure to do so every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and it shall be the duty of any constable or justice of the peace to arrest all persons peddling without the license required by law and hold them to answer. The board of county commissioners shall have power, at their discretion, to exempt from tax under this section any poor and infirm person who has no other means of support.

Register to countersign license.

Restrictions and exceptions.

Duty to exhibit license.

Penalty.

Duty of constable and justice of the peace.

Exemptions by county commissioners.

SEC. 27. Every person, company or manufacturer who shall engage in the business of selling sewing machines in this state shall, before selling or offering for sale any such machines, pay to the state treasurer a tax of two hundred dollars and obtain a license, which shall operate

Dealers in sewing machines.

one year from its date. A separate tax and license shall be required for the machines of each manufacturer. Every manufacturer, company, general manager, or general agent, to whom a license shall be issued as provided in this section, shall have authority to employ an unlimited number of sub-agents to sell the machines designated by name in the license of the state treasurer. The license issued under this section shall not be taxed by any county, city or town government. Any person required to take out license under this section, who shall sell or attempt to sell any machine without having obtained license, shall be subject to the same penalties and fines as provided in the case of drummers, the same to be collected by the state treasurer by distress or otherwise.

Sub-agents.

Penalty.

Drummers.

SEC. 28. 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 sales, pay to the state treasurer a tax of one hundred dollars and obtain a license, which shall operate one year from its date, and shall be exempt from any other tax, either state, county, city or town. 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 this act; the tax on each license for selling or offering to sell any spirituous, vinous or malt liquors by wholesale, in the manner prescribed in this section, shall be two hundred dollars, and no tax on said license shall be imposed by any county, city, or town government. This section 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 col-

Sales at retail.

Penalty.

- lected by distress or otherwise, one-half of which shall be accounted for as other taxes, the other half to the use of the officer making the arrest, and it shall be the duty of all county and township bonded officers to prosecute for penalties under this section. The mayor or any bonded officer of any town or city shall have power to make arrests under this section, and collect the fine and penalty. Of half of said penalty shall be paid to the sheriff, to be accounted for as other taxes, and the other half shall be divided equally between the city or town, and the officer making the arrest. The licenses issued under this section shall not be transferable, but may be used by an agent in the service of the principal and not by more than one person at one time, and shall be in the possession of the person while doing business under this section in this state to secure his protection. The treasurer of state shall be authorized to issue a duplicate license in every case where the original is lost or destroyed, upon an affidavit setting forth such fact.
- SEC. 29. 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.
- SEC. 30. On every itinerant who deals in or puts up lightning rods, fifteen dollars annually for each county in which he carries on business.
- SEC. 31. 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.
- SEC. 32. The taxes on insurance companies shall be as prescribed in the insurance laws of this state.

How applied.

Mayors, etc., empowered to arrest, etc.

Application of penalty.

License not transferable.

How used.

Duplicate license.

Gypsies.

Itinerant lightning rod dealers.

Itinerant stove dealers.

Insurance companies.

Banks, brokers,  
etc.

SEC. 33. Every state bank, savings bank or association, conducting a business as contemplated in this section, 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 to the state treasurer, a tax according to capital employed, as follows: On a capital of one hundred thousand dollars or more, two hundred dollars; on a capital of fifty thousand dollars and less than one hundred thousand dollars, one hundred dollars; on a capital of twenty-five thousand dollars and less than fifty thousand dollars, fifty dollars; on a capital of less amount than twenty-five thousand dollars, twenty-five dollars; and also ten dollars additional for each county in which 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. 34. Every person, company or firm, for selling spirituous, vinous or malt liquors, or medicated bitters, shall pay a license tax quarterly, in advance, on the first day of January, April, July and October, as follows: 1. For selling in quantities less than a quart, twenty dollars for each quarter, to be collected by the sheriff, one-half of which shall be accounted for to the treasurer of the state, and the other half to the treasurer of the county board of education, for the benefit of the fund for public schools in such county. 2. For selling in quantities of one quart and less than five gallons, twelve dollars and fifty cents for each quarter, to be collected by the sheriff and paid to the treasurer of the county board of education, for the benefit of the fund for public schools in such county. 3. For selling in quantities of five gallons or more, fifty dollars for each quarter, to be collected by the sheriff and paid to the treasurer of the state. 4. For selling malt liquors exclusively, five dollars for each

Selling in quantities less than one quart.

Tax applied to school fund.

Selling in quantities of one quart and less than five gallons.

Tax applied to school fund.

Selling in quantities of five gallons or more.

Tax payable to treasurer.

Malt liquors.

quarter, to be collected by the sheriff and paid to the treasurer of the county board of education, for the benefit of the fund for the public schools in such county.

Tax applied to school fund.

Nothing in this section contained shall prevent any person selling the liquors of their own manufacture, at the place of manufacture, or any person from selling spirits, the products of his own farm, without the license prescribed in paragraphs two and three. Every person, company or firm wishing to retail liquors in quantities less than a quart, shall apply to the board of county commissioners for an order to the sheriff to issue a license, stating the place at which it is proposed to conduct the business. The board of commissioners shall, upon satisfactory evidence of good moral character of the applicants, issue an order to the sheriff to grant such license, except in territory where the sale of liquors is prohibited by law: *Provided*, that no county shall be allowed to levy any additional tax under the provisions of this section.

Exceptions.

Sheriff to issue license on order of county commissioners.

Proviso.

SEC. 35. Every auctioneer upon all goods, wares or merchandise sold by himself or agents, 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."

Auctioneers.

SEC. 36. On every tobacco or cotton warehouse where tobacco or cotton is sold or exhibited for sale respectively, the annual tax shall be where the sales do not exceed five hundred thousand pounds annually, twenty-five dollars; over five hundred thousand pounds and not exceeding one million pounds, fifty dollars; over one million pounds, seventy-five dollars. Every person or firm liable to tax under this section shall, within ten days after the first day of May and November in each year, deliver to the register of deeds a sworn statement of the total amount of his or their sales for the preceding six months ending on

Tobacco and cotton warehousemen.

Sworn statement to be made to register.

the thirtieth of April and thirty-first day of October. The sheriff shall collect the tax without delay.

Receipts and sales to be listed; on oath to register.

SEC. 37. Every person required in this act to pay a tax on receipts of sales, shall list on oath to the register of deeds, on the first day of January and July in each year, the amount of receipts or sales for the preceding six months; and the register of deeds shall keep a record of the same in a book kept for that purpose. The register of deeds shall, within ten days after the lists are given in, furnish the sheriff with a copy of said 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.

Duty of register.

Duty of sheriff.

Penalty for failure to list.

Register empowered to compel production of books.

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.

Penalty.

Trader's license.

SEC. 38. Any person desiring to engage in any trade, profession or business taxed by this act, except such as 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. All licenses

How applied for.

Sheriff to grant license.

To be countersigned and recorded by register.

issued 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 license to expire.

SEC. 39. 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.

Register to keep record of licenses.

Certified copy to be sent to auditor.

Penalty.

SEC. 40. Every person who shall practice any trade or profession, or use any franchise tax[ed] 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, 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.

SEC. 41. The sheriff shall immediately report to the register of deeds all sums recovered by him as penalties under this act, and the register shall add three-fourths of each penalty recovered to the record of licenses required to be kept by him, the other fourth the sheriff may retain.

Sheriff to report penalties recovered to register.

Compensation of sheriff.

## SCHEDULE C.

Privilege tax.

SEC. 42. 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

SEC. 43. 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,

Statement of gross receipts to be made to treasurer.

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

Penalty.

other taxes are collected: *Provided*, that when a line of railroad or canal, belonging to any company liable to this tax, lies partly in this state and partly in an adjoining state or states, the part or share of such earnings of the company only shall be subject to the tax as will be in that proportion to the whole receipts which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal. Every railroad or canal company incorporated under the laws 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,

Proviso.

Additional tax on companies whose real estate is exempt from taxation.

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.

Privilege tax on companies whose property is exempt from taxation.

SEC. 44. Every express, telegraph and telephone company doing business in this state shall pay a tax of two per cent. on its gross receipts within the state. The superintendent, general manager, or other chief officer of every such company shall make return under oath to the treasurer of state, within ten days after the first day of January, April, July and October, of the amount of the gross receipts of the company for the quarter ending on the last day of the month immediately preceding, and pay to the treasurer the tax herein imposed at the time of making said return. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the treasurer of state shall designate, by distress or otherwise.

Express, telegraph and telephone companies.

Penalty.

SEC. 45. Every sleeping car or parlor car company, whose cars are run on any railroad in this state, shall pay to the state treasurer, annually on the first day of June, a tax of five hundred dollars. In case of default of payment of such tax the penalty and manner of collecting it

Sleeping and parlor car companies.

Penalty.

shall be the same as prescribed in cases of express, telegraph and telephone companies.

Tax on seals.

SEC. 46. 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 officer 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.

Accounts to be kept.

Tax on scrolls.

Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. Seal 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 wilfully refusing or neglecting to pay the same as required, shall be guilty of embezzlement, and on conviction shall be fined not more than five hundred dollars or imprisoned in the state prison, in the discretion of the court.

What seals exempt.

Officer's fees.

Embezzlement.

Penalty.

Marriage licenses.

SEC. 47. On each marriage license, one dollar. 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. The fee of the sheriff shall be fifty cents and that of register of deeds shall be twenty-five cents.

Duty of register.

Duty of sheriff.

Fees.

SEC. 48. Whenever any officer receives or collects a fine, penalty or forfeiture in behalf of the state, or any tax imposed on licenses to retailers of wines, cordials, malt 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, etc., to be paid to county board of education.

SEC. 49. 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.

Embezzlement.

Penalty.

SEC. 50. 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.

Repealing clause.

Proviso.

SEC. 51. That the auditor of this state shall not make or cause to be made, any headings or blanks to or on the forms which he is required to supply to the several counties of this 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.

Duty of auditor.

Penalty.

ing; 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.

If treasurer receives \$600,000 from W. N. C. R. R. Co. by May 1st, 1881, no state taxes to be levied under classes one and two, for 1884.

SEC. 52. If the state treasurer shall have received the sum of six hundred thousand dollars from the Western North Carolina Railroad Company, on or before the first day of May, one thousand eight hundred and eighty-four, the taxes for state purposes shall not be computed on the tax lists for the year one thousand eight hundred and eighty-four, upon the subjects embraced in classes one and two of this act. The state treasurer is authorized, in his discretion, to invest any surplus in the treasury in the four per cent. bonds of this state.

Investment of surplus by treasurer.

SEC. 53. 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. 1883.

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## CHAPTER 137.

*An act to regulate fishing in Pamlico, Tar rivers and tributaries.*

*The General Assembly of North Carolina do enact:*

Lay or embargo days established.

SECTION 1. That for the purpose of regulating fishing in the waters of Pamlico, Tar rivers and tributaries, 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.

Unlawful to fish for shad or herring with seine or net between certain dates.

SEC. 2. That 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, in the waters of Pamlico, Tar rivers and tributaries, from the mouth of Pamlico river up to Yankee Hall, on Tar river, from the first day of May to the first day of June of each and every year; and from

Yankee Hall to the Wilmington and Weldon Railroad from the tenth day of May to the first day of June of each and every year.

SEC. 3. That it shall be unlawful for any person or persons, from the fifteenth day of February to the tenth day of May of each and every year, to fish from twelve o'clock meridian of Saturday until sunrise Monday morning of each week, any seine, set net, drift net, or any other net of any name or kind whatever, in the waters of Pamlico, Tar rivers and tributaries.

Unlawful to fish with seine, etc., from 12 m. Saturday to sunrise Monday between certain dates.

SEC. 4. That it shall be unlawful for any person or persons to use or fish with any pound net, pod net or dutch net, or to place any stationary obstructions to the free passage of fish in the waters of Pamlico, Tar rivers and tributaries.

Unlawful to fish with pound net, etc., or to place stationary obstruction in water.

SEC. 5. That it shall be unlawful for any person or persons to rob any gill net or fish weir in Pamlico, Tar river and tributaries.

Unlawful to rob gill nets, etc.

SEC. 6. That any person or persons violating any of the above provisions in this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days, or both, at the discretion of the court: *Provided*, that the provisions of sections two and three of this act shall not apply to bow or skim nets.

Misdemeanor.

Penalty.

Proviso.

SEC. 7. That chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-one, and all other laws and clauses of laws in conflict with this act, are hereby repealed.

Chap. 180, laws 1881, and other conflicting laws, repealed.

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 15th day of February, A. D. 1883.

## CHAPTER 138.

**An act to make tenants and lessees of land, who give up possession of the premises to others than their landlords, guilty of a misdemeanor.**

*The General Assembly of North Carolina do enact :*

Misdemeanor for tenant or lessee of land to surrender possession to person other than landlord.

Penalty.

SECTION 1. That any tenant or lessee of lands who shall wilfully, wrongfully and with intent to defraud the landlord or lessor, give up the possession of the rented or leased premises to any person other than his landlord or lessor, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court.

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 15th day of February, A. D. 1883.

## CHAPTER 139.

**An act to lay out and construct a public road from Stonewall to the Neuse river road in Pamlico county.**

*The General Assembly of North Carolina do enact :*

Commissioners.

To lay off road from Stonewall to Neuse river road.

SECTION 1. That John B. Martin, James H. Gaskins and Bradford Gatlin be and the same are hereby appointed commissioners to lay off and construct a public road from the town of Stonewall to some point on the Neuse river road near Dawson's creek in the county of Pamlico.

Condemnation of land.

SEC. 2. That said commissioners shall have the power to condemn lands belonging to the state and literary board for the purpose of laying out and constructing said

road; and also to condemn lands of individuals for the route of said road, and to assess damages and improvements for and against such individuals. When any damages shall be assessed in favor of any individual over whose lands the said road shall pass, such damages shall be paid by the county of Pamlico, upon a proper warrant drawn by the said commissioners upon the county treasurer. Whenever the said commissioners shall assess any sum for improvements against any such individual, the same shall be a lien upon the lands of such individuals, and shall be collected by the said commissioners and expended by them in constructing said road.

Damages, how paid.

Amount of improvements to be a lien on land.

SEC. 3. That all persons who shall be convicted of any violation of the criminal law in any of the courts of Pamlico county, and in consequence thereof shall be sentenced to imprisonment in the county jail, shall, upon application of the said commissioners, be delivered to them, their agents or appointees, for the purpose of working on said road; and if any such prisoners shall make an escape from the said commissioners, their agents or appointees, they shall, upon conviction thereof, be fined or imprisoned in the state penitentiary, or both, at the discretion of the court.

Criminals imprisoned in jail liable to work on road.

Escape.

SEC. 4. That if any male person or persons shall be imprisoned for the non-payment of costs, it shall be the duty of the court before which said person shall be convicted, to fix a sum per month, including board, at which such person shall work out such cost on said road, and if such person or persons shall escape from the said commissioners, their agents or appointees, and upon conviction thereof, shall be fined or imprisoned as provided in section three of this act.

Persons imprisoned for non-payment of costs liable to work on road.

Escape.

SEC. 5. That upon application of the said commissioners to the board of road supervisors, or their successors in office, having charge of the public roads in townships number two and five, the supervisors or their successors aforesaid, shall set apart, allot and assign such persons

Certain hands liable to work on public roads, to be assigned to road.

liable to work on the public roads as they may deem necessary and proper, as hands to keep in repair and to construct said road and appoint one overseer over the same.

Duty of overseer  
of road.

SEC. 6. That the overseer of the said road shall, in addition to the time prescribed by law for working public roads, order out the hands for at least three days in each and every year for the purpose of completing said road; and the said overseer and hands shall be subject to the same fines and penalties for failure to work as provided by law.

Penalty.

Survey.

SEC. 7. That for the purpose of making a survey and the completion of this road, the commissioners shall employ the county surveyor and such other help as may be necessary, and the same shall be paid by the county of Pamlico for their services upon a warrant drawn by the said commissioners upon the treasurer of said county.

SEC. 8. 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. 1883.

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## CHAPTER 140.

**An act to protect sheep and other domestic animals from the ravages of wolves in Madison county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Madison, Haywood, Transylvania, Swain and Jackson counties are hereby authorized and empowered to offer and pay a reward not exceeding five dollars for any wolf that may be killed in said counties, on due proof being made of the fact of the killing of the same.

Commissioners  
of certain coun-  
ties authorized to  
pay reward for  
wolves.

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 17th day of February, A. D. 1883.

## CHAPTER 141.

An act to amend chapter one hundred and thirty-eight, section ten, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section ten, chapter one hundred and thirty-eight, laws of one thousand eight hundred and eighty-one, be amended as follows: by striking out all after the word "commissioners" in the fourth line of said section, down to and including the word "land" in the seventh line thereof; and by inserting after the word "commissioners," in both the fourth and the seventh line, the words, "and board of justices of the peace."

Chapter 138, sec. 10, laws 1881, amended.

Court house in Durham.

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 17th day of February, A. D. 1883.

## CHAPTER 142.

An act to amend 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 six, chapter one hundred and thirty-five, laws of one thousand eight hundred and

Chapter 135, sec. 6, laws 1879, amended.

seventy-nine, be amended as follows: add after the word "act," in the last line of said section, the following: " *Provided*, that where a district or districts, township or townships, have adopted this act, or may hereafter adopt the same, and afterwards adjoining districts or townships shall adopt this act, then the real estate within the whole territory adopting the same shall be subject to assessment by the county commissioners for the purpose of keeping in repair all fences and gates around said territory."

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 17th day of February, A. D. 1883.

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## CHAPTER 143.

An act to amend the charter of the town of Asheville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty-two of an act entitled "an act to amend an act entitled an act to incorporate the town of Asheville," passed at the session of the legislature in the year one thousand eight hundred and forty-eight and forty-nine; and an act amendatory of the same, passed at the session of the legislature in the year one thousand eight hundred and fifty and fifty-one, and all other acts that may heretofore have been passed in behalf of and concerning said town, in the county of Buncombe, ratified on the eleventh day of February, one thousand eight hundred and sixty-three, shall be amended by adding the following words: *And provided further*, that this section shall not apply to any bonds which have been heretofore issued, or which may hereafter be issued, by the said commissioners under power given them by a vote of

Fence law in  
Rowan, Davie  
and other coun-  
ties.

Special tax.

Charter amended.

Town bonds is-  
sued upon popu-  
lar vote.

the qualified voters within said town, and in pursuance of the express will of the people so declared.

SEC. 2. That the action of the commissioners of the town of Asheville in issuing bonds to the amount of twenty thousand dollars, designated and known as "street improvement bonds," and other bonds to same amount designated and known as "water works bonds," under and by virtue of authority vested in them by vote of the qualified voters within said town on the fifteenth day of July, one thousand eight hundred and eighty-two, is hereby ratified and confirmed and declared to be valid in all respects.

"Street improvement bonds" and "water-works bonds" validated.

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 20th day of February, A. D. 1883.

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## CHAPTER 144.

An act to amend section twenty-one, chapter one hundred and nineteen of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty-one, of chapter one hundred and nineteen of Battle's Revisal, be amended by inserting after the word "authenticated" in line four of said section, the words "by any ambassador, minister, consul or commercial agent of the United States under his official seal."

Chap. 119, sec. 21, Battle's Revisal, amended.

Probate of will of citizen or subject of another country.

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

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

## CHAPTER 145.

An act to repeal chapter two hundred and seventy-four, of the laws of one thousand eight hundred and eighty-one, entitled an act to prohibit the use of drift nets in certain waters of the state.

*The General Assembly of North Carolina do enact :*

Chap. 271, laws  
1881, amended.

Drift nets for her-  
ring in Dare  
county.

SECTION 1. That chapter two hundred and seventy-four, of the laws of one thousand eight hundred and eighty-one, be and the same is hereby amended by inserting the following proviso: *Provided*, the people of Dare county shall be allowed to use drift nets for herring only in said 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 20th day of February, A. D. 1883.

## CHAPTER 146.

An act to regulate the sale of liquors in Northampton county.

*The General Assembly of North Carolina do enact :*

Order from coun-  
ty commissioners  
to sheriff to grant  
license.

Applicant to  
prove character.

Sheriff to issue  
license for one  
year.

SECTION 1. That every person desiring to sell within Northampton county spirituous or malt liquors, wines or cordials in quantities less than a quart, shall, before engaging in said sale, obtain an order to the sheriff from the board of commissioners of said county to grant him a license so to do, which orders they shall grant if the applicant proves by three credible witnesses to the satisfaction of said commissioners that he is a man of good moral character. If such order is granted he may take out a license for not less than one year, for which he shall

pay to the sheriff such sum as shall be prescribed by the law in force at the time the license is granted regulating the sale of liquors generally. Every applicant who has kept a licensed retail house the previous year shall also in like manner prove that he kept an orderly house.

SEC. 2. That no retail dealer in liquors, licensed under this act, shall sell or give away on Sunday to any person any spirituous or malt liquors, wines, or cordials, unless such person has a certificate from a practicing physician that such liquor is needed by a sick person, and no physician shall give such a certificate unless the same be true in fact.

Unlawful to sell, &c., on Sunday, except on physician's certificate.

SEC. 3. That no retail dealer in liquors, licensed under this act, shall sell or give to any minor any spirituous or malt liquor, wines or cordials, or to any person who is known to such dealer to be under the influence of liquor.

Unlawful to sell, etc., to minor, etc.

SEC. 4. That nothing in this act shall be construed to compel the board of county commissioners of said county to order a license to issue to any one to sell spirituous or malt liquors, wines or cordials within one mile of any church situated outside the limits of any incorporated town, or so near to any church in such town as to be reasonably offensive to those who worship therein.

When commissioners not compelled to order license to issue.

SEC. 5. That any person violating any one of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, according to law, shall be punished by fine or imprisonment at the discretion of the judge.

Misdemeanor.

Penalty.

SEC. 6. That all laws regulating or prohibiting the sale of liquor, in so far as they apply to the county of Northampton, are hereby repealed.

Conflicting laws repealed as to Northampton county.

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 20th day of February, 1883.

## CHAPTER 147.

An act providing for an additional term of the superior court for the county of Wayne.

*The General Assembly of North Carolina do enact:*

Additional term  
of superior court  
for Wayne  
county.

SECTION 1. That in addition to the two regular terms of the superior court for the county of Wayne as now provided for, there shall be another regular term for the trial of civil actions only, to begin on the fifth (5th) Monday before the first Monday in March in each year, and to continue for three (3) weeks, unless the business be sooner disposed of.

When held.

Jurors.

SEC. 2. The board of commissioners for said county shall cause to be drawn and summoned eighteen (18) jurors for each week of said term.

Process.

SEC. 3. That no original or final process shall be returnable to said additional term, nor shall any execution or final process issue therefrom upon any judgment rendered until after the succeeding term; but all judgments rendered at said term may be docketed as of that term.

Judgments.

What judge to  
hold court.

SEC. 4. The judge holding the courts of the third (3rd) judicial district shall hold said term, and shall receive one hundred dollars therefor as additional compensation, to be paid by the board of commissioners for said county.

Compensation.

SEC. 5. This act shall take effect on the 1st day of June, A. D. 1883.

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

## CHAPTER 148.

An act to provide for local assessments in aid of public schools.

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon written petition, signed by ten white voters of any school district for white children, or by a like number of colored voters of any school district for colored children, it shall be the duty of the board of county commissioners wherein such district is located, to post a notice, signed by their chairman, at three public places in such district, notifying the white or colored tax payers, as the case may be, that they will be heard at the next regular meeting of said board as to submitting to the voters the levying and collecting an assessment in such district in aid of the public school in said district. At said meeting the board shall hear all persons who may desire to be heard, and shall decide whether the question shall be submitted to the said voters or not; and if they decide to submit the question to the voters, they shall also decide what per cent., not exceeding twenty-five cents on the hundred dollars' valuation of property and seventy-five cents on the poll, shall be collected on property and the amount on polls respectively, and shall issue a written order, signed by the chairman of said board, to the school committee of such district, to submit to the qualified white or colored voters of such district, as the case may be, whether an annual assessment shall be levied and collected therein for the support of the public school in said district for the white children, or for the colored children, as the case may be. Said committee shall give thirty days' written or printed notice of the time and place at which said election shall be held, and the said notice shall be posted at three public places in said district. Said committee, or a majority of them, after being sworn by a justice of the peace, shall open the

Petition to county commissioners for special tax in school districts, for white and colored schools respectively.

Notice.

Commissioners to decide.

Amount of tax.

Commissioners to issue order to school committee to hold election.

Notice of election.

Election.

polls, hold said election, count the votes and shall report to the board of county commissicners at their next regular meeting after said election the result thereof. Each voter shall deposit a ballot, upon which shall be written or printed the word "assessment" or the words "no assessment;" and said election shall be held and conducted in all other respects under the same rules, regulations and penalties as are prescribed for the election of members of the general assembly.

Ballots.

Upon affirmative vote clerk of commissioners to make out tax list.

SEC. 2. In case a majority of the votes cast at said election shall be in favor of such assessment, the board of commissioners shall direct their clerk to make out from the tax list of the township in which such district is situate a list of all the taxable property and poll of the white or colored tax payers, as the case may be, in such district, and it shall be the duty of the school committee of such district to aid the clerk in making out said list, and said clerk shall deliver said list to the sheriff of the county with an order signed by him commanding the sheriff to collect said assessment in like manner as provided for the collection of state and county taxes, and said sheriff shall collect and pay over the same to the county treasurer. And said sheriff's official bond shall be liable therefor, as provided in case of county school tax.

Duty of school committee.

Sheriff to collect tax.

Liability of sheriff's bond.

Election not to be held oftener than once a year.

SEC. 3. That no election under this act shall be held more than once in any one year.

Tax collected from white persons applicable to support of white schools.

SEC. 4. That the assessment thus levied and collected from the taxable property and polls of white persons, shall be expended in aiding to keep up the public school in said district for white children of both sexes between the ages of six and twenty-one years; and the assessment thus levied and collected from the taxable property and polls of colored persons shall be expended in aiding to keep up the public school in said district for colored children of both sexes between the ages of six and twenty-one years.

Tax collected from colored persons applicable to support of colored schools.

SEC. 5. That the treasurer of any county wherein such assessment shall be levied and collected, shall receive and disburse the same; and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act.

County treasurer to receive and disburse tax.

Liability of bond.

SEC. 6. The assessments thus collected shall be subject to the orders of the school committee of such district for payment of teachers: *Provided*, that so much of said assessment as shall not be expended in any school district in any one year, shall remain to the credit of said school district for the ensuing year.

Tax collected subject to order of school committee for payment of teachers.  
Proviso.

SEC. 7. All orders upon said treasurer for the payment of teachers shall be paid out of said assessment, duly countersigned by the county superintendent of public instruction, and shall be signed by the school committee of the district in which the school is taught, which orders duly endorsed by the person to whom the same are made payable, shall be the only valid vouchers in the hands of said treasurer.

Orders on treasurer for payment of teachers.

SEC. 8. It shall be the duty of said treasurer to keep a book in which he shall open an account with each school district showing the amount of assessment collected and paid by the white districts and by the colored districts respectively, the dates of all payments, the name of the person to whom paid, and the amount of such payments; he shall balance the accounts of each district on the thirtieth day of November in each year, and shall report by letter or by printed circular, to each school committee the balance due each district from the preceding year.

Duty of treasurer.

SEC. 9. Said treasurer shall, on the first Monday in December of each year, report to said board the amount of money received from the sheriff from each school district; said report shall show the amounts received respectively from assessments paid by the whites on the property and poll, and the same as to the colored.

Treasurer to make annual report to board of commissioners.

SEC. 10. The said treasurer shall, when required so to do by said board, produce his books and vouchers for

Books, etc., of treasurer subject to examination of board of commissioners.

examination, and shall also exhibit all moneys due said districts at each settlement required by this act.

Compensation of treasurer.

SEC. 11. The said treasurer shall receive as compensation in full for all services required of him by this act, not exceeding two and a half per cent. on account of receipts and disbursements, as the board may allow.

County treasurer to make report to state superintendent of public instruction.

SEC. 12. The 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 received by him under this act during the preceding school year, the amount received from property and polls of the white and the colored respectively, and the disbursements thereof made by him, designating the amounts paid to teachers for the whites and the colored respectively.

Sheriff to pay in money tax collected to county treasurer, etc.

SEC. 13. The sheriff of each county shall pay in money to the treasurer thereof, on or before the first day of February of each year, the whole amount collected, less such sum as may be allowed on account of insolvents for the current year, 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 such district.

Misdemeanor.

Action on official bond.

County superintendent of public instruction to countersign orders on treasurer.

SEC. 14. 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 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

Proviso.

superintendent required by chapter two hundred of the laws of eighteen hundred and eighty-one.

SEC. 15. At the end of each term of such school the teacher or principal of the school shall exhibit to the school committee of the district a statement of the number of pupils, male and female; the average daily attendance and the length of 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, payable to said teacher, for the full amount due for services rendered.

Teachers to report to school committee number of pupils, etc.

Committee to give teacher order on county treasurer.

SEC. 16. That the public school houses may be used for the schools provided for in this act.

Use of public school houses.

SEC. 17. This act shall be in force from its ratification.

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1883.

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## CHAPTER 149.

### An act concerning pilots and pilotage.

*The General Assembly of North Carolina do enact:*

SECTION 1. That applicants for branches or license to pilot vessels, shall not be entitled to the same unless they shall have first served an apprenticeship for at least three years immediately preceding the date of such applicant under some competent and regularly licensed pilot.

Qualifications of applicants for license.

SEC. 2. That any licensed pilot, after being absent exceeding a distance of twenty miles from the port for a period of thirty days, shall forfeit his branch or license, and be considered on his return to port as an apprentice for the term of three years, until he shall be entitled to receive another branch or license.

Forfeiture of license.

Duty of commander of vessel.

SEC. 3. That the commanders of all vessels of sixty tons or more, shall be compelled to take a pilot before crossing the bar, upon being hailed by a pilot, and any pilot bringing a vessel into port shall be compelled and entitled to carry her out, unless for a sufficient cause, to be adjudged by the commissioners of navigation for the port.

Pilot bringing vessel into port entitled to carry her out.

Applicant for license to prove character and competency.

SEC. 4. That no applicant for a license to pilot vessels shall be entitled to receive the same unless said applicant shall first exhibit to the board of commissioners of navigation a recommendation as to his good moral character, signed by at least five respectable citizens, also a certificate of competency signed by three competent sea captains or other persons qualified to examine said applicant, who shall be styled a board of examiners and shall be elected annually by the board of commissioners of navigation.

"Beaufort" stricken out of chapter 147, laws 1881.

SEC. 5. That the word "Beaufort" be stricken out wherever it may occur in chapter one hundred and forty-seven, laws of one thousand eight hundred and eighty-one.

Act applicable only to Beaufort.

SEC. 6. That this act shall apply only to the port of Beaufort and the pilots thereof.

Conflicting laws repealed.

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

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 20th day of February, A. D. 1883.

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## CHAPTER 150.

An act to change the times of certain counties of the state in settling with the state treasurer.

*The General Assembly of North Carolina do enact:*

Sheriffs of certain counties allowed until May 1st to settle with treasurer.

SECTION 1. That the sheriffs of the counties of Rockingham, Guilford, Caswell, Orange, Durham, Person,

Granville, Vance, Forsyth, Stokes, Yadkin, Surry, Buncombe, Madison, Davidson, Rowan and Davie, be allowed until the first day of May in each and every year to settle with the state treasurer the amount due from these counties.

When act to take effect.

SEC. 2. This act shall go into effect on the first day of January, one thousand eight hundred and eighty-four.

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

*As amended in each session of 1 day in November before the next to be held before it 18th March*

CHAPTER 151.

An act repealing all laws prohibiting fishing in the Yadkin river, in Caldwell and Wilkes counties.

*The General Assembly of North Carolina do enact :*

Laws prohibiting fishing in Yadkin river, in Caldwell and Wilkes counties repealed.

SECTION 1. That all laws making it unlawful and indictable to take fish from the Yadkin river, in Caldwell and Wilkes counties, in any manner whatsoever and at any season of the year, be and the same are hereby repealed: *Provided, however,* that the acts shall not be construed to allow the taking of fish from the Yadkin river in any county other than Caldwell and Wilkes counties, or from any river other than the Yadkin, where such taking is now prohibited by law.

Proviso.

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

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

## CHAPTER 152.

## An act to regulate the killing of wild fowl in the waters of Currituck and Dare counties.

*The General Assembly of North Carolina do enact:*

Unlawful to kill wild fowl in Currituck county between certain dates, or to ship same out of state.

SECTION 1. That it shall not be lawful for any person to kill for sale any wild fowl in the waters of Currituck county between the tenth day of March and the tenth day of November of each and every year, or to ship out of the state between said dates any wild fowl killed in the waters aforesaid.

Unlawful for non-resident to shoot wild fowl in Currituck and Dare counties from blind not on land.

SEC. 2. That it shall not be lawful for any non-resident of the state to shoot any wild fowl in any of the waters of Currituck and Dare counties from any blind, box, battery, or float of any kind which is not on land at the time.

Misdemeanor.

SEC. 3. That any person violating any of the provisions 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.

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 20th day of February, A. D. 1883.

## CHAPTER 153.

## An act to protect oysters.

*The General Assembly of North Carolina do enact:*

Unlawful to take live oysters from natural bed for shells only.

SECTION 1. That it shall be unlawful for any person or persons to catch or take any live oysters, for their shells only, from any natural oyster bed or place where oysters

grow: *Provided*, this act shall only apply to the waters of Dare, Pamlico, Carteret and Craven counties. Proviso.

SEC. 2. That any person violating section one 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 ten nor more than thirty dollars, or imprisoned not less than ten nor more than thirty days for every offence. Misdemeanor.  
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 20th day of February, A. D. 1883.

## CHAPTER 154.

### An act to charter the Thomasville and Silver Valley Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a company may be formed with a capital stock not exceeding two millions of dollars, to be divided into shares of one hundred dollars each, to be called and known as the "Thomasville and Silver Valley Railroad Company," for the purpose of constructing a railroad from Thomasville, Davidson county, North Carolina, over the most practicable and easy route to Silver Valley mine, in Davidson county, North Carolina, thence the most practicable and best route to Hamlet, in Richmond county, North Carolina, and such company, when formed as hereinafter directed, shall have power to receive, possess, own and transfer real and personal property and estate necessary for the use and operation of said railroad, to have a common seal, and to pass such by-laws not inconsistent with the laws of this state as

Incorporation authorized.

Name.

Location of road.

Corporate powers.

may be necessary to carry out the objects of the corporation, and shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this state, and to have exclusive right to transfer and carry persons, merchandise, stock, lumber and minerals on such railroad.

Commissioners.

SEC. 2. That for the purpose of creating the capital stock of such company, Thomas C. Basshor, W. Morris Orem, Edward Landstreet, George J. Popplein, of the city of Baltimore, state of Maryland, and James A. Leach, J. H. Lambeth, H. J. Harris, H. W. Reinhart, D. T. Lambeth, L. W. Elliott, R. W. Thomas and David Loftin, of the county of Davidson, North Carolina, or any five of them, are hereby appointed commissioners, whose duty it shall be, as soon after the passage of this act as they may think best, or at any future time, to appoint such commissioners or agents, as they may wish, to open books of subscription at such places and at such times as to them shall seem best, including the city of Baltimore, under such rules and regulations as they may prescribe. Such subscriptions, or any part thereof, may be received payable in money, land, labor or material necessary in the construction of said road, bonds, stocks, or valuable credits in such manner and on such terms as shall be agreed upon between said company and such subscribers; but each subscriber shall at the time the subscription is taken by the commissioners or agent pay in not less than five dollars in cash on each share subscribed, the remainder in quarterly payments, or at such times as the directors hereinafter created, shall demand, to build said road. If any subscriber shall fail to pay the full amount of one share, he shall lose the amount paid. If the company shall fail to commence work on said road on account of the insufficiency of stock subscribed or for any other cause, then and in that case the money shall be refunded to the original subscribers.

Books of subscription.

Subscription.

SEC. 3. That whenever the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners above named (or any five of them may act) to call a general meeting of the stockholders, after giving such notice as to them shall seem sufficient, and at such times and places as they shall determine. Not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business. The stockholders, when so met in general meeting, shall have power and it shall be their duty to elect a president and seven directors for said company, whose term of office shall be for one year and until others are chosen. On the election of a president and directors and in enacting such laws as may be necessary, the stockholders may be entitled to vote one vote for each share owned.

Meeting of stockholders.

Quorum.

Officers.

SEC. 4. That it shall be the duty of the president and directors of said company to appoint a treasurer, who shall remain in office such a length of time as the company in their by-laws shall determine. The president and directors shall have general direction and management of the affairs of said company, and shall appoint some suitable person as engineer, whose duty it shall be to make the necessary survey for the location of said railroad, and furnish the president and directors with reports of said survey and estimates of costs. Said directors shall have power to fill any vacancy that may occur in their board until their next meeting; they shall also appoint a secretary, whose duty it shall be to keep a fair and correct record of the proceedings of said board and all proceedings of stockholders' meetings.

Treasurer.

Authority of president and directors.

SEC. 5. That whatever lands shall be required for the construction of the road, or for warehouses, depots, water stations, turnouts, workshops or for any other building purposes necessary for the use of said road, and the owner will not give said land to the company, or for any cause the same cannot be bought from the owner at fair valua-

Con temnation of land.

tion, the same may be taken by the directors at a fair valuation, to be ascertained upon the oath of five disinterested freeholders of the county, to be summoned by the sheriff, and if either party is dissatisfied with such valuation an appeal may be taken to the next term of the superior court of the county where the land is situated, under the same rules and regulations governing appeals from the judgment of justices of the peace, and upon the payment or the tender by the president or any one of the board of directors of the amount so assessed, the title of the property so seized and appraised shall thereby vest in said corporation: *Provided*, that no more than fifty feet from the centre of the road shall be allowed to be so condemned.

SEC. 6. That for the purpose of securing the building of said road, the company shall have power to mortgage, sell or lease the same, with all its franchises or any part thereof.

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

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

Authority to mortgage, sell or lease road.

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## CHAPTER 155.

An act to prevent the felling of timber in Jacob's and Henry's Forks and South Fork rivers and their tributaries in Burke, Catawba, Lincoln and Gaston counties, and to repeal chapter seventy-four, private laws of one thousand eight hundred and sixty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or corporation to fell or throw or roll or in any other manner to cause to be placed or put, except to build dams for

Unlawful to obstruct certain streams in Burke and other counties.

manufacturing purposes, any logs, trees, lumber, slabs, or other drift wood in the following streams, to-wit: Henry's and Jacob's Forks and their principal tributaries in Catawba and Burke counties, the South Fork in Catawba county, the South Fork in Lincoln, and its tributaries, to wit: Howard's Creek, Pott's Creek, Clarke's Creek and Indian Creek in said county and South Fork in Gaston county.

SEC. 2. That it shall be unlawful for any person owning or operating mills on the aforesaid streams in Catawba and Burke counties, to cause or permit any slabs, slab-edges, scraps, straps or pieces of shingles or other lumber to be thrown into said streams.

Unlawful for mill owners, etc., to throw lumber in streams.

SEC. 3. That any one violating this law shall be guilty of a misdemeanor and be fined or imprisoned at the discretion of the court.

Misdemeanor.

SEC. 4. That chapter seventy-four, acts of one thousand eight hundred and sixty-one and all other acts in conflict with this act be and they are hereby repealed.

Chap. 74, laws 1861, and other conflicting laws repealed.

SEC. 5. That this act shall go into effect and be in force from and after the first day of March, 1883.

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

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## CHAPTER 156.

An act to incorporate the insane asylums of the state and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That "The North Carolina Insane Asylum," located near Raleigh, shall be and remain a corporation under that name; "The Western North Carolina Insane Asylum," located near Morganton, shall be and remain a

Corporate existence continued.

corporation under that name; and "The Eastern North Carolina Insane Asylum," located near Goldsboro, shall be and remain a corporation under that name. And under such name each corporation is invested with all the property and rights heretofore held by each under what name soever called or incorporated, and all other corporate names are hereby abolished.

Corporate rights,

Authorized to acquire and hold property.

SEC. 2. "The North Carolina Insane Asylum," "The Western North Carolina Insane Asylum" and "The Eastern North Carolina Insane Asylum" may each acquire and hold for the purposes of its institution, property and estate by devise, bequest, or by any manner of gift, purchase, or conveyance whatever.

N. C. Insane Asylum and Western N. C. Insane Asylum for exclusive care of white insane, Eastern N. C. Insane Asylum for exclusive care of colored insane.

SEC. 3. "The North Carolina Insane Asylum" and "The Western North Carolina Insane Asylum" shall be exclusively for the accommodation, maintenance, care and treatment of the white insane of the state, and "The Eastern North Carolina Insane Asylum" shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane of the state.

Directors to make equal division of white population between two asylums for white insane.

SEC. 4. The boards of directors of "The North Carolina Insane Asylum," and of "The Western North Carolina Insane Asylum," shall jointly, as soon as practicable, in writing, determine upon an equal division of the white population of the state, as nearly as may be by a line running from the state of Virginia on the north, to the state of South Carolina on the south; and thereafter insane white persons settled in counties east of such line shall only be admitted to "The North Carolina Insane Asylum," and insane white persons settled in counties west of such line shall only be admitted to "The Western North Carolina Insane Asylum." But said boards of directors, nevertheless, shall, from time to time, change such line so as to make a larger proportion of counties west of such line whenever and as the capacity of "The Western North Carolina Insane Asylum" shall be ready to receive an increased number of patients.

SEC. 5. All insane persons in "The North Carolina Insane Asylum," upon the determination of such line, whose settlement may be in the counties west of such line, shall at such time as may be determined by the boards of directors of "The North Carolina Insane Asylum" and "The Western North Carolina Insane Asylum," be sent by the superintendent of "The North Carolina Insane Asylum" to "The Western North Carolina Insane Asylum," and the cost of such removal shall be paid by the state treasurer upon the certificate of said superintendent and the warrant of the governor.

Insane persons in N. C. Insane Asylum whose settlement may be in territory of Western Asylum to be sent to that asylum.

SEC. 6. Each corporation shall be under the management of a board of nine directors, nominated by the governor and by and with the advice and consent of a majority of the senators elect, appointed by him, of whom five directors shall be a quorum, except where three of their number are hereafter in this chapter empowered to act for special purposes. Each board of directors shall be in classes of three, as now divided by law, and the terms of office of said classes shall expire as follows, viz: of the first class, on the first day of March, one thousand eight hundred and eighty-three, of the second class, on the first day of March, one thousand eight hundred and eighty-five, and of the third class, on the first day of March, one thousand eight hundred and eighty-seven, and at the expiration of said respective terms all appointments shall be for a term of six years, except such as are made to fill unexpired terms.

Board of directors.

Quorum.

Terms of office.

SEC. 7. Each board of directors shall, out of their number, appoint three members as an executive committee, two of whom shall reside in or near the location of their respective corporations, who shall hold their respective offices 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.

Duties and powers of directors.

SEC. 8. Each board of directors shall direct and manage the affairs of their institution, and shall for its purposes have power to receive, hold, manage, convey or otherwise dispose of, in the name of their institution, all such property or estate as may hereafter be given or otherwise conveyed to their corporation; and the members of each board shall serve without reward, save their traveling expenses incurred in the discharge of their official duties.

Meetings of board of directors.

SEC. 9. Each board of directors shall convene at the asylum, of which it has charge, on the first Wednesday after the first Monday of March 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.

Superintendents.

Qualifications.

SEC. 10. Each board of directors shall appoint a superintendent of their institution and prescribe his duties. He shall be a skilled physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall hold his office for six years from and after his appointment, unless sooner removed by said board, who may for infidelity to his trust, gross immorality or 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.

Terms of office.

Removal.

Assistant physicians.

SEC. 11. Each board of directors shall appoint one or more assistant physicians, and with the advice and consent of the superintendent, prescribe his duties. Every assistant physician hereafter appointed shall hold his place for two years from and after his appointment, unless sooner removed by said board, for good cause, which shall be specified and recorded in their proceedings.

Terms of office.

Removal.

Stewards and matrons.

SEC. 12. Each board of directors, at their annual meeting, shall, on the nomination of the superintendent, appoint a steward and matron, who shall hold their places

Terms of office.

for one year, unless sooner removed by said 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 state treasurer shall be treasurer of said corporations, and he may appoint deputies to act for him at Morganton and Goldsboro, and may pay such deputies reasonable compensation. The state treasurer shall keep all accounts of the institutions, as may be regulated by the boards of directors, and he shall pay out money only upon the warrant of the respective superintendents, and countersigned by at least two of said boards of directors.

Treasurer.

Deputy treasurers.

SEC. 13. Each 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 under charge of said board: *Provided*, that the salaries shall not be diminished during the term of the incumbents: *And provided further*, that the salary of the superintendent shall be a sum certain, without other compensation or allowance, except such rooms in the asylum for the use of his family, and such articles of food produced on the premises as said board of directors may permit.

Salaries.

Proviso.

Proviso.

SEC. 14. Each superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of his asylum, and he may discharge such as have been employed by himself or his predecessors, and shall report to the board of directors of his asylum the misconduct of all other subordinates.

Superintendents to have exclusive control of subordinate officers and employees.

SEC. 15. Each board of directors shall make all such by-laws and regulations for the government of their institution as shall be necessary; among which regulations shall be such as shall 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

By-laws, etc.

By-laws and official reports to be published with report of directors to general assembly.

to be published with their report to the general assembly, copies of which shall be sent to the clerk of the superior court of every county in the state.

Superior court judges to commit to proper asylum persons confined in jail on criminal charges, and persons acquitted of crime, who are found to be insane.

SEC. 16. The judges of the superior court, in their respective districts, shall commit to the proper asylum, (if there be room therein) 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 the verdict of a jury of inquisition that the alleged criminal act was committed while such person was insane, and that such insanity continues; and also any person acquitted upon a criminal charge, where, on the trial of such person, insanity was relied upon as a defence: *Provided*, the fact of insanity was found as a distinct issue to exist at the time of such trial, or is so found by a jury of inquisition as such judge may direct. A copy of such finding in any of the above cases shall accompany the committal.

Proviso.

Proceedings to obtain admission to asylum.

SEC. 17. For admission into any insane 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 has carefully examined ..... the alleged lunatic, and believes him to be an insane person, and to be, in the opinion of the undersigned, a fit subject for admission into an insane asylum.

Dated ..... day of ....., 18.....

A..... B....., (Affiant.)

Sworn and subscribed before P..... D.....; J. P.

Whereupon, unless the person in whose care or custody

the alleged insane is, will agree to bring him before said justice without a warrant, or when such alleged insane person is confined in jail otherwise than for crime, the justice shall issue a precept, directed to the sheriff or to a constable (who shall be empowered for that purpose to take from jail such person) as follows:

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 insane, you are hereby commanded to bring him before me or some other justice of the peace of said county within the next ten days, that necessary proceedings may be had thereon.

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 friends, or upon the return of the precept with the body of the insane person, the justice shall cause to be associated with him one or more justices of said county, who together shall proceed to examine into the condition of mind of the alleged insane person, and shall take the testimony of at least one respectable physician, and such others as they may think proper. If any two of the justices shall decide that such person is insane, and some friend, as he may do, will not become bound, with good security, to restrain him from committing injuries, and to keep, support and take care of him until the cause for confinement shall cease, such justices shall direct such insane person to be removed to the proper 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 proper board of directors the examination of the witnesses, and a statement of such facts as the said

Proceedings before justices.

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:*

Warrant for transmission to asylum.

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 an 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 proper 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. 18. Whenever the justices of the peace, under the provisions of the preceding section, shall direct any insane person to be removed to an asylum 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.

Questions and answers to be certified by justices to board of directors.

SEC. 19. The following questions with their respective answers by at least one physician of respectable standing, and such other competent witness as said justices may determine, duly sworn and subscribed by them, and so certified by said justices, shall be transmitted with the other papers to the board of directors of the proper asylum :

Question 1. What is the name of the patient?

Question 2. Is he white or colored?

Question 3. What is his age?

Question 4. Is he married or single, and if married, for how many years?

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 been insane? Count from the first symptoms and give all known symptoms from that time to this date.

Question 9. Has the patient manifested any propensity to injure himself or others; if so, in what way and how often?

Question 10. Has he been subject to epilepsy?

Question 11. Have any of his ancestors been insane; if so, state what ancestors, and what was the character of their insanity?

Question 12. Has he 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 persons related by blood; if so, what is the degree of relationship?

Question 17. Has the patient property; if so, state in what such property consists, and what is the value thereof?

Question 18. Is he 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 post office of the nearest relative or friend 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 an insane person shall be conveyed to any asylum, and the superintendent is in doubt as to

Superintendent  
to refer doubtful  
cases to three  
directors.

the propriety of his admission, he may convene any three of the board of directors of his asylum, who 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 so decide, he shall be received into said asylum; but a like board may at any time thereafter deliver said insane person to any friend who will become bound, with good surety, to restrain him from committing injuries, and to keep, maintain and take care of him, in the same manner as he might have become bound under the authority of the justices of the peace.

SEC. 21. Any three of the board of directors of any asylum, upon the superintendent certifying the facts (a copy of which certificates shall be sent to the clerk of the superior court of the county of settlement) shall be a board to discharge or remove from their asylum any person admitted as insane, when such person has become or is found to be of sane mind, or when such person is incurable and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or said board may permit such person to go to the county of his settlement on probation, when in the opinion of the said superintendent it will not be injurious to himself or dangerous to the community, and said board may discharge or remove such person upon other sufficient cause appearing to them, and whenever any such person, if admitted as indigent, may be so discharged or removed, except as sane, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such indigent person discharged as sane shall receive from such asylum a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county.

SEC. 22. Any superintendent may notify any sheriff within whose county any person sent from his asylum on probation, or escaped therefrom, may be found, and there-

Removal from asylum of persons becoming sane, and of certain incurable insane.

Sheriffs on notice from superintendents to return to asylum persons on probation or escaped.

upon it shall be the duty of such sheriff forthwith to take such person and return him to such asylum at the expense of his county.

SEC. 23. For the purposes of this chapter, the settlement of any person admitted to any insane asylum as insane; shall be in the county where the actual place of his residence, at his admission, may be situated, when such settlement comes in question.

Settlement of insane person.

SEC. 24. 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 said insane person is settled, for safe keeping, and may be put in suit by any person injured by said insane person by reason of his insane condition, and shall be put in suit by the solicitor for the judicial district in which the county of said insane person's residence is situated, for any other breach thereof, wherein the damages received shall be for the use of said insane person.

Bond for restraining insane persons from committing injuries, etc.

SEC. 25. The form of 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 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 ..... insane asylum, (or to effect his release from the said asylum, as the case may

be) hath undertaken to restrain him from committing injuries, and to keep, maintain, support and take care of the said G..... H..... 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.]

Liabilities of directors and superintendents.

SEC. 26. No director or superintendent of any of said insane asylums shall be personally liable for any act or thing done under or in pursuance of any of the provisions of this chapter.

Expense of conveying indigent insane.

SEC. 27. The cost and expense of conveying any indigent insane person to any of such asylums from any county, or of removing him therefrom to any county or of his return to the county of his settlement as sane, under any of the provisions of this chapter, shall be paid by the treasurer of such county upon the order of the chairman of its board of county commissioners: *Provided*, that (except when any such person admitted as indigent is discharged as sane) upon satisfactory proof before such board of county commissioners that such person or some other person liable for his maintenance has sufficient property to pay such costs and expenses, such board may refuse such payment, and the estate of such person shall be liable for such cost and expense.

Proviso.

SEC. 28. Whenever it shall be made to appear to any two justices of the peace of the county of settlement of such insane person, that the conditions of the bond are not faithfully complied with, said insane person shall be sent back to the proper asylum by them, 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, he shall not be delivered on any new bond of the defaulting obligor.

Insane person sent back to asylum if conditions of bond are not complied with.

SEC. 29. All money and proceeds of property given to any insane asylum, all money arising from any estate which may be owned by such asylum, and all dues to such asylum from any and all sources, shall be paid into the state treasury, and all donations in which there shall be special directions for their application, shall be kept as a distinct fund and faithfully applied as the donor may have directed; and the said insane asylum shall be supported by appropriations from the state treasury.

Money, etc., belonging to asylums payable to state treasurer.

SEC. 30. In order to secure their constant supervision and attendance, the officers and employees of any insane asylum shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

Support of asylums.

Officers and employees exempt from jury service, etc.

SEC. 31. Each 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, and pay him a reasonable compensation for his services. The books shall at all times be open to the inspection of the general assembly.

Directors to keep record of proceedings.

Clerk.

Books open to inspection of general assembly.

SEC. 32. The board of public charities and the members of the general assembly shall be *ex officio* visitors of all insane asylums. It shall be the duty of the board of public charities to visit the asylums from time to time, as they may deem expedient, to examine into their condition, and make report thereon to the general assembly, with such suggestions and remarks as they may think proper. And to said board, and to the board of directors of his asylum, and to the general assembly only, shall each superintendent be required to make reports or furnish statistics.

Board of public charities and members of general assembly *ex officio* visitors.

Duty of board of public charities.

Reports of superintendents.

SEC. 33. The close of the fiscal year shall be the thirtieth day of November in each year, and all accounts and estimates shall be made with reference thereto.

Fiscal year.

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

Proceedings to place insane person possessed of sufficient income in asylum outside of state.

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 wish to be placed in such asylum without the state, instead of being in an asylum established by the state; (or in case such insane person is incapable of declaring such preference, then the same may be declared by his guardian;) and two respectable physicians who shall have examined such insane person, with the justices who made the examination, shall deem it proper, then it may be lawful for said justices, 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, etc.

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 support in the asylum in which he may be placed, during his 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 of the peace to report proceedings to superior court clerk.

SEC. 36. It shall be the duty of said justices to report the proceedings in such cases to the clerk of the superior court of the county in which such insane person may reside or be domiciled.

Clerk to lay proceedings before judge.

SEC. 37. The clerk of the court shall lay the said proceedings before the judge of the superior court of the district in which said 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.

Certified copy of proceedings with judge's approval sufficient to authorize removal to asylum designated.

SEC. 38. A certified copy of such proceedings, with the approval of the said judge, shall be sufficient warrant to authorize any friend of such insane person appointed by the said judge to remove him to the asylum designated.

SEC. 39. In the admission of patients to any insane asylum, priority of admission shall be given to the indigent insane: *Provided, however,* that the boards of directors may regulate admissions, having in view the curability of patients and the welfare of their institution: *And provided further,* that said boards may, if there be sufficient room, admit other than indigent insane persons upon payment of proper compensation.

Indigent insane to have priority of admission to asylum.

Proviso.

Proviso.

SEC. 40. When any person is found to be insane, under any of the provisions of this chapter, and he cannot immediately be admitted to the appropriate asylum, and such person is also found to be subject to such acts of violence as threaten injury to himself or danger to the community, and he cannot otherwise be properly restrained, he may be temporarily committed to the county jail, until a more suitable provision can be made for his care.

Temporary commitment of insane person to county jail.

SEC. 41. It shall be the duty of any board of county commissioners, by proper order to that effect, to discharge any ascertained lunatic in their county, not admitted to the appropriate insane asylum and not committed for crime, when it shall appear upon the certificate of two respectable physicians and the chairman of their board that such lunatic ought to be discharged if in any insane asylum.

Discharge of insane person from county jail.

SEC. 42. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 43. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

## CHAPTER 157.

An act to incorporate the Fayetteville public graded and normal school for whites.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That A. H. Slocumb, A. A. McKethan, Jr., John D. Williams, W. H. Cohen, W. C. Troy, A. Moore, B. C. Ledberry, T. D. Haigh, W. A. Guthrie, C. F. Moore, George M. Rose, Charles Haigh, W. N. Tillinghast, R. W. Hardie, W. T. Taylor, J. C. MacRae, John A. Pember-ton, Silas Sheets and J. M. Welsh, their associates and successors, are hereby created a body politic and corporate, under the name and style of the "Trustees of the Fayetteville public graded and normal school," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold, enter upon and possess, in their corporate capacity, property, real and personal, such as may be necessary and suitable for maintaining and carrying on a public graded and normal school for whites in Cross Creek township, in the county of Cumberland, with power to make all needful rules and regulations for their government and that of said school, and shall have continual succession in such capacity.

Name.

Corporate powers.

To succeed to powers of school committee.

SEC. 2. That all of the powers, duties and privileges now devolved upon the school committeemen for whites in said township shall be exercised by the said trustees, and said trustees shall have full control over all moneys collected under the general school law of the state, and apportioned to said township for whites.

Election by whites upon question of taxation.

SEC. 3. That upon the written application of said trustees, through their proper officers, to the board of commissioners of Cumberland county, the said board of commissioners shall order an election, by the white voters of said township upon the question whether an annual tax

shall be levied therein upon the property and polls of the white citizens and owners of property in said township, for the support of the said public graded and normal school, said election to be held under rules and regulations to be fixed by the said commissioners, and conforming, as near as may be, to the rules and regulations, for conducting other elections.

SEC. 4. That if a majority of said voters shall vote in favor of the levy of such tax, then said commissioners shall proceed to have such tax levied, collected and paid over to said trustees, in like manner, and under like penalties, as is now provided for the collection and disbursement of other school taxes.

Commissioners to levy tax on affirmative vote.

Tax, how levied and 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 21st day of February, A. D. 1883.

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## CHAPTER 158.

An act to establish stock law in a part of Perquimans county known as Old Neck.

*The General Assembly of North Carolina do enact:*

SECTION 1. That that portion of Perquimans county embraced within the following boundaries, viz: beginning on the west side of Sutton's creek, one hundred yards below Tom's Mill bridge, thence along said creek to the main road, thence along the south side of said road to Union Hall Fork, thence along the west side of the main road to the Hertford and Woodville road, thence along the south side of said road to the Cedar Grove church grounds, thence along the west boundary of said church grounds to Brite's Mill creek, thence down said creek to

A portion of Perquimans county designated as "Old Neck."

Perquimans river, down said river to Sutton's creek, and up said creek to the first station shall be known as Old Neck.

County commissioners to let out contract for fence, etc.

SEC. 2. That the board of commissioners of Perquimans county shall, on the first Monday of May, one thousand eight hundred and eighty-three, let out, at the court house door in said county, a contract to construct a lawful fence along the northern boundary of said Old Neck, beginning at Sutton's creek and extending to Brite's Mill creek, and to construct and erect a gate at Old Neck Fork and a gate at Union Hall Fork, and to keep said fence and gates for the remainder of the year one thousand eight hundred and eighty-three, and annually on the first Monday of December, shall let out a contract for the keeping of the said fence and gates 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 gates by levying a sufficient tax for that purpose upon the real estate lying within the boundaries described and comprised in section one.

Special tax.

Farmers within boundaries of "Old Neck" not required to fence lands.

SEC. 3. Persons cultivating crops within the boundaries comprised in section first shall not be required to keep the same enclosed by a fence.

Impounding of live stock.

SEC. 4. If any horse, cow, mule, hog, or any other stock is found in said Old Neck on any crop growing or matured, it shall be lawful for the owner of said crop, or any person interested therein, to take possession of said stock and hold the same until double the actual damage done to said crop, and full compensation for the feeding and care of said stock while so held is paid: *Provided*, notice of the taking up of said stock will be given within reasonable time to the owner, if known, if not, by notice posted at the gate at Old Neck Fork.

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Sale of live stock impounded.

SEC. 5. If the owner of the stock taken up under section fourth of this act, does not claim the same and pay the damages and costs of care and keeping therein provided, within twenty days after personal notice or adver-

tisement, 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 charges aforesaid, and the surplus, if any, to the owner.

SEC. 6. If any dispute should arise as to 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 for 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 sufficient surety, conditioned to pay the damages, expenses and costs if awarded against him.

Damages, how ascertained.

SEC. 7. This act shall be in force from and after the first day of January, one thousand eight hundred and eighty-four.

When act to take effect.

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

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## CHAPTER 159.

An act to allow the magistrates of Oxford township in Granville county to transfer its stock.

*The General Assembly of North Carolina do enact;*

SECTION 1. That a majority of the magistrates of Oxford township in Granville county are authorized and empowered to transfer the stock subscribed by said township to the Oxford and Henderson railroad.

Authorized to transfer stock in O. & H. R. R.

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

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

## CHAPTER 160.

An act to prevent the catching of fish in Elk river and its tributaries in the counties of Watauga and Mitchell.

*The General Assembly of North Carolina do enact :*

Unlawful to take trout from Elk river and tributaries until April 1st, 1885.

SECTION 1. That it shall be unlawful for any person to take trout from Elk river, or any of its tributaries in the counties of Watauga or Mitchell, until the first day of April, Anno Domini eighteen hundred and eighty-five.

Misdemeanor.

SEC. 2. Every person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than twenty nor less than five dollars, at the discretion of the court.

Penalty.

SEC. 2. This act shall take effect from and after the first day of April, eighteen hundred and eighty-three.

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

## CHAPTER 161.

An act to amend the charter of the Watauga and Caldwell Narrow Gauge Railroad Company.

*The General Assembly of North Carolina do enact :*

Name changed.

SECTION 1. That the corporate name of the Watauga and Caldwell Narrow Gauge Railroad Company, chartered by an act ratified December twelfth, one thousand eight hundred and seventy-four, chapter fourteen of the laws of the state of North Carolina, one thousand eight hundred and seventy-four and seventy-five, and amended by subsequent acts of the legislature, be and the same is hereby changed, so that said company shall hereafter be

known as "The North Carolina and Tennessee Railroad Company," and under that name and title shall succeed to and possess all the franchises, rights, privileges and property belonging and appertaining to said corporation under its original charter, and the amendments thereof, as fully and completely as if such had been its original corporate name and title.

Name.

Corporate powers.

SEC. 2. If the capital stock of said company shall be deemed insufficient for the purpose of this act, it shall be lawful for the directors, or a majority of them, from time to time, to increase the same by the addition of so many shares of the par value of one hundred dollars each, as they may deem necessary, for which they may, at their discretion, cause subscriptions to be received in such a manner as they may prescribe, or may sell the same for the benefit of said company.

Capital stock.

Subscriptions.

SEC. 3. Said company shall construct its main line from such points on the Tennessee and North Carolina state line as will best facilitate and secure a connection with a railroad in the Watauga Valley in Tennessee, and thence by the most eligible route through Watauga county to Cook's Gap, in the Blue Ridge mountain, passing as near the town of Boone as the cheapest and best line of construction and operation can be had on a final survey and location, and from Cook's Gap to a junction with any of the lines of railroad in this state east of the Blue Ridge that said company may find most advantageous. And it shall be lawful for said company to construct branches from its main line at any time before or after it is completed through to reach any mines, timber or other tonnage in the counties of Watauga, Ashe, Alleghany, Mitchell, Wilkes, Caldwell, Alexander, Burke, McDowell, Buncombe or Yancey in this state, and of such gauge respectively as the company may decide upon as best for the development of the resources of said counties.

Route.

Branch roads.

Gauge.

Authorized to  
consolidate with  
Bristol & N. C.  
R. R.

Officers.

SEC. 4. It shall be lawful, in addition to the power of consolidation now possessed by said company, for it to consolidate and form one and the same corporate body, with the Bristol and North Carolina Railroad Company of Tennessee, under such corporate name as the stockholders of said two companies hereafter agree upon, possessing all the rights, powers and privileges, immunities and franchises heretofore conferred upon said companies by their respective charters and amendments thereof. That in case a consolidation is effected between the two companies, the affairs of the consolidation shall be managed and directed by a president and such other officers and directors as said company, by its by-laws, may prescribe.

Additional con-  
victs.

SEC. 5. When said company actually commences work in the grading and construction of its line, and at any time within two years from the passage of this act, has applied to the proper authorities of the state for the convicts to which it is entitled under existing laws, the board of directors of the penitentiary may, upon application of the president of the company, deliver to him in the same manner, as provided already for convict labor, to said company other and additional convicts to the number of two hundred and fifty, to be worked on its road according to the provisions of its charter and amendments thereof: *Provided*, that nothing herein contained shall be construed to interfere with any convicts assigned to any railroad in which the state owns an interest, or is bound by existing contracts to supply convict labor, but hereafter as convicts are returned to the penitentiary from work on such roads, or from under existing contracts, and as new convicts are consigned to and delivered into the penitentiary, they may, when demanded as aforesaid, be furnished to said company until the full quota to which it shall be entitled has been supplied; and said convicts may remain in the service of said company so long as it may need them, and complies with the general

Proviso.

laws governing such service until the completion of its works: *And provided further*, that the terms in which said additional convicts may be furnished, shall be the same as the terms upon which convicts are furnished at the time to other roads in which the state has no interest.

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 21st day of February, A. D. 1883.

## CHAPTER 162.

### An act to amend the stray law.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one (1), chapter two hundred and fifty-eight (258), laws of one thousand eight hundred and seventy-four and seventy-five, be and the same is hereby repealed.

Chap. 258, sec. 1,  
laws 1874-'5,  
repealed.  
County ranger.

SEC. 2. That the register of deeds in each and every county shall be *ex-officio* county ranger, and perform all the duties required of him by law as such, and receive the fees prescribed for the same, and shall keep a book in which he shall enter and record all returns made him as such ranger by the magistrates of the county, whose duties as rangers are not interfered with by this act.

Register *ex officio*  
county ranger.

SEC. 3. That chapter ninety-four, laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended by adding to the first section thereof the following words, viz: "and it shall be their duty, within five days after information is filed with them of the taking up of any stray, to return a copy of such information in full, by mail or otherwise, with the name and post office of the taker-up to the register of deeds of the county for registration as hereinbefore provided.

Chap. 94, sec. 1,  
laws 1879, amend-  
ed.

Justices of the  
peace *ex officio*  
rangers.  
To make returns  
to register.

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 22nd day of February, A. D. 1883.

### CHAPTER 163.

An act to amend chapter seventy-eight, acts of one thousand eight hundred and eighty-one, entitled "an act to authorize the commissioners of Craven county to levy a special tax."

*The General Assembly of North Carolina do enact:*

Chap. 78, sec. 1,  
laws 1881,  
amended.

Special tax to  
build court house.

SECTION 1. That chapter seventy-eight of the acts of one thousand eight hundred and eighty-one be amended by striking out the word "twelve," in third line of section one, and inserting the word "sixteen," and by striking out the words "one-third" in the fourth line of said section, and inserting the words "one-fourth," and adding to said section the words, "and paying for a site for the same."

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 22d day of February, A. D. 1883.

### CHAPTER 164.

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 of the ninth judicial district shall be held as follows:

In Madison county on the first Monday in March and August in each year, and continue two weeks. Madison county.

In Henderson county on the third Monday in March and August in each year, and continue for two weeks. Henderson county.

In Transylvania county on the fourth Monday after the first Monday in March and August of each year, and continue for one week. Transylvania county.

In Haywood county on the fifth (5th) Monday after the (1st) first Monday in March and August, and continue for two weeks. Haywood county.

In Jackson county on the sixth Monday after the first Monday in March and August of each year, and continue for one week. Jackson county.

In Macon county on the seventh Monday after the first Monday of March and August of each year, and continue for one week. Macon county.

In Clay county on the eighth Monday after the first Monday in March and August of each year, and continue for one week. Clay county.

In Cherokee county on the ninth Monday after the first Monday in March and August of each year, and continue two weeks. Cherokee county.

In Graham county on the eleventh Monday after the first Monday in March and August in each year, and continue one week. Graham county.

In Swain county on the twelfth Monday after the first Monday in March and August of each year, and continue one week. Swain county.

In Buncombe county on the thirteenth Monday after the first Monday in March, and on the third Monday of November in each and every year, and hold for four weeks, unless the business shall sooner be disposed of. Buncombe county.

SEC. 2. That the board of county commissioners of Buncombe, Madison, Henderson, Haywood and Cherokee counties be and they are hereby authorized to draw a separate jury for each week of the superior court of said counties. Separate jury for each week.

SEC. 3. That this act shall not take effect until from and after the 2d day of July, 1883.

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1883.

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## CHAPTER 165.

An act for the protection of the aids to navigation, established by the authority of the United States Light House Board, within the state of North Carolina.

*The General Assembly of North Carolina do enact:*

Unlawful to moor vessel to buoy, &c., or to damage, &c., buoy, &c., placed in waters of N. C. by U. S. Light House Board.

SECTION 1. That any person who shall moor any vessel of any kind or name whatsoever, or any raft or any part of a raft, to any buoy, beacon or day mark, placed in the waters of North Carolina by the authority of the United States Light House Board, or shall in any manner hang on with any vessel or raft, or part of a raft, to any such buoy, beacon or day mark, or shall wilfully remove, damage or destroy any such buoy, beacon or day mark, or shall cut down, remove, damage or destroy any beacon erected on land in this State by the authority of the said United States Light House Board, or through unavoidable accident run down, drag from its position or in any way injure any buoy, beacon or day mark, as aforesaid, and shall fail to give notice as soon as practicable of having done so, to the light house inspector of the district in which said buoy, beacon or day mark may be located, or to the collector of the port, or, if in charge of a pilot, to the collector of the port from which he comes, shall for every such offence be guilty of a misdemeanor and shall be punished by a fine not to exceed two hundred dollars or imprisoned not to exceed three months, or both, at the discretion of the court.

Misdemeanor.

SEC. 2. That it shall be unlawful for any vessel to anchor on the range line of any range of lights established by the United States Light House Board, unless such anchorage is unavoidable, and the master of any vessel so anchoring shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed fifty dollars.

Unlawful for vessel to anchor on range line of lights established by U. S. Light House Board.

Misdemeanor.

SEC. 3. Any person having charge of any raft passing any buoy, beacon or day mark, which shall not exercise due diligence in keeping clear of it, or if unavoidably fouling it, shall not exercise due diligence in clearing itself without dragging from its position such buoy, beacon or day mark, shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not to exceed fifty dollars.

Due diligence to be exercised in passing buoy, &c.

Misdemeanor.

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 22d day of February, A. D. 1883.

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## CHAPTER 166.

An act to repeal local prohibition in certain localities and to prohibit the sale of intoxicating liquors in certain other localities.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one, be amended by striking out of section two the words "Salem Methodist church, Friendship Protestant Methodist church, the Methodist church in the town of Leesburg, in the county of Caswell, Mt. Tirzah and Providence churches;" by striking out of section three, "Mt. Zion A. M. E. church, and Trinity M. E. church, in Bladen county, Woodington church in Lenoir county," and by

Chap. 234, law 1881, amended.

Certain localities stricken out.

striking out of said chapter, "Mt. Vernon Baptist church in the county of Wake, Stony Fork Baptist church and Laurel Springs church in Watauga county, Beaver Creek Baptist church in Ashe county, the Methodist church in the town of Swansboro, in Onslow county, Pine Log church in Clay county, the Presbyterian church in the town of Shoe Heel in Robeson county."

Chap. 232, laws  
1879, amended.  
Not applicable to  
certain localities.

SEC. 2. That chapter two hundred and thirty-two of the laws of one thousand eight hundred and seventy-nine, be amended so as not to apply to Avoca, Midway, Gaskins store, Mt. Holly, Mill Landing, Old Shop, Mars Hill and Grab township in the county of Bertie, Ephesus Baptist and Allensville Methodist churches in Person county, Middleton in Hyde county, Ephesus church in Wake county, and Lake Forest in Hyde county.

Chap. 137, laws  
1873-4, amended.  
Certain localities  
stricken out.

SEC. 3. That chapter one hundred and thirty-seven, section one, of the laws of one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four, be amended by striking out Fellowship church, in Johnston county; that chapter two hundred and thirty-nine, section one of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended by striking out Hopkins' Chapel, in the county of Wake.

Sale of spirituous  
liquors prohib-  
ited in certain lo-  
calities.

SEC. 4. That it shall be unlawful for any person to sell, or in any manner, directly or indirectly, to receive any compensation for any spirituous, malt or other intoxicating liquors within one mile of the following places: Centre Methodist church, in Yadkin county; Big Lick Academy, in the town of Big Lick, in the county of Stanly; school house number two, district number two, Edneyville township, in Henderson county; Three Fork Institute, Stony Fork Baptist church, Laurel Springs church and Henson's Chapel, in the county of Watauga; Zion Methodist church and Azney's chapel, in Burke county; Free Will Baptist and Dunkard churches, Hol- low Poplar township, Mitchell county; Beaver Creek

Within one mile.

Baptist church, in Ashe county; Long Branch Baptist church, in Robeson county; Pleasant Grove church, in Rutherford county; George Town school house (colored), in the county of Lincoln; Pope's Chapel, Franklin county; Union Free Will Baptist church, Bethel church, Bee Log church, in Yancey county; Lebanon church, in Greene county; Old Lewis Fork church, in Wilkes county; St. Paul's church, Centre Grove Methodist church, Cabarrus county; Tryon City church, Union church, in Polk county; Robeson's Grove church, Durham county; Bethel Baptist church, in Iredell county; Kittrell's church, Gates county; Coddle Creek church, Iredell county; Prosperity church, in Moore county; French's Creek Baptist church, Bladen county; Green Level church, in Alamance county, and within one-half ( $\frac{1}{2}$ ) mile of Sawyer's Creek church, in Camden county; Brown Marsh church, in Bladen county; also within one and a half miles of Fork Mountain Baptist church, in Mitchell county.

SEC. 5. That it shall be unlawful for any person to sell, or in any manner directly or indirectly to receive any compensation for any spirituous, malt or other intoxicating liquors within two miles of the following places: New Elam church, Cedar Grove church, Zion Christian church in Chatham county; Oakdale Academy in Alamance county; Hopewell church in Mecklenburg county; Bethesda church and Mill Creek Missionary Baptist church in Sampson county; Dudley Shoals Baptist church, Ebenezer Methodist church, Rocky Mount Methodist church and Grace Chapel Methodist church in Caldwell county; Middleberry Methodist church in Vance county; Center church and Mt. Olivet Methodist church in Robeson county; Holly Springs Baptist church, in Harnett county; Mt. Vernon Baptist church, in Wake county; Elk Knob Copper Mines, in Watauga county; Poplar school house, Gap of the Mountain Methodist church, Flatts of Spring Creek Baptist church, Zion Baptist church, Sliding Knob Baptist church, Meadow Fork Methodist and

Within two  
miles.

Baptist churches, Bethel Christian church and Roaring Fork school house, in Madison county; Rosses Grove Baptist church, Boiling Springs Baptist church and Pleasant Hill Baptist church, in Cleveland county; Woods school house in Rutherford county; Shady Grove Baptist church in Gaston county; Old Cullowhee and Spruell churches in Cullowhee township, in Jackson county; M. E. Church South, in Webster township, in Jackson county; Spout Springs Methodist church, in Bladen county; Cove Creek Baptist church, Bald Creek Methodist church, Macedonia Baptist church and Liberty Baptist church, in Union county; Randle's church and Pee Dee Academy, in Stanly county; Mt. Vernon church, in Mitchell county; Bethesda Presbyterian church, in Moore county; Bethesda M. E. Church South, in the county of Robeson, and Parker's Grove school house, in the county of Robeson; Friendship church, in Duplin county; Kirkland's Creek Baptist church, in Swain county; New Hope church and St. James' Chapel in Lenoir; Ebenezer church, in Wake county; Mount Carmel church, Polkton Baptist church, Anson county; Fair Grove Methodist church, Davidson county; Ebenezer church, Wayne county; Benton's X Roads church, Union county; Albemarle church, Ebenezer church, Scuppernong church, in Tyrrell county; Three Forks Baptist church, Center Baptist church, Zion Baptist church, Roundabout's school house, in Ashe county; Mount Tabor Baptist church, in Columbus county; Flats Creek Baptist church, Protestant Methodist Camp Ground, in Buncombe county; Timothy Disciples' church, Oak Grove Methodist church, in Pitt county; New Berne church, Greene county; Little Rock township church, Mitchell county; Zion church, in Burke county; Turkey Creek Baptist church, in Lester township, Methodist church, in Sandy Mush township, Buncombe county; Liberty Hill, Ebenezer Baptist church, Buncombe county; Black Mountain school house, Tabernacle North Fork

church, in Black Mountain township, in Buncombe county; Big Laurel Baptist, Upper Laurel Baptist church, Little Creek Baptist church, in Madison county; Snow Hill church, Cowee Baptist church, in Macon county; Elk Shoals, A. R. Presbyterian church, in Alexander county; Spring Hill Baptist church, Hominy Grove M. E. church, Arnold's Plains M. E. Church South, Killion Chapel M. E. Church South, in Haywood county; Antioch church, in Harnett county; Union church, in Union county; Cameron Chapel Methodist church, in Moore county; Salem church, in McDowell county; Nahunta Friends' church, in Wayne county; Allen's Chapel, A. M. E. church, in Northampton county.

SEC. 6. That the sale of spirituous liquors shall be prohibited within three miles of the following places, to-wit: Within three miles.  
Bethel Methodist and Baptist churches, in Haywood county; Town of Charleston Methodist Episcopal Church South, at Cooper's Creek; the Indian Baptist church at Bird Town; Yellow Hill Baptist church, Cold Springs Baptist church, Witcher Chapel, Methodist Church South, Brushy Creek Baptist church, in Swain county; Rose Hill church, in Pitt county; Cataloochee church, in Haywood county.

SEC. 7. That it shall be unlawful for any person to sell or in any manner, directly or indirectly, receive compensation for any spirituous, malt or other intoxicating liquors in the localities hereinafter named: within one mile and a half of Crabtree church and Martin Chapel, in Yancey county; Beulah Missionary Baptist church, Shellcott township, in Brunswick county; and of Patterson's Springs Methodist church, in Cleveland county; within two and one-half miles of Zion Baptist church, in Cleveland county, and Snyder's chapel, in Mitchell county; within one and a quarter miles of Big Springs Methodist church, in Mecklenburg; and within one-half mile of Candler'sville, or the office of W. T. Candler, in Buncombe county. Within one and a half miles, etc.

Misdemeanor.

SEC. 8. That any person violating the provisions of sections four, five and six of this act shall be deemed guilty of a misdemeanor.

Conflicting laws repealed.

SEC. 9. That all laws in conflict with this act are hereby repealed.

Chap. 137, sec. 1, laws 1873-'4, amended.

SEC. 10. That section one, chapter one hundred and thirty-seven, laws of one thousand eight hundred and seventy-three and seventy-four, be amended by adding after the last word thereof the words, " the Baptist church at Rolesville, in Wake county."

Baptist church at Rolesville, Wake county.

SEC. 11. 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. 1883.

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## CHAPTER 167.

An act relating to the Caldwell and Watauga Turnpike Company.

*The General Assembly of North Carolina do enact :*

Authorized to resume road from Yadkin Springs to fork at Shull's mills.

SECTION 1. The Caldwell and Watauga Turnpike Company may resume and take upon itself again as part of its road the road from the top of the Blue Ridge at the Yadkin spring to the fork of the road at Shull's mills, which they surrendered to the county of Watauga under chapter 131, section 1, of the laws of 1881.

Authorized to resume road from fork at Shull's Mills to fork at Center church.

SEC. 2. Said company may at the same time, or afterwards resume and take upon itself as part of its road the road from the fork of the road at Shull's mills, to the fork of the road at Center church, near Henry Taylor's.

Hands.

SEC. 3. When the road described in the first section of this act, or the road described in both the first and second sections of this act, shall have been resumed by said company, the hands liable to work on public roads, who

live nearer to said turnpike than to any other public road shall be liable to work not exceeding four days in each year as road hands on said turnpike road under the president of said company or under overseers appointed by him and subject to the laws which apply to hands working on other public roads, and shall be exempt from working as road hands to keep other public roads.

SEC. 4. Said turnpike company shall keep up but one toll gate. Toll gate.

SEC. 5. Said company may from time to time amend the location of any part of said turnpike road by permission of the county commissioners of the county in which the amendment is situated, given after notice that it has been or will be applied for, and has been advertised in writing for twenty days at the courthouse door of said county and at one of the most public places in the neighborhood of said amendment, and after said county commissioners have adjudged that said amendment would be beneficial to the public. Authorized to amend location of road.

SEC. 6. Damages to land caused by such amendment, if not agreed on by the parties, may be assessed in the same manner as damages caused by amendments to other public roads in the county. Damages to land, how assessed.

SEC. 7. Said company shall have power to surrender to the county of Caldwell the road which extends from the Yadkin meeting-house to the town of Lenoir. Authorized to surrender part of road to Caldwell county.

SEC. 8. Said company having never declared a dividend since its incorporation in one thousand eight hundred and forty-seven, and having voluntarily deprived itself of the right to do so by accepting the amendment to its charter contained in chapter seventy, of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, which provides that all of its tolls shall be applied in repairing and improving said road, the treasurer of the state is required to refund to said company the sum of twenty-five dollars, paid into the treasury for introducing this act. Treasurer directed to refund tax of \$25 paid by company.

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

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1883.

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## CHAPTER 168.

An act to authorize the county commissioners of Jackson county to levy a special tax for the purpose of building a bridge over the Tuckasegee river at or near the Thomas Ford at Quallatown township.

*The General Assembly of North Carolina do enact :*

Authorized to  
levy special tax  
not exceeding  
\$1,200.

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 twelve hundred dollars on the taxable property in said county, for the purpose of building a bridge over the Tuckasegee river at or near the Thomas Ford in Quallatown township.

Sheriff to collect  
tax.

SEC. 2. That the sheriff of said 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.

Commissioners  
to let contract for  
building bridge.

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 said 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 the authority of this act.

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 23d day of February, A. D. 1883.

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## CHAPTER 169.

An act supplemental to and amendatory of an act passed at the present session of the general assembly, entitled "an act to prevent live stock from running at large in the counties of Greene and Lenoir," ratified the second day of February, Anno Domini one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of an act passed at the present session of the general assembly, entitled, "an act to prevent live stock from running at large in the counties of Greene and Lenoir," ratified February the second one thousand eight hundred and eighty-three, be amended so as to include the lands within the territory described in Pitt and Craven counties, and bounded as follows, to-wit: Beginning at the mouth of Little Contentnea creek in Pitt county, running up the said creek to Elias C. Blount's farm, thence to the Greenville road at William Smith's farm, thence to Tipp Braxton's steam mill on the road leading to John Garris', thence with said Garris' avenue, or road, to the school house on the Greenville road, thence down said road to Elisha Long's and Jacob Mumford's farms, thence to Jackson Pittman's farm, thence with the road to Margaret Laughinghouse's farm, thence with the north side of said Laughinghouse farm, to Theophilus Bland, Jr's, farm, thence with the line of Mayor Rice and said Bland to the Greenville road leading to Willis' bridge, thence to F. M. Kil-

Chap. 70, sec. 1.  
laws of this ses-  
sion amended.

Portion of Pitt  
and Craven coun-  
ties added.

patrick's farm, thence to Arnold Green's farm in Craven county, thence to Joseph A. Dixon's farm, thence to J. F. Kirkman's farm, thence to Raspberry Nelson's farm, thence to the Roach farm, thence to David Tripp's farm, including M. B. Maye's and Freeman Harris' farms, thence to J. D. Heart's farm, thence to Kitchen Landing on Neuse river, thence up said river to the mouth of Contentnea creek, so as to include all the farms mentioned in this act.

Duties of commissioners and justices of the peace of Pitt and Craven counties.

SEC. 2. That all the duties incumbent upon and required of the board of county commissioners of Greene, and the county commissioners of Lenoir, by the said act, of which this is supplemental to, and amendatory of, and all the duties required of the justices of the peace of said counties by the said act are incumbent upon, and required of the county commissioners of the counties of Pitt and Craven respectively, and of the justices of the peace of said counties in the same manner and form as required of the county commissioners and justices of the peace of said counties of Greene and Lenoir respectively.

Provisions of chap. 70 applicable to added territory.

SEC. 3. That all the provisions of the act of which this is supplemental to, and amendatory of, shall be applicable to all the territory embraced in the first section of this act, and shall be enforced in the same manner and form.

Lawful fence.

SEC. 4. That Neuse river from Kitchen Landing to the mouth of Contentnea creek, be declared a lawful fence.

SEC. 5. 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. 1883.

## CHAPTER 170.

An act to prevent the obstructing of North Muddy creek and its tributaries in the county of McDowell.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to obstruct the waters of North Muddy creek and its tributaries, in the county of McDowell, by felling trees or by any other means whatever.

Unlawful to obstruct waters of North Muddy creek and tributaries.

SEC. 2. That any person so obstructing said streams or permitting such obstruction to remain for the space of forty-eight hours, shall be guilty of a misdemeanor, and upon conviction before a justice of the peace, shall be fined not less than five nor more than fifty dollars, or imprisoned not more than thirty days, in the discretion of the court.

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 21st day of February, A. D. 1883.

## CHAPTER 171.

An act to amend section four of chapter eighty-three, Battle's Revisal.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section four, chapter eighty-three of Battle's Revisal, be amended by adding to said section the following, to wit: *Provided further*, that no non-resident of the state of North Carolina shall make any sale, assignment or transfer of any fishery, weir, or other fishing apparatus, or privilege mentioned in said section, to

Chap. 83, sec. 4, Battle's Revisal, amended.

Unlawful for non-resident to sell, etc., fishery, etc., to citizens of state to be operated by such non-resident under name of such citizen.

Sales, etc., not  
made *bona fide*  
void.

Justice to issue  
warrant on affida-  
vit, etc.

Misdemeanor.

Burden of proof.

any citizen of the state for the purpose of operating and working said fishery, weir, or other fishing apparatus as aforesaid, under the name and ownership of such citizen, or as the servant or employee of any citizen, and any sale, transfer or assignment not made *bona fide* and for a full consideration, shall be null and void. Upon affidavit founded upon information and belief that any non-resident of the state is operating any such fishery, weir, or other fishing apparatus as aforesaid in the waters of the state, under such sale, assignment or transfer as the pretended servant or employee of any citizen of the state, it shall be the duty of the justice of the peace, before whom said affidavit is made, to issue a warrant against the said non-resident and citizen under whose name said fishery is operated, and upon conviction the said offenders shall be guilty of a misdemeanor, and shall, for every offence, be fined not more than fifty dollars, or imprisoned not more than thirty days. Upon the said trial, the burden of proof shall be on the defendants to prove the *bona fide* and full consideration of said sale or transfer.

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 23d day of February, A. D. 1883.

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## CHAPTER 172.

An act to change the time for holding the superior courts of the county of Halifax.

*The General Assembly of North Carolina do enact :*

Halifax superior  
court.

SECTION 1. That the superior courts for the county of Halifax shall begin on the ninth Monday after the first Monday in March and September of each and every year,

and continue for three weeks, unless the business is sooner disposed of.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 3. This act shall be in force from and after the first day of July, Anno Domini one thousand eight hundred and eighty-three.

In the general assembly read three times, and ratified this the 23d day of February, A. D. 1883.

## CHAPTER 173.

An act to protect the citizens of Burke county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Burke county are authorized and empowered to compel the citizens of the whole of said county or the citizens of any portion of said county designated by said board, to be vaccinated; and for the purpose of enforcing the orders made by said board, said board is empowered to employ a guard or *posse* to accompany any physician employed and force the citizens of any portion of said county designated by said board to submit to vaccination. County commissioners authorized to compel citizens of county to submit to vaccination.

SEC. 2. That said board of county commissioners are empowered to provide hospitals, nurses, and physicians for the care and treatment of those persons who may be suffering from small-pox, and to order the payment out of the funds in the hands of the county treasurer of said county, the cost of vaccination and the providing of hospitals and the charges of nurses and physicians, incurred in carrying out the provisions of this act. Commissioners authorized to provide hospitals, etc., for small pox patients.

Expenses to be paid out of county treasury.

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

ratification, and shall continue in full force for one year after its ratification.

In the general assembly read three times, and ratified this the 23d day of February, A. D. 1883.

#### CHAPTER 174.

An act to amend section twenty, chapter two hundred, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 200, sec. 20,  
laws 1881,  
amended.

Boundaries of  
school districts.

SECTION 1. That section twenty, chapter two hundred, laws of one thousand eight hundred and eighty-one, be amended as follows: Strike out all after the word "neighborhood" in line four of said section, down to and including the word "boundaries" in line five 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 23d day of February, A. D. 1883.

#### CHAPTER 175.

An act in relation to the method of allotting dower.

*The General Assembly of North Carolina do enact :*

Lands in which  
dower may be  
allotted.

SECTION 1. That hereafter the jury summoned for the purpose of assigning dower to a widow, shall not be restricted to assign the same in every separate and distinct tract of land of which her husband may die seized and

possessed, but may allot her dower in one or more tracts, having a due regard to the interests of the heirs as well as to the right of the widow.

SEC. 2. That the provisions of this act shall apply to pending proceedings wherein dower has not been assigned.

Act applicable to pending proceedings.

SEC. 3. That this act shall be in force from and after its ratification, and all laws or parts of laws in conflict with the provisions thereof are hereby repealed.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 23d day of February, A. D. 1883.

## CHAPTER 176.

An act to authorize the board of commissioners of Rowan county to pay W. G. McNeely seventy-eight dollars.

WHEREAS, at spring term Anno Domini one thousand eight hundred and eighty-two, of Rowan superior court, during the trial of the civil action of A. J. Owen, administrator, versus Richmond and Danville Railroad Company, the judge presiding, Hon. Mills L. Eure; ordered the sheriff to keep the jury together and to furnish them with accommodations, board and lodgings: And whereas, the sheriff of Rowan county lodged said jury during the continuance of said trial, to-wit: for the space of six days, with William G. McNeely, the proprietor of the Mount Vernon hotel, and at the end of said term the said judge made an order that the county of Rowan should pay the bill, amounting to the sum of seventy-eight dollars; and whereas, the board of commissioners of said county declined to pay said bill, upon the ground that the county was not legally liable therefor; and whereas, the order of the judge was made in good faith, and the said accommodations were furnished

Preamble.

upon the faith of said order, and no part of said bill having been paid; therefore

*The General Assembly of North Carolina do enact:*

Authorized to  
pay W.G. McNeely  
\$78.

Proviso.

SECTION 1. The board of commissioners of Rowan county be and is hereby authorized to pay William G. McNeely the aforementioned sum of seventy-eight dollars: *Provided*, the board of justices of the peace of the county, at any lawful meeting, shall assent to such payment, or a majority of said justices shall sign a paper writing requesting the said board of commissioners to pay said claim.

SEC. 2. 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. 1883.

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## CHAPTER 177.

An act amending the charter of the Granville Railroad Company.

*The General Assembly of North Carolina do enact:*

Chap. 3, sec. 1,  
laws 1869-'70,  
amended.

Name changed.

Location.

SECTION 1. That section one of chapter three (3) of the acts of one thousand eight hundred and sixty-nine, ratified the thirteenth day of December, one thousand eight hundred and sixty-nine, and entitled "an act to incorporate the Granville Railroad Company," be amended as follows: Strike out "Granville Railroad Company" and insert "Atlantic and Western Railway Company." Strike out "in the county of Granville over the most practicable route through the county of Granville to such point on the North Carolina Railroad as by said company shall be found most eligible," and insert "in the county of Caswell, and over such route through the counties intervening as

may be selected by said company to such point on the Roanoke river as said company may deem best suited to its uses."

SEC. 2. That said company be and it is hereby authorized to construct and operate branch roads, not exceeding twenty miles in length, under the provisions of its charter, and also to construct and operate telegraph lines along its main line and branches.

Branch roads.

Telegraph lines.

SEC. 3. That in all cases where counties, townships or incorporated towns guarantee interest on the bonds of said company, the manner of evidencing such guarantee shall be by endorsing or signing the coupons only of the number or amount of bonds the interest on which is guaranteed by said county, township or incorporated town, and these coupons shall be signed by the chairman of the board of county commissioners for his county, or any township thereof, and by the chief officer of any incorporated town, and when so signed, said coupons shall be accepted at maturity at their face value in payment of any taxes due said county or incorporated town guaranteeing them, except school taxes.

Coupons for interest on bonds guaranteed by counties, etc., how evidenced.

Coupons receivable for taxes.

SEC. 4. The said company shall have, and it is hereby vested with authority to buy and sell, lease, mortgage, or otherwise convey lands to make advances of money or other things to settlers and others, on such terms, and on such securities real or personal as may be agreed on, to negotiate for the purchase or sale of lands, to aid settlers and others in the purchase of lands, or buildings or houses, and improving lands, and in general to carry on the business of a land and immigration company; and to better enable said company to carry out and promote the immigration features and privileges hereby granted to and vested in it, said company is authorized and empowered hereby to co-operate or consolidate with any corporation heretofore or hereafter chartered by this state, but nothing hereby granted or conferred on said company

Corporate powers.

shall be construed as authorizing or empowering it to carry on a banking business.

Chap. 114, secs. 4 and 5, laws 1881, repealed.

SEC. 5. That section four and five of chapter one hundred and fourteen (114) of the acts of one thousand eight hundred and eighty-one, ratified the twenty-third day of February, one thousand eight hundred and eighty-one, be and the same 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 25th day of February, A. D. 1883.

## CHAPTER 178.

An act to empower counties, townships, cities and towns to subscribe to the capital stock of the Albemarle and Raleigh Railroad.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the presentation of a petition in writing, signed by at least twenty-five tax payers of the county of Wake, to the chairman of the board of commissioners of said county, requesting the said board of commissioners to submit to a vote of the qualified voters of said county a proposition to subscribe to the capital stock of the Albemarle and Raleigh Railroad Company the sum of one hundred thousand dollars, it shall be the duty of said board of commissioners upon notice from their chairman of said petition to meet within ten days and to order an election to be held within sixty days therefrom at the different polling places in said county, and to submit to the qualified voters of said county the question of subscribing to the capital stock of said company the sum of one hundred thousand dollars, at which election those in favor of said subscription shall vote

Commissioners of Wake county to order election on petition of twenty-five tax payers on question of subscription of \$100,000.

Election.

Ballots.

“for subscription,” and those opposed thereto shall vote “against subscription.”

SEC. 2. Should a majority of the qualified voters of said county vote for said subscription, the said board of commissioners shall, within twenty days after the ascertainment of the result of said vote, subscribe the said sum of one hundred thousand dollars to the capital stock of said Albemarle and Raleigh Railroad Company.

Commissioners make subscription upon affirmative vote of majority of qualified voters.

SEC. 3. That for the payment of said subscription, the said board of commissioners shall issue the coupon bonds of said county, payable thirty years after date, and in denominations of not less than one hundred nor more than one thousand dollars, and bearing interest at the rate of six per cent. per annum, and payable semi-annually. Principal and interest of said bonds to be paid at the bank of the Republic in the city of New York, or at the State National Bank in Raleigh, and the coupons of said bonds shall be receivable in payment of the county taxes of said county, hereinafter directed to be levied. Said bonds upon their issue shall be placed in the custody of W. E. Anderson as trustee, who shall deliver them to the said Albemarle and Raleigh Railroad Company, as follows: When the said railroad is completed in good and substantial manner, and ready for its rolling stock from its point of crossing the Wilmington and Weldon Railroad to a point five miles in the county of Wake, twenty thousand dollars of said bonds shall be delivered to said company; and upon completion of said railroad in like manner and condition to the Neuse river, thirty thousand dollars more of said bonds shall be delivered to said company; and when completed in like manner across Neuse river, ten thousand dollars more of said bonds shall be delivered to said company; and when said railroad shall be completed in like manner and condition to the city of Raleigh, the remainder of said bonds shall be delivered to said company.

Commissioners to issue coupon bonds.

Coupons receivable in payment of special tax levied under this act.

Bonds to be placed in custody of W. E. Anderson, trustee.

When to be delivered to Albemarle & Raleigh R. R. Co.

Commissioners of any county to order county or township election on petition of twenty-five tax payers on question of subscription to Albemarle & Raleigh Railroad.

Election.

Ballots.

Proviso.

Commissioners to make subscription on affirmative vote of majority of qualified voters.

Proviso.

SEC. 4. That upon presentation of a petition in writing, signed by at least twenty-five resident tax payers to the board of commissioners of any county, requesting said commissioners to submit to the vote of the qualified voters of their county or township, a proposition to subscribe a definite sum, named in said petition, to the capital stock of said Albemarle and Raleigh Railroad Company, it shall be the duty of said board of commissioners within sixty days to order an election to be held at the various polling places of said county or township, and to submit to the qualified voters thereof the question of subscribing to the capital stock of said company the said amount specified in said petition, at which election those in favor of said subscription shall vote "for subscription," and those opposed thereto shall vote "against subscription." *Provided*, the question of a county subscription shall not be submitted to the people of any county at more than one election in any one year.

SEC. 5. Should a majority of the qualified voters of any county or township vote for said subscription, then the board of commissioners of said county, or of the county in which said township is located, shall within twenty days after the ascertainment of the result of said vote, subscribe on behalf of said county or township to the capital stock of said Albemarle and Raleigh Railroad Company the said specified amount so authorized: *Provided*, that when any county as a whole, votes "against subscription," the county commissioners shall not subscribe any stock for any township in such county under that election, and that no township, city or town shall make any subscription when the county in which such township, city or town exists may have subscribed, and that if a subscription is not made by the county of Wake, and should afterwards be made by any township, city or town within said county, that the sum total of said subscription within said county shall not exceed one hundred thousand dollars, and that the subscription be sub-

ject to the same restrictions as hereinbefore provided for in act as to county or other subscriptions: *Provided further*, that the provisions of this act shall not apply to Wilson county.

SEC. 6. That to provide for the payment of said subscriptions made as provided in the next preceding section of this act, the board of commissioners of the county making said subscription, or in which is any township making said subscription, shall issue coupon bonds to the amount of the subscription so authorized, and if said bonds are issued in payment of a subscription authorized by any township, the bonds shall upon their face indicate on account of what township they are issued. Said bonds shall be in denominations of not less than one hundred, nor more than one thousand dollars, and shall run for thirty years, and bear interest at the rate of six per cent. per annum, payable semi-annually at the bank of the Republic, in the city of New York.

Commissioners  
to issue coupon  
bonds.

Township bonds.

SEC. 7. That to provide for the payment of the bonds issued under the authority of this act, the board of commissioners of the county of Wake, or of any county voting for a subscription, or in which is a township voting a subscription and for payment of which, bonds have been issued as authorized in this act, shall in addition to the other taxes levied upon said county if said bonds are issued in behalf of said county, or in addition to the other taxes levied upon said township if said bonds are issued in behalf of said township, compute and levy annually at the time of levying other taxes upon the property and polls of said county of Wake, or said county or township in behalf of which said bonds were issued, a sufficient tax to regularly and promptly pay the interest on said bonds as it becomes due, and to provide a sum equal to one-thirtieth of said bonds or subscription for a sinking fund, which taxes shall be annually paid over by the sheriff or other collecting officer to the county treasurer, or other officer acting in place of said treasurer,

Commissioners  
to levy special  
tax.

Tax, to whom  
payable.

How used.

and by him used in the purchase or payment of the bonds, and the prompt and regular payment of the interest on the same. In the event it is impracticable to annually invest the sinking fund in the purchase of said bonds, for the payment of which it is created, the same shall be invested as may be directed by the board of commissioners levying the tax creating it, and the said tax for payment of the principal of said bonds shall be levied no longer than sufficient to create a fund sufficient to pay off the principal thereof.

Sinking fund.

Bonds to be delivered to a trustee.

SEC. 8. The bonds other than those of the county of Wake, authorized under this act, shall be delivered by the board of commissioners issuing them to a trustee by them appointed, who shall deliver them to said company as follows:

When to be delivered to Albemarle & Raleigh Railroad,

When said railroad shall have been completed in good manner, and ready for rolling stock, or said company shall have a road in operation one-third of the distance that said road may run in said county or township, then one-third of said bonds shall be delivered to said company, and on completion of said road in the manner and condition aforesaid, or said company shall have a road in operation for another third of the distance that it may run in said county or township, another third of said bonds shall be delivered to said company, and on completion of said road as aforesaid, or said company shall have a road in operation for the remainder of the distance it may run in said county or township, the remainder of said bonds shall be delivered to said company. Should any county or township, in which no part of said road shall run, vote a subscription to the capital stock of said company, the board of commissioners of the county making such subscription in behalf of such county or township shall have authority to designate the point or points to which said road shall be completed and made ready for rolling stock before said bonds shall be delivered to said company.

SEC. 9. The bonds of any county or township authorized in this act shall only be delivered upon the certificates of three commissioners appointed by the board of commissioners of any county issuing bonds as in this act [provided]: *Provided*, that said railroad has been completed to the point, and in the manner so that said company has a road in operation as required, to entitle said company to a delivery of any of said bonds. It shall be the duty of the board of commissioners of the counties voting a subscription, in which is a township voting a subscription to the capital stock of said company, to appoint three commissioners for their counties or townships in their counties, whose duty it shall be to examine said railroad, and when completed in the manner and to a point, or said company shall have in operation a road entitling the said company to a delivery of bonds, to certify the same to the trustees holding said bonds.

Bonds deliverable only upon certificate of commissioners to be appointed by county commissioners.

Proviso.

County commissioners to appoint commissioners to examine railroad.

Duty of commissioners.

SEC. 10. The elections in this act provided for shall be held in the same manner as the elections for members of the general assembly, except that the commissioners ordering the election may order a new registration or not, and the returns of said elections shall be made to the commissioners on the third day thereafter, who shall meet and canvass the same and declare the result. If no new registration is ordered, the registration books of the next preceding general election shall be used, and the registrars are hereby authorized and empowered to erase therefrom the names of such voters as have removed from the county, or have died, or have in any manner become disqualified as voters, and there shall be registered thereon all such persons as are not registered thereon and who shall apply for and be entitled to registration as a voter in said election.

Elections, how held.

SEC. 11. Should there occur a vacancy in the trusteeships created under this act, the board of commissioners of the respective counties may fill the same.

Vacancies in trusteeships.

Subscriptions by cities or towns.

SEC. 12. Any city or incorporated town may subscribe to the capital stock of said company, upon the approval of said subscription by a majority of the qualified voters of such city or town at an election to be held in the same manner as elections are held for offices of said cities and towns. Upon approval of such subscription by a majority of the qualified voters of any city or town, the corporate authorities thereof may subscribe for stock in said company and issue its bonds as in this act provided for counties or townships, and shall levy a tax for the payment of the same as in this act provided for counties, and shall receive stock therefor.

Special tax.

Coupons past due when bonds delivered to company to be detached.

SEC. 13. Should any of the interest on said bonds be due at time of delivery to the company, the coupons therefor shall be detached by the trustee.

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 24th day of February, A. D. 1883.

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## CHAPTER 179.

An act to amend the law in regard to sheriff's' fees.

*The General Assembly of North Carolina do enact:*

Chap. 139, sec. 4, sub-sec. 12, laws 1870-'1, amended.

SECTION 1. That sub-section twelve, section four, chapter one hundred and thirty-nine, of the laws of one thousand eight hundred and seventy and seventy-one, be and the same is hereby amended by adding after the word "collected" the words "and the like commission for all moneys which may be paid to the plaintiff by the defendant, while the execution is in the hands of the sheriff.

Commissions on money collected upon executions.

SEC. 2. This act shall apply to all executions in the hands of any sheriff, which has not been satisfied in full at the time of its ratification.

Applicable to executions in hands of sheriff.

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 28th day of February, A. D. 1883.

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## CHAPTER 180.

**An act to prevent the felling of timber in Pigeon river in Haywood county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to fell any tree, or throw large timber in Pigeon river or any of its tributaries, any where above any railroad or county bridge or mill dam in the county of Haywood.

Unlawful to fell trees, etc., in Pigeon river and tributaries, in Haywood county.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.

Misdemeanor.

SEC. 3. This act shall be in force from and after May first, one thousand eight hundred and eighty-three.

In general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

## CHAPTER 181.

An act to prevent the felling or rolling timber into French Broad river and all its tributaries in Transylvania county.

*The General Assembly of North Carolina do enact :*

Misdemeanor to fell trees in French Broad river and tributaries, in Transylvania county.

SECTION 1. That any person who shall wilfully and knowingly fell or roll any timber into the French Broad river or any of its tributaries in Transylvania county, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, in the discretion of the court.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

## CHAPTER 182.

An act relating to toll gates in certain counties.

*The General Assembly of North Carolina do enact :*

Lawful for citizens of Clay to pass through toll gate in Macon free of charge.

SECTION 1. That it shall be lawful for any resident citizen of Clay county to pass through any toll gate or gates in Macon county free of charge.

Lawful for citizens of Macon to pass through toll gate in Clay free of charge.

SEC. 2. That it shall also be lawful for any resident citizen of Macon county to pass through any toll gate or gates in the county of Clay free of charge.

Conflicting laws repealed.

SEC. 3. All 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 28th day of February, 1883.

## CHAPTER 182.

An act to authorize the treasurer of Greene county to pay Susan A. Lane fifty dollars for services rendered to school committee in district number ten.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer or other disbursing officer for the county of Greene be and he is hereby directed to pay Susan A. Lane the sum of fifty dollars, the same being a balance due her for services for teaching public school in district number ten in said county, from January third, one thousand eight hundred and eighty-one, to March twenty-fifth, one thousand eight hundred and eighty-one.

Authorized to pay Susan A. Lane \$50.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

## CHAPTER 183.

An act to amend section five, chapter eighty-seven of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all of section five of chapter eighty-seven of Battle's Revisal after the word "*Provided*" in the sixth line thereof, be and is hereby repealed and the following words substituted in its stead: "that after the number of pilots at present commissioned as such, together with apprentices as have acquired the right under existing laws shall have been reduced by death, resigna-

Chap. 87, sec. 5, Battle's Revisal, amended.

Pilots appointed for Cape Fear river.

tion or otherwise to the number of forty-five (45), there shall not be thereafter, at any one time, a greater number than forty-five commissioned by the board."

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

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

## CHAPTER 184.

An act to authorize the sale of the poor house and lands therewith in the county of Randolph.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Randolph county be and they are hereby authorized to submit to the justices of the peace of said county, a majority of said justices of the peace of said county being present, the question of the propriety of the sale of the poor house and lands used therewith, belonging to said county, and known as the poor house lands.

SEC. 2. That the said board of commissioners shall have full power and authority to call a meeting of said justices of the peace for the purpose mentioned in the preceding section, at such time as said board of commissioners may choose to designate.

SEC. 3. That if, at a meeting of the justices of the peace of said county, a majority of said justices being present, a majority of those present shall decide in favor of a sale of said poor house and lands, then it shall be lawful for, and the chairman of said board of county commissioners may, under the direction of said board, after first having advertised the same at the court house door in the town of Ashboro, and six or more other public places in the

Commissioners to submit to justices of the peace question of sale of "Poor House lands."

Meeting of justices.

If majority of justices favor sale commissioners to advertise and sell at public auction.

county of Randolph, for at least thirty days, to sell at the court house aforesaid, at public auction to the highest bidder, on such terms as to cash or credit as said board of commissioners may direct, the poor house and lands aforesaid.

Terms.

SEC. 4. That in the event of a sale being made as aforesaid, no title shall be made until the whole of the purchase money shall have been paid.

Title to be made only on payment of purchase money.

SEC. 5. That any bond or bonds given at such sale shall be made payable to the county of Randolph, and together with any and all moneys paid by reason of such purchase, shall be placed in the hands of and paid to the sheriff of said county, as treasurer *ex officio* of said county, and said sheriff and his sureties on his bond shall be liable for failure to properly pay over and account for the same in like manner, as they are liable for his failure to pay over and properly account for other county funds and county taxes coming into his hands.

Bonds for purchase money.

Payable to sheriff.

Liability of sheriff's bond.

SEC. 6. That upon the purchasers paying to the said sheriff the entire purchase money, together with any interest that may be due thereon, the chairman of the said board of commissioners shall execute and deliver to the purchaser a deed for said lands, signed by him as chairman of said board of commissioners, and attested by the sale of said board, which shall be good and effectual in passing the title of said county in said lands to said purchasers.

Chairman of commissioners to make title to purchaser.

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

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

## CHAPTER 185.

An act to incorporate the Hoffman and Troy Railroad Company.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That H. P. Guess, S. T. Usher, W. C. Douglass, G. A. Graham, Elias Hurley, J. C. Currie, A. W. E. Capel, A. D. Jones, Thomas Colson and Marshall L. Barnhardt, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of "The Hoffman and Troy Railroad Company," with the same corporate powers and franchises that are conferred by Battle's Revisal, chapter ninety-nine, relating to railroads, and together with the right to construct such branches of railway as may be desired by the board of directors of said company: *Provided*, that nothing in this act shall be construed to exempt this road from taxation.

Name.

Corporate powers.

Proviso.

Authorized to survey one or more routes.

Condemnation of land.

Transportation rates.

SEC. 2. That in order to carry into effect the purposes and objects of this act, the railroad company hereby created may survey one or more routes for such railway as they deem practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary 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 the 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 appraisement 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 merchandise over their own railway, its branches, or that of any railway it may lease, 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 power to construct a railroad with one or more tracks of such a gauge as may be determined upon by the board of directors from some point on the Raleigh and Augusta Air-Line Railroad in the vicinity of Hoffman to some point near Troy, or to some point near Mount Gil-ead in Montgomery county, or Norwood in Stanly county.

Route.

SEC. 4. The capital stock of the company shall consist of twenty thousand shares of the value of twenty-five dollars each, and may be increased from time to time as the majority of the stockholders in interest may determine.

Capital stock.

SEC. 5. The corporators named in this act, or any one 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 objects of this charter.

Books of sub-  
scription.When board of  
directors to be  
elected.

Organization.

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

Merges with  
other railroad,  
etc.

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

Board of direct-  
ors.

Railroad companies authorized to subscribe to capital stock, etc.

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

Authorized to borrow money on mortgage bonds.

SEC. 9. The Hoffman and Troy 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 purposes aforesaid.

Convicts.

SEC. 10. That the board of directors of the penitentiary may, on application of the president of said company, approved by the governor, turn over to said company as many convicts as may be, in the opinion of said president, required on said road: *Provided*, that the number of convicts taken from the penitentiary shall not exceed one hundred: *Provided further*, that the provisions of this section shall not be so construed as to reduce the number of convicts employed on the Western North Carolina Railroad to less than five hundred, nor to reduce the number of convicts employed on any railroad or other work of internal improvement in this state, now authorized by law to employ and use said convicts, to less than the minimum number allowed on said railroads or other works of internal improvements.

Proviso.

Proviso.

Directors of penitentiary authorized to employ convicts on road.

SEC. 11. The board of directors of the penitentiary may, on application of the president of said road, employ on said road, under the direction of the authorities of said road, and under such guards as may be necessary, as many convicts as in the opinion of the president of said road may be required, not to exceed one hundred. Said convicts to be governed by and according to prison rules

and regulations, and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided, however,* that the authorities of the road upon which said convicts may work shall pay the hire of said superintendent and guard, feed, clothe and properly care for the convicts while employed on said road, and also a reasonable compensation for the labors of such convicts; the number of such convicts to be furnished and the amount of such compensation to be fixed by agreement between the board of directors of the penitentiary and the authorities of said road, such compensation to be paid semi-annually to the treasurer of the state as the labor is performed: *Provided,* that the terms on which said convicts are furnished shall be as liberal as convicts are furnished at the time to other railroads in which the state has no interest.

Proviso.

Proviso.

SEC. 12. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 27th day of February, 1883.

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## CHAPTER 186.

An act in relation to the graded schools of Goldsboro township in the county of Wayne.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. A. Bonitz, E. P. Borden, Henry Lee, H. L. Grant, W. A. Deans, W. F. Kornegay and J. F. Dortch, and their successors in office, be and hereby are constituted a body politic and corporate, under the name and style of the Trustees of the Goldsboro Graded School for the whites, located in the city of Goldsboro, in Wayne county, and under such name and style may sue and be

Body politic.

Name.

sued, plead and be impleaded, and do all such acts as pertain to bodies politic and corporate.

Corporate powers.

SEC. 2. That said corporation shall have power to purchase, hold and receive all such real and personal estate as may be necessary for the proper control and management of such school; and may at any time in its discretion sell and convey such real and personal property, and all deeds for such property shall be executed by the chairman of said board of trustees.

Chap. 189, sec. 2, laws 1881, amended.

SEC. 3. That section two of chapter one hundred and eighty-nine of the laws of one thousand eight hundred and eighty-one be amended as follows: Strike out the words "county treasurer" in line six of said section, and insert in lieu thereof the words "the treasurer of the board of trustees, by the first day of January in each year."

Special tax payable to treasurer of board of trustees.

Liability of county treasurer.

Trustees authorized to purchase Goldsboro Female College.

SEC. 4. Strike out section eight of said chapter.

To issue mortgage bonds, etc.

SEC. 5. That the trustees for the graded school for the whites in Goldsboro township are authorized and empowered to purchase and hold, for the purposes of such school, the property in the city of Goldsboro known as the Goldsboro Female College, and to issue bonds, with coupons attached, for the purchase money; and to execute a mortgage on so much of said property as may be necessary to secure the payment of such bonds. The interest on said bonds shall not exceed seven per cent. per annum, and such coupons shall be receivable in payment of all assessments levied and collected for maintaining such school; and the said trustees may sell so much of said property as they deem necessary for the purposes of said school, and with the money so arising they shall pay off said bonds so far as it may suffice.

Interest.

Coupons receivable for special tax.

Trustees authorized to sell part of property.

Election upon question of increase of special tax.

SEC. 6. That whenever it shall appear to the board of commissioners for Wayne county, upon a petition in writing, signed by the trustees of the graded school for whites for Goldsboro township, that an increase of the assessment for maintaining such school is desirable and necessary, then it shall be the duty of the said board of

commissioners to submit the question of such increase of assessment to the qualified white voters of said township, under such rules and regulations as the said board of commissioners may prescribe; and in submitting such question to the voters as aforesaid, the rate of assessment on the poll and property shall be expressly named and limited. Each voter shall vote a written or printed ballot with the words "for increase of school assessment," or "against increase of school assessment;" and such 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; and in case a majority of the qualified white voters of said township shall be in favor of such increase of assessment, the same shall be levied and collected in the same manner as is provided by law for levying and collecting state and county taxes. The provisions of this section shall also apply to the graded school for the colored in Goldsboro township, and at all elections held pursuant thereto, relating to said graded school for the colored, only the qualified colored voters of said township shall be entitled to vote.

Ballots.

On majority vote tax to be levied.

This section is applicable to colored graded school.

SEC. 7. All laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

## CHAPTER 187.

An act to change section thirteen of chapter twenty-seven of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

Chap. 27, sec. 13,  
Battle's Revisal,  
amended.

Annual publica-  
tion of county  
accounts, etc.

SECTION 1. That section thirteen of chapter twenty-seven of Battle's Revisal be and the same is hereby changed by striking out the word "September" and inserting the word "December."

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 27th day of February, A. D. 1883.

## CHAPTER 188.

An act to establish a graded school in the town of Monroe.

*The General Assembly of North Carolina do enact :*

Town commis-  
sioners author-  
ized to order  
election upon  
question of taxa-  
tion for graded  
schools.

SECTION 1. That the commissioners for the town of Monroe, in the county of Union, 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 assessment shall be levied therein for the support of a graded school for the white children, and a graded school for the colored children in said town; that at such election such qualified voters as are in favor of levying such assessment shall vote a written or printed ballot with the words "for school" upon it, and such voters as are opposed to the levying of such assessment shall vote a written or printed ballot with the words "against school"

Ballots.

upon it, and the penalties for illegal and fraudulent voting in this election and the rules and regulations for conducting the said election shall be in all respects the same as in the annual elections for mayor and commissioners of the said town of Monroe.

Election, how held.

SEC. 2. That in case a majority of the qualified voters at such election shall be in favor of such assessment, the same shall be levied and collected by the town commissioners under the same rules and regulations by which other town assessments are levied and collected, and the town marshal or other tax collector shall be subject to the same liabilities for the collection of said assessment and the payment thereof to the town treasurer as he is or may be for other town assessments: *Provided*, that the special assessment so levied and collected shall not exceed fifty cents on property and one dollar and twenty cents on the poll, and that the assessment thus levied and collected shall be applied exclusively for the support of a "graded school" as is in this act provided, and shall not be appropriated or expended for any other purpose.

Tax to be levied upon majority vote.

How collected.

Limitation of tax.

To be applied exclusively to graded school.

SEC. 3. That the special assessments 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 assessment thus levied and collected from the taxable property and polls of colored persons shall be expended in keeping up a graded school for colored persons of both sexes, between the ages of six and twenty-one years in said town: *Provided*, that if the special assessment so levied and collected from the property and polls of colored persons shall be insufficient to maintain and support a graded school for colored persons, then and in such event the assessment so levied and collected from the taxable property and polls of colored persons shall be exclusively used and 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.

Tax collected from white persons to be applied to support of white school.

Tax collected from colored persons to be applied to support of colored school.

Proviso.

Commissioners  
to elect board of  
trustees for  
white school.

SEC. 4. That the commissioners of said town at their next regular meeting after said election, and their successors in office, every two years thereafter, shall elect five persons of integrity and ability, qualified voters of said town who 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.

Powers of trustees.

Commissioners  
to elect board of  
trustees for colored  
school.

SEC. 5. That the commissioners of said town at their next regular meeting after said election, and their successors in office, every two years thereafter, shall elect five persons of integrity and ability, qualified voters of said town, who are hereby constituted a board of trustees for the graded school for the colored children, should there be such school operated within said town, and their powers shall be the same in relation to the graded school for colored children as then enumerated in the preceding section.

Powers of trustees.

Public school  
money collected  
for white children  
in Monroe to  
be applied to support  
of white  
graded school.

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 town shall be applied for keeping up the public graded school for the whites under the orders and directions of the board of trustees for said graded school for white children.

Public school  
money collected  
for colored children  
in Monroe to  
be applied to support  
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 town, 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 in the event that such graded school should be operated in said town.

Town treasurer  
to disburse fund.

SEC. 8. That the treasurer of said town of Monroe and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under

this act, and which shall be paid over to him as herein provided by the town marshal or other tax collector of said town, and the said town commissioners shall have power from time to time to increase the amount of the official bond of said treasurer, and to allow him such additional compensation for services under the provisions of this act as in their judgment may be deemed proper.

Increase of treasurer's bond.

Compensation.

SEC. 9. The board of trustees as herein constituted may admit as pupils in said graded school children who reside beyond or outside of the corporate limits of said town, upon the payment of such rates of tuition as may be established by the board in such cases: *Provided*, that when such children reside beyond the corporate limits of said town and their parent or parents own property in said town subject to taxation as in this act provided and contributed by the payment of such assessment to the graded school fund, then and in such event such children shall be entitled to attend such graded school free of charge.

Trustees authorized to admit pupils outside of town on payment of tuition.

Proviso.

SEC. 10. The principal and teachers of such graded 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 board of trustees may deem just and proper: *Provided*, that no trustee of such school shall, while acting as such, be a teacher therein.

Salary of principal and teachers.

SEC. 11. That the commissioners of said town of Monroe are hereby authorized and empowered by and with the consent of the board of trustees of said graded school to suspend the levy and collection of the special assessment herein provided for graded schools, when in their judgment such course shall be deemed proper and necessary for public good.

Commissioners authorized to suspend collection of special tax.

SEC. 12. That this act shall be in force from and after its ratification, and all laws, parts of laws in conflict with the provisions thereof are hereby repealed.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

## CHAPTER 189.

An act to amend and re-enact chapter one hundred and fifty-eight, laws of North Carolina, session one thousand eight hundred and eighty-one, entitled "an act to charter the Danville and New River Railroad," ratified the second day of March, Anno Domini, one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 158, laws  
1881, amended  
and re-enacted.

That chapter one hundred and fifty-eight, laws of North Carolina, session one thousand eight hundred and eighty-one, entitled "an act to charter the Danville and New River Railroad," be amended and re-enacted so as to read as follows:

Body politic.

SECTION 1. That W. T. Sutherlin, W. T. Clark, John M. Johnston, L. M. Shumaker, Abner Anderson, P. Bouldin, John D. Glass, Robert H. Trotter and F. B. Gravely, of Pittsylvania county, Virginia; H. C. Gravely, W. D. Stultz, John F. Pedigo, L. S. Thomas, George D. Gravely, John Raigely, John H. Schoolfield, William Martin, D. H. Spencer and Samuel J. Mullens, of Henry county, Virginia; F. R. Penn, Edwin Zentmyer, Perry McArthur, John Staples, M. Turner, I. N. Akers, Charles Ross, Stephen H. Turner, Wellington Thomas, M. T. Towson, Thomas Dehart, John W. Gates, Jefferson Moore and Samuel Dobyens, of Patrick county, Virginia; Edward Marshall, James L. Mitchell, James B. Johnson, Aaron Cox, H. W. C. Nowlin, Martin Dalton, James Early, John Early, B. W. Dobyens and Garland Hale, of Carroll county, Virginia; Alexander Chafin, Robert Jackson, Albert Oglesby, J. C. Roper, Thomas Wood, P. C. Crockett, D. C. Graham, John Robinson and Joseph J. Graham, of Wythe county, Virginia; Lewis H. Bryant, S. C. Fulton, P. G. Hale, John Dickenson, M. B. Cox, J. B. Hask, of Grayson county, Virginia, or such of them as may accept the provisions of this act, and such persons or corporations as may become associated with them in the manner

hereinafter provided, shall be and are hereby constituted a body politic and corporate in the state of North Carolina, by the name of the "Danville and New River Railroad Company," and in that name shall have all the power, rights, privileges and franchises necessary and proper to locate, construct, extend and maintain a railroad, to be known as the Danville and New River Narrow Gauge Railroad, from some point in Patrick county aforesaid, in the state of Virginia, or some other point in said state as may be most desirable, through the counties of Stokes, Surry, Wilkes, Ashe, Alleghany and Watauga, or either or any of them, in the state of North Carolina, or such other counties in said last mentioned state as a proper location of said road may require, to Jonesboro, on the East Tennessee, Virginia and Georgia Railroad, in the county of Washington and state of Tennessee, or such other point on the said East Tennessee, Virginia and Georgia Railroad, or elsewhere in Tennessee aforesaid, as may be by said company selected as a terminus for said road.

Name.

Location of road.

SEC. 2. That the capital stock of said company may be two million 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 incorporators, the commencement of said work. The board of directors of said company, in order to construct and equip said railroad, and for any other purposes of said company, shall also have the power to issue bonds of said company in such sums, not less than one hundred dollars each, and bearing interest not exceeding the rates allowed by law, with principal and interest thereon, payable at such time 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, deeds of trust,

Capital stock.

Organization.

Authorized to issue mortgage bonds.

or other liens on the road, franchises, income, and real and personal property of said company, or such parts thereof as may be designated in such mortgage, deed of trust or lien.

Authorized to act under organization effected under laws of Virginia.

SEC. 3. That said company be and the same is hereby empowered and authorized to act herein under the organization heretofore effected under the laws of the state of Virginia, and the president and directors elected under the said organization in Virginia shall constitute the president and directors of said company under this act, but the general law of this state in reference to incorporated and internal improvement companies shall, in all respects, not inconsistent with this act, apply to said company.

Subscription to capital stock.

SEC. 4. It shall be lawful for said company to receive, accept and acquire in subscriptions to its capital stock, or by donations, contributions or otherwise, lands, mines, property, materials or labor. It may moreover receive from other companies, associations and corporations of this or any bordering state, subscription to its capital stock: *Provided*, the charters of such companies permit them to subscribe, and make such arrangements with the boards of directors of such companies, associations and corporations for the endorsement of bonds and the sale and exchange of stocks to facilitate the completion and successful operation of its road, as may be mutually agreed upon. Said company may lease, sell, or otherwise dispose of all land, mines, bonds and other property whatsoever, acquired under this section or otherwise: *Provided, however*, that no railroad company, railroad syndicate, or association, for the purpose of constructing, operating or owning any railroad shall become, either directly or indirectly, the owners of or interested in more than two-fifths of the stock of said company, except by the purchase thereof, at a sale under some mortgage, deed of trust, or other lien.

Proviso.

Authorized to lease, etc., land, etc.

Proviso

SEC. 5. That said company shall have power and authority to build all such branch and lateral roads and connecting lines of railway as may be deemed necessary and advantageous to the completion and successful operation of its said railroad, and in addition thereto such other branches, lateral roads, not exceeding twenty miles each in length, as may be necessary to connect its main line with any mines, lands, works or manufactories, owned or operated by said company, or any other association or individual.

Branch roads.

SEC. 6. That any county, township, city or town, along or near the line of said railroad, or at any terminal point thereof, or at or near the lines of its branch, lateral and connecting roads, or at their terminal point, may subscribe to the capital stock of said company, and to this end it shall be the duty of the county commissioners and the proper authorities of such city or town, upon the written application of the board of directors of said Danville and New River Railroad Company, together with a petition of at least one fifth of the qualified voters, to appoint a day on which an election shall be held in such county, township, city or town, in the manner prescribed by law for holding other elections, at which said election the legally qualified voters shall be entitled to vote for or against such subscription, those favoring such subscription on ballots written or printed "Subscription," and those opposing, on ballots written or printed, "No subscription." Such election shall be held after thirty days' notice, posted at the court house door, and at three other public places in said county, township, city or town, at the usual voting place, and by persons appointed in the manner that persons are appointed for holding other elections in such county, township, city or town, and the returns thereof shall be made, and the results declared and certified as prescribed by law in such other elections, and such results so certified shall be filed with the regis-

Subscriptions by counties, etc., to capital stock.

Election.

Ballots.

Election, how held.

ter of deeds in said county, city or town, and shall be taken as evidence of the same in any court in this state.

SEC. 7. That if the result of such election shall show that the majority of the qualified voters of such counties, township, city or town, favor subscription to the capital stock of said company to the amount voted for in such election, then said county commissioners or the proper authorities of such city or town shall appoint a board of trustees, consisting of not less than three resident tax payers of the county, township, city or town so voting, who shall issue the bonds of said county, township, city or town to the amount so voted for in said election, in such forms and denominations, and running for such length of time, and bearing such rates of interest, not exceeding the legal rate, as may be determined on by said county commissioners, or proper authorities of such city or town, said interest to be payable semi-annually and evidenced by coupons on said bond, and said trustees shall deliver said bonds so issued to said Danville and New River Railroad Company, upon receiving therefor, for the use and benefit of said county, township, city or town, a proper certificate of stock in said Danville and New River Railroad Company, to the amount of the subscription so voted as aforesaid: *Provided, however,* that said trustees shall deliver to said Danville and New River Railroad Company one-third of said bonds when said road shall be completed to such point as may be specified in the order calling such election, which order shall be embodied in the notice of election mentioned in section six of this act, one-third when the grading of said road shall be completed to the county line in case of county subscription, or to the township line in case of township subscription, and the remaining third when the grading of said road shall be completed to such point as may be specified in said order, and in case of town or city subscription, said bonds shall be delivered to said company at such times and such conditions as may be specified in

On majority vote  
commissioners to  
appoint board of  
trustees to issue  
bonds.

Bonds;

Trustees to deliver  
bonds to company  
and receive  
certificates of  
stock.

Proviso.

the order calling the election, which order shall form a part of the notice of election as aforesaid.

SEC. 8. That to provide for the interest on said bonds and their redemption at maturity, the board of county commissioners aforesaid, or proper authority of any city or town, shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township, city or town, preserving the constitutional equality, a sufficient tax to pay said interest, and after ten years a second additional tax sufficient to provide each year a sum equal to one-twentieth part of the principal of said subscription bonds for a sinking fund, which amount shall annually be collected as other taxes, and paid to the county treasurer or other officer of said county, city or town, authorized by law to perform the duties of treasurer, and by him invested in said bonds, and the amount of tax collected for interest shall also be paid to such treasurer or officer, and by him used in the prompt and regular payment of the interest coupons on said bonds, but in case said treasurer or other officer shall be unable to invest the sinking funds, herein provided for, in said bonds at or below their par value, he shall invest the same in other solvent bonds or securities, to be selected by the board of county commissioners aforesaid, or proper authorities of any city or town.

SEC. 9. That the board of directors of said Danville and New River Railroad shall, in their written application for an election provided for in section six of this act, specify the amount which it is desired that said county, township, city or town shall subscribe to the capital stock of said company, and in appointing and advertising the election hereunder the commissioners of any county, or proper authorities of any city or town, shall specify in the notice thereof the amount of such subscription to be voted for, and to what company it is proposed to subscribe.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

Commissioners to levy special tax.

Additional tax.

How collected and applied.

Amount of subscription to be set out in application for election and in notice thereof.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

## CHAPTER 190.

An act to authorize a sale of the state's stock in the Cape Fear and Yadkin Valley Railway Company, and provide for the speedy completion of the same.

*The General Assembly of North Carolina do enact :*

SECTION 1. That his excellency the governor of North Carolina, the treasurer, the secretary of state and the attorney general of said state, be and they are hereby authorized and directed, as commissioners for and in behalf of said state, to sell and assign the stock which the said state now holds and owns in the Cape Fear and Yadkin Valley Railroad Company to Robert W. Donnell and Murchison & Co., of the city of New York; A. Y. Stokes, of Richmond, Virginia; John D. Williams, E. J. Lilly and James A. Gray, John L. Morehead, J. Turner Morehead, J. F. and W. A. Moore, W. A. Lemly, W. A. Lash, D. W. C. Benbow and Julius A. Gray, of North Carolina, and such others as may be associated with them, by the said persons above named, or to such of the persons above named as shall request the said transfer and conveyance to them upon the payment by said persons of the sums hereinafter set forth as a condition precedent to said transfer and conveyance.

SEC. 2. That before the execution and delivery by the governor and his associates as aforesaid of the assignment, conveyance and transfer of the said stock in the said railway company to the said persons, the said

Commissioners appointed to sell state's stock in road.

Grantees.

Consideration of sale.

grantees or purchasers of said stock shall pay to the treasurer of said state in cash the sum of fifty-five thousand dollars (\$55,000) as the purchase money for said stock, and they shall also pay to said treasurer the par value and accrued interest thereon for the thirty thousand dollars of the bonds of said company purchased by the state under the provisions of section eight of an act ratified the twenty-fifth day of February, one thousand eight hundred and seventy-nine, entitled "an act to change the name and authorize the consolidation of the Western Railroad Company with the Mount Airy Railroad Company, and to complete the said roads." And upon the receipt of the same, the said treasurer shall transfer and assign said bonds and interest to said grantees.

SEC. 3. The said grantees shall represent and vote upon the said stock in all meetings of said company, and as private stockholders, and not subject to the limitation upon the right of the representative of the state to vote in said meetings as provided in section two of an act ratified the nineteenth day of December, one thousand eight hundred and seventy, entitled "an act to restore to the Western Railroad Company its original chartered privileges, to regulate the appointment of state directors, and to define the vote of the state in the general meetings of the stockholders of said company;" that is to say, that in all meetings of said stockholders each share of said stock shall be entitled to one vote.

SEC. 4. That immediately after the ratification of this act by the general assembly of the state of North Carolina, a general meeting of the stockholders of said company shall be called, to which meeting shall be submitted this act as an amendment to the charter of said company for ratification or rejection by vote of the stock other than the stock hereinbefore mentioned, and if the said company in said meeting shall accept the said amendment to its charter, and the said grantees or purchasers shall within the next thirty days thereafter pay over to the

Grantees to represent and vote state's stock as private stockholders.

Act to be submitted to general meeting of stockholders.

When assignment to be made.

state treasurer the fifty-five thousand dollars as the purchase money for said stock, and pay over the mortgage bonds of the Cape Fear and Yadkin Valley Railway Company held by the state, as set forth in section two of this act, then the transfer and assignment of the state's stock shall at once be made to the said grantees or purchasers, and at the next meeting of the stockholders of the Cape Fear and Yadkin Valley Railway Company there shall be a reorganization of said company by the election of twelve directors; the said grantees being entitled in said reorganization to vote upon the said stock as private stock, as hereinbefore provided, and the said directors shall elect one of their number president, and such other officers as they may deem proper and necessary for the management of the affairs of said company.

Re organization of company.

SEC. 5. That the said company so reorganized shall have full power and authority to make a mortgage upon all of its property, effects and franchises of every kind whatsoever to secure the payment of its bonds, and to issue bonds in such sums as it may deem proper, bearing interest at the rate of six per cent. per annum, and to run for the period of thirty years from the date thereof, to the amount of fifteen thousand dollars per mile upon each mile of said road already constructed, or which may hereafter be constructed, and of any branch or branches of said road, and that said mortgage and the bonds issued thereunder shall be a first lien and have priority over every other claim against the company. The said mortgage, when duly executed, shall be registered in the register's office of the county of Cumberland, and registration in said county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding.

Authorized to issue mortgage bonds.

Registration of mortgage.

SEC. 6. That of the said mortgage bonds the said company shall pay over to the treasurer of said state the sum of one hundred and seven thousand twenty-seven dollars

\$96,270.05 in mortgage bonds to be paid to state treasurer.

and forty-six cents (\$107,027.46), less ten thousand seven hundred and fifty-seven dollars and forty-one cents (\$10,757.41) paid in cash by the company for the support of convicts, in full settlement of all indebtedness of said company to said state for convict labor.

SEC. 7. That during the construction of said road the state will continue to furnish to said company all the convicts provided for in prior acts, and such other convicts as may be unappropriated, upon the same terms and conditions as the convicts have heretofore been worked on said road, and the treasurer shall receive in payment for such labor the said first mortgage bonds: *Provided*, this section shall not be held to be a contract, but shall be subject to amendment or repeal by any future legislature after the next.

Convicts to be furnished.

Proviso.

SEC. 8. That the act of the general assembly of North Carolina, ratified the twenty-sixth day of March, one thousand eight hundred and eighty, entitled "an act to amend the charter of the Cape Fear and Yadkin Valley Railroad Company," being chapter eighteen of the acts of the general assembly at the special session of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

Chap. 18, laws 1881, repealed.

SEC. 9. That said company shall have full power and authority to extend the main line of its said road to the city of Wilmington and to the Virginia line, and to build any branches to said main line which may be expedient, and to subscribe to the capital stock of or purchase the bonds of any company or companies building a railroad or railroads connecting with said Cape Fear and Yadkin Valley Railway Company's line, either in or out of the state of North Carolina, and to construct and operate said connecting roads: *Provided*, that one-half of the convicts received by said company shall, from and after the first day of June, one thousand eight hundred and eighty-four, be kept continuously employed in grading said road north and west of Walnut Cove, in the county of Stokes,

Authorized to extend main line, build branch roads, etc.

Proviso.

Proviso.

until said road is graded to Mount Airy, Patterson and Danbury : *Provided further*, that said convicts shall not be employed on any road or branch of road, except on the main line of said railroad from Mount Airy to the South Carolina line, via Shoe Heel, and on the Patterson, Danbury and Franklinsville branches : *Provided further*, that if said company shall violate the conditions and provisions of this section as to the place of working, or the kind of work to be done by said convicts, said company shall immediately forfeit all right and claim to work said convicts, and they shall be immediately returned to the authorities of the penitentiary.

Proviso.

Upon completion within four years of branch road to Franklinsville, State treasurer to return to company \$25,000 mortgage bonds.

SEC. 10. That if the said Cape Fear and Yadkin Valley Railway Company will, within four years from the ratification of this act, construct and equip a branch road from some convenient point on said main line to Franklinsville in the county of Randolph, or as near thereto as may be practicable and convenient for furnishing transportation facilities to the Deep River factories in that vicinity, the state treasurer is hereby authorized and directed to return to said company twenty five thousand dollars of the mortgaged bonds deposited with him under sections six and seven of this act, and if the said company will construct and equip a branch from some point on said main line at or near Walnut Cove to Danbury in the county of Stokes, within four years from the ratification of this act, the state treasurer is hereby authorized and directed to return to said company twenty-five thousand dollars of the mortgage bonds deposited with him under sections six and seven of this act, and when said company shall construct and equip the main line from Walnut Cove to the Little Yadkin river at a point near Dalton, in the county of Stokes, the state treasurer is hereby authorized and directed to return to said company all the bonds delivered to him for convict labor done between Walnut Cove and the Little Yadkin river ; and if the said company shall construct and equip the

Upon completion within four years of branch road to Danbury, state treasurer to return to company \$25,000 mortgage bonds.

Upon completion of main line from Walnut Cove to Little Yadkin river, state treasurer to return bonds delivered to him for convict labor between these points.

main line from Walnut Cove to Mount Airy, in the county of Surry, within four years from the ratification of this act, the state treasurer is hereby authorized and directed to return to said company twenty thousand dollars of bonds, together with such as shall be for convict labor done between the Little Yadkin and Mount Airy, deposited with him under sections six and seven of this act. And when said company shall construct and equip said railroad the distance of twenty miles from the junction on the Patterson branch, the state treasurer is hereby authorized and directed to return to said company the bonds delivered for convict labor done in the construction of that twenty miles under sections six and seven of this act; and when said company shall construct and equip said road to a point ten miles west of the Wilkes county line, the said treasurer is authorized and instructed to return to said company twenty-five thousand dollars of the mortgage bonds deposited with him under sections six and seven of this act, and those deposited with him for convict labor done between the terminus of the above named twenty miles and the point named in Wilkes county; and if the said company shall construct and equip said road to Patterson in the county of Caldwell within five years from the ratification of this act, then the state treasurer is hereby authorized and directed to return to said company the remainder of the bonds delivered to him for convict labor under sections six and seven of this act; and should said company fail to construct and equip said roads, and sections of roads, within the times and in the manner herein specified, the bonds remaining in the hands of said treasurer shall remain the absolute property of the state.

SEC. 11. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

Upon completion within four years of main line from Walnut Cove to Mt. Airy, state treasurer to return \$20,000 bonds and bonds for convict labor.

Upon completion of twenty miles from junction on Patterson branch, state treasurer to return bonds for convict labor.

Upon completion of road ten miles west of Wilkes county line, state treasurer to return \$25,000 mortgage bonds as bonds for convict labor.

Upon completion of road to Patterson within five years, state treasurer to return remainder of bonds for convict labor.

Upon failure bonds to remain property of state.

## CHAPTER 191.

An act concerning the Code and supplemental thereto.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to add to Code public acts enacted at this session, etc.

SECTION 1. The code commissioners shall include in the Code all acts of a public and general nature, except the revenue acts enacted at the present session of the general assembly, incorporating the same as far as practicable into and under the appropriate chapters and sections. They shall be authorized to re-arrange chapters and to re-number and transpose the sections, and to alter the head notes of the Code, and to omit all repeated sections, if there be such, and to insert such additional "oaths" and "forms" as may be deemed proper.

Code to be published separately, under direction of commissioners.

SEC. 2. The Code shall not be published with the acts of the present session of the general assembly, but shall be printed under the direction of said commissioners, who shall procure the same to be done in good style, upon the most economical terms, giving a preference when the style and terms of printing are equal, to printers in the state, and shall take bond, with good surety, for the faithful performance of the work by those persons who may undertake the same. If deemed expedient, the said commissioners may cause the Code to be stereotyped.

Manner of publication.

SEC. 3. The Code shall be published in two volumes. The several chapters thereof shall be arranged and inserted in either volume according to the judgment and in the discretion of the commissioners. But the first volume shall contain the constitutions of North Carolina and of 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; and the commissioners may also insert in said volume the acts of congress relating to the removal of causes from the state to the federal courts. The commissioners shall prepare separate indexes for each

volume, and they may insert in the Code such portions of the revenue acts of the present session as shall be deemed expedient.

SEC. 4. The commissioners may employ an expert proof reader for the purpose of securing accuracy in the publication of the printed volumes of the Code at a price not exceeding four dollars per diem while necessarily engaged in the discharge of his duties.

Proof reader.

Compensation.

SEC. 5. In addition to the compensation for their services authorized by law, the commissioners and their clerk shall be paid their actual traveling and hotel expenses incurred or to be incurred while actually engaged in the discharge of their official duties, to be paid by the treasurer on the warrant of the auditor.

Payment of actual expenses of commissioners in addition to compensation.

SEC. 6. The Code and the acts of the present session of the general assembly to be included in it, shall be construed as one act, and as if enacted on the same day, without regard to the actual date of the ratification of the Code, and of said acts so made a part thereof. But all general acts of the present session shall be in force from the dates expressed in said acts, notwithstanding the Code will not be in force until the first day of November, in the year one thousand eight hundred and eighty-three.

Code and acts of this session included in it, to be construed as one act.

When general laws to take effect.

SEC. 7. The Code shall not be enrolled in the usual manner, but the amendments to it shall be interlined, or otherwise inserted in the volume printed for the general assembly at its present session by the clerks of the code committee; and when said committee shall have reported to the general assembly that the said clerks have prepared a correct copy of the Code, including the amendments thereto as finally adopted by the general assembly, it shall be the duty of the presiding officers of both houses to sign the same under the following certificate to be written at the end of the printed volume, so corrected as aforesaid, to-wit: "In the general assembly read three several times in each house thereof, having passed three

Ratification of Code.

several readings on three different days in either house, the yeas and nays on the second and third readings having been entered on the journals of the senate and of the house of representatives respectively, and ratified as a law on the ..... day of ..... Anno Domini one thousand eight hundred and eighty-three.”

Commissioners to make copy of Code for publication and file original with secretary of state.

SEC. 8. The said volume of the Code so enacted and ratified shall be delivered to the code commissioners, who shall cause an accurate copy of the same to be made, which copy they shall use in preparing the Code for publication. The volume adopted by the general assembly as aforesaid shall then be delivered by the commissioners to the secretary of state, to be filed in his office. The printed volumes of the Code, as published under the direction of the commissioners, shall be received as conclusive evidence of the law by all courts, judges and officers.

Code as published to be conclusive evidence of the laws.

Not exceeding 10,000 copies to be published.

SEC. 9. There shall be published of the Code not exceeding ten thousand copies of each volume, the copyright whereof shall be secured to the state by the commissioners, and the expense of preparing, printing, supervising, publishing and binding said copies shall be paid by the treasurer on the warrant of the auditor, founded on requisitions made from time to time by the chairman of the commissioners.

Expense to be paid by treasurer on warrant of auditor.

Distribution.

SEC. 10. The volumes of the Code shall be distributed by the secretary of state as follows: to the governor, lieutenant governor, treasurer, secretary of state, auditor, superintendent of public instruction, attorney general, superintendents of the insane asylums, of the deaf and dumb and the blind asylums, of the penitentiary, justices of the supreme court, judges of the superior and criminal courts, the judges of the United States courts, the several solicitors and district attorneys, the clerks of the superior, criminal, inferior and federal courts, the sheriffs of the several counties, the several justices of the peace, registers of deeds, entry takers as *ex-officio* agents

for the entry and sale of Cherokee lands, members and clerks of the general assembly, county commissioners, and the members and clerks of the code commission, one copy of each volume; to the state library, ten copies; to the senate library, twenty copies; to the house library, twenty copies; to the library of the University, three copies; to the supreme court library, ten copies; to the library of the supreme court of the United States, one copy; to the several states and territories, including the District of Columbia, one copy each; and two copies shall be deposited in the office of each department of the state government.

SEC. 11. Such volumes of the Code as may be printed in excess of the number ordered to be distributed as aforesaid, the secretary of state may sell at such price as he may deem reasonable, not exceeding the sum of two dollars and fifty cents for each volume. The proceeds shall be paid by him into the treasury quarterly, and in his annual report he shall give an account of the number sold and the number on hand.

Secretary of state to sell excess after distribution.

SEC. 12. Nothing contained in this act shall be construed to be repealed by any other act of the present session of the general assembly, unless a plain intention to effect such repeal shall refer to this act, and to some particular section thereof in unequivocal terms.

Construction of repealing acts.

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

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

## CHAPTER 192.

An act to establish graded schools in Wilson township, Wilson county.

*The General Assembly of North Carolina do enact:*

Boundaries of school districts.

SECTION 1. That the territory contained within the following limits shall be and constitute the "Wilson Graded School District," beginning at the bridge across Hominy Swamp on the road leading from Wilson to Rountree bridge, thence north fifty-eight degrees west to a point on the Beaufort Mill road, between the lands of L. D. Killitt and the heirs of W. W. Winstead, deceased; thence north twenty degrees west to the lane on the lands of Mrs. Martha Winstead on the Raleigh road; thence north eighteen degrees east to the line between Col. John W. Farmer and J. J. Smith; thence down the said swamp to a point dividing the lands of Thomas J. Gardner and Mrs. Fanny Hines; thence south forty-five degrees west to the beginning.

County commissioners authorized to order election upon question of taxation for graded schools.

SEC. 2. That the board of commissioners of the county of Wilson are hereby authorized to submit to the qualified voters of the said Wilson Graded School District in said county, on the first Monday in May, one thousand eight hundred and eighty-three, under such rules and regulations as they may prescribe, the question 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 district. Each voter shall vote a written or printed ballot with the words "For school," or "No school," thereon, 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.

Tax to be levied upon majority vote.

SEC. 3. That in the event of a majority of the qualified voters of said district being in favor of such tax, the same shall be levied and collected in the same manner as pro-

vided by law for the levying and collecting state and county taxes. The sheriff of Wilson county shall collect and pay over the same to the treasurer of the Wilson graded schools by the first day of January, under the same liabilities as are now provided by law for the collection and paying over of the county school taxes: *Provided*, that the special tax so levied shall not exceed one-third of one per centum on property, and one dollar on the poll.

How collected.

Limitation of tax.

· SEC. 4. 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 district for white persons of both sexes, whose names are on the school census list for the current year, between the ages of six and twenty-one years; and the special tax thus levied and collected from the taxable property and polls of colored persons, shall be expended in keeping up a graded school in said district for colored persons of both sexes, whose names shall be on the school census list as aforesaid, between the ages of six and twenty-one years.

Tax collected from white persons to be applied to support of white school.

Tax collected from colored persons to be applied to support of colored school.

SEC. 5. That Thomas J. Hadley, R. J. Taylor, Warren Woodard, George D. Green, G. W. Blount, Moses Rountree, H. C. Moss, H. G. Conner and M. T. Maye, 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 in said board, to employ teachers, and do all such acts as may be necessary to carry on said school for the white children.

Board of trustees for white school.

Powers.

SEC. 6. That E. C. Simms, Peter Rountree, Charles Battle, G. A. Farmer, Jerry Washington, C. M. Jones, Daniel Vick, Samuel Williams and C. H. Darden be and they are constituted a board of trustees for the graded school for the colored children. That said board shall have power to fill all vacancies, to employ teachers, and do all such acts as may be necessary to keep up the said school for colored children.

Board of trustees for colored school.

Powers.

Public school money collected for white children in school district to be applied to support of white graded school.

Public school money collected for colored children in school district to be applied to support of colored graded school.

Treasurer.

Bond.

Action on bond.

Trustees of white graded school authorized to purchase building, etc.

Mortgage bonds.

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 white children in said district, shall be applied for keeping up the public graded school for the white children, under the orders and directions of the board of trustees of said graded public school for white children, and the public money so collected for public school purposes for the colored children in said district shall be applied to the keeping up the graded school for the colored children, under the rules and directions of the board of trustees of the graded school for the colored children.

SEC. 8. The board of trustees for the graded school for the white children, and the board of trustees for the graded school for the colored children, shall at the first regular meeting after the establishment of said schools, and annually thereafter, elect a treasurer of the respective schools. The person so elected shall execute a bond, with at least three sureties, who shall justify before the clerk of the superior court of Wilson county, and be approved by the president of the board of trustees of the school for which he shall have been elected, in an amount double the amount of tax levied for such school. The said bond shall be payable to the state of North Carolina and conditioned for the payment of and accounting for all money or other property which shall come into his hands as treasurer. The said bond shall be filed in the office of the register of deeds of Wilson county as other official bonds, and in the event of a breach of the conditions thereof, an action may be prosecuted by the board of trustees of the school of which the person giving such bond is treasurer.

SEC. 9. That the board of trustees of the graded school for the whites in said district are authorized and empowered to purchase and hold for the purposes of such school, a building and suitable grounds within the limits of said district, and to issue bonds with coupons attached for the

purchase money for the same, and to execute a mortgage on such property to secure the said bonds. The interest on said bonds shall not exceed eight per centum per annum, and such coupons shall be receivable in payment of all taxes levied and collected for the maintaining such school. The said trustees shall have power to sell so much of said property as they may deem advisable.

Coupons receivable in payment of special tax.

SEC. 10. The treasurers of said schools shall file statements of their receipts and disbursements in the same manner and under the same penalties as are prescribed for the treasurer of Wilson county.

Treasurers to file statement of receipts and disbursements,

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 27th day of February, 1883.

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## CHAPTER 193.

An act to authorize the county commissioners of Tyrrell county to sell certain property belonging to the county of Tyrrell.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Tyrrell county be and are hereby authorized to sell a certain house and lot in the town of Columbia, known as the old grand jury office, and now occupied by R. P. Felton as a law office, and apply the proceeds of such sale to the discharge of the present indebtedness of said county.

Authorized to sell house and lot in Columbia.

Proceeds applicable to payment of county indebtedness.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

## CHAPTER 194.

An act in relation to the appointment of cotton weighers in the city of Goldsboro, in Wayne county.

*The General Assembly of North Carolina do enact :*

County commissioners to appoint four cotton weighers for Goldsboro.

SECTION 1. That the board of commissioners of Wayne county shall annually, on the first Monday in August, appoint four persons as cotton weighers for the city of Goldsboro.

Vacancies.

SEC. 2. Any vacancy in said offices shall be filled by said board for the unexpired term at the first meeting of the board after such vacancy.

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 28th day of February, A. D. 1883.

## CHAPTER 195.

An act to amend chapter one hundred and thirty-nine, of the laws of the year one thousand eight hundred and eighty-one, relating to the stock law in Rowan county.

*The General Assembly of North Carolina do enact :*

Chap. 139, sec. 1, laws 1881, amended.

SECTION 1. Section one of chapter one hundred and thirty-nine of the laws of the year one thousand eight hundred and eighty-one shall be amended as to read as follows: "Section two of chapter twenty-four of the acts of special session of the year one thousand eight hundred and eighty is hereby re-enacted and made a part of this act. Any person wilfully violating this section shall be guilty of a misdemeanor, and upon conviction, may be

Unlawful to permit live stock to enter upon land of another without leave.

Misdemeanor.

punished by fine or imprisonment, or both, at the discretion of the court."

SEC. 2. Section two of said chapter one hundred and thirty-nine of the laws of the year one thousand eight hundred and eighty-one is hereby repealed.

Sec. 2 repealed.

SEC. 3. The following new sections shall be added to said chapter one hundred and thirty-nine of said year :

SEC. .... Any person or any number of persons owning real estate in Rowan county, adjoining any county, township, district or territory, where the stock law prevails, or may hereafter prevail, may have his or their lands included within the limits of such adjacent stock law territory, by signing and filing with the clerk of the board of commissioners of Rowan county a written notice consenting and agreeing that his or their lands, briefly describing the boundaries thereof, shall be subject to the provisions of the stock law. And thereupon the said lands shall be annexed to and included within the limits of such adjacent stock law territory. And all the provisions of this act shall be applicable to the lands described in every such notice, when signed by the owner thereof and filed with the said clerk, whose duty it shall be to record the same in the book of said board.

Adjoining land owner authorized to include his land in stock law territory.

Proceeding.

SEC. ... It shall be lawful for live stock to run at large in that portion of Morgan township where the stock law is not in force, and the inhabitants of such township are hereby authorized to build a fence at their own expense along the line which separates stock law territory from territory not under stock law: *Provided, however,* that no fence shall be built on the lands of any person against his consent: *And provided further,* that owners of real estate, whose lands adjoin or may hereafter be adjacent to stock law territory, at any time hereafter, may have any of their said lands annexed to and included within the limits of stock law territory, as hereinbefore provided, whether the fence herein authorized shall be erected or not.

Lawful for stock to run at large in portion of Morgan township.

Fence.

Proviso.

Proviso.

Misdemeanor to injure land of another by wilful riding or driving.

SEC. .... If any person wilfully, deliberately or recklessly, by riding or driving upon the lands of another without his consent, shall do some actual injury thereto, he shall be guilty of a misdemeanor, but no such person shall be prosecuted unless the party injured will cause a warrant to be issued against the party offending within ten days after the commission of the offence, and unless he will also authorize himself to be marked as the prosecutor.

How prosecuted.

Sec. 4 amended.

SEC. 4. Section four of said chapter one hundred and thirty-nine of said year, shall be amended by striking out all after the word "prevail" in line eighteen of said section.

Sections re-numbered.

SEC. 5. The sections of said chapter one hundred and thirty-nine as aforesaid shall be re-numbered in accordance with the changes made necessary by this act.

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 28th day of February, A. D. 1883.

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## CHAPTER 196.

An act to locate and establish the line between the counties of Clay and Cherokee.

*The General Assembly of North Carolina do enact:*

Board of commissioners of Clay and Cherokee to appoint commissioners to locate line.

SECTION 1. That the board of commissioners for the county of Clay and the board of commissioners for the county of Cherokee shall, on the first Monday in April, Anno Domini one thousand eight hundred and eighty-three, or as soon thereafter as practicable, select one commissioner each to locate and establish the line between the counties of Clay and Cherokee, beginning on the top

Location.

of the mountain between the Peach Tree creek, in Cherokee county, and Hiwassee river, in Clay county, on the old county line, and run westerly according to the original charter, to the top of the mountain between Little Brasstown and Pine Log creek.

SEC. 2. That the commissioners chosen by the boards of county commissioners respectively under the provisions of section one of this act, shall meet at the first named place in this act on the second Monday in June first after their election as such commissioners, and proceed to locate said line between the counties of Clay and Cherokee, marking with stone or such other suitable object the line as ascertained by practical survey, and should either fail to appear the one appearing may proceed to make the survey and make a return in writing of the result to the county board of commissioners of both Clay and Cherokee counties, which report shall be registered in each county: *Provided*, that their proceedings shall be subsequently approved by the board of commissioners of the counties respectively.

Duty of commissioners.

Proviso.

SEC. 3. That the counties of Clay and Cherokee shall each pay an equal part of the expense of making this survey.

Expenses, how paid.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

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## CHAPTER 197.

An act to amend chapter twenty-five of the laws of special session of one thousand eight hundred and eighty.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twenty-five of the laws of special session of one thousand eight hundred and eighty

Chap. 25, sec. 1,  
laws 1880,  
amended.

Special tax in  
Beaufort county,  
time extended.

be amended by striking out the word "four," in line four of section one of said chapter, and inserting in lieu thereof the word "five," and by striking out the word "eighty-four" in line six of section one of said chapter, and inserting in lieu thereof the word "eighty-five."

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 28th day of February, A. D. 1883.

### CHAPTER 198.

An act to change the name of Blue Ridge township, in Macon county, to that of "Highlands."

*The General Assembly of North Carolina do enact :*

Name changed.

SECTION 1. That the name of Blue Ridge township, in Macon county, be and the same is hereby changed to that of Highlands.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

### CHAPTER 199.

An act to prohibit the use of dutch or pond nets in the waters of Carteret county.

*The General Assembly of North Carolina do enact :*

Unlawful to use  
dutch, etc., nets  
in waters of Car-  
teret county.

SECTION 1. That any person or persons who shall use or cause to be used any dutch net, pond net or other stationary trap, net or seine of similar description by

whatever name known, in the waters of Carteret county for the purpose of taking fish therefrom, shall for each day's use thereof as aforesaid forfeit and pay the sum of fifty dollars. The penalties herein created shall be recovered by a warrant before any justice of the peace in the county of Carteret, and shall be applied to the use of the public schools of said county; and such offender in addition to the penalties contained in this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than six months nor more than twelve months; *Provided*, this act shall not apply to the ordinary set nets heretofore in use in the waters of said county.

Penalty.

How recoverable.

Misdemeanor.

Proviso.

SEC. 2. That this act shall be in force from and after the first day of August, one thousand eight hundred and eighty-three.

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

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## CHAPTER 200.

An act to authorize the commissioners of Cabarrus county to levy a special tax.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Cabarrus county are hereby authorized to levy a special tax not exceeding twenty-five hundred dollars, to be levied and collected as other taxes are now levied and collected, observing the constitutional equation between property and poll.

Authorized to levy special tax not over \$2,500.

SEC. 2. That the above tax when collected shall be paid to the treasurer of the county, and shall be kept separate

How expended.

and apart from other county funds, and shall be expended for the erection of a bridge over Rocky river, at Hagler's ford, in Cabarrus county, upon the order of the board of county commissioners, and for no other purpose.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

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## CHAPTER 201.

### An act to incorporate the Asheville and Burnsville Railroad Company.

*The General Assembly of North Carolina do enact :*

Incorporated.

Capital stock.

Route.

SECTION 1. That a company by the name and style of the Asheville and Burnsville Railroad Company, be and the same is hereby incorporated with a capital stock of five hundred thousand dollars, with power to increase the same to one million dollars, to be divided into shares of one hundred dollars each, for the purpose of constructing a railroad from Asheville by the way of Weaverville, through the counties of Madison and Yancey to Cranberry, in the county of Mitchell, or some other point in said county, or to the Tennessee line at any other point in the counties of Yancey or Mitchell, connecting with the Tennessee, Iron Mountain and Carolina Railroad, a corporation chartered under the laws of the state of Tennessee, and with power and authority to construct a branch road from any point on its line to Morganton, or to a point near Morganton on the Western North Carolina Railroad.

Branch road.

Commissioners.

SEC. 2. That for the purpose of creating the capital stock of this company, the following persons be and they

are hereby appointed general commissioners, to-wit: R. B. Vance, J. E. Rankin, C. E. Graham, J. P. Sawyer, R. B. Johnston, H. K. Rhea, J. A. Reagan, W. E. Weaver, E. M. Goulsby, John G. Chambers, R. V. Blackstock, J. R. Sams, J. S. McElroy, J. A. Jervis, D. S. Ball, W. W. Rollins, I. N. Ebbs, C. R. Byrd, E. M. Hunnycutt, J. F. Byrd, J. G. Anderson, S. W. Carter, B. B. Whittington, G. D. Ray, C. F. Young, S. B. Briggs, C. S. Hensley, W. A. Peterson, Wilson Hensley, M. C. Byrd, J. R. Neill, J. G. Wilson, E. H. Hampton, C. L. McPeeters, H. B. Proffit, J. G. D. Carter, H. Lineback, John Randolph, J. W. Wilson, B. A. Berry, Thos. G. Walton, D. C. Pearson, J. A. Clagwell, I. I. Davis, Donald Frayer, J. G. Heap, J. K. Irby, J. H. Bailey, T. C. Green, A. A. Wiseman, S. T. Proffit, G. D. Bailey, to open books of subscription at such places and under the direction of such other persons as a majority of the above named commissioners 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 shall be kept open for the space of thirty days at least, and as long thereafter as the above named commissioners 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, to make a return of the 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 "Asheville and Burnsville Railroad 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

When to become incorporated.

Name.

Corporate powers.

demise so far as may be necessary for the purposes embraced within the object and intent of this charter, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded in any of the courts of this state, and may have and use a common seal, and shall have and enjoy all other rights and privileges which other corporate bodies for like purposes may and of right do enjoy and exercise, and may make all by-laws, rules and regulations which they may deem necessary for the government of the corporation, or effecting the object for which it is created, not inconsistent with the constitution and laws of this state or the United States.

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 aforesaid, and five per centum thereof paid to them, 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 present in person or by proxy, shall 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 election, the corporation shall not thereby be dissolved, but the officers previously elected shall continue in office until a new election takes place.

Officers.

By-laws.

Authority of  
president and  
directors.

Annual election.

SEC. 5. That the board of directors may fill any vacancy 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.

Vacancies.

President pro tem.

SEC. 6. That the board of directors may call for the sums subscribed as stock in said company, in such installments as the interests of the company in their opinion require: due notice of such call shall be given at least one month before the day of payment, and on failure of any stockholder to pay such 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 stockholder, and convey the same to the purchaser at said sale, and if the sale does 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 to be due to the company, and may be recovered of such stockholder, or his executors, administrators or assigns, at the suit of said company in any court of this state having jurisdiction over the amount due.

Subscription, how payable.

Remedy against stockholders failing to pay.

SEC. 7. That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates of stock.

SEC. 8. That for the purpose of constructing said road the company are hereby authorized and empowered by a vote of the stockholders in general meeting assembled, to raise money by loan or otherwise upon such securities and in such manner as the stockholders, or a majority of them, may direct, and that the president and directors shall have power at any time to borrow money upon the bonds of the company for a like purpose, and to secure the payment thereof by mortgage, or other legal assurance, and to make any and all such contracts, leases and agreements with any other railroad company or compa-

Authorized to issue mortgage bonds.

nies or corporations as they may deem necessary to effect the construction, equipment or completion of said road.

Condemnation of land.

SEC. 9. That when any lands or right of way be required by said company for the purpose of constructing their road, 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 thereof, the same may be taken at a valuation to be made by a jury of five good and lawful freeholders, to be summoned by the sheriff of the county in which said land may lie, and in making the said valuation the said jury shall take into consideration the loss or damages which shall accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefits or advantages such owner or owners may receive from the construction of said road, and shall state particularly the amount and value 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 over whose land said road may pass, or said company shall be dissatisfied with the valuation thus made, the party so dissatisfied may appeal to the next court having jurisdiction thereof to be held thereafter, and the sheriff shall return to 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 said 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 shall invade the dwelling, yard, garden or graveyard of any individual without his consent.

Proviso.

Proviso.

Subscriptions in real estate, etc.

SEC. 10. That said railroad company may receive subscriptions in real estate, stocks, labor, timber, money,

etc., at such valuation as the president and directors may accept.

SEC. 11. That the said company shall have the exclusive right of conveyance or transportation of persons and freights, goods, wares and merchandise over said road at such charges as may be fixed on by a majority of the directors, subject only to the general laws of the state, and 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.

Exclusive right of transportation.

Division of profits.

SEC. 12. That the said railroad company is hereby authorized and empowered, by the vote of a majority of the capital stock of said company subscribed and paid in, in order to secure the construction or completion of said road, to sell, lease or otherwise dispose of said railroad for a term of years or permanently, as they may deem proper, or to consolidate with any other railroad connecting therewith, upon such terms as may be deemed expedient.

Authorized to sell or lease road.

SEC. 13. That it shall be lawful for any other corporation in their corporate capacity to subscribe stocks in said company.

Other corporations authorized to subscribe to stock.

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 28th day of February, A. D. 1883.

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CHAPTER 202.

An act to authorize the commissioners of Tyrrell county to levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Tyrrell county be and they are hereby authorized and empow-

Authorized to levy special tax not exceeding \$4,500.

When to be  
levied.

ered to levy a special tax not to exceed the sum of four thousand and five hundred dollars, one-fourth of which to be levied on all subjects of taxation in said county in the year one thousand eight hundred and eighty-three, at the time of the levying of other taxes under the general law, one-fourth to be levied in the same manner in the year one thousand eight hundred and eighty-four, one-fourth to be levied in the same manner in the year one thousand eight hundred and eighty-five, and one-fourth to be levied in the same manner in the year one thousand eight hundred and eighty-six.

How applied.

SEC. 2. That the said special tax shall be applied to the payment of the indebtedness of 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 are levied in said county: *Provided*, the constitutional equation between the poll and property shall be observed in the levy of said tax.

SEC. 4. 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. 1883.

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## CHAPTER 203.

An act supplemental to and amendatory of an act to amend chapter eighty-three of Battle's Revisal, ratified on the thirteenth day of February, one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact :*

Chap. 116, sec. 2,  
*ante* amended.

SECTION 1. That an act to amend chapter eighty-three of Battle's Revisal, ratified on the thirteenth day of February, one thousand eight hundred and eighty-three, be

amended by striking out the words "Core" and "Bogue" in lines two and three of section two thereof.

Core and Bogue  
Sounds stricken  
out.

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 1st day of March, A. D. 1883.

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## CHAPTER 204.

An act to empower the board of county commissioners of McDowell county to compromise, commute and settle the debt of McDowell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. The board of county commissioners of McDowell county are hereby authorized to issue coupon bonds of the denomination of not less than fifty nor more than five hundred dollars, to an amount not exceeding fifty thousand dollars; said bonds may be redeemable at the pleasure of the said board of county commissioners of McDowell county, after any period not less than ten nor more than thirty years, or if deemed expedient, may be made payable at any period of not more than thirty years from the date of said bonds, and bearing such interest as may be agreed upon by the said board of county commissioners of McDowell county, and the holders or owners of claims against said county of McDowell, not exceeding six per centum per annum, to be paid semi-annually. And said bonds shall be signed by the chairman of said board of county commissioners of McDowell county, and the clerk of said board.

Authorized to  
issue coupon  
bonds not exceed-  
ing \$50,000.

Description of  
bonds.

SEC. 2. That the board of county commissioners shall have power to classify the debt of McDowell county and to give such creditors as may be willing to accept the

Commissioners  
to classify county  
debt and to pay  
creditors with  
bonds.

terms offered by them such per cent. of the claims of said creditors in the bonds to be issued as aforesaid, as the said board may deem just and reasonable, having regard to the price at which said debts or claims against said county may have heretofore sold in the markets of the county.

Bonds given in payment of claims arising before 1868 not liable to constitutional limitation of taxation.

SEC. 3. That for all such debts and claims for which the said county of McDowell may have been liable, arising upon any contract or liability created and existing prior to the year one thousand eight hundred and sixty-eight, the bonds so issued therefor may have expressed upon their face that they are issued in the place and stead of such contract or liability created and existing as aforesaid, and are not liable to the limitation of taxation provided for in section six of article five of the constitution of North Carolina.

Bonds to be registered.

SEC. 4. That it shall be the duty of the said board of county commissioners of McDowell county, when the said bonds are issued, to have registered each and every bond issued under the provisions of this act in a book to be kept for that purpose by the clerk of said board of county commissioners, specifying the amount, number and date of the bond, and the name of the person to whom the same has been issued, delivered or paid. And when any of the interest coupons on any of said bonds are paid, the amount so paid and the date thereof shall be entered by the clerk of said board of county commissioners in a margin opposite the number and registry of said bond as is hereinbefore provided for.

Commissioners to levy special tax for payment of interest.

SEC. 5. That it shall be the duty of the board of county commissioners of McDowell county to levy a tax annually upon all of the property and subjects of taxation in their said county, to meet and discharge the interest coupons on said bonds as the same may fall due. And the said board of county commissioners of McDowell county may create a sinking fund to meet and discharge the principal of said bonds so issued, as the same may mature

Sinking fund.

and fall due, or at any period after the expiration of ten years from the date thereof, and to this end may levy such assessment of taxes upon all of the property and subjects of taxation in their said county to create said sinking fund.

Special tax for sinking fund.

SEC. 6. That the board of county commissioners of said county of McDowell shall have power to sell and negotiate such bonds, or so many of them as are issued under this act as may be necessary to pay off and discharge the indebtedness of McDowell county, or any part thereof, held and owned by any person or creditor, who may refuse to receive or accept said bonds hereinbefore provided for, to be issued in satisfaction of their said claims.

Commissioners authorized to sell bonds for payment of creditors refusing to accept bonds.

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 1st day of March, A. D. 1883.

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## CHAPTER 205.

An act to authorize and direct the treasurer of Yancey county to pay certain teachers of public schools of said county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county treasurer of Yancey be and he is hereby authorized and directed to pay to the several teachers of public schools of said county the balance due each of them respectively for services as teachers of public schools for the year one thousand eight hundred and eighty-two, to be paid out of the school fund due and apportioned to their respective districts for the year one thousand eight hundred and eighty-three.

County treasurer to pay teachers of public schools for services in 1882.

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. 1883.

## CHAPTER 206.

An act for the relief of the sureties of John A. McArthur, late treasurer of Duplin county.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to compromise with sureties of J. A. McArthur, late county treasurer.

SECTION 1. That the board of commissioners of Duplin county are hereby authorized and empowered to compromise and settle with the sureties of John A. McArthur, late treasurer of Duplin county, the amount due by said John A. McArthur to said county of Duplin.

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 1st day of March, A. D. 1883.

## CHAPTER 207.

An act providing for the election of a finance committee in the county of Cleveland.

*The General Assembly of North Carolina do enact :*

Justices empowered to elect county finance committee.

SECTION 1. That the justices of the peace in the county of Cleveland may assemble at the court house in said county on the first Monday in June in each and every year, and a majority of those present shall elect, by ballot,

three discreet, intelligent tax paying citizens to be known as the "finance committee" of said county, whose duty it shall be to enquire into, investigate and report by public advertisement at the court house door in said county, or in a newspaper, at their option, if one be published in the county, a detailed and itemized account of the condition of the county finances, together with any other information appertaining to any fund, misappropriation of county funds, or any malfeasance in office by county officers.

Duties of committee.

SEC. 2. For the purpose of rendering section one of this act effectual, the said finance committee shall have power and authority to send for persons and papers, and any person failing to obey their summons, or to produce promptly any paper relating or supposed to relate to any matter appertaining to the duties of said finance committee, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

Powers of committee.

Misdemeanor.

SEC. 3. It shall be the duty of said finance committee to make and publish as herein directed, their report on or before the first Monday in November in each and every year.

Committee to make annual report.

SEC. 4. The members of said finance committee, before entering upon their duties, shall, before the clerk of the superior court, subscribe to the following oath or affirmation: "I, A. B., do solemnly swear (or affirm) that I will diligently inquire into all matters relating to the receipts and disbursements of county funds, and a true report make without partiality, so help me God."

Oath.

SEC. 5. That said committee shall receive for their services such compensation as the board of county commissioners of the county of Cleveland may allow, not exceeding three dollars per day for the time actually engaged in their work.

Compensation.

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. 1883.

## CHAPTER 208.

An act supplemental to an act to amend section three of chapter three hundred and seven of the laws of one thousand eight hundred and seventy-nine, ratified the twenty-sixth day of January, one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the act to amend section three of chapter three hundred and seven of the laws of one thousand eight hundred and seventy-nine, ratified the twenty-sixth day of January, one thousand eight hundred and eighty-three, shall not be so construed as to prevent the trial, hearing and determination of all persons who may be confined in the jail of Wake county on any criminal charge at the February and August terms of Wake county superior court, and the taking of submissions and pronouncing judgment thereon.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1883.

Act supplemental to chapter 31, *ante*.

Persons in jail to be tried and submissions taken at February and August terms of Wake superior court.

## CHAPTER 209.

An act to prohibit the sale of spirituous liquors in certain places in Randolph county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to sell or dispose of, for gain, any spirituous or intoxicating liquors within one-half of a mile of Shiloh church, in Pleasant Grove township, and the factory of the J. M. Worth Manufacturing Company, in the village of Worthville, in Randleman township, in Randolph county, or within one mile of Promise Land Academy, in New Hope township, in said county.

Unlawful to sell liquors in certain localities in Randolph county.

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 fifty dollars, or imprisoned not more than thirty days.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1883.

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 CHAPTER 210.

An act to drain the lowlands of Dykas creek, in the county of Davidson.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Alfred Wood, David L. Michael, J. H. Walser, G. W. Snider, A. R. Craver and T. W. Hartly be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Dykas creek from its con-

Commissioners appointed to lay off Dykas creek into sections.

fluence with the Yadkin river, near Oake's ferry, to D. L. Michael's, or near Shiloh church, to its source, a distance of about six miles, into sections of convenient length, and to appoint one overseer to 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 is appointed overseer.

Overseers.

Provisions of chap. 132, laws 1881, applicable to this act.

SEC. 2. That chapter one hundred and thirty-two of the laws of one thousand eight hundred and eighty-one, entitled "an act to secure the better drainage of the lowlands of Brushy Fork creek and its tributaries, in the county of Davidson," and every section of said act, as far as practicable and applicable, together with all the powers, duties and authority therein set forth and conferred, shall apply to the provisions of this act in as full a manner as if all said provisions, powers and duties were fully herein set forth.

Owners of Walser mill authorized to erect gate at head of mill race.

SEC. 3. That the owners of the Walser mill property or their assigns shall have the right to erect a gate at the head of the mill race, provided they raise it for the creek to run through at least four days in each month.

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 2d day of March, A. D. 1883.

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## CHAPTER 211.

An act to incorporate the Black Mountain Railway Company.

*The General Assembly of North Carolina do enact :*

Incorporation authorized.

SECTION 1. That for the purposes mentioned in section two the formation of a corporate company, with a capital stock of one hundred thousand dollars, is hereby author-

ized to be called when formed in compliance with the conditions hereinafter prescribed. The Black Mountain Railway Company to have a corporate existence as a body politic in perpetuity, and by that name to sue and be sued, plead and be impleaded in all courts, to have and use a common seal, and to be capable of purchasing, holding and conveying real and personal estate and acquiring the same by gift and devise. The said company shall 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 laws of the state or the United States. It shall have power to sell or lease its road bed, property and franchise to any other corporation or person.

Name.

Corporate powers.

SEC. 2. That the said company, when formed, be and the same is hereby authorized to construct, maintain, equip and operate a railway from some point on the Western North Carolina Railroad between Henry, in McDowell county, and Black Mountain Station, in Buncombe county, to the summit of Mount Mitchell, in the Black Mountain range, or to any other peak or summit of said Black Mountain range or the Blue Ridge.

Authorized to construct road.

Location.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, with power upon the part of the corporation after it shall have been formed to increase the same to an amount not exceeding five hundred thousand dollars, and shall be created by subscription on the part of individuals or corporations in shares of the value of one hundred dollars each.

Capital stock.

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: James W. Wilson, J. P. Sawyer, W. E. Anderson, S. H. Wiley, J. C. McCurry, C. M. McLoud. These books of subscription may be opened at any time after the ratification of this act, and at any time after the sum of ten thousand dollars has been subscribed to the capital stock

Books of subscription.

Commissioners.

Organization.

of said company, and five per centum in cash paid thereon, it shall be the duty of the said commissioners, or a majority of them, 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 Black Mountain Railway Company.

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. In all meetings of stockholders a majority of all stock subscribed shall be present either in person or by proxy before any action can be taken, except to adjourn to a subsequent time, and each share of stock shall have one vote. Any stockholder's meeting shall have the right to make or alter any by-law of the company. It shall be the duty of the directors to elect one of their number president of said company, and such other officers as are provided for in the by-laws, and to fill all vacancies occurring in the board.

SEC. 6. Said company shall issue certificates of stock to its members, which shall be personal property and transferable as provided in the by-laws.

SEC. 7. The said company shall have the same power to have land condemned for right of way and necessary buildings as is now conferred by law upon the Western North Carolina Railroad Company, and shall have and enjoy all the rights and privileges and immunities conferred upon railroad corporations under existing laws, but it shall not be exempt from taxation.

SEC. 8. The said company may issue mortgage bonds upon any and all of its property: may hold real estate and cut timber for sale therefrom: may construct and maintain a hotel or lodging house or houses upon Mount

Stockholders' meetings.

Directors.

Quorum.

By-laws.

President and other officers.

Certificates of stock.

Condemnation of land.

Corporate rights.

Authorized to issue mortgage bonds, etc.

Mitchell or other mountain, and may have, use and enjoy all other rights necessary for the satisfactory enjoyment of the privileges granted by this act.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1883.

## CHAPTER 212.

An act to incorporate the Yadkin Falls Manufacturing Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That David N. Bennett, Marshall L. Barnhardt and John Snotherly, and all persons who may be associated with them, their successors and assigns, are created a body politic and corporate by the name and style of "The Yadkin Falls Manufacturing Company," with all the rights, powers and privileges granted to similar corporations.

Body politic.

Name.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and said company shall have power to increase its capital stock to a sum not exceeding five hundred thousand dollars in shares of like amount. But no such increase shall 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.

Capital stock.

SEC. 3. All the real and personal property, rights, privileges, claims, demands, contracts, choses in action and moneys belonging to the firm of Bennett, Barnhardt & Co., now carrying on the business of manufacturing at Milledgeville, Montgomery county, may be conveyed and

Property of Bennett, Barnhardt & Co. authorized to be conveyed to company, and to be stock, etc.

transferred to the corporation hereby created, and upon such conveyance and the acceptance of this charter by the stockholders, the interest in said firm shall be stock in the corporation hereby created to an extent and amount to be agreed upon between such firm and such corporation.

Corporate powers.

SEC. 4. Said company shall have power to own and possess lands in such sized tracts greater or less, as may be desired for the purpose of the corporation and also personal property, rights, franchises, and choses in action, and retain any or all the same, construct dams, mills and buildings for the manufacture of any goods or fabrics, also for sawing, planing or otherwise working in timber, and place machinery therein, and operate the same in the counties of Montgomery and Stanly, 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 the uses, convenience or habitation of its employees or others, and to buy and sell goods, wares and merchandisc, and conduct a general mercantile business at their option.

Corporate powers.

SEC. 5. Said corporation hereby has power and right to manufacture fabrics of any kind, cloths, prints, goods and wares, and merchandisc 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, 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 or things herein mentioned, alluded to or intended, said manufacturing and dealing to be carried on at such place or places in Montgomery and Stanly counties as said corporation may desire.

Corporate existence.

SEC. 6. This corporation to exist and be in full force and effect, with each and all the powers, rights and priv-

ileges herein and hereby granted, for and during the full term of ninety-nine (99) years from and after the passage of this act.

SEC. 7. 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 to be personal estate.

SEC. 8. 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. 9. Each holder of stock in this corporation shall only be liable, and so held liable, 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. 10. This corporation may borrow money on such terms as its directors may determine upon, and they may issue bonds or 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 the powers conferred on railroads and other companies by chapter sixty-two, Battle's Revisal, entitled internal improvements.

Corporate powers.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1883.

## CHAPTER 213.

An act to change the times of holding the superior courts in the counties of Nash and Wilson, in the third judicial district, and to provide an additional term of the superior court for the counties of Lenoir and Duplin.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the superior courts for the counties of Nash and Wilson, in the third judicial district, shall be held as follows: Nash, Monday before the first Monday in March, and continue one week, and second Monday before the first Monday in September and continue two weeks. Wilson, first Monday in March and continue two weeks, and first Monday in September and continue one week.

SEC. 2. That an additional term of the superior court for the county of Lenoir shall be held annually on the second Monday in September and continue one week.

SEC. 3. That an additional term of the superior court for the county of Duplin shall be held annually on the second Monday before the first Monday in March and continue one week.

SEC. 4. That the board of county commissioners for said counties of Lenoir and Duplin respectively shall cause to be drawn and summoned eighteen jurors for said additional terms.

SEC. 5. That the judge holding the courts of the third judicial district shall hold the said additional terms for Lenoir and Duplin counties.

SEC. 6. That said additional terms for the counties of Lenoir and Duplin shall be for the trial of civil actions only.

SEC. 7. That no original or final process shall be returnable to the said additional terms for the counties of Lenoir and Duplin, nor shall any execution or final process issue upon any judgment rendered until after the next suc-

Nash county.

Wilson county.

Additional term  
for Lenoir  
county.

Additional term  
for Duplin  
county.

Jurors for Lenoir  
and Duplin  
courts.

Presiding judge.

Additional terms  
for Lenoir and  
Duplin for trial  
of civil causes.

Process.

ceeding term, but all judgments rendered at said terms may be docketed as of the term.

SEC. 8. That this act shall take effect on the first day of June, one thousand eight hundred and eighty-three. When act to take effect.

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1883.

## CHAPTER 214.

An act supplemental to and amendatory of an act passed at the present session of the general assembly, entitled "an act to prevent live stock from running at large in the counties of Greene and Lenoir," ratified on the second day of February, one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of an act passed at the present session of the general assembly, entitled "an act to prevent live stock from running at large in the counties of Greene and Lenoir," ratified February second, one thousand eight hundred and eighty-three, be amended so as to include the lands within the following boundaries in the county of Greene, to-wit: beginning on the north side of Nahunta creek, at the Wayne county line, thence with said line to the Wilson county line to the Pitt county line, thence with said Pitt county line to Little Contentnea creek, thence down said creek to Big Contentnea creek, thence up said Big Contentnea creek to the mouth of Nahunta creek to the beginning. Chap. 70, sec. 1, ante amended.

SEC. 2. That all the duties encumbered upon and required of the board of county commissioners of Greene and the county commissioners of Lenoir by the said act, of which this is supplemental and amendatory of, and all the duties required of the justices of the peace in said act are encumbered upon and required of the county commissioners of the county of Greene and Duties of commissioners and justices of Greene county.

of the justices of the peace of the said county, in the same manner and form as required of the county commissioners and justices of the peace of said counties of Greene and Lenoir respectively.

Provisions of chapter 70 applicable to this act.

SEC. 3. That all of the provisions of the act which this is supplemental to and amendatory of, shall be applicable in all the territory embraced in the first section of this act, and shall be enforced in the same manner and form.

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 2d day of March, A. D. 1883.

## CHAPTER 215.

An act in reference to a plan of the town of Wilmington.

Preamble.

WHEREAS, The original plan of a survey made in the year Anno Domini one thousand seven hundred and thirty-three, and referred to and established by an act of the governor, council and assembly of the province of North Carolina, entitled "an act for the regulation of the town of Wilmington," being chapter thirteen (George II, Anno Domini one thousand seven hundred and fifty-six,) of the private acts of assembly as compiled by Francis Xavier Martin, has been lost or mislaid from the office of the secretary of state, where the same was deposited, so that the same cannot be found, and no duly certified copy of such plan or other means of determining disputes in regard to streets, squares, lots and their boundaries, according to said original survey and plan, is now in existence; and whereas, a correct copy of said original plan, made by T. E. Lyde, in August, Anno Domini one thousand eight hundred and twenty-six, has been in custody

and ownership of the town and city of Wilmington, and habitually referred to in surveys from that day to the present, but not duly certified ; therefore

*The General Assembly of North Carolina do enact :*

SECTION 1. That the secretary of state be and he hereby is directed to affix his official seal and signature to the said copy of said original plan, in order to identify the same as the plan referred to in this act, and that the same be recorded in the register's office of New Hanover county, and also filed among the records of the city of Wilmington, and that said plan, or any copy thereof, duly certified by the register of deeds of said county of New Hanover, or by the mayor of the city of Wilmington, shall be received in all the courts of this state as evidence of the corporate limits of said town of Wilmington, and of the limits of all the streets, alleys, lots and squares in said town.

Secretary of state to certify copy of original plan in possession of the city.

Registration.

Evidence.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1883.

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## CHAPTER 216.

An act to authorize the board of public buildings to appoint the keeper of the capitol, and the trustees of the public libraries to appoint the state librarian.

*The General Assembly of North Carolina do enact :*

SECTION 1. The board of public buildings is hereby authorized to appoint the keeper of the capitol, and the trustees of the public libraries are hereby authorized to appoint the state librarian.

Keeper of capitol and state librarian, by whom appointed.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1883.

## CHAPTER 217.

**An act to incorporate the Tar River Transportation Company.**

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That N. S. Fulford, George H. Brown, Jr., A. W. Styron, T. R. Cherry, James B. Cherry, John Flanigan, Isaac A. Sugg, Harry Skinner, Wm. Whitehead, John G. James, C. A. White, C. A. Swindell, Charles Skinner, J. A. Dupree, W. L. Brown, E. B. Moore, F. J. Johnson, L. G. Heilbronner, John S. Congleton, M. R. Long, Haskett Smith & Bro., N. B. Anderson, B. F. Manning, A. F. Kinsall, C. M. Bernard, W. L. Anderson, C. J. O'Hagan, Elias Carr, W. G. Webb, Pitt & Dupree, J. L. Knight, R. R. Colton, Major J. Wright, G. W. Kugler, 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 "Tar River Transportation Company," for the purpose of acquiring by purchase, building, keeping and navigating steamboats or other vessels upon the Tar river or other navigable waters of North Carolina, and by that name may sue and be sued, plead and be impleaded, may have a seal and all the rights and privileges of a body politic and corporate; may acquire and hold all necessary real estate and other property used in connection with their said business, and may sell the same and may exist as such company for seventy years.

Name.

Corporate rights.

SEC. 2. That said company may at any time consolidate with any other company or companies now formed or hereafter to be formed, and any company so formed may have the benefit of this charter and act.

Authorized to consolidate with other companies.

SEC. 3. The capital stock of said company shall be sixteen thousand dollars, with power to increase the same to twenty-five thousand dollars, or to such sum not exceeding twenty-five thousand dollars, as the said company shall determine. 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.

Capital stock.

SEC. 4. The said company shall have power to make, alter and amend by-laws and regulations for the management of its business, to provide for purchase or sales and transfer of real and personal property, and to regulate the number and terms of officers, and times and place of meetings, and to provide for the sale and issue of its stock upon such terms and conditions and under such rules and regulations as the said company may provide and determine. Each corporator who shall participate in the organization of the said company at its first meeting under this act, shall be required to hold at least one share of said stock, and shall be deemed and taken to have subscribed thereto, and at all meetings of the company each share of stock shall cast one vote.

Corporate powers.

SEC. 5. The company shall be governed by a board of directors chosen by and from among the stockholders, and also a president of the said board, who shall be elected by the stockholders, and shall be a director. The number of directors, including the president, shall be seven, but the same may be increased or decreased as the company may determine. In addition to the president, the stockholders shall elect a secretary and treasurer, who shall give bond as may be required by the rules and regulations of the company, and may create such other officers as may be desired. All vacancies in

Directors.

President.

Secretary and treasurer.

Vacancies.

the board of directors and the other offices in the company, occurring during a term, shall be filled to the next election as the by-laws may prescribe ; but all subordinate officers, agents and commanders of vessels, shall be appointed by the president, and vacancies in such filled by him.

Subordinate officers, etc.

Authorized to carry freight, etc.

SEC. 6. Said company shall be authorized and empowered to carry freight, passengers, express packages and United States mail under contract, and charge for the same.

Stock vote.

SEC. 7. At any and all meetings of the company, each subscriber to stock thereof shall be empowered to cast one vote, in person or by proxy, for each share of stock : *Provided*, that no subscriber shall vote at any meeting held after he shall have failed to comply with the terms of subscription.

Proviso.

Books of subscription.

SEC. 8. That a majority of the said incorporators, either in person or by proxy, shall meet after the ratification of this act to open books of subscription of stock in said company, and when the sum of eight thousand dollars shall have been subscribed, a meeting of the stockholders shall be held at such time and place as the said incorporators, or a majority of them, by proxy or in person, may designate, and shall proceed to organize said company under this act.

Organization.

Terms of subscription of stock.

SEC. 9. The terms of subscription of stock shall be determined by the aforesaid meeting of incorporators, and if the said stock shall be sold, part cash and deferred payment, the company shall have a lien upon all certificates of stock which have not been paid for in full, and all unpaid stock subscriptions may be enforced by the said company by lawful proceedings under warrant or suit and by execution, as other contracts are enforced by law, and the certificate of stock may be sold under execution, as well as other property of the subscriber. Upon all stock certificates issued which have not been paid for in full, the secretary and treasurer of said company, before

Lien for unpaid stock, etc.

issuing same to said subscriber, shall write or stamp on the said certificate the balance due thereon, and all subsequent payments or dividends shall be credited and legibly endorsed thereon till same be paid in full, when a new and clean certificate shall be issued. The said company may also, if desired, take from subscribers their individual notes, bearing interest as may be determined, for unpaid balances due for stock subscriptions, payable to the secretary and treasurer, as evidence of the balance due for stock, and may assign or dispose of the same as other property, and upon the payment of such note and the exhibition of the same to the secretary and treasurer, clean certificates of stock shall be issued to the subscriber. Said company shall have power to make such other rules and regulations in regard to stock, its subscription, sale and transfer as may be necessary.

SEC. 10. The said company shall be authorized to issue its bonds in such sums and at such rate of interest as it may determine, and secure the same by mortgage upon its property.

Authorized to  
issue mortgage  
bonds.

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 2d day of March, A. D. 1883.

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## CHAPTER 218.

An act to prohibit the sale of spirituous liquors within three miles  
of Burnsville, in Yancey county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to sell any spirituous or intoxicating liquors

Unlawful to sell  
liquor within  
three miles of  
Burnsville.

within three miles of the town of Burnsville, in Yancey county.

Misdemeanor.

SEC. 2. Any person or persons violating section one of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than twenty-five dollars for each and every offence, 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 2d day of March, A. D. 1883.

## CHAPTER 219.

An act to authorize the commissioners of Mecklenburg county to elect a physician for the poor inmates of the jail and for other services.

*The General Assembly of North Carolina do enact :*

Commissioners of Mecklenburg and Cleveland authorized to elect physician to jail.

SECTION 1. That from and after the passage of this act, the county commissioners of the counties of Mecklenburg and Cleveland be and they are hereby authorized to elect annually a physician for the poor inmates of the jail and for other services, which in their judgment may be necessary in the interests of humanity and in justice to the tax payers of the county. And they are hereby authorized to pay said physician such fees out of the county treasury as may be agreed upon by the parties: *And provided*, that such physician may be dismissed by the board of county commissioners at any time, for good cause shown, and another employed in his stead.

Compensation.

Proviso.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby 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 3d day of March, A. D. 1883.

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CHAPTER 220.

An act to establish graded schools at Edenton, Chowan county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Henry A. Bond, James A. Woodward, W. D. Pruden, Geo. H. Coke, W. G. Warren, Moses Hobbs, W. H. Coffield, W. R. Skinner, P. F. White, W. E. Bond, A. T. Bush, H. DeB. Hooper, C. W. Cason, R. B. Perkins, A. M. Moore, J. H. Garrett, J. R. B. Hathaway and G. W. White be and they are hereby constituted a board of trustees for the Edenton graded school for the white race until July first, one thousand eight hundred and eighty-three, and until their successors are elected as hereinafter stated.

Temporary board of trustees for white graded school.

SEC. 2. That the trustees of Edenton graded school are hereby authorized at their first meeting in the month of June next, and annually thereafter, to elect seven men from among the white citizens of the school district in which Edenton is situated, who have children to enter at said graded school, to constitute for one year from and after the thirtieth day of June, and until their successors are elected, the board of trustees of said graded school for the white race, which shall be free to the white children of both sexes of said school district.

Board of trustees for white school, how chosen.

SEC. 3. That said board of graded school trustees for the white race shall have power to employ teachers and do all such acts as shall be necessary to carry on said

Authorized to employ teachers, etc.

graded school, and shall be the custodian of all public school property for the white race of said school district.

Public school money for whites to be applied to support of white graded school.

SEC. 4. That all public school money which shall from time to time be collected under the general school law for the white race of said school district, and all special school taxes which may from time to time be collected from white persons in said school district, shall be applied for keeping up the said graded school for white children under the orders and direction of said board of graded school trustees for the white race.

Board of trustees for colored graded school.

SEC. 5. That William Heath, Hannibal Badham, Philip McDonald, Elijah Hathaway, J. W. Draper, London Johnson and G. W. Lane be and they are hereby constituted a board of trustees for the graded school for the colored race, which shall be free to the colored children of both sexes of said school district.

Authority of trustees.

SEC. 6. That said board of graded school trustees for the colored race shall have power to fill all vacancies occurring in said board, to employ teachers, and to do all such acts as shall be necessary to carry on said graded school for colored children, and shall be the custodian of all public school property for the colored race of said school district.

Public school money for colored race to be applied to support of colored graded school.

SEC. 7. That all public school money which shall from time to time be collected under the general school law for the colored race of said school district, and all special school taxes which may from time to time be collected from colored persons in said school district, shall be applied for keeping up said graded school for colored children, under the orders and directions of said board of graded school trustees for the colored race.

Liabilities of county treasurer for disbursement of funds.

SEC. 8. That the treasurer of Chowan county, and his sureties on his official bond, shall be responsible for the proper disbursements of all moneys collected under this act.

No trustee to be a teacher

SEC. 9. That no trustee of graded school shall, while acting as such, be a teacher therein.

SEC. 10. That the board of commissioners of Chowan county be authorized and is hereby directed to submit to the qualified voters of said school district on the last Thursday in April, one thousand eight hundred and eighty-three, under such rules and regulations as said board may prescribe, whether an annual tax shall be levied therein of one-fifth of one per centum on property, and sixty cents on each poll for the support of aforesaid graded school. Each voter shall vote on 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 now prescribed by law for the election of members of the general assembly.

Election on question of special tax for support of graded schools.

Ballots, etc.

SEC. 11. That in case a majority of the qualified voters of said school district shall vote in favor of such tax, the same shall be levied and collected in the same manner as prescribed by law for levying and collecting state and county taxes; and the sheriff of Chowan county shall 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 the county school tax.

County commissioners to levy tax on majority vote.

Sheriff to collect

SEC. 12. That this act shall take the place for the town of Edenton of any act passed at this session of the general assembly on the subject of graded schools.

Former acts in relation to schools in Edenton repealed.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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## CHAPTER 221.

An act to secure the better drainage of the lowlands of Fry's creek and its tributaries, in the county of Davidson.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Solomon A. Mock, Samuel F. Eller, Commissioners.

William D. Roper, George W. Burke, Kelan D. Snider, J. E. Kimel and T. S. Spaugh be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Fry's creek and its tributaries, in Davidson county, from the mouth of said creek to their sources, into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for a term of two years and who shall be a landowner in the section for which he is appointed overseer.

To lay off Fry's creek and tributaries in sections.

Overseers.

Chairman.

Vacancies.

SEC. 2. That a majority of said commissioners shall have power to elect one of their 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.

Duty of commissioners.

SEC. 3. That 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 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 each landowner shall furnish one sufficient hand with appropriate tool, such as he shall be notified by the overseer to furnish, for every ten (10) acres of 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 (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 each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads.

Hands to be furnished overseers on notice.

Penalty.

SEC. 4. It shall be the duty of the commissioners on laying off the streams and 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 section three of this act as equally as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in his section; and said commissioners shall have power from time to time, if they think necessary, at intervals of not less than twelve months, to re-estimate the number of acres of bottom lands sobbed or overflowed on said streams, and said landowners shall furnish hands on such new estimate in the proportion provided for in section third, so as to keep the burdens of said drainage as equal as possible on said landowners.

Distribution of labor.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections not less than four (4) nor more than twenty-four (24) days, at the discretion of the commissioners, on the channels of said streams, with the power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said work shall be so done as not to damage the grist mill now situated on said creek: *And provided further*, that the flood-gate in the rear of said grist mill shall remain where it now is, and no other flood-gate shall be erected: *Provided further*, that said stream shall not be straightened without the consent of the landowner affected by the same.

Duty of overseers.

Proviso.

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 nor more than ten dollars: *Provided*, that if any person or persons so

Unlawful to obstruct streams.

Misdemeanor.

Proviso.

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 offences.

Penalties, etc.,  
collected to be  
paid to overseers.

SEC. 7. That all moneys arising from failure to work on said streams, and all penalties collected under the provisions of this 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 nor more than twenty dollars: *Provided*, that no person shall be required, without his consent, to serve more than one term of two years consecutively.

Overseer failing  
to perform duty  
guilty of misde-  
meanor.

Proviso.

Commissioners  
authorized to  
stop washes.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into 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 lowlands on said streams.

Act not to be con-  
strued to prevent  
building of  
bridges, etc.

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.

Act not to be con-  
strued to prevent  
persons from  
working roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

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 3d day of March, A. D. 1883.

## CHAPTER 222.

An act to amend the charter of the Oxford and Henderson Railroad Company, ratified twenty-third of March, one thousand eight hundred and seventy-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the Oxford and Henderson Railroad Company be and the same is hereby authorized to extend the construction of said railroad from or near the town of Henderson, in Vance county, to or near the town of Louisburg, in Franklin county; and thence as said company may elect, through either of the counties of Franklin, Nash, Halifax or Wake, to such points on the Wilmington and Weldon Railroad, or the Albemarle and Raleigh, or North Carolina Railroad, as said company may elect.

Authorized to extend road to Louisburg, etc.

SEC. 2. That the provisions of section seven (7) of this said act, shall extend to and include every incorporated town in the several counties through which the line of said road, as provided in section one of this act, shall pass.

Chap. 150, sec. 7. laws 1870-'1, applicable to towns or counties through which road may pass.

SEC. 3. That the provisions of section three (3), chapter one hundred and eighty-eight, of acts of one thousand eight hundred and seventy-nine, shall extend to and include the boards of commissioners of the several counties named in section one of this act.

Chap. 188, sec. 3, laws 1879, applicable to commissioners of Franklin, Nash, Halifax and Wake.

SEC. 4. That the provisions of section four, chapter one hundred and eighty-eight, acts of one thousand eight hundred and seventy-nine, shall extend to and include the counties named in section one of this act: *Provided*, the bonds shall run thirty instead of ten years.

Chap. 188, sec. 4, laws 1879, applicable to counties of Franklin, Nash, Halifax and Wake.

Proviso.

SEC. 5. That the provisions of section five, chapter one hundred and eighty-eight, acts of one thousand eight hundred and seventy-nine, shall extend to and include the counties named in section one of this act, where subscriptions to said railroad are made: *Provided*, a sum equal to one-thirtieth of said subscription for a sinking

Chap. 188, sec. 5, laws 1879, applicable to counties of Franklin, Nash, Halifax and Wake.

fund, which amount shall be paid over to the county treasurer annually and invested by him in bonds issued on account of the subscription of said township at par.

Authorized to extend road to Durham.

SEC. 6. That said company is hereby authorized to construct and extend the line of its road from the town of Oxford, in Granville county, to the town of Durham, in Durham county.

Authorized to extend road to Virginia line.

SEC. 7. That it be authorized to construct and extend the line of its road from Oxford to some point on the dividing line between Virginia and North Carolina, in the counties of Granville or Person, as said company may elect.

Sections 3, 4, 5 applicable to Durham and Person counties.

SEC. 8. That the provisions of sections three, four and five of this act, apply to the counties of Durham and Person, and to the boards of commissioners of the same: *Provided*, the bonds are to run thirty years and the interest, and one-thirtieth part of the principal, be collected annually.

Capital stock.

SEC. 9. That the capital stock of said company shall be fifteen hundred thousand dollars.

Condemnation of land.

SEC. 10. That along the line of the extension of said railroad, as herein authorized, the said company shall have the same right to secure a right of way for the same as is provided in the original charter in respect to the original line.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

## CHAPTER 223.

An act to create a new township in Rowan county by the name of Steele township.

*The General Assembly of North Carolina do enact :*

SECTION 1. A new township is hereby created and established in Rowan county, by the name of Steele township, to be carved out of Mount Ulla township, and bounded as follows: Beginning at a point on the Beatties Ford public road where a road turns off leading to Brown's mill, between J. Parker and M. Mannie and running northward with said mill road passing Brown's mill to a point on the Sherrill Ford road, where the proposed narrow gauge railroad crosses said Sherrill's Ford road, thence with the line of said railroad to the point where it crosses the Western North Carolina Railroad, thence with said railroad to the boundary line of Locke township, thence southward along the Locke township line to the Beattie's Ford road, thence with said road to the beginning.

New township  
created.  
Name.

Boundaries.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

## CHAPTER 224.

An act for the better protection of landlords.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any tenant who shall, during his term or after its expiration, wilfully and unlawfully demolish, destroy, deface, injure or damage any tenement house, uninhabited house or other outhouse, belonging to his

Unlawful for  
tenant to injure,  
etc., house, fruit  
tree, etc., of land-  
lord.

landlord or upon his premises by removing parts thereof or by burning, or in any other manner, or shall unlawfully and wilfully burn, destroy, pull down, injure or remove any fence, wall or other inclosure or any part thereof, built or standing upon the premises of such landlord, or shall wilfully and unlawfully cut down or destroy any fruit, shade or ornamental tree belonging to said landlord, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both, at the discretion of the court.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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## CHAPTER 225.

An act to establish mortuary tables.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in all civil actions, special proceedings or other modes of litigation, whenever it shall be necessary to establish the expectancy of continued life of any person from any period of such person's life, whether he be living at the time or not, the table hereto appended marked (A) shall be received in all courts and by all persons having power to determine litigation as evidence, with other evidence as to the health, constitution and habits of such person, of such expectancy represented by the figures in the columns headed by the words "completed age" and "expectation" respectively.

Table of expectancy of continued life.

To be received as evidence, etc.

Completed Age.	Expectation.	Completed Age.	Expectation.	Table.
10.....	43.7	53.....	18.8	
11.....	48.1	54.....	18.1	
12.....	47.4	55.....	17.4	
13.....	46.8	56.....	16.7	
14.....	46.2	57.....	16.1	
15.....	45.5	58.....	15.4	
16.....	44.9	59.....	14.7	
17.....	44.2	60.....	14.1	
18.....	43.5	61.....	13.5	
19.....	42.9	62.....	12.9	
20.....	42.2	63.....	12.3	
21.....	41.5	64.....	11.7	
22.....	40.9	65.....	11.1	
23.....	40.2	66.....	10.5	
24.....	39.5	67.....	10.0	
25.....	38.8	68.....	9.5	
26.....	38.1	69.....	9.0	
27.....	37.4	70.....	8.5	
28.....	36.7	71.....	8.0	
29.....	36.0	72.....	7.6	
30.....	35.3	73.....	7.1	
31.....	34.6	74.....	6.7	
32.....	33.9	75.....	6.3	
33.....	33.2	76.....	5.9	
34.....	32.5	77.....	5.5	
35.....	31.8	78.....	5.1	
36.....	31.1	79.....	4.8	
37.....	30.4	80.....	4.4	
38.....	29.6	81.....	4.1	
39.....	28.9	82.....	3.7	
40.....	28.2	83.....	3.4	
41.....	27.5	84.....	3.1	
42.....	26.7	85.....	2.8	
43.....	26.0	86.....	2.5	
44.....	25.3	87.....	2.2	
45.....	24.5	88.....	1.9	
46.....	23.8	89.....	1.7	
47.....	23.1	90.....	1.4	
48.....	22.4	91.....	1.2	
49.....	21.6	92.....	1.0	
50.....	20.9	93.....	.8	
51.....	20.2	94.....	.6	
52.....	19.5	95.....	.5	

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 6th day of March, A. D. 1883.

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## CHAPTER 226.

[An act to divide North Carolina into nine congressional districts.

*The General Assembly of North Carolina do enact :*

State divided into  
nine congressional  
districts.

SECTION 1. That for the purpose of selecting representatives to the congress of the United States, the state of North Carolina shall be divided into nine districts, as follows :

First district,<sup>1</sup>

*First District*—Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington.

Second district.

*Second District*—Bertie, Craven, Edgecombe, Greene, Halifax, Jones, Lenoir, Northampton, Vance, Warren and Wilson.

Third district.

*Third District*—Bladen, Cumberland, Duplin, Harnett, Moore, Onslow, Pender, Sampson and Wayne.

Fourth district.

*Fourth District*—Alamance, Chatham, Durham, Franklin, Johnston, Nash, Orange and Wake.

Fifth district.

*Fifth District*—Caswell, Forsyth, Granville, Guilford, Person, Rockingham, Stokes and Surry.

Sixth district.

*Sixth District*—Anson, Brunswick, Cabarrus, Columbus, Mecklenburg, New Hanover, Richmond, Robeson, Stanly and Union.

Seventh district.

*Seventh District*—Catawba, Davidson, Davie, Iredell, Montgomery, Randolph, Rowan and Yadkin.

Eighth district.

*Eighth District*—Alexander, Alleghany, Ashe, Burke, Caldwell, Cleveland, Gaston, Lincoln, Watauga and Wilkes.

*Ninth District*—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey. Ninth district.

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 6th day of March, A. D. 1883.

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## CHAPTER 227.

### An act to secure the better drainage of the lowlands of Kill Pee Swamp, in Sampson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of securing the better drainage of the lowlands of Kill Pee swamp, between high water mark of John B. Sutton's mill pond and Ruthy C. Tart's line on said stream, in Sampson county, L. C. King, J. E. Thornton, Bryan Elmore, Calvin C. Rayner, Perry Jordan, William Bennett, Andrew Jackson, Hinton Jackson, Uriah Thornton, Joseph Thornton and Preston Thornton, and all other owners of land 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 Kill Pee Swamp Drainage Company, and by that name may sue and be sued, plead and be impleaded in any court in the state, contract and be contracted with, own, acquire and hold, and dispose of real and personal property.

Purposes of act.  
Body politic.  
Name.  
Corporate rights.

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

Authority of corporation over members.

of this corporation as in meeting of said company may be determined upon by resolution duly passed and recorded upon the minutes.

Rules, etc.

SEC. 3. That said company shall have full power and authority to make, frame, adopt and enforce all necessary rules and regulations for its government and for accomplishing and performing the objects and purposes of this act not inconsistent with law.

Officers.

SEC. 4. That the officers of said 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 said officers shall receive such compensation (if any) as may be determined, and until the first Saturday in January, one thousand eight hundred and eighty-four, the offices created by this section shall be filled as follows: L. C. King, president; J. E. Thornton and Bryan Elmore, vice-president; Calvin Rayner secretary, and Perry Jordan, treasurer.

Compensation.

Temporary officers.

Bonds 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 their offices.

Board of assessors.

Duties.

SEC. 6. That the president, the 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 lowland belonging to each landowner between the points mentioned in section one of this act, benefited or 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 in each year, as may seem to them 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 channels for the

passage of water. And they shall estimate and determine the benefits and advantages each member and landowner 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 landowner, 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 or modify the same, as in their opinion may be fair and just to each member and landowner, and declare the sum each member and landowner shall be assessed.

To make report.

SEC. 7. That the company shall have the right to levy and collect such sum of money as may be necessary for executing the labor contemplated by this act; the sum levied upon each member and landowner being in proportion to the benefits and advantages, received or to be received by each, as determined in accordance with section six hereof, and all levies and assessments, when properly registered in the proper court in Sampson county, shall be a lien upon the lowlands aforesaid of the persons liable for such assessments, and may be enforced in any court having jurisdiction.

Assessments.

To become lien  
when registered

SEC. 8. That the company shall have the right to enforce, by action in any court having jurisdiction, the collection of a right, fair and equitable compensation for the benefits and advantages to any lands lying on the said stream of any person who shall refuse or fail to become a member of this company, and who shall refuse or fail to pay the same within twenty days after the performance of such labor and notice to and demand made of said person by the company for such compensation. All judgments rendered under this act, when docketed according to law, shall constitute and be a lien upon such land of the defendant as shall have been adjudged to be benefited by the performance of such labor.

Action against  
adjoining land-  
owner refusing to  
become member  
of corporation.

SEC. 9. That if any owner of lands to be benefited by

Minors.

the work herein contemplated shall be a minor, such minor shall have all the rights and privileges of a corporator under this act, as long as he or his legal representative shall pay all assessments made against him, said rights and privileges to be exercised by his said legal representative, but no process shall issue to sell the lands of any minor, whether a member of said company or not, until such minor shall arrive at the full age of twenty-one years, nor until the expiration of one year thereafter.

Misdemeanor to obstruct streams.

SEC. 10. That any person who shall knowingly and wilfully fell timber in or otherwise obstruct the passage of water in the channel of said stream between the points mentioned in section one, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace in Sampson county, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

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 6th day of March, A. D. 1883.

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## CHAPTER 228.

**An act to provide for the support of the Institution for the Deaf, Dumb and Blind.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sum of thirty-six thousand dollars shall be and is hereby appropriated for the support of the Institution for the Deaf, Dumb and the Blind during the year one thousand eight hundred and eighty-three, and the same amount shall be and is hereby appropriated for the support of said institution for the year one thousand eight hundred and eighty-four.

\$36,000 per annum appropriated for 1883 and 1884.

SEC. 2. That the sum of five thousand dollars be and the same is hereby appropriated for the improvement and repairs necessary at both the white and colored departments of said institution.

\$5,000 appropriated for repairs.

SEC. 3. That the public treasurer is hereby authorized and directed to pay the amounts appropriated by sections one and two of this act, out of the fund authorized by law to be levied and collected, or out of any fund in the treasury not otherwise appropriated, upon the warrant of the board of directors or of the executive committee approved by the governor.

To be paid by public treasurer on warrant of board of directors or executive committee approved by governor.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 229.

An act to authorize the county of Bladen to ascertain and settle its floating debt.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Dr. Newton Robinson, Neill Graham and John M. Benson, be and they are hereby appointed a special board of audit for the county of Bladen for the purpose of ascertaining the outstanding indebtedness of said county. They shall elect one of their number chairman, and any vacancy occurring shall be filled by the remaining members. The said board shall meet and organize within thirty days after the ratification of this act, and immediately after their organization they shall advertise by posting notices at the court house door in Elizabethtown, North Carolina, and at two public places in each township in said county, and if deemed advisable

Special board of audit to ascertain county indebtedness.

Chairman.

Duty of board.

by said board, in one newspaper, giving notice to all creditors to exhibit their claims to said board on a day to be named in the notice, which day shall be at least thirty days from the date of the notice.

To make report to county commissioners.

SEC. 2. That said board of audit shall make a written report to the board of commissioners of Bladen county on the first Monday in July, one thousand eight hundred and eighty-three, which report shall show first, the names and residences of the several creditors of Bladen county; second, the amount of money due to each of said creditors, and third, the nature of the evidence of said debt.

Commissioners authorized to issue bonds to creditors.

SEC. 3. It shall be lawful for the board of commissioners of Bladen county to issue bonds to the creditors of said county, which bonds shall bear seven per cent. interest, which interest shall be due and payable semi-annually on the first day of May and November of each and every year.

Bonds to run ten years.

SEC. 4. The said bonds shall be due and payable ten years after their date, and shall be dated on the day of their issue; but the board of commissioners may pay them sooner, and a tender of payment and refusal to accept the same shall relieve the said county from any liability to pay the interest accruing after said tender and refusal.

Commissioners empowered to pay before due.

Special tax.

SEC. 5. The board of commissioners may levy a special tax of not more than (15) fifteen cents on the hundred dollars' worth of property, and forty-five cents on the poll, for the purpose of paying the interest on said bonds and creating a sinking fund for the payment of said bonds.

Tax collected to be under control of commissioners.

SEC. 6. The tax levied and collected by virtue of this act shall be under the control of the board of commissioners, and any part of the same not needed by them for the purpose of paying the interest on said bonds as aforesaid may be used by the said commissioners in buying small claims against the county for which no bonds have issued.

SEC. 7. That the bonds provided for in this act shall be in the sums of five hundred dollars and one hundred dollars, and shall bear interest as aforesaid at the rate of seven per cent. per annum, which interest shall be payable semi-annually on the first of May and November.

Description of bonds.

SEC. 8. Whenever the board of commissioners shall issue and deliver bonds to any of the creditors of said county, the said creditors shall surrender or cancel the evidence of their debts.

Evidences of debt to be cancelled.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 230.

An act amendatory of an act to repeal that portion of chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, which relates to certain towns and villages in Bertie county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sale of spirituous or malt liquors be and the same is hereby prohibited within one mile of Mar's Hill church in Bertie county.

Sale of liquor prohibited within one mile of Mars Hill church.

SEC. 2. That any person who shall violate section first of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor.

Penalty.

SEC. 3. That section first of chapter three hundred and thirty-five of the laws of one thousand eight hundred and eighty-one be and the same is hereby amended by adding in line six between the word "roads" and "be," the following words, to-wit: Grabtown and Lawrence's Cross Roads.

Chap. 335, sec. 1, laws 1881, amended.

Provisions of chap. 232, laws 1879, repealed as affecting Grabtown and Lawrence's Cross Roads.

Conflicting laws  
repealed.

SEC. 4. That all laws contrary to this act are hereby 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 6th day of March, A. D. 1883.

## CHAPTER 231.

An act to amend chapter one hundred and two, laws of one thousand and eighty-one.

*The General Assembly of North Carolina do enact:*

Chap. 102, sec. 1,  
laws 1881,  
amended.

SECTION 1. That section one of chapter one hundred and two, acts of one thousand eight hundred and eighty-one, be amended by striking out the word "county" in line four, and inserting in lieu thereof "and Hyde county."

Hyde county  
added.

Sec. 2 amended.

SEC. 2. That section two of said chapter be amended by adding after the word "commissioners," in first line, the words, "of either of said counties," and also using the word "counties," instead of "county" wherever it occurs in said chapter.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

## CHAPTER 232.

An act relating to graded schools in Guilford county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the written application of fifty white tax payers or of a like number of colored tax payers, citizens of any incorporated town in Guilford county, asking the establishment of a graded school or schools in such town, the whites asking for a white graded school and the colored asking for a colored graded school, it shall be the duty of the mayor or other chief officer of such town to submit the question of a graded school for white children to the white qualified voters of said town, or of a graded school for colored children to the colored qualified voters of said town, as the case may be, at the first regular election thereafter held in said town for mayor and commissioners thereof, first giving four weeks' notice thereof in some newspaper published in said town, or if there be no such newspaper, then by printed notice posted at five public places in said town for thirty days immediately preceding the day of such election.

Election to be held in any incorporated town in Guilford county for graded school, either white or colored, on petition of fifty tax payers, either white or colored.

Notice.

SEC. 2. That at such election which shall be held under the same rules and regulations as are prescribed by law for the election of mayor and commissioners of said town, such of the white electors as desire the establishment of a graded school for white children, or such of the colored electors as desire the establishment of a graded school for colored children, as the case may be, shall vote a ballot upon which is printed or written, "for white school," or "for colored school." And such of said voters, white or colored, as the case may be, who object to the establishment of such white or colored schools, as the case may be, shall vote "no white school," or "no colored school," as the case may be, on a written or printed ballot.

Election, how held.

Ballots.

Schools to be established upon majority vote of white and colored respectively.

SEC. 3. If at such election or elections the majority of the votes deposited by the white voters be "for white school," or if the majority of the colored votes deposited by the colored voters be "for colored school," then it shall be the duty of the municipal authorities of such town to establish and maintain such white school, or such colored school, as the case may be, in said town, which school or schools shall be under the control and supervision of such municipal authorities, and they shall levy and impose an assessment upon all the taxable property of the whites situated in said town for the support of the white graded school, and an assessment upon all the property of the colored race situated in said town for the support of the colored graded school, as the case may be, but such assessment shall not exceed twenty-five cents on one hundred dollars' valuation of property, and there shall be assessed on the white poll for the white school, and on the colored poll for the colored school, which shall not exceed seventy-five cents on the poll.

Special tax on property.

Limitation of tax.

Poll tax.

Collection of tax.

SEC. 4. The assessments provided for in the preceding section shall be levied and collected at the same time and in the same manner as the taxes for municipal purposes are levied and collected, and shall not be applied to any other purpose whatever than as prescribed in this act.

School district.

SEC. 5. That upon the establishment of a graded school, as provided in this act, the territory included in the corporate limits of such town as establishes such school, shall constitute a school district, and the commissioners of said town constitute the school committee of said district.

School committee.

White and colored children entitled to tuition free of charge at white and colored schools respectively.

SEC. 6. That all white children between the ages of six and twenty-one years, residents of such town, shall be entitled to [be] educate[d] at the white graded school free of charge; and all colored children between the ages of six and twenty-one, residents of such town, shall be entitled to be educated at the colored graded school free of charge.

Ballot boxes.

SEC. 7. That for the election provided for in the first section of this act, the municipal authorities shall provide two ballot boxes, in one of which the white voters shall

deposit their ballots, and in the other the colored voters shall deposit their ballots.

SEC. 8. That the moneys paid to the said school district committee out of the general school fund, under the laws of this state, shall be used for the maintenance of the graded school or schools, the same being divided per capita between the races as provided by law.

Moneys received from general school fund applicable to maintenance of graded schools.

SEC. 9. The said school committee may contract with teachers to teach such schools at such rates of compensation as may be agreed upon between said teachers and said committee.

Compensation of teachers.

SEC. 10. That the municipal authorities of any of said towns which shall adopt the provisions of this act, shall annually make out and record an itemized account of the receipts and disbursements of all moneys received by virtue of the provisions of this act, which record must be made not less than thirty days before the annual election for mayor and commissioners, and shall be open to the inspection of any citizen of said town whenever desired, between the hours of eight a. m. and six p. m.

Annual account of receipts and disbursements.

Open to inspection.

SEC. 11. That the officer or officers whose duty it shall be to collect or receive the moneys arising from the assessments herein provided for, shall give a bond with good security, payable to the state for the use of said town, with condition for the faithful performance of his or their duties in the premises.

Tax collectors, etc., to give bond.

SEC. 12. This act shall take effect from its ratification.

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 233.

An act to enforce the better drainage of certain lands in Lincoln county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John C. Quickle, L. H. Quickle, S. D. Burgin, George W. Cansler, David Toder, George Coor,

Certain persons owning lands on Howard's creek, etc., required to clean out stream within sixty days after ratification of act.

D. A. Coor, John A. Hoke, L. F. Leonard, Rufus Mastiler, Philip Antony and Jacob Mastiler, owning lands contiguous to and lying upon Howard's creek and Henderson Mill branch and the tributary branches of the same, be and the same are hereby required, within sixty days after the ratification of this act, each at his own cost and expense, to clean out said streams and their tributaries to the bed of the same, so as to give fall for drainage of the adjacent lands sufficient to render the same fit for cultivation, and shall keep the same clean in like manner from season to season and from year to year, and as often as the accidents of nature by storm or flood, or by any artificial or other cause, shall make the cleaning out necessary: *Provided*, that no landholders shall be required to clean out said streams or tributaries and to keep the same cleaned out only so far as said streams or tributaries shall be upon and next to his own land or lands: *And provided further*, that if any of the lands of any of the aforesaid parties shall by descent or purchase be transferred to any other person or persons, [the person or persons] so taking the same by descent or purchase shall be subject to the provisions of this act.

To keep stream clean from season to season, etc.

Proviso.

Remedy against landowners failing to perform duties imposed by section one.

SEC. 2. That if in the opinion of any of the said landowners or subsequent owners, as provided in section one, any other of said owners at any time shall fail or refuse to perform the duties required by this act, in that case he may apply in writing to the board of commissioners of Lincoln county setting forth specifically his cause of complaint; and thereupon it shall be the duty of the said board to appoint three disinterested landholders, who shall visit and view the premises complained of, ascertain whether the cause of complaint be true, and render judgment according to their findings in writing, to be filed with the board of county commissioners; if the judgment shall be in favor of the complainant, then the landowners, or any one of them, is hereby empowered to enter upon the lands of the person complained of and to do the

work so found to be necessary at the cost and expense of the party complained of; the cost and expense of such work shall be estimated by said three disinterested land-owners, which estimate shall be filed with their judgment as before provided. If judgment be for respondent, then it shall be filed as before provided for, the cost of the proceeding, together with estimate of work, shall be paid by the party against whom judgment is rendered, and shall be a lien on the land of the person or persons against whom judgment shall be given.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

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## CHAPTER 234.

An act providing an alternative method of constructing and keeping in repair public roads.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of justices of the peace of any county in this state, at any regular meeting or at any meeting called by the board of commissioners of the county may, by a majority vote, (a quorum composed of a majority of the justices in the county being present,) adopt an alternative method of constructing and keeping in repair the public roads of such county as provided in this act.

Board of justices empowered to adopt alternative method of constructing and repairing public roads.

SEC. 2. Each township in the county shall constitute a road district, and when a county shall have adopted the provisions of this act as provided in section one, it shall be the duty of the board of commissioners of such county, at their next regular meeting after such adoption of this

Road districts.

Supervisor of roads.

Term of office.

Vacancies.

Removal.

Clerk of commissioners to notify supervisor of appointment.

Oath.

Bond.

Supervisor to divide road into sections, etc.

To assign hands.

act, and biennially thereafter, to appoint a supervisor of roads for each road district; said supervisor shall hold his office for the term of two years beginning on the day of his qualification. Vacancies in the office of supervisor of roads shall be filled by appointment by the board of commissioners; and any supervisor may be removed from office by the board of county commissioners on ten days' notice, for neglect of duty or misappropriation of funds.

SEC. 3. It shall be the duty of the clerk of the board of commissioners to give written notice to such appointee of his appointment as soon thereafter as practicable; and each person so appointed shall appear at the next regular meeting of the board of commissioners, or at some special meeting named in said notice, and qualify by taking an oath to faithfully perform the duties of his office as supervisor, and to faithfully account for all moneys coming into his hands as such; and before entering upon the duties of his office he shall execute a bond with security, to be approved by the board, and in such a penal sum as the board may require, payable to the county, and conditioned for the faithful performance of his duties and the faithful accounting for all moneys coming into his hands as supervisor.

SEC. 4. It shall be the duty of each supervisor, within twenty days from his qualification, (provided he be not appointed to fill a vacancy,) to lay out and divide all the public roads in his district in sections not exceeding two miles in length, (except by order of the board of commissioners,) which sections he shall number and describe in a book kept by him for that purpose, and he shall specify the nature and extent of the work which he may deem necessary for improving and keeping in repair such section of said road for a period embracing his official term. He may also specify the month or months in which the work shall be done. He shall also assign to each section such persons residing convenient who are males liable

to work public roads under section seven of this act; and their names shall be entered in said book under the specifications required in this section. Residence, under the provisions of this act, is defined to be where each person's family reside, if he have a family living in the district, and if he have no family, then where he boards.

Definition of  
"residence,"

SEC. 5. It shall be the duty of each supervisor, immediately after the division of the roads in his district into sections, to give ten days' notice of a time and place near the center of his district, when and where the various sections shall be separately sold to contractors to the lowest bidder. The notice required in this section shall be by posting at least ten hand bills, written or printed, in as many public places in the district. In case there be no bidders, or in case the supervisor may deem any bid too high, he may reject such bid and may sell such section or sections at private sale, and the purchaser of any section shall be termed the overseer of such section.

Supervisor to sell  
sections of road  
to contractor.

Notice of sale.

Rejection of bids.

Purchaser to be  
overseer.

SEC. 6. It shall be the duty of such purchaser to sign his name and write the sum he is to receive for repairing and keeping in repair his section under the description, specification and list of hands of said section, contained in the supervisor's book as provided in section four of this act, and no supervisor shall become a contractor or sub-contractor for any section sold by him.

Duty of pur-  
chaser.

SEC. 7. All able-bodied male persons between the ages of eighteen and forty-five years shall be liable annually to perform three days' labor on the public roads, under the supervision and control of the overseer of the section to which he is assigned, as provided for in section four of this act: *Provided*, that any such person may be discharged from such labor upon the payment to the overseer the sum of two dollars and fifty cents per annum in lieu thereof; and upon such payment he shall be exempt from road labor in the county for one year.

Who liable to  
work on roads.

Proviso.

SEC. 8. Any person assigned to work on public roads as hereinbefore provided who, having been personally

Penalty for refu-  
sal to work on  
road, etc.;

warned by the overseer, or by leaving at his usual place of abode a written notice, who shall refuse or neglect, having at least two days' notice as above provided, to attend by himself or able-bodied substitute acceptable to the overseer, with such tool as required in the notice, or having attended shall refuse to obey the directions of the overseer or shall spend his time in idleness, every such delinquent shall forfeit and pay to such overseer the sum of two dollars, to be recovered by action before a justice of the peace, and upon failure to pay such judgment on demand shall be guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars or imprisoned ten days, at the discretion of the court.

Misdemeanor.

Supervisors to report to commissioners amount necessary to repair roads.

SEC. 9. It shall be the duty of each supervisor of public roads, as soon as practicable after the sale of the various sections within his district, and annually thereafter, to ascertain and report to the board of commissioners of the county the amount of money necessary to repair and keep in repair the public roads in his district for the term of one year, exclusive of the free personal labor herein provided for; whereupon the board of commissioners, with the concurrence of the board of justices of the county, at the first levy meeting thereafter, or at any called meeting called for that purpose, shall provide for the amount so reported, and any other expense pertaining to the same, by levying an assessment by way of *ad valorem* tax, not exceeding eight cents on the one hundred dollars' valuation upon all property in the county made the subject of *ad valorem* taxation for state and county purposes, whether such property belong to citizens of incorporated towns or otherwise, and whether such property be taxed to repair streets in such cities or towns or otherwise, and said commissioners shall also levy a poll tax upon all persons (not exempted as provided by law) of not exceeding twenty-four cents, which taxes shall be included in a separate column on the tax books, and shall be collected by the sheriff of the county as other taxes are col-

Special tax.

Poll tax.

Sheriff to collect.

lected; shall be kept separate, and shall constitute, when collected, the county road fund, to be expended as hereinafter provided.

To constitute county road fund.

SEC. 10. The board of commissioners shall as often as necessary issue warrants or orders upon the county treasurer or sheriff, if there be no treasurer, ordering and directing him to pay to any supervisor the amount specified in such order for the purpose of carrying out the provisions of this act.

Commissioners to issue warrants on treasurer payable to supervisor.

SEC. 11. When any supervisor shall be satisfied by inspection or otherwise that any overseer has complied with his contract upon his section, he shall pay the amount due under said contract out of any moneys in hand furnished him for the purpose by the commissioners as provided in the preceding section, and as the work upon any section progresses, he may, in his discretion, advance from time to time such sum to any overseer as may be necessary, not exceeding at any time the proportion due for such work then performed.

Supervisor to pay overseers.

SEC. 12. It shall be the duty of each supervisor, during the month of October in each year, to personally inspect all the public roads in his district and report the same to the board of commissioners at their November meeting.

Inspection of roads by supervisor.

SEC. 13. Each supervisor shall keep a regular account of the time necessarily employed by him, and the expenses necessarily incurred, with the date of each item thereof, and render a sworn statement thereof to the board of commissioners of the county annually, or oftener, and the said board of commissioners shall audit the same, and if found correct, shall order the payment thereof, or so much thereof as may be just and reasonable, and such amount shall be paid out of the fund assessed to his district for road purposes.

Supervisor to make sworn statement to commissioners of expenses, etc.

Commissioners to pay, etc.

SEC. 14. Every supervisor shall be allowed for his services such sum as may be fixed by the board of commissioners, not to exceed two dollars per day for every full day necessarily employed by him in performing the duties

Compensation of supervisor.

required of him ; and if he be liable to work on the public roads, the sum of two dollars and fifty cents shall be deducted from his compensation as supervisor.

Supervisor empowered to enter on land to cut timber, etc.

SEC. 15. For the purpose of repairing public roads the various overseers provided for in this act shall have the authority to enter upon any uncultivated land near to or adjoining his section of road, or any improved or cultivated land when unencumbered by cultivated crops, to cut and carry away timber, except trees or groves left for ornament or shade, to dig or cause to be dug and carried away any gravel, earth, sand or stone which may be necessary to improve or repair said road; and to enter upon any lands adjoining or lying near the road to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person wilfully obstructing such drains or ditches when made shall forfeit for each offence the sum of five dollars, to be paid to the overseer and to be recovered by him by action before a justice of the peace, and upon failure to pay said judgment on demand the person offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than twenty dollars, or imprisoned not exceeding twenty days.

Penalty for obstructing drains, etc.

Misdemeanor.

Claim for damages for timber, etc.

SEC. 16. Any person considering himself damaged by the removal of earth or the cutting of timber, as provided for in the preceding section, may prefer his claim before the board of commissioners of the county, and when by reference or otherwise the same may be believed, to be paid out of any moneys belonging to the road fund for the district wherein which such damage occurred: *Provided*, that such claim for damages shall be made within three months: *Provided further*, that in case any owner maliciously damage any landowner near his section, he shall be personally liable therefor.

Proviso.

Proviso.

Overseers to erect post and guide boards.

SEC. 17. It shall be the duty of each overseer to erect and keep up at each fork or cross road along his section

a post and guide board, containing an inscription in plain letters and figures directing the way and distance to towns and places of note to which the roads respectively lead, and any person wilfully defacing or throwing down such guide boards shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

Misdemeanor to deface or throw down guide board.

SEC. 18. The board of commissioners of each county shall have power and authority to lay out and provide for the opening new public roads when public convenience requires it, and discontinue any public road at discretion.

New public roads.

SEC. 19. The board of commissioners of any county, after the board of justices have adopted an "alternative road system," as prescribed in this act, may, if they think best, instead of appointing a supervisor and having the public roads of any township laid off in sections as provided for in this act, let all the public roads in said township to one supervisor, to be selected by them, and contract with such supervisor to work the public roads in such township; and in such case such supervisor shall take and subscribe an oath, as prescribed in section three of this act, and execute a bond with security to be approved by the board of commissioners, and in such case said supervisor shall hold his office for the same term and under the same conditions, with the same powers and limitations applicable to supervisors appointed under the former provisions of this act, with the power to divide the roads in his township into sections, assign hands to the same, to compel the performance of labor in the same way and under the same regulations and with the same right to enforce penalties conferred by this act upon supervisors and overseers of districts and sections, and shall make report of his roads and render accounts of service and expenditures as required by supervisors generally according to the provisions of this act; and in case of failure to perform his duties, he shall be liable upon his official bond to the county.

Commissioners authorized to let public roads to supervisor.

Oath of supervisor.

Bond.

Term of office.

Powers of supervisor.

Exemption from work on roads.

SEC. 20. The board of commissioners shall have the same authority to exempt from labor on the public roads on account of physical inability as is now conferred upon them by law.

Supervisor to deliver books, etc., to successor.

SEC. 21. Every supervisor upon going out of office shall, on demand, deliver to his successor all books, accounts and papers pertaining to his office, and pay over to such successor all moneys in hand by virtue of his office, taking duplicate receipts therefor, one of which shall be filed with the register of deeds, and upon failure to pay over such moneys on demand he shall be liable for double the amount found in his hands, to be recovered in an action in the name of the board of commissioners of the county.

Liability for failure to pay over moneys, etc.

Commissioners authorized to change system of working roads, etc.

SEC. 22. For the purpose of carrying out the purpose designed by this act, the board of commissioners of any county, whenever the board of justices of each county shall determine to adopt an alternative system of working public roads, may from time to time change the system of working public roads in the county, make and establish other rules and by-laws, all to be entered on their minutes, for the regulation of labor and work upon public roads of the county, and impose penalties for a violation thereof; and may provide any other method of distribution or employment of funds raised by taxation or assessment for road purposes; and in case the board of justices of any county fail to adopt the alternative system for their county, then and in that case the board of commissioners for such county, upon a petition being presented to them, signed by a majority of the qualified voters of any township in the county, praying for the same, may in their discretion, by order entered upon their minutes, adopt the alternative system to be made applicable to such township only, and in such case the roads in such township may be worked as directed in this act, and the taxes or assessments upon property and polls of citizens of such township shall be levied and collected as other taxes, and applied as required under the provisions

When alternative system of working roads can be made applicable to single townships.

of this act: *Provided*, that the rate of taxation shall in no case exceed the limitation prescribed in section nine of this act: *Provided further*, that whenever under the provisions of this act the appointment of supervisors is provided for, such supervisors may be elected by the qualified voters of any township, if the commissioners so direct, and in such case it shall be the duty of such board to provide suitable machinery for taking such vote, and give proper notice of such election.

Proviso.

Proviso.

SEC. 23. All persons confined in the county jail or other place of confinement, either under final sentence of a court for crime, or imprisonment for the non-payment of fines or costs under final judgment in cases of bastardy or under the vagrant acts, and all persons sentenced to the state prison for a term less than one year, shall be available to the county commissioners for the purpose of working them upon the public roads; and upon the application of any supervisor or overseer having an order from the county commissioners, it shall be the duty of the jailer or sheriff, or other officer having such prisoners in custody, to deliver the same to such supervisor or overseer, and in case such prisoner escapes from custody, the sheriff or other officer shall be exonerated from liability.

Persons in jail under final sentence liable to work on public roads.

To be delivered to supervisor or overseer.

SEC. 24. Prisoners liable to the county for costs, while working on public roads, should be allowed so much per day as in the opinion of the board of commissioners such services are worth, which amount shall be credited to them on the county charges against them, and in case such persons be hired to an overseer, the wages agreed upon shall be credited to them as above provided.

*Per diem* of prisoners working roads.

SEC. 25. All supervisors and overseers having charge of prisoners, as provided in this act, shall be deemed state officers, and shall have authority to arrest, hold, control, and to a reasonable extent correct and punish such persons when necessary to carry out the provisions of this act.

Authority of supervisors and overseers.

Prisoner escaping guilty of a misdemeanor.

SEC. 26. Any prisoner escaping from the custody of any supervisor, overseer or agent of such, shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned, one or both, at the discretion of the court, and upon such escape may be pursued and captured without process by any supervisor, overseer, agent of such, or other person.

Liable to capture without process.

Discontinuance of alternative system of working roads.

SEC. 27. Any county having adopted "that alternative system of working public roads," and wishing thereafter to discontinue the same, may do so in the same manner as is provided in section one of this act for the adoption of this act, and when such county shall thus discontinue the operation of this act, the general road law of the state in force at that time shall from and after that time be in force in said county.

Conflicting laws void as to county adopting this act.

SEC. 28. Upon the adoption of this act by any county or township, all laws and parts of laws in conflict with this act shall be as to such county or township void and of no effect: *Provided*, that this act shall not be construed to alter the law now in force for keeping up and repairing bridges over the larger streams of any county adopting this act, nor shall the adoption of this act by any county or township have the effect to alter the manner of repairing streets and alleys in any city or incorporated town, but all taxation shall apply to citizens of such cities and towns, notwithstanding they pay an additional tax for repairing streets; but no person in such corporation shall be required to work on the public roads who pays a poll or road tax for the purpose of keeping in repair the streets of such city or town.

Proviso.

Act applicable only to certain counties.

SEC. 29. The provisions of this act shall only be applicable to the counties of Forsyth, Pamlico, Orange, Durham, Bertie, Northampton, Cabarrus and Buncombe.

SEC. 30. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

## CHAPTER 235.

An act to repeal “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 :*

SECTION 1. That chapter three hundred and sixteen of the laws of one thousand eight hundred and eighty-one, entitled “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,” be repealed.

Chap. 316, laws  
1881, repealed.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

## CHAPTER 236.

An act to establish a graded school in the town of Kinston, in Lenoir county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Lenoir county are hereby authorized to submit to the qualified voters of Kinston township, in said county, on the first Monday in May, one thousand eight hundred and eighty-three, 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 territory. Each voter shall vote a written or

Election in Kinston township on question of taxation for graded school.

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.

Tax to be levied on majority vote.

SEC. 2. That in case a majority of the votes cast at said election shall be in favor of such a tax, the same shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes.

Sheriff to collect.

And the sheriff of Lenoir county shall 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 county school taxes: *Provided*, that the special taxes so levied and collected shall not exceed one-fourth of one per centum on property and seventy-five cents on the poll.

Proviso.

Tax collected from whites to be applied to support of white graded school.

SEC. 3. That the special taxes thus collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school in the town of Kinston 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 public school in the town of Kinston for colored persons of both sexes between the ages of six and twenty-one years.

Tax collected from colored persons to be applied to support of colored graded school.

Taxes collected from retail liquor licenses to be divided between white and colored schools.

SEC. 4. That all money arising from retail liquor license tax collected by the commissioners of the town of Kinston shall be applied in the same manner as taxes collected on property and polls, as prescribed in section third of this bill. Said license tax shall be equally divided between the white and colored graded schools.

Trustees for white graded school.

SEC. 5. That John Tull, Dr. John A. Pollock, S. H. Abbott, James A. Pridgen, W. F. Stanley, J. W. Grainger, J. K. Davis, A. D. Parrott and L. Harvey, 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 to do all such acts as shall be necessary to carry on said graded school for the white children.

SEC. 6. That L. H. Fisher, Owen Parrott, Wiley Lowry, Spencer Smith, Peter Brem, Henry Green, Richard Whitfield, Squire M. Jones and Peter Williams, 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.

Trustees for colored graded school.

SEC. 7. That the public school money which shall from time to time be apportioned 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 school for the whites under the orders and directions of the board of trustees for said graded school for white children.

Public school money for white children applicable to maintenance of white graded school.

SEC. 8. That the public school money which shall from time to time be apportioned 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.

Public school money for colored children applicable to maintenance of colored graded school.

SEC. 9. That the county treasurer of said Lenoir county and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act.

Liability of county treasurer for disbursement of funds.

SEC. 10. That any person or persons desirous of sending or going to the said school, who do not reside within the said township, may send or be admitted to the said school under such rules and regulations as the trustees of said school may from time to time prescribe.

Admission of non-residents of township to schools.

SEC. 11. That no trustee of either of said graded schools shall while acting as such be a teacher therein.

No trustee to be a teacher.

SEC. 12. That the following studies only shall be taught

Studies.

in said schools, to-wit: reading, spelling, writing, arithmetic, geography, grammar, algebra, and vocal music and history.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 237.

An act to amend so much of chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, as relates to Hyde county.

*The General Assembly of North Carolina do enact :*

Chap. 232, laws  
1879, amended.

SECTION 1. That so much of chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, as relates to the churches in Hyde county, be amended by striking out the words "one and a half miles" and inserting in lieu thereof the words "one mile."

Sale of liquor  
near churches in  
Hyde county.

Chap. 232, laws  
1879, repealed as  
to town of Mid-  
dleton.

SEC. 2. That so much of said chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, as prohibits the sale of spirituous liquors or any intoxicating drink in the town of Middleton, is hereby repealed.

Sale of liquor in  
Middleton.

SEC. 3. That the provisions of section one of this chapter shall not be construed so as to prevent the sale of spirituous liquors or other intoxicating drink in the town of Middleton in the said county of Hyde.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

## CHAPTER 238.

An act to provide an official seal for the department of state and to validate the previous use of the same.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the department of state shall have and use an official seal, which seal shall be two inches in diameter and shall be of the same design as the great seal of state, with the legend "State of North Carolina, Department of State," surrounding the figures.

Official seal of department of state.

SEC. 2. That the use of an official seal by the department of state before the ratification of this act is hereby ratified and confirmed.

Use of seal heretofore ratified.

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 6th day of March, A. D. 1883.

## CHAPTER 239.

An act concerning Middleburg, in the county of Vance.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section four, chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one, be and the same is hereby amended by striking out the following words in lines eight and nine of said section, to-wit: "Middleburg Methodist church, in the county of Warren."

Chap. 231, sec. 4, laws 1881, amended.

Sale of liquor within four miles.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

## CHAPTER 240.

An act to authorize the board of commissioners of Swain county to pay certain school teachers the amounts due them.

*The General Assembly of North Carolina do enact :*

Authorized to pay teachers of public schools for 1882.

SECTION 1. That the board of commissioners of Swain county are hereby authorized to pay out of any money in the treasury of said county not otherwise appropriated the amounts due teachers of public schools for services rendered as teachers of public schools for 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 6th day of March, A. D. 1883.

## CHAPTER 241.

An act to amend an act to provide for the sale of the state's interest in the Western North Carolina Railroad Company and for other purposes.

*The General Assembly of North Carolina do enact :*

Treasurer authorized to sell to assignees of W. J. Best \$520,000 coupon bonds of W. N. C. R. R. Co. deposited with him under chapter 26, laws special session 1880, for \$600,000.

SECTION 1. That the treasurer be and is hereby authorized and directed to sell and transfer to A. S. Buford, Wm. P. Clyde and T. M. Logan, assignees of Wm. J. Best, or their assigns, the five hundred and twenty thousand dollars of the coupon bonds of the Western North Carolina Railroad Company, which were deposited with him under the provisions of sections twelve and twenty-four, of the act of twenty-ninth March, one thousand eight hundred and eighty, entitled "an act to provide for the sale of the state's interest in the Western North Carolina Railroad

Company and for other purposes," upon the payment to said treasurer of six hundred thousand dollars in cash.

SEC. 2. That if the said assignees of Wm. J. Best shall cause the said Western North Carolina Railroad to be completed and in operation to the Tennessee river, at or near the mouth of the Nantabala river, in a manner acceptable to the commissioners, provided for in said act of twenty-ninth March, one thousand eight hundred and eighty, to examine and accept the work on said road, on or before the first day of September, one thousand eight hundred and eighty-four, and shall, on or before the first day of May, one thousand eight hundred and eighty-four, have purchased from the treasurer of the state as provided for in section one of this act, the said five hundred and twenty thousand dollars of bonds, and shall have placed within sixty days from and after the ratification of this act, and kept continuously at work a force of at least seventy-five (75) convicts on the line of the road from the mouth of the Nantahala river westward to Murphy, the said Western North Carolina Railroad Company shall have full authority to make and execute mortgage deeds and bonds which need not contain the words "that the mortgage cannot be foreclosed for either principal or interest until said railroad shall have been completed to Paint Rock and Murphy," as provided in section twelve of said act of twenty-ninth March, one thousand eight hundred and eighty, and said company is also authorized and empowered to declare the said proviso in the mortgages already executed and the bonds issued thereon, to be null and void.

SEC. 3. That when said railroad shall be completed to the Tennessee river, as provided in this act, and the said five hundred and twenty thousand dollars of mortgage bonds and accrued interest shall have been redeemed as provided for in this act, and the interest on the eight hundred and fifty thousand dollars of first mortgage bonds for which the state is liable, referred to and de-

W. N. C. R. Co. authorized to issue mortgage bonds without the qualification as to foreclosure in chapter 26, sec. 10, laws special session 1880, upon the performance of certain conditions precedent.

Governor to deliver deed deposited with U. S. Trust Co. to assignees of W. J. Best, upon the performance of certain conditions precedent.

scribed in section three of the said act of twenty-ninth of March, one thousand eight hundred and eighty, shall have been further secured, as hereinafter in this section provided, so that the state shall be protected against the payment of the interest thereon, the governor is authorized and directed to cause the deed deposited with the United States Trust Company, in accordance with the provisions of the said act of twenty-ninth March, one thousand eight hundred and eighty, to be delivered to the said W. P. Clyde, A. S. Buford and T. M. Logan or their assigns, and the said assignees of W. J. Best shall be deemed to have complied with the contract entered into with the said Best, and the same shall be deemed as cancelled, except as to the payment of interest on the said eight hundred and fifty thousand dollar bonds: *Provided*, that before the said deed is delivered, the said assignees shall, in addition to the thirty thousand dollars now on deposit in the Citizens National bank, place with the treasurer of the state the further sum of thirty thousand dollars, in the four per cent. bonds of the state as additional security for the payment of the said interest as it matures.

Cancellation of contract with Best.

Proviso.

Seventy-five convicts to be kept on road from mouth of Nantahala river to Murphy.

SEC. 4. That the said assignees shall, within sixty days from the ratification of this act, place and keep continuously at work on the line of road from the mouth of the Nantahala river westward to Murphy a force of seventy-five convicts, and when said road shall have been completed to the Tennessee river, at or near the mouth of Nantahala river, in accordance with the provisions of this act, then said assignees shall retain and keep continuously at work upon the said Murphy branch a convict force of seventy-five hands as hereinbefore provided; and they are hereby authorized to place and operate the remainder of the convict force as now provided by law on the road leading in the direction of Maryville, Tennessee; but such remaining convict force shall be so placed and operated only on condition that the said seventy-five hands shall be placed and continued on the said Murphy

branch. And when the work on the line in the direction of Maryville, Tennessee, shall have been completed to the Tennessee line, then one-half of the entire convict force shall be placed and kept continuously at work on the Murphy branch west of Nantahala river, until its completion to Murphy, and the remaining force shall be placed on the Rabun Gap branch. That in case said assignees, their successors or assigns, whether in law or in fact, shall fail or refuse to comply with the foregoing provisions of this section for three consecutive months, or shall for the period of eighteen months from the completion of the grading to Murphy fail or neglect to complete the same for use, with rails and necessary fixtures for operation, then in that case all the rights, franchises and interests of the said assignees or their successors in said line of road from the mouth of the Nantahala river to Murphy shall revert to and be vested in the state.

Division of convict labor when road completed to Tennessee line.

Penalty for failure.

SEC. 5. That the Western North Carolina Railroad Company is hereby authorized and empowered to construct, equip and operate two branch roads, to-wit: the one starting at some point on the main line between Charleston, in Swain county, and the mouth of the Nantahala river, and running thence to the North Carolina and Tennessee line in the direction of Maryville, Tennessee; the other starting at a point on the main line in the vicinity of the mouth of the Nantahala river, and running thence up the Tennessee river by Franklin, in the direction of Clayton in Georgia.

Branch roads.

SEC. 6. That the Western North Carolina Railroad Company is authorized and empowered to lease, or purchase or consolidate with any other railroad in North Carolina, South Carolina, Tennessee or Georgia, which it may deem advisable, in order to make a continuous railroad connection with the railroad systems of said states.

Authorized to lease, etc., other roads.

SEC. 7. That the Western North Carolina Railroad is authorized to mortgage these branch roads and issue

Authorized to mortgage branch roads.

bonds thereon for the purpose of raising money to complete and equip the same.

Corporate powers of branch roads.

SEC. 8. That the said branch roads shall be subject to the same restrictions as the main line in regard to discriminations in freight and charges and liabilities for taxation, and the company shall have the same rights as to surveys, condemning lands for right of way, depots and station houses and other buildings, and in constructing, equipping and operating said branches as it has on the main line to Murphy and Paint Rock.

Convicts to be delivered at penitentiary at Raleigh.

SEC. 9. All convicts furnished by the state to said road shall be delivered to the authorities of the same at the penitentiary in Raleigh, and the expenses of transporting said convicts and the necessary guards therefor to the work on said road and returning the same to the penitentiary at Raleigh shall be borne by said grantees.

Convicts to be worked under provisions of chapter 26, laws special session 1880.

SEC. 10. That until the completion of the road to Murphy and Rabun Gap, the said assignees or their successors may retain and work the convicts under the terms provided for in the act of March twenty-ninth, one thousand eight hundred and eighty.

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 6th day of March, A. D. 1883.

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## CHAPTER 242.

An act to establish a public road in Wilkes and Ashe counties.

*The General Assembly of North Carolina do enact:*

Route to be laid out and established.

SECTION 1. That there shall be laid out and established a graded public road in the counties of Wilkes and Ashe, commencing in the town of Wilkesboro and

running the most direct and practicable route by adopting such portions of any public road leading from Wilkesboro to Jefferson (as the commissioners may deem) to the town of Jefferson in the county of Ashe, thence from Jefferson by way of Creston to the Tennessee line on top of Stone mountain. Route.

SEC. 2. That the said road shall be sixteen feet wide at least, except at such points where in consequence of rock or other obstructions the commissioners shall direct that the road shall not be so wide, in which case the commissioners herein appointed may determine the width thereof and make report to the register of deeds of the county in which such change is made, clear of stumps and runners. Width.

SEC. 3. That John Finley, Franklin Shepherd, W. K. Wilcoxson, Frank Hardin and Marshall Baker are hereby appointed commissioners to engineer and locate said road. Commissioners to locate road.

SEC. 4. That all persons who shall be convicted of any criminal offence in any of the courts of Wilkes or Ashe, and be sentenced for any term less than three years in the common jail or state penitentiary, shall on application of the road commissioners be delivered by the sheriff of said county to the said commissioners, as their agents or appointees, for the purpose of working on said road, under the direction of the board of commissioners, and if any such prisoner after being delivered by the sheriff as aforesaid shall escape, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. Certain criminals convicted liable to work on road.

SEC. 5. That there shall be turned over to the said road commissioners by the direction of the penitentiary of the state, upon application of said road commissioners, fifty convicts at the expense of the state, who shall be in the control of the said road commissioners. Convicts to be furnished.

SEC. 6. That it shall be the duty of the commissioners of the counties of Wilkes and Ashe to furnish such tools Commissioners to furnish tools, etc.

and materials as are necessary for making, working and blasting on said road.

Proceeding by landowner to obtain damages.

SEC. 7. That if any owner of land through which said road shall pass shall consider himself injured thereby, he may apply to the county commissioners, by petition or otherwise, for damages, and the board of commissioners shall hear evidence and determine the amount of damages to which he is entitled, and if the applicant shall demand a jury trial, then the said board of county commissioners shall select three disinterested freeholders in such county to whom the question of damage shall be submitted and decided.

Grade, etc.

SEC. 8. That the grade of said road shall be such as the said road commissioners shall determine, and that said commissioners shall see that all the water drains are properly ditched and covered so as to prevent ice and mud, and that the said road commissioners shall receive for their services such amounts as the county commissioners of Wilkes and Ashe respectively may allow, to be paid by the counties in which said commissioners reside.

Compensation of commissioners.

Commissioners to apply for convicts.

SEC. 9. Whenever the road commissioners herein named shall be notified by the board of county commissioners of the counties of Ashe and Wilkes, that they have provided the necessary materials, &c., as stated in section sixth, it shall be the duty of the said road commissioners to apply for and make demand upon the board of directors of the state penitentiary for the convicts herein stated, and it shall be the duty of the said board of directors, under a sufficient guard to be selected by said board of directors of the penitentiary at the expense of the state, to place said convicts upon said road, to construct said road at such points and in the manner directed by the road commissioners.

To be furnished by directors of penitentiary.

Road to be kept up, etc.

SEC. 10. That the said road when completed shall be kept up as other public high roads by the county authorities of each county through which said road passes.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

### CHAPTER 243.

An act to regulate the repair of public bridges in the county of Onslow.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the board of commissioners of Onslow county to keep in repair the public bridges across all streams in that county over ten feet wide, except those liable to be kept up by the owners of adjoining lands.

Commissioners to keep in repair bridges over streams more than ten feet wide.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

### CHAPTER 244.

An act to alter the line between the counties of Wilkes and Caldwell.

*The General Assembly of North Carolina do enact:*

SECTION 1. The line now existing between the counties of Wilkes and Caldwell is hereby altered.

Line altered.

SEC. 2. Hereafter the line dividing the said counties shall begin at a point on Hickory Knob on the Brushy

Line established.

mountains, at which the lines of Alexander and Caldwell counties corner, and run a north course with a dividing ridge to the Burke road, thence crossing Beaver creek at the bridge near L. L. Carlton's residence, and on in same direction to the top of Jerry's mountain, connecting with the old line.

Territory between the old and new line attached to Caldwell co.

SEC. 3. The territory included between the line set forth in the preceding section, and the present line between the counties of Wilkes and Caldwell, is hereby attached to Caldwell county.

SEC. 4. This act shall take effect thirty days after its ratification.

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 245.

An act to provide for paying of jurors of the superior court their per diem in cash.

*The General Assembly of North Carolina do enact:*

Chap. 105, sec. 23, Battle's Revisal, amended.

SECTION 1. That chapter one hundred and five, section twenty-three of Battle's Revisal, entitled "salaries and fees," be amended by adding at the end of said section the words, "to be paid in cash."

*Per diem* of jurors.

County commissioners to keep money on hand to pay jurors, etc.

SEC. 2. That the county commissioners shall cause to be kept for the purpose a sufficient amount of money in the hands of the treasurer or sheriff out of any moneys belonging to the county for county purposes to pay the jurors of the superior court, and also state witnesses in cases where the state fails to prosecute (or fails to convict).

Act applicable only to Tyrrell county.

SEC. 3. That this act shall only apply to Tyrrell county.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

## CHAPTER 246.

An act for the support of the penitentiary and convicts for the year one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sum of seventy-five thousand dollars (\$75,000) per annum is hereby appropriated for the maintenance, guarding and working of the convicts in the 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 the convicts within or without the prison enclosure, except those assigned to the Cape Fear and Yadkin Valley Railroad.

\$75,000 appropriated for maintenance, etc., of convicts on W. N. C. R. R., and C. F. & Y. V. R. R.

Directors of penitentiary authorized to use other revenue.

SEC. 2. That 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 7th day of March, A. D. 1883.

## CHAPTER 247.

An act to amend chapter fifty-eight, laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section seven of aforesaid recited act be amended by adding after the word "worship" in the

Chap. 58, sec. 7, private laws 1879, amended.

Special police authorized to keep the peace, etc., within corporate limits of Rock Spring Camp Ground.

last line of said section the words, "and said limits of incorporation shall be two miles."

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. 1883.

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## CHAPTER 248.

An act to authorize and empower E. R. Stamps, president of the board of directors of the North Carolina penitentiary, to make title to certain real estate.

Preamble.

WHEREAS, in May, one thousand eight hundred and eighty-one, the board of directors of the North Carolina state penitentiary sold to William G. Upchurch, of the city of Raleigh, a tract of land in the county of Wake, on the Holly Springs road, adjoining the lands of said Upchurch, William Grimes and others, and containing thirteen acres, for the price of thirty-five dollars per acre, said land being a worn-out brick yard which for some years had been worked for the use of said penitentiary; and whereas, it is necessary and proper that authority be given for the execution of a deed for said land to said Upchurch: now therefore,

*The General Assembly of North Carolina do enact:*

E. R. Stamps, President penitentiary board of directors, authorized to make title to certain land.

SECTION 1. That E. R. Stamps, president of the board of directors of North Carolina state penitentiary, be and he is hereby authorized and empowered, upon payment in full of the purchase money for said land, to make, execute and deliver to said William G. Upchurch a deed in fee simple in and to the same.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1883.

CHAPTER 249.

An act to establish graded schools in Tarboro township in Edgecombe county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the county of Edgecombe are hereby authorized to submit to the qualified voters of Tarboro township in said county on the first Monday in April, one thousand eight hundred and eighty-three, 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 and regulations and penalties as are prescribed by law for the election of members of the general assembly.

Election in Tarboro township on April 2d, 1883, upon question of taxation for graded schools.

Ballots.

Election, how held.

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 Edgecombe county shall 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-third of one per centum on property and one dollar on the poll.

Tax to be levied on majority vote.

SEC. 3. That the special tax 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 collected from white persons to be applied to support of white school.

Taxes collected from colored persons to be applied to support of colored school.

taxes thus levied and collected from the taxable property and polls of colored persons shall be expended in keeping up a graded public school in said township for colored persons of both sexes between the ages of six and twenty-one years.

Trustees for white school.

SEC. 4. That George Howard, N. M. Lawrence, C. J. Austin, J. B. Coffield, T. H. Gatling, E. C. Farrar and R. C. Brown be and they are hereby constituted a board of trustees 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.

Powers.

Trustees for colored school.

SEC. 5. That John C. Dancy, H. C. Cherry, Victor E. Howard, Benjamin Norfleet, Edward Zoella, Henry S. Spragins and W. H. Knight 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.

Powers.

Public school money for white children to be applied to support of white graded school.

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 school for the whites, under the orders and directions of the board of trustees for said graded public school for white children.

Public school money for colored children to be applied to support 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.

Liability of bond of county treasurer.

SEC. 8. That the county treasurer of Edgecombe county, and his sureties on his official bond, shall be responsible

for the proper disbursement of all moneys collected under this act.

SEC. 9. That no trustees of either of said graded schools shall, while acting as such, be a teacher therein. No trustee to be a teacher.

SEC. 10. 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. 1883.

## CHAPTER 250.

An act authorizing and directing the board of directors of the penitentiary to furnish certain stone work for the purpose of erecting a monument to the Confederate dead at Goldsboro, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of directors of the state penitentiary be authorized and directed to furnish as soon as practicable to the Goldsboro Rifles, of the city of Goldsboro, free of cost, at the said penitentiary or at the quarries of said penitentiary, twelve (12) perches of uncut stone and one solid block of cut stone, of the dimensions of four feet four inches by four feet four inches by two feet, such work to be done by the convicts in said penitentiary, for the purpose of erecting a monument to the Confederate dead in the city of Goldsboro. Directors of penitentiary to furnish stone for monument to Confederate dead in Goldsboro.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1883.

## CHAPTER 251.

An act to provide for working the Whiteville and Wilmington public road in Columbus county.

*The General Assembly of North Carolina do enact :*

Dividing line between Bladen and Columbus counties changed.

SECTION 1. That the dividing line between the counties of Bladen and Columbus be and the same is hereby changed as follows, to-wit: beginning at the point where the county line comes to the Whiteville and Wilmington public road, thence with the south edge of said road for a distance of two and one-half miles, thence across said road to its north edge, thence with Bladen county line as it now stands.

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 7th day of March, A. D. 1883.

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 CHAPTER 252.

An act to authorize the finance committees of the several counties to administer oaths.

*The General Assembly of North Carolina do enact :*

Chairman of county finance committees authorized to administer oaths.

SECTION 1. That the chairman of the finance committees of the several counties of this state shall have power and authority to administer an oath to any and all persons that they may deem expedient to examine on oath in their investigations.

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 7th day of March, A. D. 1883.

## CHAPTER 253.

An act to prohibit the felling of timber in certain streams in Yancey county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to cut or fell timber in Caney river, South Toe river, Toe river, Bald creek and Ball Mountain creek in Yancey county.

Unlawful to fell timber in certain streams in Yancey county.

SEC. 2. That any person who shall cut or fell timber into any of said streams and fail within five days thereof to remove the same, shall be guilty of a misdemeanor.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1883.

## CHAPTER 254.

An act to establish a new township in Madison county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That township number seven in said county shall be divided into two townships, as follows: beginning at the mouth of the old Wm. Anderson branch, and thence with said branch to the top of the mountain between Papaw and Pine creek, thence with said mountain to the line of township number eight, thence with said line to the line of township number nine, thence with said line to the French Broad river, thence with said river to the beginning.

Township No. 7 divided into two townships.

Dividing line.

SEC. 2. That that part of township number seven included within the boundaries set forth in section one of

Name.

this act, shall be known as township number twelve of Madison county, and by the name of Big Pine Creek township.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same 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 7th day of March, A. D. 1883.

## CHAPTER 255.

An act to establish graded schools in Lenoir township, in Caldwell county.

*The General Assembly of North Carolina do enact:*

Election in Lenoir upon question of taxation for graded schools.

SECTION 1. That the board of commissioners of the county of Caldwell are hereby authorized to submit to the qualified voters in the bounds of a radius of two miles of the court house in the town of Lenoir in said county, on the first Monday in June, one thousand eight hundred and eighty-three, under such rules and regulations as said board may prescribe, whether an annual assessment 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 and regulations and penalties as are prescribed by law for the election of members of the general assembly.

Ballots.

Election, how held.

Tax to be levied on majority vote.

SEC. 2. That in case a majority of the qualified voters of said township shall be in favor of such assessment, 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 Caldwell county shall 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 assessment so levied and collected shall not exceed one-fifth of one per centum on property and sixty cents on the poll.

Sheriff to collect.

Proviso.

SEC. 3. That the special assessment 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 assessments 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 school.

SEC. 4. That I. M. Spainhour, G. W. F. Harper, J. G. Ballew, W. M. Earnhart, Leander Nelson, F. Weisenfeld and I. C. Blair 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 the 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.

Trustees for white school.

Powers.

SEC. 5. That Moses Sudderth, Henry Harper, Henry Bower, James Gaither, Anthony Jones, John Anderson, Edney Norwood 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.

Trustees for colored school.

Powers.

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

Public school money for white children to be applied to support of white school.

township, shall be applied for keeping up the public graded school for the whites under the orders and direction of the board of trustees for said graded public school for white children.

Public school money for colored children to be applied to support of colored 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.

Liability of county treasurer for disbursement of fund.

SEC. 8. That the county treasurer of said Caldwell county, and his sureties on his official bond, shall be responsible for the proper disbursements 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. That 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. 1883.

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## CHAPTER 256.

An act relative to the county treasurer of Cleveland county.

*The General Assembly of North Carolina do enact :*

Compensation of sheriff performing duties of county treasurer.

SECTION 1. That the sheriff of the county of Cleveland, who is now performing the duties of county treasurer, shall receive such compensation for his services as county treasurer as the county commissioners of said county may allow, not to exceed one and one-half per centum on the amount disbursed by him as county treasurer.

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. 1883.

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### CHAPTER 257.

An act to change the time of holding the superior courts of the counties of Surry and Stokes, in the seventh judicial district.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the superior court for the county of Surry county. Surry shall be held on the fourth Monday after the fourth Monday in March and September, and continue if necessary two weeks at spring term and one week at fall term.

SEC. 2. That the superior court for the county of Stokes county. Stokes shall be held on the sixth Monday after the fourth Monday in March and on the fifth Monday after the fourth Monday in September, and continue if necessary one week at spring term and two weeks at fall term.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws 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 7th day of March, A. D. 1883.

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### CHAPTER 258.

An act to incorporate the Cashie and Chowan Railroad and Lumber Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Duncan C. Winston, Greenleaf John- Body politic. son, Sr., Greenleaf Johnson, Jr., James J. Moore and

Howard N. Johnson, or any three of them and such other person or persons as may be associated with them, be and they are hereby created a body politic and corporate by the name of the Cashie and Chowan Railroad and Lumber Company, under which name it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the rights, privileges and advantages of other like corporations under existing laws besides those hereinafter enumerated.

Name.

Corporate powers.

Authorized to build railroad.

Route.

SEC. 2. The said company is hereby authorized to construct, equip and operate a railroad of any gauge it may choose from some point on the Cashie river, near the town of Windsor, in Bertie county, to some point in said county, or in Hertford county, or in the direction of the Chowan river, and also to construct, equip and operate lateral branches to the said railroad, no such branch to exceed ten miles in length, and also with the right to extend said railroad to the Roanoke river.

Corporate powers.

SEC. 3. The said company is also authorized to acquire, own and operate lumber and grist mills and steam and other vessels for water transportation, also such lands and timber as it may obtain by voluntary purchase, and such personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the said company in any manner not inconsistent with the provisions of this charter or the laws of this state.

Capital stock.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, divided into two thousand shares of fifty dollars each, and the stockholders may augment the same from time to time as they may deem requisite to carry into full effect the purposes of this act; and the persons aforesaid, or any three of them, are hereby appointed commissioners to open books of subscription and receive subscriptions to the capital stock of the company at such times and places as they may appoint, and

Books of subscription.

when ten per cent. of the capital stock shall have been subscribed, and five per cent. of such subscriptions be paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than five, and the said directors shall elect one of their own body as president of said board and of said company. Such election shall be held at such time and place as may be agreed upon by a majority of the stock represented, the said president and directors to serve one year and until their successors shall be elected and qualified, unless vacancies shall sooner occur by death, resignation or removal, in either of which latter cases the said board or a majority of them may fill such vacancies until the next regular election. A majority of said board shall constitute a quorum for the transaction of business. A regular annual meeting of the stockholders of said company shall be held at such time in each year as the said board may appoint, (of which due notice shall be given,) at which annual meeting a new board of directors shall be elected for the ensuing year. A quorum of stockholders shall consist of the holders of a majority of stock. The president and directors shall appoint a secretary and treasurer and such other officers and agents as shall be prescribed by the by-laws, and shall have authority to make such by-laws, rules and regulations from time to time as may be required properly to conduct the affairs of the company.

Organization.

Stockholders meeting.

Quorum.

Secretary and treasurer, etc.

By-laws.

SEC. 5. The board of directors may also borrow money at a rate of interest not exceeding eight per centum per annum and issue bonds therefor, and execute and deliver mortgages and deeds of trust upon the franchises and property of the company to secure the payment of said bonds.

Authorized to issue mortgage bonds.

SEC. 6. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, and shall be signed by the president and secretary of said company and authenticated by its seal, and shall be re-

Certificates of stock.

recorded in a book to be kept for the purpose; and all sales or transfer of stock in said company shall be duly recorded in such book. Said stock shall be held and considered as personal property.

Condemnation of  
land.

SEC. 7. For the purpose of obtaining rights of way and depot stations for said railroad, the company is authorized to acquire, by voluntary sale by the owners, such lands along its line as it may need; and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have the right to acquire a title in fee simple to the same by the process of condemnation in the manner prescribed in chapter ninety-nine of Battle's Revisal: *Provided*, that such condemnation shall not exceed one hundred feet in width along the line of said railroad and one acre for each depot station.

SEC. 8. 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. 1883.

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## CHAPTER 259.

An act to prevent the felling of trees and other obstructions in Beaverdam creek, Cleveland county.

*The General Assembly of North Carolina do enact:*

Unlawful to fell  
trees, etc., in Bea-  
verdam creek.

SECTION 1. That it shall be unlawful for any person to fell any trees, brush, or throw logs into Beaverdam creek, in the county of Cleveland.

Misdemeanor.

SEC. 2. Any person violating this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or imprisoned not more than thirty days, at 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 7th day of March, A. D. 1883.

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CHAPTER 260.

An act to enable the people of Cumberland county to establish a free bridge over the Cape Fear river at or near the town of Fayetteville, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on the written petition of at least five hundred of the qualified voters of Cumberland county, made on or before the first Monday in April, one thousand eight hundred and eighty-three, to the board of county commissioners of said county, it shall be the duty of said board to submit the question of a free bridge to the qualified voters of said county at a special election to be held for that purpose on the first Thursday in the May following.

Election in county on question of free bridge.

SEC. 2. That it shall be the duty of said board of commissioners to give thirty days' notice of the time when such election is to be held by advertising the same in a newspaper published in the county, if there be one, and by causing written or printed notices thereof to be posted at every voting precinct in said county; at such election each qualified voter shall be entitled to cast a written or printed ticket with the words "free bridge" or "no free bridge" thereon.

Notice of election.

Ballots.

SEC. 3. That said election shall be held in all respects as elections are held for members of the general assembly, and any person qualified to vote for members of the general assembly shall be a qualified voter at said elec-

Election, how held.

Proviso.

tion: *Provided*, that there shall be only two judges of election at each voting precinct in the county.

Returns of election.

SEC. 4. That it shall be the duty of the judges of election at each of the several voting places in said county to make due returns of said election to the next regular meeting of the board of county commissioners of said county, who shall compare the votes and declare the result thereof.

Duty of county commissioners.

SEC. 5. If it shall appear that a majority of the votes cast at such election were for "free bridge," then the said board of county commissioners shall certify the same to the chairman of the board of justices of said county within five days of said meeting, and the chairman of the said board of justices shall call a joint meeting of the justices and commissioners of said county, to be held on the first Monday in June next following, which meeting shall make or cause to be made such contract or contracts as may be necessary for the speedy establishment of a free bridge across the Cape Fear river at Fayetteville, North Carolina: *Provided*, that if the owners of the Clarendon bridge now across said river will agree to sell their said bridge and franchises together with the right of way to and from said bridge over or across any land they may own contiguous thereto for a sum not to exceed thirty-five thousand dollars, then a purchase of the same shall be made by said board of justices and county commissioners, but if no agreement can be made, they are hereby authorized to make any contract necessary for the erection of a new bridge across said river at or near the town of Fayetteville: *Provided further*, that if said board of justices and county commissioners shall purchase the Clarendon bridge now across said river, then the bonds issued in pursuance of this act shall be a lien on said bridge in the hands of the county, and the county commissioners shall keep the same issued for the benefit of the holders of said bonds, and in case default shall be made in the payment of any installments of the interest

Joint meeting of commissioners and justices to make contract for establishment of free bridge.

Proviso.

Proviso.

on said bonds or in the payment of the principal or any part of said bonds at maturity thereof, and said default shall continue for six months, then and in either event the holders of said bonds shall have the right to bring suit in the superior court of Cumberland county to foreclose the statutory lien hereby created on said bridge, and in case of sale under a decree in such suit the purchasers thereunder shall be vested with all the powers and privileges now possessed by the Clarendon Bridge Company under their charter and shall be subject to like restrictions and penalties.

SEC. 6. Should the board of county commissioners deem it best to issue county bonds to meet the contracts made, or which may be made in pursuance of the authority given in this act, they are hereby authorized and empowered to issue coupon bonds of the county, dated on the first day of January, one thousand eight hundred and eighty-four, which said bonds shall be of such denomination not less than twenty-five nor more than five hundred dollars each, and due at such times not to exceed thirty years from the date thereof, as said county commissioners may think best: *Provided*, said bonds shall not bear interest at more than rate of seven per cent. per annum, and shall not either directly or indirectly be sold for less than par: *And provided further*, that the coupons on said bonds shall be receivable in payment of all taxes and other claims due to the county of Cumberland.

Commissioners  
authorized to issue  
coupon  
bonds.

Proviso.

SEC. 7. At the annual joint meeting of the board of commissioners and justices of said county, on the first Monday in August, one thousand eight hundred and eighty-three, said meeting and every annual meeting thereafter, so long as may be necessary, shall levy a special tax sufficient to pay the coupons as they become due, and such bonds as may be issued for the purposes of this act, and for a "sinking fund," not to exceed two thousand dollars per year; and the said board of commissioners and board of justices in joint meeting assembled, are

Special tax to be  
levied annually.

Sinking fund.

Sinking fund  
commissioners.

hereby authorized to elect three suitable persons, who shall be known as "The Sinking Fund Commissioners," who shall give such bond for the faithful performance of their duties as the county commissioners shall require, and shall receive all the funds collected by this act for the purposes of making a sinking fund, for the payment or purchase of the bonds issued in pursuance of this act, and the said "the sinking fund commissioners" are hereby authorized to invest the funds coming into their hands either in the payment or purchase of the said bonds or in such other safe securities as they may deem best. They shall keep such books as shall be necessary to show at all times the state of the funds in their hands, and on the first Monday in August in each and every year, shall make a full report of the condition of the same to the joint meeting of the board of justices and county commissioners.

Authority of sinking fund commissioners.

If commissioners do not issue bonds, special tax to be levied for purposes of this act.

Proviso.

Collection of special tax.

SEC. 8. Should the county commissioners deem it best not to issue bonds as provided in this act, then the annual joint meeting of the commissioners and justices held on the first Monday in August, 1883, and each annual meeting thereafter, as long as may be necessary, shall levy such special tax, as they may deem to be necessary for the purposes of this act: *Provided*, said special tax shall not exceed in any one year ten cents on the one hundred dollars' valuation and thirty cents on each taxable poll.

SEC. 9. The special tax mentioned in sections seven and eight of this act shall be collected as all other taxes and paid over to the county treasurer of said county on or before the first Monday in February next after such tax shall have been levied, and shall not be used for any other purpose than that for which said tax was levied.

SEC. 10. 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. 1883.

## CHAPTER 261.

An act to prohibit fast driving or riding over certain bridges in the county of Greene.

[*The General Assembly of North Carolina do enact:*]

SECTION 1. That it shall be unlawful for any person or persons to ride or drive over the following bridges in a gait faster than a walk, to wit: Snow Hill bridge, Hookerton bridge, Farlo bridge, and Speight's bridge, in the county of Greene; also Edwards' bridge crossing the line between the counties of Greene and Lenoir, Ruffin's bridge crossing the line between the counties of Greene and Wilson, all of said bridges being over Big Contentnea creek, and Scuffleton bridge over Little Contentnea creek, in the county of Greene.

Unlawful to ride over certain bridges in Greene county faster than a walk.

SEC. 2. That any person or persons violating the provision of section one of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined or imprisoned, or both, at the discretion of the court.

Misdemeanor.

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. 1883.

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 CHAPTER 262.

An act to provide for ascertaining the outstanding indebtedness of the county of Franklin and to provide for the payment thereof.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to ascertain the outstanding indebtedness of the county of Franklin and to provide for the payment of the same, the board of commissioners

County commissioners to give notice to creditors to present claims on or before July 4, 1884.

of said county shall have authority and power to give public notice for three months in one or more newspapers published in said county, or having a general circulation therein, and by notices posted at one or more public places in each township in said county, requiring all persons holding orders, claims or demands against the said county, to present them to the said board on or before the first Monday in July, one thousand eight hundred and eighty-four, and the board of commissioners of said county shall not be compelled to pay any order, claim or demand not presented within the said time, but may plead said notice in bar of said order, claim or demand.

Claims not presented to be barred.

Commissioners authorized to issue coupon bonds.

SEC. 2. For the purpose of paying the just debts ascertained by them to be due from the county of Franklin, the board of commissioners of said county shall have power and authority to issue bonds in sums not exceeding five hundred dollars (\$500) and not less than twenty-five dollars (\$25), with coupons attached for the payment of interest annually, which interest shall not exceed eight per cent. per annum, and the said coupons shall be receivable when due in payment of all taxes due the county, except for school purposes and the support of the poor. Said bonds shall run for not less than five years nor more than fifteen years, and shall not be issued at less than their par value. The board of commissioners may divide the said bonds into three classes, the first class to run five years, the second class to run ten years, and the third class to run fifteen years. The said bonds and coupons shall be signed by the chairman of the board of commissioners for the county of Franklin, and countersigned by the clerk of said board with the seal of office, and the said clerk shall keep in a book suitable for the purpose an account of the bonds issued, their amounts and dates of issue, and to whom issued, and also the number and amounts of bonds and coupons received and cancelled, so that upon an inspection of said books a true

Coupons receivable for taxes, except for school purposes and support of poor.

Bonds, how issued, etc.

Clerk to keep record, etc.

statement of the county indebtedness may be seen, for which services he shall receive a reasonable compensation to be fixed by the board.

Compensation of clerk.

SEC. 3. For the purpose of paying said bonds at maturity, the board of commissioners shall have power and authority to assess and levy a special tax not to exceed the amount that may become so due, said special tax to be levied and collected as other taxes are levied and collected, observing the just proportion and equation of taxation fixed by the constitution.

Special tax to pay bonds.

How levied and collected.

SEC. 4. After ascertaining the true indebtedness of said county, if the board of commissioners shall deem it best for the interest of the county, they may, with the approval of a majority of the qualified voters of said county, assess and levy an annual special tax for three years, the special tax for no one year to exceed one-third of the indebtedness of the county. The tax so levied shall be applied to the payment of the outstanding debts of the county in the order of date, the oldest being paid first, and the regular annual tax shall be applied to the payment of the current expenses of the county. The special tax herein authorized shall be levied and collected as other taxes are levied and collected, observing the proportion and equation of taxation fixed by the constitution: *Provided*, that the special tax mentioned in this section shall not be assessed until the same shall have been submitted to the qualified voters of the county of Franklin for their approval or disapproval, at an election to be held at such time and under such regulations for ascertaining the will of said voters as the board may prescribe; those in favor of said tax shall vote a written or printed ballot with the words "For the tax," and those opposed shall vote a like ballot with the words "Against the tax."

Commissioners authorized to levy special tax to pay county indebtedness, upon majority vote of county.

Application of tax.

How levied and collected.

Election to be held.

Ballots.

SEC. 5. The official bond of the sheriff of Franklin shall be liable for the faithful collection and payment of any taxes authorized to be collected by this act, and the official bond of the treasurer of said county shall be liable

Liability of official bonds of sheriff and treasurer.

for the faithful custody and application of any sums that may be paid into the treasury of said county, whether from the proceeds of bonds authorized by this act or from special taxes.

SEC. 6. 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. 1883.

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## CHAPTER 263.

### An act to drain the lowlands of Middle Fork creek, in Forsyth county.

*The General Assembly of North Carolina do enact :*

Commissioners

To lay off Middle Fork of Muddy creek, etc., into sections.

To appoint overseers.

Chairman.

Vacancies.

Duties of commissioners.

SECTION 1. That R. F. Linville, Calvin Crewes, Augustus Fogle, John Masten and W. J. Cooper be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Middle Fork of Muddy creek and its tributaries in Forsyth county, from Stafford's mill pond on said creek to the mill known as Nicholson's Mill, into sections of convenient length and to appoint one overseer to each section, who shall hold his office for the term of two years and who shall be a landowner in the section for which he is appointed overseer.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseers, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise the board of county commissioners of said county shall, on application being made, appoint commissioners and overseers for the purposes herein mentioned.

SEC. 3. That 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 Forsyth on the streams between the points mentioned within [section] first of this act and lying in section one-fourth of a mile up 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 one sufficient hand with appropriate tools, such as shall be notified by the overseer to furnish, for every 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 each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads.

Hands to be furnished overseers.

Penalty for failure.

SEC. 4. It shall be the duty of the commissioners in laying off the streams and 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 sowed lands and other lands owned by them within the estimate provided for in section three of this act as equally as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in his section.

Distribution of labor.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections not less than four nor more than twenty-four days, at the discretion of the commissioners, in the channels of said streams, with the power to straighten, 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.

Duty of overseers.

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 days

Misdemeanor to obstruct streams.

Penalty.  
 Proviso.

(20), 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 offences.

Penalties, etc.,  
 collected to be  
 paid to overseers.

SEC. 7. That all money 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 upon conviction thereof, shall be fined not less than ten (\$10) nor more than twenty (\$20) 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 misde-  
 meanor.

Proviso.

Commissioners  
 empowered to  
 stop washes.

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 lowlands, by opening the streams as fully as the power given in the foregoing section.

Act not to be con-  
 strued to prevent  
 building of  
 bridges.

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 landowners for their own convenience.

No exemption  
 from work on  
 public roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

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 8th day of March, A. D. 1883.

## CHAPTER 264.

An act to amend chapter (232) two hundred and thirty-two of the laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter two hundred and thirty-two of the laws of one thousand eight hundred and seventy-nine be amended as follows, to-wit: strike out all after the words "Davie county" down to the words "or within" in lines twenty-three and four of page three hundred and ninety-three, and insert in lieu thereof the following, to-wit: *Provided*, that any regular druggist in the last named county may sell whiskey and brandy in quantities of not less than a quart upon the written prescription of a physician, and may sell gin in similar quantities for medicinal purposes, and pure alcohol in any quantities for medicinal or mechanical purposes without such prescription.

Chap. 232, sec. 1.  
laws 1879,  
amended.

Sale of liquor in  
Davie county.

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 8th day of March, A. D. 1883.

## CHAPTER 265.

An act to authorize the commissioners of Richmond county to pay certain school orders.

WHEREAS, there is a balance due upon certain school orders issued by the school committee of Laurel Hill township, in the county of Richmond, for the year one thousand eight hundred and seventy-three; and whereas, the services for the payment of which said orders were issued were actually rendered; and whereas, it is honestly

Preambl.

desired that said indebtedness be paid; and whereas, the funds raised for the payment of said services were insufficient to liquidate said orders:

*The General Assembly of North Carolina do enact:*

Authorized to  
pay school orders  
for Laurel Hill  
township, for 1873.

SECTION 1. That the commissioners of Richmond county be and they are hereby authorized and empowered, out of any moneys in the treasury of said county, to pay to the person or persons holding the same such sum or sums as may be due and unpaid on school orders issued by the school committee of Laurel Hill township for the year one thousand eight hundred and seventy-three.

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

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1883.

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## CHAPTER 266.

### An act concerning wild fowl.

*The General Assembly of North Carolina do enact:*

Misdemeanor to  
hunt wild fowl  
with floating bat-  
tery.

SECTION 1. That any person hunting wild fowl with any floating battery shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days.

Applicable only  
to Carteret  
county.

SEC. 2. That this act shall apply only to the county of Carteret.

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. 1883.

## CHAPTER 267.

An act to authorize the commissioners of Lenoir county to levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of building a bridge across the Neuse river, the board of county commissioners of the county of Lenoir be and the same are hereby authorized and empowered to levy a special tax of one-fourth of one per cent. on the one hundred dollars of valuation on all the property, real, personal or mixed, subject to taxation in said county, and seventy-five cents on each poll in said county, the said tax to be levied only for the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

Authorized to  
levy special tax.

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. 1883.

## CHAPTER 268.

An act to provide for the establishing of a public highway through public lands between Hatch Fork and A. J. Murrill's, in the county of Onslow.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of laying out and constructing a public highway in the county of Onslow, to lead from Hatch Fork, on the Newbern and Swansboro road, through the public lands known as the White Oak Pocosin to some point near A. J. Murrill's, on the Jack-

Route.

sonville and Swansboro road, the following citizens of the said county, to-wit, John D. Coston, E. W. O. Riggs and Bryant Scott, be appointed special commissioners with full power and authority to lay out said road and to supervise its construction.

Commissioners. Surveyor. Survey of road.

SEC. 2. That it shall be the duty of the said commissioners, as soon as they deem it advisable, to employ a competent surveyor and survey and locate the said road; and the said road shall be eighteen feet wide, clear of stumps and runners, and shall be laid out and constructed with as little damage as possible to the lands through which it shall pass.

Condemnation of land.

SEC. 3. That the said board of special commissioners shall have full power to condemn lands lying along the said road and over which it shall pass; but if the owner of said condemned land shall feel himself injured by the action of said board, then it shall be competent for him to petition the board of county commissioners for a jury of not more than seven nor less than three disinterested freeholders to estimate the damage sustained; whereupon it shall be the duty of the said board of county commissioners to cause a jury as aforesaid to be summoned by the sheriff to appear upon the premises within fifteen days after the filing of the petition with the board of county commissioners; and the jury being sworn by the sheriff to discharge their duty impartially, and considering the benefit as well as the injury resulting from the establishing of the road upon the land, shall proceed to assess the damage sustained; and the board of county commissioners, upon the report of the said jury being made to and confirmed by the said board, shall pay the damages so assessed out of any funds provided by them for that purpose: *Provided*, that either party may appeal from the confirmation of said report to the superior court.

Appeal. Convicts to be furnished.

SEC. 4. That on demand made in writing by the afore-  
said board of special commissioners, the board of directors of the penitentiary are authorized and instructed to

furnish the said commissioners fifty able-bodied convicts, who shall be transported, guarded and maintained by the state, to work on the said road until its completion.

SEC. 5. That this act shall not interfere with acts heretofore passed granting convicts to any public works.

Act not to interfere with former acts granting convicts.

SEC. 6. 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. 1883.

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## CHAPTER 269.

An act to amend section five (5) chapter two hundred and thirty-four (234), laws of one thousand eight hundred and eighty-one (1881.)

*The General Assembly of North Carolina do enact:*

SECTION 1. That section fifth (5), chapter two hundred and thirty-four, of acts one thousand eight hundred and eighty-one, be amended by striking out in line twenty and twenty-one, the words "and the railroad depot in the town of Littleton, in Halifax county." That all laws and clauses of laws inconsistent with this act are hereby repealed.

Chap. 234, sec. 5,  
laws 1881,  
amended.

Sale of liquor  
within five miles  
of Littleton.

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. 1883.

## CHAPTER 270.

An act for the relief of tax payers of Wake county.

*The General Assembly of North Carolina do enact :*

Redemption of  
land sold for  
taxes and bid off  
for state.

SECTION 1. That the tax payers of Wake county whose property has been sold by the sheriff or tax collector of said county and bid off by the state, be and they are hereby allowed until July first, one thousand eight hundred and eighty-three, to redeem the same. That any tax payer whose property has been sold as aforesaid, who shall pay to the officers of the state authorized to receive the same, the amount of the taxes due thereon, the twenty-five per cent. as required by law, and the cost accumulated thereon, shall be allowed to redeem the same and have it re-conveyed to him in fee simple.

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 8th day of March, A. D. 1883.

## CHAPTER 271.

An act to punish the offence of breaking, tearing down, injuring or destroying bridges.

*The General Assembly of North Carolina do enact :*

Misdemeanor to  
injure, etc., any  
bridge.

SECTION 1. That if any person shall unlawfully and wilfully demolish, destroy, break or tear down, injure or damage any bridge across any of the creeks or rivers or other streams in the state, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

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. 1883.

## CHAPTER 272.

An act for the relief of W. A. Estes and other railroad tax collectors in Stokes county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That William A. Estes, railroad tax collector in Stokes county, and all others who are or have been railroad tax collectors in any township or townships in said county, be allowed until the thirty-first day of December, Anno Domini one thousand eight hundred and eighty-three, to collect the arrears of railroad taxes in their hands as tax collectors.

W. A. Estes, railroad tax collector, allowed until Dec. 31, 1883, to collect arrears.

SEC. 2. That this act shall go into effect upon the filing with the register of deeds of said county the written assent of the sureties on the official bonds of said tax collectors, assenting to the extension of time given in this act.

When act to go into effect.

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1883.

## CHAPTER 273.

An act to repeal the local prohibition at Pleasant Grove church, in Nash county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section first, chapter two hundred and thirty-two, acts of one thousand eight hundred and

Chap. 232, sec. 1, laws 1879, amended.

Sale of liquor within two miles of Pleasant Grove church.

seventy-nine, be amended by striking therefrom the words "Pleasant Grove church" in line eight hundred and seventy-nine, on page three hundred and ninety-three.

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 8th day of March, A. D. 1883.

## CHAPTER 274.

An act concerning the manufacture of brandy in the county of Mitchell.

*The General Assembly of North Carolina do enact :*

Persons authorized to make brandy out of their fruit, etc.

SECTION 1. That it shall be lawful for any person or persons to manufacture their fruits, peaches and apples into brandy within two miles of the town of Bakersville, in the county of Mitchell.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby 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 8th day of March, A. D. 1883.

## CHAPTER 275.

An act to punish the forgery of names to certain petitions and other papers.

*The General Assembly of North Carolina do enact :*

Misdemeanor to forge name to petition for office, etc.

SECTION 1. That any person who shall wilfully sign, or cause to be signed, or wilfully assents to the signing of

the name of any person without his consent, or of any deceased or fictitious person to any petition or recommendation with the intent of procuring any commutation of sentence, pardon or reprieve of any person convicted of any crime or offence, or for the purpose of procuring such pardon, reprieve or commutation, to be refused or delayed by any public officer, or with the intent of procuring from any person whatsoever, either for himself or another, any appointment to office, or to any position of honor or trust, or with the intent to influence the official action of any public officer in the management, conduct or decision of any matter effecting the public, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one thousand dollars, or imprisoned in the county jail or state prison not exceeding five years, or both, at the discretion of the judge.

Penalty.

SEC. 2. Any person who shall wilfully use any such paper for any of the purposes or intents above recited, knowing that any part of the signatures to such petition or recommendation has been signed thereto without the consent of the alleged signers, or that names of any dead or fictitious persons are signed thereto, shall be guilty of a misdemeanor, and punished in like manner and degree.

Misdemeanor to wilfully use petition with forged signature.

SEC. 3. 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. 1883.

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## CHAPTER 276.

An act for the benefit of farmers in Gray's Creek township, Cumberland 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 Rockfish bridge,

Fence to be built.

- Location. on the Wilmington road, down said road to the thirteen mile post, then to a point at or near the Jackson landing, on the Cape Fear river, then up said river to the mouth of Rockfish, then up Rockfish to the above mentioned bridge.
- To be only fence required by law for protection of crops in enclosed district. SEC. 2. That said fence, the Cape Fear river and Rockfish to the bridge on the Wilmington road, 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 damage done by said stock, and shall, for knowingly or negligently permitting any stock to go at large, be 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.
- Stock to be kept from running at large. Liability of owners for damage. Misdemeanor. Registrar. SEC. 3. The board of commissioners for Cumberland county shall appoint on the first Monday in April in 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 fifteen cents for all registrations so made. Said registrar shall keep said register open at all times for inspection, Sundays excepted.
- Duties. Removal of registrar. SEC. 4. The commissioners of said county shall have power to remove said registrar and appoint his successor.
- Impounding of 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 were taken up: *Provided, however,* that the person taking up said stock shall file a description of said stock with the registrar of the district, and each person taking up and impounding the said stock may demand twenty-five cents for each animal so taken up and twenty cents per head for each day said stock is kept impounded, and also the
- Proviso.

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.

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, after ten days' written notice posted at three or more public places in said district where said stock is impounded describing the same, and dating the place, day and hour of sale, shall 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 in the township where said stock is impounded, for the benefit of the public schools therein.

Sale of impounded live stock.

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 damage, which shall be paid by the person claiming 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 damages by said stock running at large therein may recover the amount of damages sustained by an action against the owner of said stock, and if any person shall with gun and dogs, or otherwise, unreasonably chase, worry, maim or kill any such stock when trespassing upon his lands or crops shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned thirty days.

Proceeding to obtain damages by live stock running at large.

SEC. 8. That any impounder, wilfully misappropriating money that he may receive under this act, or in any manner violating any of its provisions, shall be guilty of a misdemeanor, and upon conviction shall be fined not

Misdemeanor to unreasonably kill, etc., live stock trespassing on lands, etc.

Misdemeanor for impounder to misappropriate money, etc.

more than fifty dollars, or imprisoned not more than thirty days.

Meaning of  
"stock."

SEC. 9. The word "stock" in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats, and all such cattle or swine.

Overseers.

SEC. 10. The commissioners of said county shall, at the first sitting in July, one thousand eight hundred and eighty-three, or at any regular meeting prior to the first Monday in September, appoint one or more landowners of said district for overseers for one year, and they shall have said fence put up, and gates erected on the public highways by the first of April, one thousand eight hundred and eighty-three, 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 the other taxes, together with two per cent. on the amount.

Duties.

Overseer of fence.

SEC. 11. That said commissioners in their first meeting in each and every year shall appoint some landowner in said district overseer of said fence, whose duty it shall be to keep it in good repair at the expense of said landowners by the means aforesaid, and shall not be compelled to serve more than one year in four. For a wilful neglect of the duties imposed in this section, he shall be guilty of a misdemeanor.

Duty.

Overseer authorized to take timber, etc.

SEC. 12. Said overseer shall have the 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.

Proceeding by land owner to obtain damages.

Gates.

SEC. 13. Said fence shall be built, with gates upon all the public highways leading through said district, by

the first of April, 1883, and when completed, it shall be the duty of the owners to give public notice in three public places in said district of the establishment of said fence, and from and after ten days from such publication, the provisions of this act shall go into operation and take effect.

Notice of establishment of fence.

SEC. 14. It shall be lawful to erect gates across the public roads, and any one owning land in the enclosed district shall have the privilege of erecting at his own expense private gates in said line of fences.

Gates.

SEC. 15. 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 guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to injure, etc., fence or gates.

SEC. 16. 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. 1883.

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## CHAPTER 277.

An act to pay Mrs. Mary R. Moore for services rendered as clerk to the late superintendent of the insane asylum at Goldsboro.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the public treasurer pay to Mrs. Mary R. Moore, widow of the late Dr. W. H. Moore, out of any money in the treasury not otherwise appropriated, the sum of one hundred and fifty dollars, for services rendered as clerk to her late husband while superintendent of the insane asylum at Goldsboro.

Treasurer directed to pay Mrs. Mary R. Moore \$150.

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

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1883.

## CHAPTER 278.

An act to prohibit the manufacture and sale of spirituous liquors within one mile of Rutherford college.

*The General Assembly of North Carolina do enact :*

Unlawful to manufacture, etc., liquors within one mile of Rutherford College.

SECTION 1. That it shall be unlawful to manufacture, sell, or otherwise dispose of, any spirituous, vinous or malt liquors within one mile of Rutherford college, in Burke (county), and any person who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not than fifty dollars, or imprisoned not more than thirty days.

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 8th day of March, A. D. 1883.

## CHAPTER 279.

An act to prevent the felling of trees in South Yadkin river in Iredell county.

*The General Assembly of North Carolina do enact :*

Unlawful to fell trees in South Yadkin river.

SECTION 1. That it shall be unlawful for any person to fell any tree in South Yadkin river and allow the same to remain for a period longer than two days.

Misdemeanor.

SEC. 2. Any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or imprisoned more than thirty days.

SEC. 3. 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. 1883.

### CHAPTER 280.

An act to prohibit the sale of intoxicating liquors in certain localities in the county of Madison.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to sell or give away any intoxicating liquors within two miles of the following places: Caney Fork church on Little Pine creek, Brush Creek School House, Bryant School House, Roberts' Mill on Walnut creek, Gudger's Mill on Sandy Mush creek, and Jewell Hill church.

Unlawful to sell, etc., liquors within two miles of certain localities in Madison county.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction of the same be fined and punished at the discretion of the court.

Misdemeanor.

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. 1883.

### CHAPTER 281.

An act to amend section one, chapter three hundred and fifty-four, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-four, laws of one thousand eight hundred and eighty-one, be

Chap. 354, laws 1881, amended.

Stock law.

amended by adding "or Pamlico, Dare and Caldwell counties," after said counties in line six.

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. 1883.

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## CHAPTER 282.

An act to establish a graded school in Shoe Heel school districts number one and two for white children.

*The General Assembly of North Carolina do enact:*

Election in Shoe Heel school district upon question of special tax for white graded school.

SECTION 1. That the board of county commissioners of Robeson county shall submit to the qualified voters of Shoe Heel school districts known as districts number one and two for white children in said county, on the first Thursday in April, one thousand eight hundred and eighty-three, under such rules and regulations as said board may prescribe, whether an annual assessment shall be levied therein for the support of a graded public school for the white children in said school districts. 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 as are prescribed by law for the election of members of the general assembly: *Provided*, that two ballot boxes shall be used, and those electors who reside in district number one shall deposit their ballots in one box, and those electors who reside in district number two shall deposit their ballots in the other; and if a majority of the electors of one district shall vote "for school" and not a majority of the electors of both districts combined, then in that event the school shall be established in the district where the said majority

Ballots, ?

Election, how held.

School to be established on majority vote.

of the ballots were cast, and the trustees named in this act who reside in the said school district shall be the trustees of said school.

Trustees.

SEC. 2. That in case a majority of the qualified voters of said school districts or district shall be in favor of such assessment, the same shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes.

Special tax to be levied on majority vote.

SEC. 3. That the special assessment so levied shall not exceed one-fourth of one per centum on one hundred dollars' valuation of real and personal property, and seventy-five cents on each taxable poll.

Limitation of tax.

SEC. 4. That the sheriff of Robeson shall collect all such assessments levied by the board of county commissioners for said school, account with and pay the same over to the county treasurer under the rules, regulations and penalties provided by law.

Sheriff to collect.

SEC. 5. The special assessment levied and collected from the taxable property of white persons and white polls shall be expended for a graded public school for the white children of both sexes, between the ages of six and twenty-one years in said school district: and the special assessments levied and collected from the taxable property and polls of colored persons shall be expended for the benefit of the public school for the colored children residing in the colored school district in which said assessments are levied and collected.

Taxes collected from white persons to be applied to support of white graded school.

Taxes collected from colored persons to be applied to support of public school for colored children.

SEC. 6. That J. C. McCaskill, E. L. McCormac, W. B. Harker, J. D. Croone, J. C. McLean and David McCall, in school district number one, and J. B. Wilkinson, L. R. Townsend, R. M. McNair, A. C. Wilkinson and Murdoc McKintire, in school district number two, be and they are hereby constituted a board of trustees for the graded school for the whites in school district numbers one and two, and are incorporated by the name of the Shoe Heel Graded School, and may sue and be sued, have a common seal, purchase and hold real and personal property, not

Trustees for white graded school.

Incorporated.

Name.

Corporate powers.

exceeding ten thousand dollars in value, shall have power to fill all vacancies occurring in said board; to employ and dismiss teachers, and regulate their salaries; shall have power to suspend and expel any pupil, and do all such acts as shall be necessary to carry on said graded school. They shall elect one of their number chairman, and one as secretary, and prescribe their duties.

Authorized to require payment from parents, etc.

SEC. 7. The said board of trustees may require parents or guardians to pay a sum not to exceed in any case one dollar a month per capita for such child or children as reside in said school district, and attend said graded school.

Non-resident pupils admitted on payment of tuition.

SEC. 8. The board of trustees may admit as pupils in said graded school, children who reside without the boundaries of said school district, upon the payment of such rates for tuition as shall be fixed by the board.

Quorum.

SEC. 9. That a majority of the board of trustees shall constitute a quorum for the transaction of business.

Public school money for white children applicable to support of white graded school.

SEC. 10. That in addition to the assessments hereinbefore provided for the public school money which shall hereafter be collected under the general school law for public school purposes for white children in said school district shall be set apart by the county board of education and applied to said graded school; and all funds now in the hands of the county treasurer heretofore collected for such white children in said district shall be applied to said graded school, and all fines imposed by the mayor of said town for violations of the ordinances thereof shall be paid into the county treasury for the use and benefit of said graded school; and the license taxes imposed on dealers in spirituous and malt liquors, wine or cider by the town authorities within the limits of said school district shall be divided *per capita* among the school children of both races between the ages of six and twenty-one residing in said district, and for this purpose shall be, by the collecting officer charged with the collection of

Fines collected by mayor.

License taxes.

the same, paid into the county treasury and divided by the county board of education.

SEC. 11. That no member of the board of trustees shall receive any compensation for services rendered by him as trustee: *Provided, however,* that reasonable compensation may be allowed the secretary of said board.

Trustees to receive no compensation.

Proviso.

SEC. 12. That no trustee shall be a teacher in said school.

No trustee to be a teacher.

SEC. 13. That the sheriff and county treasurer of Robeson county, and the constable, and town clerk, and treasurer of the town of Shoe Heel, and the sureties on their official bond, shall be responsible for the proper collection and disbursement of all moneys collected or disbursed under the provisions of this act.

Liability of official bonds.

SEC. 14. The orders of the board of trustees of said graded school drawn on the treasurer of Robeson county, signed by the chairman, and attested by the secretary of the board, setting forth the amount and the purpose for which they are drawn, shall be the only valid vouchers in the hands of the treasurer for the disbursement of the funds appropriated under this act.

Orders on county treasurer.

SEC. 15. The secretary of said board of trustees shall keep a true and proper record of the proceedings of the board.

Secretary of board of trustees to keep record.

SEC. 16. 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. 1883.

## CHAPTER 283.

[ An act for the encouragement and support of the State Guard.

*The General Assembly of North Carolina do enact :*

Governor authorized to pay duly organized companies \$150.

SECTION 1. That the governor is authorized to pay to each duly organized company of the state guard, which complies with all the requirements of the law and regulations governing the active militia, the sum of one hundred and fifty dollars per annum for payment of armory rent and other necessary expenses: *Provided*, the numbers of said companies shall not exceed in the aggregate twenty-five, and that said companies shall be located on or near the lines of communication by railroad or steamboat or telegraph.

Proviso.

Adjutant general.

SEC. 2. That the adjutant general shall be appointed by the governor, and shall hold his office for the term of four years, shall execute a bond of two thousand dollars, conditioned for the faithful performance of his duties, and shall be paid an annual salary of six hundred dollars.

Bond.

Compensation.

Proceeding against officer or enlisted man, for failure to pay fines.

SEC. 3. That any officer or enlisted man failing to pay over any fine imposed on him under the general rules and regulations, or under the by-laws of his company, may be proceeded against for the same as for ordinary debt before a justice of the peace, and judgment having been obtained, execution shall issue and be levied and collected as in ordinary cases, the money when collected to be paid into the company fund.

Chap. 272, sec. 2, laws 1876-7, amended.

SEC. 4. That the laws of one thousand eight hundred and seventy six and seventy-seven, chapter two hundred and seventy-two, section two, shall be amended by adding the words, "and the governor may, whenever the exigences of the public service require it, detail for special duty any officer of the state guard, and his expenses and compensation therefor shall be paid upon the approval of the governor and warrant of the auditor."

Detail of officers for special duty.

SEC. 5. That the governor shall have power to make such use of any appropriation made by congress for the militia as he may deem best for the arming, equipment, support, maintenance and discipline of the state guard. The expenditures shall be made under his direction by such officers as he may direct and a report of the same shall appear in the annual report of the adjutant general.

Governor to disburse appropriations made by congress for militia.

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

In the general assembly read three times, and ratified this 8th day of March, A. D. 1883.

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## CHAPTER 284.

An act to amend chapter nineteen, private laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two of chapter nineteen, private laws of one thousand eight hundred and eighty-one, be stricken out and the following inserted in lieu thereof: The corporate limits of the town of Webster shall be as follows: beginning at a dogwood on the east bank of the Tuckaseegee river corner, between W. H. Enloe and R. H. Cannon and corner of section number seven, running with the line of number seven seventy-seven degrees east one hundred and thirty-two poles to a black oak corner of said section number seven, thence a continuation of the same degree north, seventy-seven degrees east, to the first branch east of Webster, thence down said branch to Davis' Mill creek, thence south to the top of the ridge between Davis' Mill creek and the river, thence down said ridge to the mouth of Davis' Mill creek, thence down with the meanders of the river to the beginning.

Chap. 19, sec. 2, private laws 1881, amended.

Corporate limits of Webster.

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. 1883.

## CHAPTER 285.

An act for the protection of fish in Guilford county.

*The General Assembly of North Carolina do enact :*

Unlawful to keep  
set net across  
Stinking Quarter  
creek.

SECTION 1. That it shall be unlawful for any person to keep any set net or seine setting across Stinking Quarter creek, in Guilford county, between the dam at Mt. Pleasant Manufacturing Company and the dam at F. A. Rietgel's mill on the southeast prong, and the dam at C. M. Mendenhall's mill on the northwest prong on any day except Saturday of every week so as to obstruct and prevent the passage of fish up the waters of said creek.

Saturday except-  
ed.

Misdemeanor.

SEC. 2. That any person violating the provisions as contained in section first of this act shall be guilty of a misdemeanor, and on conviction before a justice of the peace shall be fined not exceeding fifty dollars or imprisoned not exceeding 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 8th day of March, A. D. 1883.

## CHAPTER 286.

An act to repeal chapter eighty-six, laws of one thousand eight hundred and sixty-nine and seventy, and chapter one hundred and ninety-four, laws of one thousand eight hundred and seventy and seventy-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-six, laws of one thousand eight [hundred] and sixty-nine and seventy, and chapter one hundred and ninety-four, laws of one thousand eight hundred and seventy and seventy-one, declaring the Brevard Jones Gap and French Broad road a turnpike, be and the same is hereby repealed.

Chap. 86, laws 1869-70, and chap. 194, laws 1870-71, repealed.

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 8th day of March, A. D. 1883.

## CHAPTER 287.

An act to prevent the felling of trees or otherwise obstructing the flow of water in Grant's creek, Rowan county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to fell trees or otherwise obstruct the flow of water in Grant's creek, in the county of Rowan, between A. J. Sechler's mill, near Luther's Chapel, and the mouth of said creek, and the provisions of this act shall also apply to Tuckaseegee river and its tributaries, in Swain county.

Unlawful to obstruct Grant's creek, in Rowan county.

Act applicable to Tuckaseegee river in Swain county.

SEC. 2. That whenever any obstructions are found in said streams, the person or persons upon whose lands the

Removal of obstructions.

obstructions are so found, upon receiving a written notice of the same, shall cause them to be removed within twenty days from the receipt of said notice.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 4. 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. 1883.

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## CHAPTER 288.

An act to prohibit the use of fyke nets, fish traps or set down seines in Masonboro and Myrtle Grove Sound.

*The General Assembly of North Carolina do enact:*

Unlawful to use  
fyke nets, etc., in  
Masonboro and  
Myrtle Grove  
Sounds.

SECTION 1. That it shall be unlawful for any person to use any fyke nets or set down seines, or place any fish trap for the purpose of catching fish in the waters of Masonboro and Myrtle Grove Sound in New Hanover county.

Misdemeanor.

SEC. 2. That any person who shall violate any provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than twenty days.

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. 1883.

## CHAPTER 289.

An act to repeal certain parts of section thirteen, chapter one hundred and fifty-four, laws of one thousand eight hundred and seventy-six and seventy-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That so much of section thirteen, chapter (154) one hundred and fifty-four, laws of one thousand eight hundred and seventy-six and seventy-seven, as requires the bonds of clerks of inferior courts to be approved by the justices of the county, is hereby repealed.

Chap. 154, sec. 13,  
laws 1876-7,  
amended.

Bonds of inferior  
court clerks.

SEC. 2. That the said bonds shall be accepted and approved by the board of commissioners of the county as is authorized and required in other cases of county officers giving bonds.

Board of commis-  
sioners to ap-  
prove bonds.

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. 1883.

## CHAPTER 290.

An act to prevent poisoning streams of water in this state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to put any poisonous substance or matter for the purpose of catching, killing or driving off any fish in any of the waters of any creek or river within the state.

Unlawful to use  
poisonous matter  
to catch fish.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, or both, at the discretion of the court.

Misdemeanor.

SEC. 3. This act shall be in force from and after May the 1st, 1883.

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1883.

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## CHAPTER 291.

An act to amend the act establishing the department of agriculture.

*The General Assembly of North Carolina do enact :*

Chap. 274, laws  
1876-7, amended.

Board of agricul-  
ture.

SECTION 1. That chapter two hundred and seventy-four, laws of one thousand eight hundred and seventy-six and seventy seven, be amended as follows: by striking out of section one of said act the words "the state geologist" and all after the words "agricultural college of the state," and then adding at the end thereof the words, "and one member elected by the general assembly" from each congressional district, who for the three preceding years has been a citizen of the state, the members from the first, fourth and eighth districts for a term of two years and their successors for terms of six years; the members from the second, fifth and seventh districts for a term of four years and their successors for terms of six years; and the members from the third, sixth and ninth districts for terms of six years, who shall be so chosen as to secure as nearly as may be a representation of all the leading industries of the state. All vacancies that may occur in the board shall be supplied by the board till the next regular session of the general assembly. Five members of the board shall be a quorum for the transaction of business.

Vacancies.

Quorum.

Sec. 2 amended.

Meetings of  
boards.

SEC. 2. Amend section two of said act so as to read as follows: The board shall meet for the transaction of business in the city of Raleigh four times a year and oftener if they deem it necessary, one of which meetings

shall be on the first Wednesday in December, and shall publish a quarterly report of the operations of the department, and shall make to each general assembly a full report of its general action and conduct, together with an itemized account of all the receipts and disbursements of the department. They may set apart such portions of their regular sessions as they may deem expedient for the discussion of topics appertaining to the material interests of the state, to which discussion all citizens may be invited. They shall receive no compensation except four dollars per day to each member of the board for the days not exceeding twelve in one year, during which he attends the sessions of the board; and also for each meeting of the board he attends, ten cents a mile for the distance from his home to Raleigh by the usual direct route.

SEC. 3. Section six of said act is repealed.

SEC. 4. Section fifteen of said act is amended by adding at the end thereof the words, "and shall have authority to offer premiums for the encouragement of agricultural and mechanical pursuits and the raising of improved live stock in this state."

SEC. 5. Section twenty of said act is amended by striking out all after the word "state" in line sixteen of said section.

SEC. 6. The board of agriculture constituted and elected as herein provided shall meet in the city of Raleigh on the first Wednesday in April, one thousand eight hundred and eighty-three, to make provisions for carrying out in full the purposes and requirements of this act, and on and after that date this act shall have full force and effect.

SEC. 7. Any dealer in fertilizers who may have on hand a quantity not exceeding ten tons when the license for the year expires, shall not be prevented by the provisions of this or any other act from selling the same without further taxes.

To make quarterly reports, etc.

Discussions.

Compensation.

Sec. 6 repealed.

Sec. 15 amended.

Premiums.

Sec. 20 amended.

Secs. 17 and 20 applicable to counties west of Blue Ridge.

Board to meet on April 4, 1883.

Dealer in fertilizers authorized to sell surplus on hand not exceeding ten tons.

Manufacturer of fertilizers liable to no other tax than the tax of \$500.

SEC. 8. That whenever any manufacturer of fertilizers shall have paid the licensed tax of five hundred dollars, his or their goods shall not be liable to any further tax, whether by city, town or county.

\$500 appropriated to N. C. Industrial Association.

SEC. 9. That the board of agriculture be authorized and directed to set apart and appropriate annually, of the money received from the tax on fertilizers, the sum of five hundred dollars for the benefit of the North Carolina Industrial Association, to be expended under the direction of the Board of Agriculture.

SEC. 10. 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. 1883.

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## CHAPTER 292.

An act to establish a graded school in Lumberton school district, number seventy, for white children.

*The General Assembly of North Carolina do enact :*

Election in Lumberton upon question of special tax for white graded school.

SECTION 1. That the board of county commissioners of Robeson county shall submit to the qualified voters of Lumberton school district known as district number seventy for white children in said county, on the third Thursday in April, one thousand eight hundred and eighty-three, under such rules and regulations as said board may prescribe, whether an annual assessment shall be levied therein for the support of a graded public school for the white children in said school district. 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 as are prescribed by law for the election of members of the general assembly.

Ballots.

Election, how held.

SEC. 2. That in case a majority of the qualified voters of said school district shall be in favor of such assessment, the same shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes.

Tax to be levied on majority vote.

SEC. 3. That the special assessments so levied shall not exceed one-fourth of one per centum on one hundred dollars valuation of real and personal property, and seventy-five cents on each taxable poll.

Limitation of tax.

SEC. 4. That the sheriff of Robeson shall collect all such assessments levied by the board of county commissioners for said school, and account with and pay the same over to the county treasurer under the rules, regulations and penalties provided by law.

Sheriff to collect and pay to county treasurer.

SEC. 5. The special assessments levied and collected from the taxable property of white persons and white polls, shall be expended for a graded public school for white children of both sexes between the ages of six and twenty-one years in said school district, and the special assessments levied and collected from the taxable property and polls of colored persons shall be expended for the benefit of the public school for the colored children residing in the colored school district in which said assessments are levied and collected.

Taxes collected from white persons applicable to support of white graded school.

Taxes collected from colored persons applicable to support of public school for colored children.

SEC. 6. That Berry Goodwin, J. A. McAllister, James S. McNeill, Alfred Rowland, A. W. McLeod, Robert D. Caldwell, Durham Lewis, W. J. Cooley, O. C. Norment, C. B. Townsend and E. K. Proctor, Jr., be and they are hereby constituted a board of trustees for the graded school for the whites in school district number seventy, and are incorporated by the name of the "Lumberton Graded School," and may sue and be sued, have a common seal, purchase and hold real and personal property not exceeding ten thousand dollars in value; shall have power to fill all vacancies occurring in said board, to employ and dismiss teachers and regulate their salaries, shall have power to suspend or expel any pupil, and do

Trustees for white graded school.

Incorporated

Name.

Corporate powers.

all such acts as shall be necessary to carry on said graded school. They shall elect one of their number chairman, and one as secretary, and prescribe their duties.

Authorized to require payment from parents, etc.

SEC. 7. The said board of trustees may require parents or guardians to pay a sum not to exceed in any case one dollar a month *per capita* for such child or children as reside in said school district and attend said graded school.

Non-resident pupils admitted on payment of tuition.

SEC. 8. The board of trustees may admit as pupils in said graded school, children who reside without the boundaries of said school district upon the payment of such rates of tuition as shall be fixed by the board.

Quorum.

SEC. 9. That a majority of the board of trustees shall constitute a quorum for the transaction of business.

Public school money for white children applicable to support of white graded school.

SEC. 10. That in addition to the assessments hereinbefore provided for, the public school money which shall hereafter be collected under the general school law for public school purposes for white children in said school district shall be set apart by the county board of education and applied to said graded school; and all funds now in the hands of the county treasurer heretofore collected for such white children in said district shall be applied to said graded school, and all fines imposed by the mayor of said town for violation of the ordinances thereof shall be paid into the county treasury for the use and benefit of said graded school, and the license taxes imposed on dealers in spirituous and malt liquors, wine or cider by the state, county and town authorities within the limits of said school district, shall be divided *per capita* among the school children of both races between the ages of six and twenty-one residing in said district, and for this purpose shall be by the collecting officer charged with the collection of the same paid into the county treasury and divided by the county board of education.

Fines collected by mayor.

License taxes.

Trustees to receive no compensation.

SEC. 11. That no member of the board of trustees shall receive any compensation for services rendered by him

as trustee: *Provided, however,* that reasonable compensation may be allowed the secretary of said board. Proviso.

SEC. 12. That no trustee shall be a teacher in said school. No trustee to be a teacher.

SEC. 13. That the sheriff and county treasurer of Robeson county and the constable and town clerk and treasurer of town of Lumberton, and the sureties on their official bonds, shall be responsible for the proper collection and disbursement of all money collected or disbursed under the provisions of this act. Liability of official bonds.

SEC. 14. The orders of the board of trustees of said graded school drawn on the treasurer of Robeson county, signed by the chairman and attested by the secretary of the board, setting forth the amount and the purpose for which they are drawn, shall be the only valid vouchers in the possession of the treasurer for the disbursement of the funds appropriated under this act. Orders on county treasurer.

SEC. 15. That the secretary of said board of trustees shall keep a true and proper record of the proceedings of the board. Secretary of board of trustees to keep record.

SEC. 16. 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. 1883.

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## CHAPTER 293.

An act to prohibit the sale of intoxicating liquors within one mile of Wilson's Mills, in Johnston county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful to sell spirituous, malt or other intoxicating liquors within one mile of Wilson's Mills, in Johnston county. Unlawful to retail liquor within one mile of Wilson's Mills.

Misdemeanor.

SEC. 2. That any person violating the provisions of section one shall be guilty of a misdemeanor.

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. 1883.

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## CHAPTER 294.

An act to repeal so much of section two, chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one, so far as the same relates to Saratoga Free Will Baptist church and Pleasant Hill church near Saratoga, in Wilson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That so much of section two, of chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one, as relates to Saratoga Free Will Baptist church and Pleasant Hill church near Saratoga, in the county of Wilson, ratified the twelfth day of March, one thousand eight hundred and eighty-one, be and the same is hereby repealed, and that the act of the general assembly heretofore passed, incorporating the town of Saratoga, in the county of Wilson, be and the same is hereby affirmed and re-enacted to all intents and purposes in the law.

SEC. 2. 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. 1883.

Chap. 234, s. 2,  
laws 1881,  
amended.

Sale of liquor  
within two miles.

Town of Saratoga  
incorporated.

## CHAPTER 295.

An act to authorize and empower the sheriff of Forsyth county to collect certain arrears of taxes.

WHEREAS, certain taxes were assessed against the stockholders of the late First National Bank of Salem, North Carolina, for the year one thousand eight hundred and seventy-three, upon their shares of stock in said bank; and whereas, the said stockholders by proceedings in the courts of the state have resisted the payment of the same until the time for its collection by the sheriff as other taxes has expired; and whereas, the supreme court of the state have recently decided that the holders of said shares of stock are liable for said taxes; therefore,

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That whenever the clerk of the board of commissioners of Forsyth county shall have delivered to the sheriff of said county a certified copy of the taxes assessed against the various and respective holders of shares of stock in the First National Bank of Salem in and for the year one thousand eight hundred and seventy-three, as shown by the tax lists and books in his office, then it shall be the duty of said sheriff to proceed to collect from said stockholders, and if they or any one of them be dead, he shall collect from his personal representatives the amount of taxes thus shown to be due as other taxes are collected; such certified copy when so delivered to the sheriff shall have all the force and effect of a tax list regularly made out and delivered to the sheriff for the collection of state and county taxes.

Collection of arrears of taxes from stockholders of First National Bank of Salem authorized.

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. 1883.

## CHAPTER 296.

An act to make fishing with seines or nets in Sappony creek, in Cooper's township, Nash county, a misdemeanor.

*The General Assembly of North Carolina do enact:*

Misdemeanor to fish with seines, etc., in Sappony creek.

SECTION 1. That any person who shall fish with seines or nets in Sappony creek, in Cooper's township, Nash county, or who shall muddy the waters of said creek within said township for the purpose of catching fish, shall be guilty of a misdemeanor, and on conviction shall be fined not to exceed ten dollars, or imprisoned not to exceed ten days, or both, in the discretion of the court.

SEC. 2. 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. 1883.

## CHAPTER 297.

An act supplemental to an act entitled "an act amending the charter of the Granville Railroad Company," ratified February twenty-fourth, one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact:*

Chap. 177, sec. 1,  
ante amended.

SECTION 1. That section one of "an act amending the charter of the Granville Railroad Company," ratified February twenty-fourth, one thousand eight hundred and eighty-three, be amended by striking out the word "Caswell" and inserting in lieu thereof the word "Surry."

Caswell stricken  
out and Surry  
inserted.

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. 1883.

## CHAPTER 298.

An act to change the time of holding the courts in the seventh judicial district.

*The General Assembly of North Carolina do enact :*

SECTION 1. That from and after the first day of July, one thousand eight hundred and eighty-three, the superior court of Davie county shall be held on the first Mondays of March and September, the superior court of Yadkin county shall be held on the second Mondays of March and September, and the superior court of Davidson county shall be held on the third Mondays of March and September.

Davie county.

Yadkin county.

Davidson county.

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. 1883.

## CHAPTER 299.

An act to prevent live stock from running at large in Caswell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any live stock to run at large in Caswell county.

Unlawful for live stock to run at large.

SEC. 2. It shall be the duty of the justices of the peace in said county to register all descriptions of live stock taken up or impounded, and each justice shall keep such register open for inspection at all times, Sundays excepted.

Justices to register live stock impounded.

SEC. 3. It shall be lawful for any person to take up any live stock running at large in said county and to impound

Impounding of live stock.

- the same in the township where said stock is taken up :
- Proviso. *Provided*, the person taking up said stock shall file a description of said stock with a justice of the peace in the township where said stock is taken up, and each person so taking up and impounding the same may demand twenty-five cents for each animal so taken up and twenty cents per head each day the said stock is kept impounded, and may retain the said stock until all the legal charges for impounding the same and for the damages caused by said stock are paid.
- Compensation of persons impounding stock. SEC. 4. That if the owner of any live stock so impounded refuse or neglect to redeem the same within twenty days after said description is filed with a justice of the peace, then the impounded stock shall after ten days' written notice posted in three or more public places in said township where the stock is impounded sell the said stock at public auction and apply the proceeds to the payment of all costs and damages provided for in this act and the balance he shall turn over to the owner if known, and if the owner be not known, then to the county commissioners for the benefit of the public schools of the county.
- Sale of impounded stock. Damages. SEC. 5. That any person who may suffer damages by reason of stock running at large, may recover double the amount of damages by an action against the owner of said stock.
- Application of proceeds. SEC. 6. 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 thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.
- Misdemeanor to rescue, etc., impounded stock. SEC. 7. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, sheep, calves, goats, and all other such cattle and swine.
- Meaning of "stock." SEC. 8. It shall be the duty of the board of commissioners of said county to forthwith erect a good and lawful fence around the said county, except on the Virginia
- County commissioners to build fence.

line, with gates across the public roads leading into said county, and to defray the expense of the same they shall levy and collect an assessment, not to exceed twenty cents upon the hundred dollars taxable valuation upon the real estate in said county. Special tax.

SEC. 9. That any citizen or citizens of Caswell county are hereby authorized and empowered, at their own expense, to construct said fence or any part of it along the line indicated by this act, and to erect gates on any of the highways or the said line of fence. Citizens authorized to build fence.

SEC. 10. That if any owner of land along the line shall object to the building of any fence herein allowed, his land not exceeding twenty feet in width for the fencing herein provided for, upon the application of any person or persons to any justice of the peace of said Caswell county, which justice of the peace shall at once proceed to summon two disinterested freeholders who shall, together with him, pay [lay] off and condemn such fencing, after giving to the owners of said lands or his or their agents two days' notice, and they shall assess such damages as they may think just. Condemnation of land.

SEC. 11. That any person who shall wilfully permit his or her live stock to run at large within said county, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor to permit live stock to run at large.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall be in force from and after the first day of October, Anno Domini one thousand eight hundred and eighty-three. Conflicting laws repealed.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

## CHAPTER 300.

An act to amend chapter two hundred and forty-two, 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 :*

Chap. 242, sec. 18,  
laws 1876-'7,  
amended.

Special venire  
from day to day,  
New Hanover  
criminal court.

SECTION 1. That chapter two hundred and forty-two of the laws of one thousand eight hundred and seventy-six and seventy-seven (1876 and 1877) be and the same is hereby amended by striking out all after the word "courts" in the thirty-second line of the eighteenth section of said chapter, and by inserting the following, to-wit: there shall be a special venire, the number of which shall be designated by the presiding judge, drawn from day to day of each term of said court (under the supervision of the chairman of the board of commissioners or some other member of said board and the clerk of said criminal court), by a boy of ten years of age or under from a box containing the names of the qualified jurors of said county, to be furnished by the commissioners of said county, and the said special venires shall be drawn and the list given to the sheriff of said county on not less than the day previous to that on which the jurors of said special venires are required to serve. And that there may not be a deficiency of jurors upon any day of said court, the judge thereof may order the sheriff to summon a sufficient number of the bystanders as may make up the deficiency. In all cases of capital felonies the special venire ordered by the judge to be summoned shall be drawn according to the mode set forth in this amendment; should this venire be exhausted before a jury is selected, then a second venire shall be drawn and summoned in like manner. All jurors drawn under the provisions of this amendment shall receive the same pay *per diem* as tales jurors.

Capital felonies.

SEC. 2. The county commissioners are empowered to allow such an amount *per diem* to the supervisors of the said drawings as they may deem just and proper. For summoning this special venire the sheriff shall receive the same fees as he is allowed by law for summoning tales jurors.

Compensation of supervisors.

Sheriff's fees.

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. 1883.

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## CHAPTER 301.

An act to prevent the obstruction of the passage of fish in Neuse river.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to construct a dam, put in a trap, dutch net, wire seine, or anything else in Neuse river any where between its mouth and the Falls of Neuse in Wake county, for the purpose of obstructing the passage of fish in said river: *Provided*, that this section shall not apply to seines, set nets, running or skimming nets.

Unlawful to obstruct passage of fish in Neuse river.

Proviso.

SEC. 2. That every person guilty of violating the provisions of section one of this act, shall be guilty of a misdemeanor, and on conviction before any court having jurisdiction of the same, shall be fined not less than fifty dollars or imprisoned not less than two months, or both fined and imprisoned in the discretion of the court, and within the limits above specified.

Misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict herewith shall be and are hereby repealed.

Conflicting laws 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 9th day of March, A. D. 1883.

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CHAPTER 302.

An act to authorize the commissioners of Swain county to levy a special tax.

*The General Assembly of North Carolina do enact:*

Commissioners authorized to levy special tax to build court house, etc.

SECTION 1. That the board of commissioners of Swain county be and are hereby authorized and empowered to levy a special tax for the purpose of paying for the building of a new court house, and repairing or rebuilding the jail for said county.

Levy and collection of tax.

SEC. 2. The tax authorized in the first section of this act shall be levied and collected as and when other public taxes are collected upon the property and polls of said county for the years one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty five and one thousand eight hundred and eighty-six: *Provided*, the constitutional equation between the property and poll be observed and the sum levied and collected shall not exceed twelve hundred dollars in any one year.

Proviso.

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

In the general assembly read three times, and ratified the 9th day of March, A. D. 1883.

## CHAPTER 303.

An act to amend chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one, known as the omnibus act, and entitled an act to prohibit the sale of spirituous liquors in certain localities.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter two hundred and thirty-four, of the laws of one thousand eight hundred and eighty-one, be amended by adding the words "Mount Vernon Baptist church, in the county of Wake," to the end of said section.

Chap. 234, sec. 1,  
laws 1881,  
amended.

Unlawful to sell  
liquor within one  
mile of Mount  
Vernon Baptist  
church.

SEC. 2. That section five of the same act be amended by striking the words "Mount Vernon Baptist church, in the county of Wake," from said section.

Sale of liquor  
within five miles.

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. 1883.

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 CHAPTER 304.

An act to amend section two, chapter ninety-four, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter ninety-four, of the laws of one thousand eight hundred and eighty-one, be amended by adding thereto the words, "Provided, the said boundary line shall not divide a tract of land without the consent of the owner thereof," but this proviso shall not be construed to prevent a fence, already in ex-

Chap. 94, sec. 2,  
laws 1881,  
amended.

Election in re-  
gard to stock law  
in certain coun-  
ties.

istence, a public road of a stream declared to be a lawful fence, being adopted as the boundary of such territory.

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. 1883.

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### CHAPTER 305.

**An act to prohibit the sale of liquor within two miles of Spring Hill Baptist, Hominy Grove, Arnold Plains, Bethel and Killian's Methodist churches, Haywood county.**

*The General Assembly of North Carolina do enact :*

Unlawful to sell, etc., liquor in certain localities in Haywood and Alexander counties.

SECTION 1. That it shall be unlawful for any person to sell, or otherwise dispose of any intoxicating liquors of any kind within two miles of Spring Hill church, Hominy Grove, Arnold Plains, and Killian's Chapel, or within three miles of Bethel church and school house, in Haywood county, and two miles of Elk Shoals A. R. Presbyterian church, Alexander county, in this state.

Misdemeanor

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned at 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 9th day of March, A. D. 1883.

## CHAPTER 306.

An act to change the name of Bruce township, in Guilford county, to Summerfield township.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the name of Bruce township, in Guilford county, be and the same is hereby changed to Summerfield township. Name changed.

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. 1883.

## CHAPTER 307.

An act for the relief of James W. Lancaster, Esq., of Wilson county, and James W. Rumble, of Rowan county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section eight of chapter seven, Battle's Revisal, shall not be applicable to James W. Lancaster, Esq., of Wilson, and James W. Rumble, of Rowan. Chap. 7, sec. 8, Battle's Revisal, not applicable to J. W. Lancaster and J. W. Rumble.

SEC. 2. That the appointment of said J. W. Lancaster and J. W. Rumble and their acceptance and qualification as justices of the peace in and for the counties of Wilson and Rowan respectively, shall in no wise affect their right to practice as attorneys at law in the various courts of the counties of Wilson and Rowan, except on such cases as have been appealed from the court of justice of the peace in which they presided or took part. Authorized to practice law in their respective counties.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

## CHAPTER 308.

An act to amend section five, chapter one hundred and ninety-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 :*

Chap. 192, sec. 5.  
Laws 1876-7,  
amended.

SECTION 1. That the act entitled "an act to organize a government for the city of Wilmington," ratified the sixth day of March, Anno Domini one thousand eight hundred and seventy-seven, be amended as follows: Insert after the word "entitled," in line five of section five, the following: "and no registration shall be deemed valid under the provisions of this act that does not specify the name of the person applying for registration, and the number of the lot, the number of the block, and the number of the ward (and sub-division of the ward, if any there be) in which he resides.

Registration of  
voters in Wil-  
mington.

Board of alder-  
men to have  
blocks and lots  
numbered.

SEC. 2. The board of aldermen of the city of Wilmington shall have each block and lot properly numbered at least thirty days before any election held under the requirements of section one of this act. The number of the block to be printed in large letters and placed on two posts of each block, and the number of each lot to be printed in large letters and put in each end of the lots in some convenient place, and notice of the same to be published for one week thereafter in the city papers.

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. 1883.

## CHAPTER 309.

An act to prevent the felling of trees in Halso and Cole swamp, in Duplin county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to fell any trees or brush or place any obstruction in Halso and Cole swamp, from the run of Cypress creek to where they fork, or in Halso swamp from where they fork to Lanier's old crossing.

Unlawful to fell trees, etc., in Halso and Cole swamps.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty dollars or imprisoned not more than twenty days.

Misdemeanor.

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

In the general assembly read three times, and ratified the 9th day of March, A. D. 1883.

## CHAPTER 310.

An act to disqualify certain persons from giving evidence in certain actions founded on judgments rendered and bonds and other contracts made and executed prior to August first, one thousand eight hundred and sixty-eight.

*The General Assembly of North Carolina do enact :*

SECTION 1. That no person who is or shall be a party to an action founded on a judgment rendered before the first day of August, one thousand eight hundred and sixty-eight, or on any bond executed prior to said last named date, or the assigner, endorser or any person who has at the time of the trial, or ever has had any interest

Parties, etc., to actions founded on judgments rendered on bonds executed prior to August 1, 1868, incompetent witnesses, etc.

in such judgment or bond, shall be a competent witness on the trial of such action.

Act not applica-  
ble to certain  
actions.

SEC. 2. That this act shall not apply to the trial of any action commenced before the first day of August, one thousand eight hundred and sixty-eight, nor to the trial of any action in which the defendant therein relies upon the plea of payment in fact, or pleads a counter claim and also introduces himself as a witness to establish the truth of such plea or pleas, but in all such cases the rules of evidence as contained in the Code of Civil Procedure shall prevail.

Chap. 183, laws  
1879, repealed.

SEC. 3. That chapter one hundred and eighty-three of the laws of one thousand eight hundred and seventy-nine be and the same is 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 9th day of March, A. D. 1883.

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## CHAPTER 311.

An act for the relief of Elizabeth F. Pratt, of Chowan county.

WHEREAS, James L. Pratt, late town constable and tax collector for the town of Edenton, died in November, one thousand eight hundred and eighty-two, having at that time taxes for the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one due him on the tax lists for said town to the amount of about eighty dollars; and whereas, the said Pratt before his death had settled in full the entire taxes for those years; and whereas, his widow, Elizabeth F. Pratt, is his administratrix:

*The General Assembly of North Carolina do enact :*

SECTION 1. That the said Elizabeth F. Pratt, administratrix aforesaid, be and she is hereby authorized to collect all arrears of taxes due on the tax lists of the town of Edenton for the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, under such rules and regulations as may be prescribed by law for the collection of taxes.

Elizabeth F. Pratt, administratrix, authorized to collect arrears of taxes in Edenton.

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. 1883.

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## CHAPTER 312.

An act to authorize and empower the board of commissioners of Buncombe county to finish the Spartanburg and Asheville Railroad between Hendersonville and Asheville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Buncombe county and every other person, persons or corporation, whom they may associate with them, are hereby authorized and empowered to finish, equip, operate that portion of the Spartanburg and Asheville Railroad between Hendersonville and Asheville on such terms and under such fair and reasonable contract and arrangement therefor as they may be able to make or obtain ; and when the same is so finished and equipped, the said parties so finishing and equipping the same shall have a first lien on the said road, its roadbed, right of way, franchises and property, and all interest therein on that said portion of road so finished and equipped, for the purpose and to the full extent of securing to them the just and full amount

Commissioners of Buncombe, etc., authorized to finish, etc., Spartanburg & Asheville R. R. between Hendersonville and Asheville.

Lien.

of all the money so expended in finishing and equipping thereof, with interest on the same at the rate of six per centum per annum till paid.

•  
Authorized to operate, etc., road.

SEC. 2. That the said parties shall be allowed to operate and manage said road on their own account, or to lease the same or make such running arrangement with the connecting roads as will be to best advantage; but they shall at all times keep a true and accurate account of all moneys expended by them in managing its affairs, and also of all moneys received by them from said road on any and all accounts, and from every and all sources whatsoever.

Preference to be given to owners of W. N. C. R. R.

SEC. 3. That in making such contract for the finishing of said road and for operating the same, a preference shall be given to the person owning and controlling and operating the Western North Carolina Railroad.

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. 1883.

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## CHAPTER 313.

An act for the protection of the new double track iron bridge across the French Broad river at Asheville.

*The General Assembly of North Carolina do enact:*

Unlawful to ride, etc., over bridge faster than a walk.

SECTION 1. That it shall be unlawful for any person to ride or drive at a gait faster than a walk over the new double tract iron bridge across the French Broad river at Asheville.

Misdemeanor.

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

SEC. 3. The board of commissioners of Buncombe county may enact such rules and regulations as will, under the provisions of this act, protect said bridge and secure the punishment of those violating the said provisions of the same.

Commissioners of Buncombe authorized to protect bridge, etc.

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. 1883.

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### CHAPTER 314.

An act to appoint and settle a ferry on the Great Pee Dee river, to be known as DeBerry's ferry.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Melissa A. Smith is hereby authorized to construct a ferry on the Great Pee Dee river, which is appointed and settled and to be located as hereinafter provided, and that said ferry shall be in all respects a public ferry and subject to the general laws, rules and regulations governing such ferries.

Melissa A. Smith authorized to construct ferry.

SEC. 2. That the said Melissa A. Smith, her heirs and assigns, shall have all the rights, powers, franchises and privileges usually conferred upon the owners and managers of such ferries and all rights, powers and privileges necessary to enable her to construct, establish and equip said ferry. And the said party, her heirs and assigns, are authorized to transport persons, vehicles of all sorts, and all kinds of freights, goods, wares and materials over and across said river at her said ferry by means of flats, boats or any craft she may see fit to use for that purpose, and to receive as a consideration for said transportation such fare or toll as may be prescribed by law or by the proper authority.

Rights, etc., conferred.

Bond.  
Liabilities, etc.      SEC. 3. That said party shall give bond and be subject to all the liabilities and penalties imposed by law for any neglect or omission in the control or management of said ferry.

Landings.      SEC. 4. That one landing of said ferry shall be situated on the bank of said river in Montgomery county, at or near the south corner of and on a tract of land granted to Walter Ashemore in the year one thousand seven hundred and seventy-three. The other landing to be situated on the bank of said river in Stanly county, at a point on said bank known as the DeBerry Mill Seat:  
Proviso.      *Provided*, that said party shall not use or enter upon the lands of any other person for the purpose of making or constructing landings without the consent or permission of such persons.

Rate of tolls.      SEC. 5. That said party for such transportation of persons, vehicles, freight, wares, goods and materials, shall not receive a greater toll or compensation than the following: for transporting one person, five cents; one person and horse or mule, ten cents; buggy and horse, twenty cents; two horses and wagon, twenty-five cents; four horses and wagon, sixty cents; and said party shall not be allowed to charge a less toll than is customary with other ferries on said river, McKay's ferry being excepted, which is allowed double the above amount.

When act to take effect.      SEC. 6. This act shall have no force nor effect until the board of commissioners of the counties of Stanly and Montgomery shall authorize the laying off and establishing a public road to such ferry in each county from the nearest public highway to the landing of such ferry.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

## CHAPTER 315.

An act to amend chapter one hundred and ninety-one, laws of one thousand eight hundred and eighty-one, and an act supplemental thereto.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled "an act for the better protection of farmers and fishermen," being chapter one hundred and ninety-one, of the laws of Anno Domini one thousand eight hundred and eighty-one, and also an act entitled an act supplemental to an act entitled an act for the better protection of farmers and fishermen, being chapter two hundred and sixteen of the laws of Anno Domini one thousand eight hundred and eighty-one, be and the same are hereby repealed so far as said acts concern, relate to and are applicable to the city of Wilmington, or the board of aldermen or other authorities of said city, or so far as they relate to the sale of fresh meats and the other articles named as referred to therein, or affect the powers of the board of aldermen of said city to regulate and control the markets of said city as such powers existed prior to the passage of said acts: *Provided, however,* that it shall be unlawful for the board of aldermen and other authorities of said city to impose any tax whatever upon any person, not a resident of said city, bringing into said city for sale in carts or wagons or on their persons any fresh meats, beef, pork, mutton, game, fish, oysters, clams, garden truck and all farm products: *Provided further,* that country wagons and carts shall not be required to remain at the city market house later than ten (10) o'clock a. m., after which time the said wagons and carts may be driven through the streets of Wilmington for the purpose of selling the remaining marketable products.

Chapters 191 and 216, laws 1881, repealed as to Wilmington.

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 9th day of March, A. D. 1883.

## CHAPTER 316.

An act to amend section twenty-five, chapter sixty-four, Battle's Revisal.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-five, of chapter sixty-four of Battle's Revisal, be amended by adding thereto the following: "That at any term of the superior court of the county in which such appeal is docketed after the lapse of one year from the date of the filing of the bond above mentioned, the tenant, after legal notice to that end has been duly executed on him, may be required to show cause why said bond should not be increased to an amount sufficient to cover rents and damages for such period as to the court may seem proper, and if such tenant shall fail to show proper cause and shall not file such bond for rents and damages as the court may direct, or make affidavit that he is unable so to do and show merits, his appeal shall be dismissed and the judgment of the justice of the peace shall be affirmed.

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. 1883.

Chap. 64, sec. 25,  
Battle's Revisal,  
amended.

Increase of bond  
on appeal from  
justices of the  
peace under land-  
lord and tenant  
act.

## CHAPTER 317.

An act to amend the fourth section of an act to change the name of the Edenton and Norfolk Railroad Company, and to make the same the Carolina and Chesapeake Railroad Company, and to amend the charter of said company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the fourth section of an act to change the name of the Edenton and Norfolk Railroad Company, and to make the same the Carolina and Chesapeake Railroad Company, and to amend the charter of said company, ratified February, one thousand eight hundred and eighty-three, be amended and re-enacted so that the same shall read as follows: Sec. 4. This act shall take effect from its ratification.

Chap. 123, ante amended.

Act to take effect from ratification.

SEC. 2. 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. 1883.

## CHAPTER 318.

An act to authorize the board of county commissioners of Northampton county to order the treasurer of said county to pay certain amounts due to teachers of public schools.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of the county of Northampton be and they are hereby authorized and empowered, if in their judgment it is just and right so to do, to order the treasurer for the county of Northampton to pay the following school orders given for services rendered as teachers prior to the enactment of the present school law, to-wit: to Mrs. Tempie A. Vin-

Authorized to order the payment of certain school orders.

cent one hundred and forty dollars for four months' services as teacher of public schools for district number two, Northampton county, to Mrs. E. P. High forty-five dollars for one and one-half months' services as teacher of public schools in district number two, to Miss S. J. Mason (now Mrs. S. J. Wilcox) thirty-six dollars for one month's service as teacher in district number three, and to Jordan Edwards thirty dollars for one month's service as teacher in district number thirty-one.

How paid.

SEC. 2. That said amounts, if ordered by said board to be paid, shall be paid out of the school funds in the hands of said treasurer due the districts respectively before named for the white race, and that the school committees of said district respectively shall regulate the schools in said districts so as to spare the amount or amounts due from said districts respectively.

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. 1883.

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## CHAPTER 319.

An act to amend the act establishing Vance county, allowing said county to hold two weeks term of superior court.

*The General Assembly of North Carolina do enact :*

Chap. 113, sec. 7,  
laws 1881,  
amended.

Vance superior  
court.

Conflicting laws  
repealed.

SECTION 1. That chapter one hundred and thirteen, laws of one thousand eight hundred and eighty-one, section seven, be and the same is hereby amended by striking out the word "one" before the word "week" in sixth line of said section, and inserting therefor the word "two."

SEC. 2. All laws in conflict with this act shall be and the same is hereby 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 9th day of March, A. D. 1883.

## CHAPTER 320.

An act for the better drainage of the lowlands on Reedy Fork and Horsepen creeks, in Guilford county, and Haw river and its tributaries, in Rockingham county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That David Pearson, Montague Hobb, Alevn Donnel, Henry Lambert, D. W. C. Benbow, in the county of Guilford, be appointed commissioners for Reedy Fork creek, from Foulkes' Mills in said county, up the stream to the New Garden road, and William Dennis, (Letta Williams), Milton Bellinger, Rufus Stanly, Samuel Smith [and] Nathaniel Page, be appointed commissioners for Horsepen creek, in said county of Guilford, from the McQueston's bridge up that stream to Cox's Mills, whose duty it shall be, as soon as practicable, to lay off said creek within the points mentioned into sections of convenient length, and for each section shall appoint an overseer, who shall be a landowner in the section for which he is appointed [and] shall hold his office for two years.

Commissioners  
for Reedy Fork  
creek.

Commissioners  
for Horsepen  
creek.

To lay off streams  
into sections.

To appoint over-  
seers.

SEC. 2. That said commissioners on the said creek shall have power, or a majority of them, to elect one of their number chairman for each set of commissioners, and may fill vacancies in their own number or in the place of overseers occasioned by death or otherwise, and in case of their neglect or failure so to do, then the board of county commissioners for Guilford county shall on application fill such vacancies for the purpose herein mentioned.

Chairman.

Vacancies.

Duty of commis-  
sioners.

SEC. 3. That the said commissioners on each of said creeks shall estimate the number of acres of bottom land belonging to each landholder on their respective creeks from Foulkes' Mills on the Reedy Fork, and from McQuestion's bridge on the Horsepen, and shall furnish each overseer with a copy of the estimate for his section, and said landowners when required, after five days' notice by the overseer, shall furnish one hand with appropriate tools for each twenty-five acres of bottom land so estimated, said hand to be an able and efficient hand, and on failing to furnish the same shall forfeit and pay one dollar per day for each failure, which may be recovered by said overseer by warrant as in cases of failure to work on public roads, and it shall be the duty of each overseer, with the hands so provided, to work not less than four days, if necessary, nor more than eight days, at the discretion of the commissioners appointed for each creek for each and every year, on the channel of said creeks, with power to straighten the same, when necessary, within the bounds of their respective sections, removing obstructions and improving the banks thereof, under such directions as said commissioners may prescribe.

Hands to be fur-  
nished overseers,  
on notice.

Penalty for fail-  
ure.

Duty of over-  
seers.

Wilful obstruc-  
tion of streams a  
misdemeanor.

SEC. 4. That any person or persons who shall wilfully and knowingly fell any timber or otherwise obstruct the waters in the channels between the points mentioned on each creek and the head of each creek, and shall permit the same to remain therein for the space of ten days, shall be deemed guilty of a misdemeanor, and on conviction thereof before the superior court shall be fined not less than ten dollars nor more than twenty dollars, or be imprisoned at the discretion of the court: *Provided*, that if any person or persons so offending shall pay the penalty of ten dollars to the overseer of his section before presentment is made of the same, he or they shall not be liable to indictment for said offences: *And provided further*, that on conviction the imprisonment shall not be more than forty days, at the discretion of the court.

Penalty\*

Proviso.

Proviso.

SEC. 5. That all moneys arising from failure to work on said creek, and all penalties collected under the provision of this act, shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said creek, and any overseer failing or neglecting to perform the duties required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof in the superior court shall be fined not more than twenty dollars, or be imprisoned not more than two months, at the discretion of the court.

Penalties, etc., to be paid to and expended by overseers.

Failure of overseer to perform duty, a misdemeanor.

SEC. 6. Nothing contained in this act shall prevent the building of public bridges on public roads and of said streams, nor private bridges and water gates by the landowner for their own convenience, provided they keep the same clean of the accumulation of rubbish.

Building of bridges, etc., not prohibited.

SEC. 7. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public roads.

No exemption from work on public roads.

SEC. 8. That nothing herein contained shall be construed to authorize either set of commissioners to have any voice in or control over the creek allotted to the other set of commissioners, but the duties and powers of each shall be the same as they would have been had the other not been provided for in this act.

Authority of commissioners.

SEC. 9. That upon the written petition of not less than twenty-five citizens of Rockingham county, who are owners of land lying upon Haw river in said county, it shall be the duty of the county commissioners of the county of Rockingham to appoint seven commissioners, resident of said county and owners of land lying upon Haw river or its tributaries, and when so appointed they shall be vested with full power and authority to proceed under the provisions of this act to drain and otherwise improve the condition of Haw river and its tributaries in said county of Rockingham, and when such commissioners have been so appointed as aforesaid, all the provis-

County commissioners of Rockingham to appoint commissioners for Haw river upon petition, etc.

Powers.

ions of the foregoing act shall apply to Haw river and its tributaries in the county of Rockingham.

When act to take effect.

SEC. 10. This act shall take effect on the first day of May, one thousand eight hundred and eighty-three.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

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## CHAPTER 321.

An act to drain the lowlands of Spurgin's creek, in the counties of Forsyth and Davidson.

*The General Assembly of North Carolina do enact :*

Commissioners.

SECTION 1. Robert Johnson, Levi Smith, John Garrison, Daniel Weavel and D. B. Clinard be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Spurgin's creek from its mouth, near William Spurgin's to its source, into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for two years and who shall be a landowner in the section for which he is appointed overseer.

To lay off Spurgin's creek into sections.

To appoint overseers.

Provisions of chapter 132, laws 1881, applicable to this act.

SEC. 2. That chapter one hundred and thirty-two, (132) of the laws of one thousand eight hundred and eighty-one, (1881) entitled "an act to secure the better drainage of the lowlands of Brushy Fork creek and its tributaries in the county of Davidson," and every section of said act as far as practicable and applicable, together with all the powers and authorities and duties therein contained, shall apply to the provisions of this act in as full manner as if all the said provisions, powers and duties were fully herein set forth: *Provided*, that nothing herein contained shall have the effect to damage any grist or saw mill on said stream.

Proviso.

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. 1883.

### CHAPTER 322.

An act to allow J. T. Dawson, late sheriff of Halifax county, to collect arrearages of taxes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. T. Dawson, late sheriff of Halifax county, be allowed until the first day of January, one thousand eight hundred and eighty-four, to collect arrearages of taxes due him while sheriff of said county: *Provided*, that if any taxpayer will make affidavit before a justice of the peace that he has paid such taxes, he shall not be compelled to pay the same: *Provided further*, that this act shall not apply to executors and administrators.

J. T. Dawson allowed to collect arrears of taxes.

Proviso.

Proviso.

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

In the general assembly read three times, and ratified the 9th day of March, A. D. 1883.

### CHAPTER 323.

An act to prevent the felling of timber in Cheoah river and its tributaries, in the county of Graham.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or

Unlawful to fell trees, etc., in Cheoah river.

persons to fell any timber or brush in Cheoah river and its tributaries in Graham county, and permit the same to remain therein.

Misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction of the same by any court having jurisdiction shall be fined not less than ten nor more than fifty dollars for each offence, or may be imprisoned not more than thirty days, in the discretion of the court.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of law in conflict with this act be and the same 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 9th day of March, A. D. 1883.

## CHAPTER 324.

An act authorizing the commissioners of Madison county to levy a special tax.

*The General Assembly of North Carolina do enact :*

Authorized to levy special tax not exceeding \$16,000.

Purposes of tax.

SECTION 1. That the board of commissioners of Madison county be and it is hereby authorized and empowered to levy a special tax not to exceed sixteen thousand dollars, one-third to be levied annually, beginning with the year one thousand eight hundred and eighty-three, for the purpose of building a jail, repairing the court house, paying the indebtedness of the county, and to build a bridge across the French Broad river at the town of Marshall.

Tax, how levied and collected.

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 constitutional equation between polls and property shall be observed in the levy of said special tax: *Provided further*, that the taxes levied and collected for the year one thousand eight hundred and eighty-three, as provided for in section one of this act, shall be applied to the building of a jail and repairing the court house, or so much of said tax as will be necessary to build said jail and repair said court house.

Proviso.

Application of tax collected in 1883.

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. 1883.

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## CHAPTER 325.

An act to authorize the county commissioners of Lenoir county to levy a special tax.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Lenoir county be and they are hereby authorized and empowered to levy a special tax on all property, privileges and subjects taxed by the state in said county, not to exceed one-fourth of one per centum on property and seventy-five cents on the poll, during the year one thousand eight hundred and eighty-three, for the purpose of building a bridge across Neuse river, near Kinston.

Authorized to levy special tax to build bridge, etc.

Limitation of tax.

SEC. 2. That the special tax levied by section first of this act shall be collected by the sheriff or tax collector of said county in the same manner and under the same rules and regulations as is prescribed by law for the collection of state and county taxes.

Tax, how collected.

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. 1883.

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CHAPTER 326.

An act to authorize the board of commissioners of Wake county to levy a special tax.

*The General Assembly of North Carolina do enact :*

Authorized to  
levy special tax  
to repair jail,

SECTION 1. That the board of commissioners of Wake county be and it is hereby authorized and empowered to levy a special tax during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, not to exceed each year one-twentieth of one per cent. on all subjects of taxation and fifteen cents on each taxable poll, for the special purpose of remodeling and repairing the jail of said county, said taxes to be levied at the same time with the other levies and shall be collected and accounted for by the sheriff or other collecting officer in the same manner and under the same penalties and within the same time as the other taxes levied in said county.

Limitation of  
tax.

How levied and  
collected.

Expenditure of  
tax.

SEC. 2. That the taxes collected by virtue of this act shall be applied to the above purpose and no other, and the amount so raised shall be expended only by the concurrent action of the justices of the peace and the board of commissioners of said 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 9th day of March, A. D. 1883.

## CHAPTER 327.

An act to cede to the United States certain lots and wharves in the city of Wilmington.

WHEREAS, the United States is in negotiation with the owners of certain lots and wharves in the city of Wilmington for the purchase of the same for the purpose of enlarging the custom house and wharf room for the public vessels of the government, and also for other custom purposes :

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the consent of the state is hereby given to the purchase by the United States of such lots and wharf property not to exceed in quantity five acres within the corporate limits of the city of Wilmington as the said United States may elect to purchase for the purpose of using the same for custom, and providing suitable wharves for said purposes and the public vessels of said United States.

Consent of state given to purchase of property for custom house, etc.

SEC. 2. That the consent so given is granted and given upon the express condition that the state of North Carolina shall retain a concurrent jurisdiction with the United States in and over the said lots of land and wharves so far that civil process in all cases and such criminal process as may issue under the authority of North Carolina against any person charged with the commission of any crime or other offence without said jurisdiction, may be executed in the same way and manner as if this jurisdiction had not been ceded.

Jurisdiction of state.

SEC. 3. That the said United States are to retain said jurisdiction so long as said tracts or lots of land and wharves shall be used for the purposes expressed in this act.

Jurisdiction of United States.

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. 1883.

## CHAPTER 328.

An act to authorize the commissioners of Caldwell county to offer a bounty for the killing of certain predatory animals.

*The General Assembly of North Carolina do enact :*

Authorized to offer bounty for killing foxes, etc.

SECTION 1. That the commissioners of Caldwell county are hereby authorized to offer a bounty of not less than two dollars nor more than five dollars to any person who may kill any fox, wildcat, catamount or panther in Caldwell county: *Provided*, said animal may have been started in Caldwell county and killed therein, or started in said county and pursued into and killed in an adjoining county.

Duty of commissioners.

SEC. 2. Before paying said bounty, the commissioners shall require the production of the scalp of the animal killed, and shall also require of the applicant for any bounty a statement under oath of the material facts set forth in the preceding section, and any person who shall wilfully, knowingly and corruptly swear falsely in regard to any material fact shall be guilty of perjury.

Perjury.

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. 1883.

## CHAPTER 329.

An act to authorize the board of county commissioners of Person county to subscribe to the capital stock of the Roxboro Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners for Person county be and they are hereby authorized to subscribe for the said county of Person the sum of sixty thousand dollars to the capital stock of the said Roxboro Railroad Company.

Authorized to  
subscribe \$60,000.

SEC. 2. That to provide for the payment of said subscription of sixty thousand dollars mentioned in the first section of this act, the county commissioners of said county of Person shall make and issue coupon bonds to the amount of sixty thousand dollars, in denominations of not less than one hundred nor more than one thousand dollars.

Authorized to  
issue coupon  
bonds.

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

Bonds, how  
issued, etc.

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

Payment of  
bonds.

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

Special tax.

SEC. 6. That said bonds shall be delivered to the president of said Roxboro Railroad Company at or before the

When bonds to  
be delivered to  
president of com-  
pany.

expiration of ninety days from the ratification of this act by the voters of said county of Person.

Certificate of stock to be issued to commissioners.

SEC. 7. That the president of the Roxboro Railroad Company shall issue and deliver to the board of county commissioners of Person county a certificate of stock in said Roxboro Railroad Company, equivalent to the amount of county bonds delivered at par value of said bonds, and said certificates of and in the said Roxboro Railroad Company shall be delivered to the county commissioners of said county at the same time and for the same amount that said county bonds are delivered to the president of the said Roxboro Railroad Company.

Election to be held upon question of subscription.

SEC. 8. That the board of county commissioners of Person county shall hold an election within sixty days after the ratification of this act, for the purpose of ascertaining the sense of the qualified voters of said county of Person, as to whether they will subscribe the aforesaid sum, having first given thirty days' notice of said election by public advertisement in the *Person County News*.

Election, how held.

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

Ballots,

Misdemeanor for commissioners to fail to order election, etc.

SEC. 10. That if said board of county commissioners of Person county shall fail to order said election mentioned in section eight of this act, or shall refuse to issue said bonds as provided for in section two of this act, after the qualified voters of said county shall vote for said subscription, then and in that case, they and each of them so refusing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars, or imprisoned not less than six months, in the discretion of the court.

Penalty,

SEC. 11. That it shall be the duty of the county commissioners of said county of Person to appoint one or more persons to represent the stock of said county in all the meetings of the stockholders of said Roxboro Railroad Company, and the appointment shall continue for twelve months, unless sooner revoked by the board of commissioners of said county.

Commissioners to appoint persons to represent county stock.

SEC. 12. That the coupons attached to said county bonds, named in the second section of this act, shall at all times after they become due, be receivable in payment of any tax due the said county of Person.

Coupons receivable for county taxes.

SEC. 13. 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. 1883.

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## CHAPTER 330.

An act to establish graded schools in the counties of Nash and Edgecombe.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of the county of Edgecombe are hereby authorized to submit to the qualified voters of that portion of Rocky Mount (number twelve) and Battleboro (number seventy-seven) townships in said county, embraced in the description given in section two of this act, on the first Monday in June, Anno Domini, one thousand eight hundred and eighty-three, 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 at Rocky Mount. That the board of commissioners of the county of Nash are hereby authorized to submit to

Election in portion of Edgecombe county, embraced in boundaries described in sec. 2, upon question of special tax for graded schools.

Election in portion of Nash county, embraced in boundaries described in sec. 2, etc.

the qualified voters of that portion of Rocky Mount and Stony Creek townships in said county, embraced in the description given in section two of this act, on the first Monday in June, Anno Domini one thousand eight hundred and eighty three, whether any 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 at Rocky Mount. 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 for the election of members of the general assembly, with this exception, however, that all the voters in that portion of Edgecombe county embraced in said boundary shall vote in one ballot box in the town of Rocky Mount, Edgecombe county, and that all the voters in that portion of Nash county embraced in said boundary shall vote in one ballot box in the town of Rocky Mount, Nash county.

Ballots.

Election, how held.

Polling places.

Boundary of school territory.

SEC. 2. That the boundary of said graded school territory shall be as follows, to-wit: beginning on the Wilmington and Weldon Railroad at K. C. Pope's corner, thence with the said K. C. Pope's northern boundary to J. J. Battle's land, thence with the said J. J. Battle's northern and eastern boundary line to the late Dr. J. P. Battle's land, thence with his northern and eastern boundary to H. H. and J. P. Doughtry's lands, thence with their northern and eastern boundary to T. W. Battle's land, thence with T. W. Battle's northern and eastern boundary to Tar river, thence with the said Tar river to the boundary line of Rocky Mount township, thence with the boundary line of Rocky Mount township to the Rocky Mount and Tarboro road, thence up the said road to the Bullock path, thence with the said Bullock Path to the Cokey road, thence with the said Cokey road to upper Cokey bridge, thence with the line of Rocky Mount township to the Wilmington and Weldon rail-

road, thence with the said Wilmington and Weldon Railroad to the Raleigh and Tarboro road, thence with the Raleigh and Tarboro road to Louis Joyner's, thence *via* Lemmon's bridge and Casenburg by the Enfield road to Stony creek, thence down Stony creek to Drew Bone's corner below W. R. Winstead's mill, thence with the said Bone's line to the line of the lands of the Rocky Mount Mills, thence with the western boundary of the Rocky Mount Mills land to Gray Armstrong's line, thence with the western boundary of Gray Armstrong's line to John A. Thorp's land, thence with the northern and western boundary of John A. Thorp's land to Henry Peal's land, thence with the northern boundary of said Henry Peal's land to George C. Battle's land, thence with the northern boundary of George C. Battle's land to J. E. Lindsey's land, thence with the northern boundary of J. E. Lindsey's land to John Thorp's land, thence with the northern boundary of John Thorp's land to J. L. Summer's land, thence with the northern boundary of J. L. Summer's land to the Wilmington and Weldon Railroad, thence with the Wilmington and Weldon Railroad to the beginning.

SEC. 3. That if a majority of the voters within the territory hereinbefore described 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 sheriffs of the counties of Nash and Edgecombe shall collect the portions of taxes levied in their respective counties and pay over the same to the treasurer of the Rocky Mount graded schools, under the same liabilities as are now prescribed by law for the collecting and paying over other taxes collected by them: *Provided*, that the special tax so levied and collected shall not exceed one-third of one per cent. on personal and real property and one dollar on the poll.

SEC. 4. That the special taxes thus levied and collected from the taxable property and poll of the white persons

Tax to be levied upon majority vote.

By whom collected.

Proviso.

Taxes collected from whites to be applied to support of white school.

shall be expended in keeping up a graded public school in said town 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 poll of colored persons shall be expended in keeping up a graded public school in said town for colored persons of both sexes between the ages of six and twenty-one years.

Taxes collected from colored persons to be applied to support of colored school.

Trustees for white graded school.

SEC. 5. That Jacob Battle, Thomas C. Powell, Daniel Abram, J. J. Battle, T. P. Braswell, John H. Thorp and James S. Battle, be and they are hereby constituted a board of trustees for the graded public school for the whites; that said board of trustees shall elect a treasurer, who shall hold his office for two years, and he shall give a good and sufficient bond in the sum of five thousand dollars, to be approved and accepted by the board of commissioners of Nash county, who shall record and file the same as other official bonds. That said board of trustees 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.

Treasurer.

Powers of trustees.

Trustees for colored graded school.

SEC. 6. That W. W. Parker, J. P. Doughtry, A. W. Arrington, S. L. Hart, Jr., Henry Lindsey, Samuel McLin and A. J. Bryant, be and they are hereby constituted a board of trustees for the graded public school for the colored children; that said board of trustees shall elect a treasurer, who shall hold his office for two years, and he shall give a good and sufficient bond in the sum of three thousand dollars, to be approved and accepted by the board of commissioners of Nash county, who shall record and file the same as other official bonds. That said board of trustees 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 public school for the colored children.

Treasurer.

Powers of trustees.

Public school money for white children to be applied to support of white 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 white children in said territory shall be paid to the treasurer of said white graded school, and by him applied under the order and directions of the said board of trustees for said white graded school for keeping up said school: *Provided, however*, that if the said graded school shall for any cause cease and determine, the public school money aforesaid shall be applied as now provided by law.

Proviso.

SEC. 8. That the public school money which shall from time to time be collected under the general school law for public school purposes for colored children in said territory shall be paid to the treasurer of said colored graded school, and by him applied under the order and directions of the board of trustees for the said colored graded school for keeping up said school: *Provided, however*, that if said school shall for any cause cease and determine, the public school money aforesaid shall be applied as now provided by law.

Public school money for colored children to be applied to support of colored school.

Proviso.

SEC. 9. That the sheriffs of the counties of Nash and Edgecombe are hereby authorized and directed to pay over the taxes collected under this act to the treasurer of the said graded schools in the following manner, to-wit: they shall pay to the treasurer of the graded school for the whites that portion of the taxes collected for the whites, and pay to the treasurer of the graded school for the colored respectively: *Provided, however*, that no such payments shall be made until the said treasurers respectively have given their bonds as in this act required.

Duty of sheriffs of Nash and Edgecombe.

Proviso.

SEC. 10. That no trustee of either of said graded schools shall, while acting as such, be a teacher therein.

No trustee to be a teacher.

SEC. 11. That if any of the trustees shall fail to attend three successive regular meetings of said board, they shall declare his office vacant and elect a successor: *Provided, however*, that this shall not apply if a satisfactory excuse be given.

Trustee failing to attend meeting.

Proviso.

SEC. 12. 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. 1883.

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CHAPTER 331.

An act to prohibit live stock from running at large in certain portions of Vance county.

*The General Assembly of North Carolina do enact :*

Unlawful for live stock to run at large in certain portion of Vance county.

SECTION 1. That it shall be unlawful for any live stock to run at large in Vance county within the following boundary, to-wit: In Kittrell's township, beginning at Forks of public roads near L. R. Edwards', thence southward with Chavis road which runs to Raleigh and Gaston Railroad in front of S. R. Hunt's residence, thence with railroad line to Mrs. C. W. Raney's and B. Y. Sims' corner, thence with said Raney and Sims' line as it runs to G. W. Blacknall's line, thence with Blacknall's line to G. W. Kittrell's line, thence with his line on public road to Thomas Capelhart's line, thence with his line on road to Linbank road, thence from this corner along said Linbank road and other lines as the road runs to the Fork roads, the place of beginning.

Act not to take effect until fence erected.

SEC. 2. This act shall not be in force within 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 roads (should any public road be hereafter opened) passing into and going out of said district: *Provided*, that no fence shall be required to be erected adjoining any other county or district which shall have, or may adopt, similar laws.

Proviso.

SEC. 3. If the owner of any land shall object to the building of any fence herein allowed, his or her 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*, when a public highway divides a tract of land that is also a county or township boundary, the fence may follow the highway as far as it constitutes such boundary, even against the consent of the owner of the land so divided. The county commissioners shall have exclusive control of erecting and repairing fences and gates herein provided for, and the appointment of such keepers and repairers of the same as they may deem proper, and they are hereby granted full powers for that purpose, to be exercised according to their best discretion.

Condemnation of land.

Proviso.

Proviso.

Authority of county commissioners.

SEC. 4. That for the purpose of the next preceding section, it shall be lawful for the county commissioners, if it shall appear to be necessary to them, to levy and collect, as other taxes are collected, a special tax upon all the realty in the aforesaid district or territory.

Special tax.

SEC. 5. Any person wilfully permitting his or her live stock to run at large within the aforesaid boundary or district shall be deemed guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor to permit stock to run at large.

SEC. 6. Any person wilfully tearing down or in any manner breaking a fence or any gate, or leaving open a gate established pursuant to this act, or wilfully breaking any closure within any boundary where this act is in force and wherein any stock is confined so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days.

Misdemeanor to tear down fence, etc.

Meaning of  
"stock."

SEC. 7. That 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.

Commissioners  
to give notice of  
establishment of  
fence.

SEC. 8. It shall be the duty of the county commissioners, when they shall have been notified by five freeholders within the above boundaries that a good and sufficient fence has been erected around the aforesaid boundary with gates erected upon all public roads leading into and out (if there should be any) of the same, to give public notice by advertising in three public places in Kittrell's township of the establishment of said fence; and from and after ten days from date of such publication, the provisions of this act shall go into operation and take effect.

When act to take  
effect.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

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## CHAPTER 332.

An act in relation to oyster gardens.

*The General Assembly of North Carolina do enact:*

Any inhabitant  
of state author-  
ized to make  
oyster beds under  
license from Su-  
perior court  
clerk.

SECTION 1. That any inhabitant of this state may make a bed in any of the waters of this state and lay down or plant oysters or clams therein, having first obtained license as hereinafter directed from the superior court clerk of the county wherein such bed may be, and he may stake out the grounds so as to include not exceeding ten acres with good and substantial stakes, extending at least two feet above high water mark, and placed at such intervals as to make the boundaries of such bed or garden distinctly known; and every person who shall obtain such license shall hold the same and have exclusive privilege thereof to him, his heirs and assigns. But no person may have more than one such bed in the same county.

Limitation.

SEC. 2. That nothing herein contained shall be construed to affect the rights of any owner or proprietor of lands in which there may be creeks or inlets, or which may be adjacent to any navigable waters, or to authorize any person to appropriate to his own use, or to stake off and enclose any natural oyster or clam bed, or in any wise to infringe the common right of the citizens of the state to any such natural bed, or to obstruct the free navigation of the waters aforesaid.

Construction of act.

SEC. 3. That the clerks of the superior courts may, in their discretion, grant license to make such oyster or clam bed to any inhabitant of this state who shall make application in writing describing particularly the place whereon he desires to make such bed.

Authority of superior court clerks.

SEC. 4. That the board of county commissioners may in their discretion cause to be made, not oftener than once in twelve months, a survey and examination of any or every such oyster or clam bed or garden in their county, the result of which examination or survey shall be reported under oath to the clerk of the superior court; and if it be found that the holder of such license as aforesaid has included within his stakes any natural oyster or clam bed, or a space containing more than ten acres, he shall forfeit such license and all the rights and privileges thereto belonging: further, if the holder of such license fail for the space of two years either to use such bed or to keep it properly designated by stakes, he shall forfeit such license and all the rights and privileges therein granted.

County commissioners authorized to make annual survey, etc.

Penalty for inclosing natural bed.

Penalty for failure to use bed, etc.

SEC. 5. That if any person shall do any injury to such beds or to the stakes thereof, or shall gather or take away any oysters or clams within the lines of the stakes aforesaid without permission first had from the owners thereof, he shall forfeit for each offence the sum of ten dollars, and if any person shall commit any such offence in the night time, he shall forfeit for each offence the sum of twenty-five dollars, and the penalties herein created may

Penalty for injury to bed, etc.

Penalty for injury, etc., committed at night.

be recovered by a warrant before a justice of the peace by any person who may sue therefor; and further, in addition to the penalties already prescribed in this section, such offender shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars and imprisoned not more than thirty days, in the discretion of the court.

Misdemeanor.

Repealing clause.

SEC. 6. That chapter thirty-three of the laws of one thousand eight hundred and fifty-eight and fifty-nine, and chapter one hundred and eighty-four of the laws of one thousand eight hundred and seventy-one and seventy-two, and all laws and parts 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 9th day of March, A. D. 1883.

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## CHAPTER 333.

**An act to prevent live stock from running at large within certain parts of the county of Rutherford.**

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large in portion of Rutherford county.

SECTION 1. That it shall be unlawful for any live stock to run at large within that part of Rutherford county lying south of Main Broad river in said county.

Misdemeanor.

SEC. 2. That any person who shall wilfully permit his or her live stock to run at large within the above described territory, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days for each and every offence.

SEC. 3. That it shall be lawful for any person to take up any live stock running at large in the territory above named and to impound the same, 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 may retain the said stock until all legal charges for impounding the same and for damages caused by said stock are paid.

Lawful for any person to impound live stock running at large.

Fees.

Damages.

SEC. 4. That if any owner of any live stock so impounded refuse or neglect to redeem said stock within twenty days after such impounding, then the impounded stock shall, after ten days' written notice, posted in three public places in the aforesaid territory describing the same, and stating place, day and hour of sale, be sold by the impounder at public auction, and the proceeds shall be applied to the payment of all costs, charges and damages provided for in this act, and the balance shall be turned over to the owner if known, and if the owner be not known, to the school committee of the district in which said stock is impounded for the benefit of the public schools therein.

Sale of impounded stock.

SEC. 5. 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.

Wilful misappropriation of money by impounder a misdemeanor.

SEC. 6. 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 rescue, etc., of impounded stock a misdemeanor.

SEC. 7. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats, and all such cattle and swine.

Meaning of "stock."

Main Broad river  
a lawful fence.

SEC. 8. That Main Broad river in the county of Rutherford shall be regarded and is hereby declared to be a lawful fence.

SEC. 9. That this act shall be in force from and after the 1st day of June, 1883.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

### CHAPTER 334.

An act to make Haw river, in the county of Alamance, a lawful fence.

*The General Assembly of North Carolina do enact :*

Lawful fence  
from dam at  
Granite Cotton  
Mills to Chatham  
line.

SECTION 1. That Haw river, in the county of Alamance, shall be deemed a lawful fence from the dam across said river at Granite Cotton Mills to the Chatham county line.

SEC. 2. This act shall be in force from and after the 1st day of April, 1883.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

### CHAPTER 335.

An act to change the dividing line between Duplin and Wayne counties.

*The General Assembly of North Carolina do enact :*

Dividing line be-  
tween Duplin  
and Wayne coun-  
ties.

SECTION 1. That the center of the waters of the North East river in its present course from where the dividing line of said counties enters said river near its source to a point below Goodson's bridge, where said dividing line

leaves said bridge, be the dividing line between said counties of Duplin and Wayne.

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. 1883.

CHAPTER 336.

An act to authorize the county commissioners of Granville county to pay Mrs. Elizabeth T. Jenkins for teaching a public school.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Granville county be and they are hereby authorized and directed to pay Mrs. Elizabeth T. Jenkins the sum of one hundred and twenty dollars for teaching a free public school for the white race in the county of Granville, at Williamsboro school district, number thirty-seven, in the year one thousand eight hundred and seventy-eight.

Authorized to pay Mrs. E. T. Jenkins for teaching school.

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. 1883.

CHAPTER 337.

An act to authorize and empower the commissioners of Rockingham county to levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Rockingham county be and they are hereby authorized and empowered to levy a special tax to pay off any or all

Authorized to levy special tax for building bridge across Dan river, etc.

indebtedness for said county incurred in erecting a bridge across Dan river at Madison, in said county, to construct a hospital or other building at the county poor house, which in their discretion may be necessary for the comfort and accommodation of the paupers, and to repair and construct such bridges in said county as they, by and with the consent of a majority of the justices of the peace of said county, may deem necessary, 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 be observed.

Tax, how levied  
and collected.

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 9th day of March, A. D. 1883.

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## CHAPTER 338.

### An act to prohibit fishing on Sunday.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to fish on Sunday in any of the waters of this state with any seine, dragnet or other kind of net, except such as are fastened to stakes.

Unlawful to fish  
on Sunday with  
seines, etc.

SEC. 2. That any person violating any of the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, or imprisoned not more than twelve months.

Misdemeanor.

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. 1883.

### CHAPTER 339.

An act to amend chapter three hundred and thirty-seven of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter three hundred and thirty-seven, of the laws of one thousand eight hundred and eighty-one, be amended by inserting after the word "assembly" in line one, the words "and his chief assistant," and after the word "shall" in said line, the word "each."

Chap. 337, sec. 1,  
laws 1881,  
amended.

Extra compensa-  
tion to chief as-  
sistant of enroll-  
ing clerk.

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. 1883.

### CHAPTER 340.

An act to equalize the school fund of Rutherford county.

WHEREAS, the former treasurer of the county board of education for Rutherford county during the year one thousand eight hundred and eighty-two, in disbursing the school fund to the several districts overpaid the amount apportioned to certain districts and leaving a deficit to

Preamble,

certain other districts, thus in effect borrowing the fund of one district to pay teachers in the other; therefore,

*The General Assembly of North Carolina do enact:*

Treasurer of board of education of Rutherford county authorized to equalize apportionment of 1882.

SECTION 1. That the present treasurer of said board be authorized and required to take the amount thus overpaid to any district when the money shall come into his hands and replace it to the account of the districts from which the same has been borrowed, and equalize the apportionment of one thousand eight hundred and eighty-two by paying from the apportionment of one thousand eight hundred and eighty-three or one thousand eight hundred and eighty-four the amount due from one district to another.

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

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

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## CHAPTER 341.

An act to amend section three of chapter one hundred and ninety-three, laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact:*

Chap. 193, sec. 3, laws 1879, amended.

SECTION 1. That section three of chapter one hundred and ninety-three, laws of one thousand eight hundred and seventy-nine, be amended as follows: in line two of said section, strike out "sixty" and insert "one hundred and twenty."

Pension to persons losing sight, both hands or both feet in Confederate service.

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. 1883.

## CHAPTER 342.

An act to require conditional sales of personal property where title is retained to be registered.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all conditional sales of personal property in which title is retained by bargainor, shall be reduced to writing and registered in the same manner, for the same fees and with the same legal effect as is now provided by the law relating to chattel mortgages.

Conditional sales of personal property required to be written and registered.

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. 1883.

## CHAPTER 343.

An act to authorize Mirah E. McCall, administratrix of R. R. McCall, late sheriff of Caldwell county, to collect back taxes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Mirah E. McCall, administratrix of R. R. McCall, late sheriff of Caldwell county, is hereby authorized to collect all back taxes due to and collectable by the said R. R. McCall as sberiff 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, under such rules and regulations as are now prescribed by law for the collection of taxes.

M. E. McCall, administratrix, authorized to collect arrears 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 12th day of March, A. D. 1883.

## CHAPTER 344.

An act to complete the new wing of the Eastern North Carolina Insane Asylum at Goldsboro, and to furnish the same.

*The General Assembly of North Carolina do enact :*

\$2,500 appropriated.

SECTION 1. That the sum of two thousand five hundred dollars be and the same is hereby appropriated for completing and furnishing the new wing of the Eastern North Carolina Insane Asylum at Goldsboro.

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

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

## CHAPTER 345.

An act to amend chapter twenty-three of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

Chap. 23, sec. 4, Battle's Revisal, not applicable to certain cities.

Service of process by constables.

Constables to reside in township where elected, etc.

Proviso.

SECTION 1. That the provisions of section four of chapter twenty-three of Battle's Revisal shall not apply to or be in force in the city of Wilmington, county of New Hanover, and in Charlotte, Raleigh and Newbern.

SEC. 2. That all constables elected or appointed shall reside in the township for which they are elected or appointed: *Provided*, the provisions of this section shall only apply to New Hanover, Wake, Craven and Mecklenburg counties.

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. 1883.

## CHAPTER 346.

An act supplemental to the Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That so much of chapter one hundred as applies to the state library and librarian shall be in full force and effect from and after March first, one thousand eight hundred and eighty-three.

Provisions of chap. 100, of "The Code" applicable to state library and librarian to take effect from March 1, 1883.

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. 1883.

## CHAPTER 347.

An act to authorize the commissioners of Halifax county to fund and pay the debt of said county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in order to fund the debt of Halifax county, which has been reduced to judgment or audited under the direction of the board of justices of said county, the commissioners of said county are hereby authorized to issue coupon bonds not to exceed twelve thousand dollars (\$12,000), in denominations of not less than fifty nor more than three hundred dollars, with coupons attached calling for interest at the rate of six per cent. per annum upon the principal of each bond, and said interest as by said coupons shall be due and payable annually on the first Monday of March of each year.

Authorized to issue coupon bonds not exceeding \$12,000 to fund county debt.

SEC. 2. Said bonds shall be dated as of the first day of March, one thousand eight hundred and eighty-three, and shall be due as follows: one-fourth thereof on the

Bonds, when payable, &c.

first day of March, one thousand eight hundred and eighty-four, one-fourth thereof on the first day of March, one thousand eight hundred and eighty-five, one-fourth thereof on the first day of March, one thousand eight hundred and eighty-six, and one-fourth thereof on the first day of March, one thousand eight hundred and eighty-seven, and shall be signed by the chairman and countersigned by the clerk of said board. Said clerk shall keep in a book suitable for that purpose a complete record of said bonds.

Special tax.

SEC. 3. In order to pay the interest on said bonds and to raise a sinking fund for the payment of the principal of said bonds, the commissioners and justices of said county at the joint meetings to be held on the first Monday in August in the years one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, and one thousand eight hundred and eighty-six, shall levy annually a special tax on the taxable property in said county, both real and personal, equal to twelve cents on each hundred dollars' worth of property, and thirty-six cents on each taxable poll.

Coupons receivable in payment of county taxes.

SEC. 4. The coupons on said bonds shall be receivable in payment of all county taxes.

Sale of \$3,000 of bonds authorized to pay small claims, &c.

SEC. 5. That the commissioners of said county may sell a portion of said bonds, not exceeding three thousand dollars, in order to pay off small claims and interest on said bonds: *Provided*, that they shall not sell said bonds for less than ninety cents on the dollar.

Proviso.

Guardians, &c.

SEC. 6. The guardians and other fiduciaries are hereby authorized to invest in any of said bonds the funds of their beneficiaries.

Bonds to be issued ratably to creditors.

SEC. 7. That in funding said debt the commissioners in reference to the time of payment shall make a ratable issue of said bonds among the several creditors.

Compromise of county debt.

SEC. 8. That nothing herein contained shall be construed to prevent the commissioners of said county from

effecting a reasonable compromise of any portion of the indebtedness of said county.

SEC. 9. 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. 1883.

### CHAPTER 348.

An act to authorize the appointment of cotton weighers for the city of Charlotte.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Mecklenburg county be and they are hereby authorized at any regular meeting, and annually thereafter, to appoint four or more cotton weighers for the city of Charlotte, and any vacancy occurring in said office of cotton weighers, shall be filled in like manner for the unexpired term.

County commissioners authorized to appoint.

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

Duty of cotton weighers.

SEC. 3. 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 said commissioners and filed in the office of register of deeds of said county, and the said weigher shall receive such compensation for each bale weighed as may be agreed upon between him and the seller.

Bond.

Compensation.

SEC. 4. That any other person weighing cotton sold in the city of Charlotte, shall be guilty of a misdemeanor and upon conviction before any justice of the peace of

Misdemeanor for other person to weigh cotton.

Mecklenburg county, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

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. 1883.

### CHAPTER 349.

An act to appropriate fifty dollars per annum for the use of the penitentiary Sunday school.

*The General Assembly of North Carolina do enact :*

\$50 per annum appropriated.

SECTION 1. That the sum of fifty dollars per annum is hereby appropriated [for] the use of the penitentiary Sunday school, to be paid to the warden of the penitentiary by the state treasurer on the warrant of the auditor.

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

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

### CHAPTER 350.

An act to repeal chapter seventy-nine, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and chapter one hundred and fifty, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 79, laws 1868-9, and chap. 150, laws 1881, repealed.

SECTION 1. That chapter seventy-nine (79) of the public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and chapter

one hundred and fifty of the public laws of one thousand eight hundred and eighty-one, be and the same are hereby repealed.

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. 1883.

Sale of lands belonging to board of education.

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## CHAPTER 351.

An act to prevent negligence about railroad cars and to protect persons from injury by the cars.

*The General Assembly of North Carolina do enact :*

THAT WHEREAS, idle and mischievous persons frequently enter the passenger and baggage cars of railroads when they stop at stations and get upon the platforms of said cars, thereby endangering their own lives and exposing the railroad companies to serious trouble ;

Preamble.

SECTION 1. Therefore it shall be unlawful for any person to enter into a railroad passenger car, or baggage car, or mail car, or caboose car, or upon the platforms of said cars after being forbidden so to do by the conductor or his assistants, or the baggage master or other person in charge of said cars, unless said persons enter said cars or on said platforms as a passenger or in some official capacity authorized by law, or on business with a passenger or some official or employee of the railroad or other like purpose.

Unlawful to enter railroad car, &c., after being forbidden, &c., except as a passenger, &c.

SEC. 2. That for every violation of this statute the person so offending shall be guilty of a misdemeanor, and punishable by a fine not to exceed ten dollars.

Misdemeanor.

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. 1883.

## CHAPTER 352.

An act to amend chapter two hundred and ninety-three of the laws of one thousand eight hundred and eighty-one, relative to the compensation of the servants in the various state departments.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and ninety-three of the laws of one thousand eight hundred and eighty-one be and the same is hereby amended by striking out in line two of section two thereof the word "five," and inserting instead the word "seven," the same relating to the compensation of the servants in the various state departments.

SEC. 2. That this act shall take effect from and after the 1st day of March, 1883.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

## CHAPTER 353.

An act to amend chapter one hundred and sixty-five, laws of one thousand eight hundred and seventy-six and seventy-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all of section one after the word "follows" in line three, be and is hereby repealed, and the following inserted in lieu thereof: "Beginning on the west side of the Chowan river at the starting point of the present dividing line between said counties, and thence along a straight line from said starting point to the point where the dividing line between said counties intersects with the eastern boundary of the county of Northampton."

Chap. 293, sec. 2,  
laws 1881,  
amended.

Allowed \$7 per  
week.

Chap. 165, sec. 1,  
laws 1876-'7,  
amended.

Dividing line be-  
tween Hertford  
and Bertie coun-  
ties.

SEC. 2. That sections three, four and five, and seven, Secs. 3, 4, 5 and 7 repealed.  
be and they are hereby repealed.

SEC. 3. That section six be amended by striking out Tilden township.  
all after the word "that" in line first, to the word "por-  
tion" in line two.

SEC. 4. That the commissioners of the county of Hert- Survey.  
ford be and they are hereby authorized to employ a sur-  
veyor to survey and run said dividing line, and said  
surveyor shall make out three duplicate reports of the  
survey of said line, in which report shall be set forth the  
course and distances of said dividing line, the names of  
the owners of the land traversed by said dividing line, as  
near as can be ascertained, and mark the line trees along  
said dividing line. A copy of said report of said sur- Report of survey-  
or to be filed in  
each county.  
veyor, made out and signed by him, shall be filed by him  
with the register of deeds of each of said two first named  
counties, to be filed by said registers as records of their  
said offices, and a copy of said report to be filed in the  
office of the secretary of state as records of his office.

SEC. 5. That said reports so made out and filed shall be Surveyor's re-  
ports to be evi-  
dence, &c.  
competent evidence in the courts of the state to establish  
the dividing line between said two counties.

SEC. 6. That this act shall not effect any existing lines Existing lines  
and titles.  
or titles to property in said "cut-off" in consequence of  
the changing of said dividing line.

SEC. 7. That this act as amended shall take effect from  
and after the first day of April, A. D. 1883.

In the general assembly read three times, and ratified  
this the 12th day of March, A. D. 1883.

## CHAPTER 354.

An act concerning the sale of spirituous liquors in Elizabethtown.

*The General Assembly of North Carolina do enact :*

Chap. 234, laws  
1881, amended.

Mt. Zion A. M. E.  
church and Trini-  
ty M. E. church  
in Bladen county.

Elizabethtown.

SECTION 1. That chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one be amended by striking out the words "Mount Zion A. M. E. church and Trinity M. E. church, in Bladen county," which occur in section [3] of said chapter.

SEC. 2. That all laws which prohibit the sale of liquors in Elizabethtown, in Bladen, be and the same are hereby repealed.

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

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

## CHAPTER 355.

An act to amend an act entitled "an act relating to bringing stock from other states into this state."

*The General Assembly of North Carolina do enact :*

Sec. 277 of the  
Code amended.

Stock driven into  
state between  
April 1 and No-  
vember 30.

Section applica-  
ble to certain  
counties.

SECTION 1. That in lines ten and eleven of chapter two hundred and seventy-seven of the Code, the words, "Persons actually residing within five miles of the state line, nor to," be and the same are hereby stricken out.

SEC. 2. That the counties of Jackson, Swain, Macon, Cherokee, Graham and Clay be and the same are hereby stricken from said section, so that the provisions of the same shall apply to said counties.

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. 1883.

### CHAPTER 356.

An act to protect partridges and wild turkeys in the county of Warren.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful at any time to take or destroy the eggs of partridges, quail or wild turkeys in the county of Warren.

Unlawful to take or destroy eggs of partridges, &c., in Warren county.

SEC. 2. Any persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.

Misdemeanor.

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. 1883.

### CHAPTER 357.

An act to regulate appeals from allotment of exempt property.

*The General Assembly of North Carolina do enact :*

SECTION 1. That if the judgment creditor at whose instance the personal property exemption or homestead of his judgment debtor shall have been allotted, or the said judgment debtor shall be dissatisfied with the valuation

Appeal from allotment of personal property exemption or homestead

and allotment of the appraisers or assessors (as the case may be,) either of them may, within ten (10) days thereafter, or any other creditor if dissatisfied, within six (6) months thereafter and before sale under execution of the excess, notify the adverse party and the sheriff having the execution in hand thereof, and file with the clerk of the superior court of the county where the said allotment shall be made a transcript of the return of the appraisers or assessors (as the case may be,) which they or the sheriff shall allow to be made upon demand, together with his objections in writing to said return, and thereupon the said clerk shall enter the same on the civil issue docket of the said superior court for trial to be had at the next term thereof as other civil actions, and the sheriff shall not thereupon sell the excess until after the determination of said proceeding.

Appeal from allotments made since abolition of board of township trustees.

SEC. 2. That any creditor or debtor who is dissatisfied with the allotment of any homestead or personal property exemption made since the abolition of the board of township trustees, may have the same appealed to a regular term of the superior court of the county where the property was situated, under the provisions of this act, if notice thereof is given within thirty days after the ratification of this act: *Provided, however,* that no one shall be entitled to an appeal under this section who has not already taken steps to have such allotment revised in some way.

Costs.

SEC. 3. That in all appeals under this act the appellant may secure the appellee's costs.

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. 1883.

## CHAPTER 358.

An act to prohibit the taking of oysters in Myrtle Grove sound, in New Hanover county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to take or catch any oysters from Myrtle Grove sound, from Perrines or Whitker's creek to the head waters of said sound, in New Hanover county, from the first day of May until the first day of September: *Provided*, that this act shall not apply to persons taking oysters for their own consumption.

Unlawful to take oysters from Myrtle Grove sound from May 1 to September 1.

Proviso.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisonment not more than twenty days.

Misdemeanor.

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. 1883.

## CHAPTER 359.

An act in relation to fishing in the waters of White Oak and New rivers and the sounds between them.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any and all persons to fish in the waters of White Oak river, between the counties of Carteret and Onslow, and New river, in the county of Onslow, and the sounds and their tributaries between the mouths of these rivers, with nets or seines of any kind, the bars of whose meshes measure less than one and one-half ( $1\frac{1}{2}$ ) inches.

Unlawful to use nets with meshes larger than one and one-half inches.

Misdemeanor.

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

SEC. 3. That this act shall be in force from and after the 1st day of March, 1884.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

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## CHAPTER 360.

An act to establish a public ferry in the county of Columbus.

*The General Assembly of North Carolina do enact :*

Allen Griffin, &c.,  
authorized to es-  
tablish ferry  
across Wacca-  
maw river.

SECTION 1. That Allen Griffin, of Columbus county, his heirs and assigns, are hereby authorized to establish a ferry across the Waccamaw river, at or near the town of Piraway.

Right to continue  
for thirty years.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said Allen Griffin, his heirs and assigns, during the full term of thirty years.

Tolls.

SEC. 3. That it shall be lawful for the said Allen Griffin, his heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated from time to time by the commissioners of Columbus county, and it shall be unlawful for any one to establish another ferry within three miles of said ferry.

Unlawful to es-  
tablish another  
ferry within three  
miles.

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. 1883.

## CHAPTER 361.

An act to permit the presiding judge of Craven superior court to extend the term from two to three weeks in certain cases.

*The General Assembly of North Carolina do enact :*

SECTION 1. That whenever during any term of Craven superior court, two-thirds of all the members of the bar regularly attending the terms of such court shall certify to the presiding judge that it is necessary that the term of either the spring or fall term of such court should be continued for one week beyond the time now fixed by law; therefor, it shall be lawful for such judge, and he is hereby required to extend the term of such court for one week.

Judge required to continue term for three weeks upon certificate of two-thirds of members of the bar.

SEC. 2. That the presiding judge shall be and he is hereby authorized and empowered to retain two or more jurors, and to order the sheriff to summon a sufficient number of talesmen to compose a jury for such week.

JURORS,

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. 1883.

## CHAPTER 362.

An act for the better drainage of the lowlands of Abbott's creek, in Forsyth and Davidson counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That P. W. Reaper, Joseph Smith, H. C. Hedgcock, E. P. Teague and David Shields are appointed commissioners, whose duty it shall be, as soon as prac-

Commissioners,

To lay off Abbott's creek into sections.

licable, to lay off Abbott's creek and its tributaries, in Forsyth and Davidson counties, from the head of G. W. Charles & Co.'s mill pond, better known as the "Evans' Mill Pond," on said creek, to its source and to the sources of its tributaries into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for a term of two years, and who shall be a landowner in the section for which he is appointed overseer.

To appoint overseers.

Chairman.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman and may fill vacancies in their own number or that of overseers; in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners [of] either of said county [counties] shall, on application being made, appoint commissioners and overseers for the purposes herein mentioned.

Vacancies.

Duty of commissioners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land sobbed or overflowed, and also the number of acres of each individual in the county of Davidson or Forsyth, on the streams between the points mentioned in section first of this act and within one-fourth 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 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, 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 each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads.

Hands to be furnished overseers on notice.

Penalty.

Distribution of labor.

SEC. 4. It shall be the duty of the commissioners in laying off the streams and sections as provided for in section first of this act, to distribute the labor among the land-

owners in proportion to the number of acres of sopped lands and others owned by them within the estimate provided for in section three of this act as equally as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in this section.

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 channels of said streams, with the power to straighten, 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.

Duty of overseers.

Proviso.

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 thereof shall be fined not less than five [dollars] (\$5) nor more than ten dollars (\$10): *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 offences.

Misdemeanor to obstruct streams, &amp;c.

Penalty.

Proviso.

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

Application of penalties collected.

Penalty for neglect of duty by overseer.

(10) nor more than twenty (20) dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

Commissioners authorized to stop washes.

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 lowlands, by opening the stream as fully as the power given in the foregoing section.

Building of bridges, &c., not prohibited.

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 landowners for their own convenience.

No exemption from working roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

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

In the general assembly read three times, and ratified this 12th day of March, A. D. 1883.

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## CHAPTER 363.

An act to amend "an act to provide for the levying and collection of taxes," ratified the eleventh day of March, Anno Domini one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

Chap. 117, laws, 1881, amended.

SECTION 1. That "an act to provide for the levying and collection of taxes," ratified on the eleventh day of March, one thousand eight hundred and eighty-one, be amended as follows, to-wit:

*Assessment and valuation of lands :*

Strike out section one and insert in lieu thereof the following : The board of commissioners of each county shall at their session held in the month of April, one thousand eight hundred and eighty-three, and every fourth year thereafter, appoint one justice of the peace and two discreet freeholders in each township, who shall assess the land and real property in said township for taxation. These assessors shall ascertain the true market value of every tract or parcel of land or other real estate, with the improvements thereon, and assess the same in accordance with said valuation. The assessment, when made, shall be in force until altered as may be provided by law. The board of assessors are hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real property in their respective township, so as to secure a proper assessment of said property. .

Sec. 1, amended.

Township assessors.

Duty of assessors.

Assessors authorized to administer oaths.

SEC. 2. The board of county commissioners shall, at the time of the appointment of the assessors every fourth year, issue a notice to said assessors, summoning them to meet at the county seat on the first Monday in May for consultation with the board of commissioners, for the purpose of taking such action as will secure uniformity in the assessment of the real estate throughout the county.

Joint meeting of county commissioners and assessors.

SEC. 3. The board of assessors shall make return of their assessments to the board of county commissioners on or before the second Monday in June, and annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same : " We, the assessors of ..... township, of ..... county, make oath that the foregoing list contains, to the best of our knowledge and belief, all the real estate required by law to be assessed in said township, and that we have assessed every tract or parcel of land or other real property at its true market value, and have endeavored to do equal justice to the public and to the taxpayers concerned."

Assessors to make return under oath to county commissioners.

Form of affidavit.

Compensation of assessors.

SEC. 4. The board of commissioners shall allow each assessor a compensation for his services not exceeding two dollars per day for the time actually employed, to be paid by the county.

County commissioners to appoint list takers.

SEC. 5. The board of commissioners shall, annually at their April session, appoint one justice of the peace or other competent person in each township, to list all the lands therein at the valuation assessed on the same, and all personal property in said township. Said board of commissioners shall allow such township list takers a compensation for their services not exceeding two dollars per day for the time actually employed, to be paid by the county.

Compensation of list takers.

Sec. 2. amended.

When tax payer to make returns to list taker.

SEC. 6. Amend section two by striking out the words "first of" in the seventh line, and inserting the words "second Monday in."

Sec. 4 amended.

By whom agents to list property can be appointed.

SEC. 7. The proviso of section four shall be amended to read as follows: *Provided*, that agents for the purpose of listing property shall be appointed only by females, non-residents of the township, or persons physically unable to attend and file their lists at the time prescribed in the law for listing property. Strike out the words "first day of" in said section, and insert the words "second Monday in."

Sec. 8 amended.

Stock in incorporated companies.

SEC. 8. That the last clause of sub-division six, section eight, shall be amended to read as follows: "Stockholders in valuing their shares may deduct their ratable proportion of the value of taxable property, the tax whereof is paid by the corporation."

Sec. 15 amended.

Auditor to prepare and distribute forms.

SEC. 9. Section fifteen shall be amended to read as follows: The auditor of the state shall prepare forms to be used in assessing and listing property for taxation by the assessors and list takers. He shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of May, and the clerk shall deliver to each board of assessors and list taker the necessary number of the forms for their respective uses. The as-

sessors' forms shall be furnished every fourth year, and the list taker's forms annually.

SEC. 10. Strike out the word "July" in section eight-  
een, and insert the word "August."

Sec. 18 amended.  
Revisal of tax  
list.

SEC. 11. After section thirty-nine add the following as  
a separate section: Whenever any sheriff or tax collector  
shall be credited on settlement with any tax or taxes, by  
him returned as insolvent, dead or removed, he shall forth-  
with make publication at the court house door of a complete  
list of the names of such insolvent dead or removed delin-  
quents, with the amount of the tax due from each, and  
the sum total so credited; and at least one public place  
in each township, a list of such delinquents of said town-  
ship. Such complete list, by the order of the board of  
commissioners, may also be published in any newspaper  
printed in the county, in which case the expense of the  
advertisement, for such time as may be directed, shall be  
paid by the county. Any sheriff or tax collector failing  
to comply with the provisions of this section, shall be  
guilty of a misdemeanor, and upon conviction shall be  
fined not less than ten nor more than one hundred dol-  
lars.

Sheriff to make  
publication of in-  
solvents and de-  
linquents.

Misdemeanor.

SEC. 12. After section "forty-nine" insert the follow-  
ing as an additional section, to be numbered as sections  
are re-arranged in the act as amended: If any sheriff  
shall die during the time appointed for collecting the  
taxes, his sureties may collect them, and for that pur-  
pose shall have all the powers and means for collecting  
the same from the collectors and tax payers as the sheriff  
would have had, and shall be subject to all the remedies  
for collection and settlement of the taxes on their bond or  
otherwise as might have been against the sheriff if he  
had lived.

Sureties of sheriff  
in case of his  
death authorized  
to collect taxes.

SEC. 13. Add after the word "surface" in section fifty-  
five the following: The term "true market value" used in  
this act shall be held to mean the market value in cash  
at the place where the property shall be situated at the

Sec. 55 amended.

Meaning of "true  
market value."

time of assessment, being the price which could be obtained therefor at a private sale and not at a forced sale.

Provisions of chap. 117, laws of 1881, as amended by this act re-enacted.

SEC. 14. The provisions of an act to provide for the levying and collecting of taxes, ratified the eleventh day of March, Anno Domini one thousand eight hundred and eighty-one, not revised or amended in this act are hereby re-enacted.

3,500 copies of act and of act to raise revenue to be printed for distribution.

SEC. 15. Insert the following in lieu of section fifty six of said act: The secretary of state shall have printed thirty-five hundred copies of an act to raise revenue, and an act to provide for the levying and collecting of taxes, with the amendments made to said acts incorporated therein respectively, and distribute the said act so amended among all the officers whose duty it is to execute or carry into effect any portion thereof.

Sec. 45 amended.

SEC. 16. Amend section forty-five of an act to provide for the levying and collection of taxes, ratified the eleventh day of March, Anno Domini one thousand eight hundred and eighty-one, by adding the following to the end of the section: *Provided*, that it shall be unlawful for any sheriff in accounting with the board of county commissioners for either the state or county taxes [to] exhibit or present in said account any money not actually derived from the collection of taxes; and any such sheriff so offending shall forfeit a penalty of (\$500) five hundred dollars, one-half of which shall belong to any person who shall sue for the same, and the other half to the county in which said sheriff resides: *And provided further*, that any sheriff, tax collector or county treasurer who shall use any part of the county or state taxes otherwise than is directed by law, shall forfeit double the amount of his commissions on the county and state taxes for the year in which he so misused said taxes, one-half to belong to any person suing for the same, and the other half to the county in which said sheriff resides.

Unlawful for sheriff in accounting with commissioners to exhibit, etc., money not derived from collection of taxes.

Penalty.

Penalty for illegal use of taxes by sheriff, etc.

Sec. 12 amended.

SEC. 17. Also amend sub-section two of section twelve of said act, entitled an act to provide for the levying and

collection of taxes, ratified eleventh day of March, one thousand eight hundred and eighty-one, by adding after the words "Royal Arcanum" in line seven of said sub-section, the words "Hibernian Benevolent Society of Wilmington."

Hibernian Benevolent Society of Wilmington, exempt from taxation.

SEC. 18. Also amend sub-section two of section thirty-four of said act, by adding the following, to come in at the end of said sub-section: *Provided*, that any male person so returned in the insolvent list not previously exempted by order of the board of commissioners, who shall fail to pay said taxes to the sheriff for six months after such return of the insolvent list to the county commissioners, shall be guilty of a misdemeanor, and upon conviction before a court of a justice of the peace shall be fined double the value of the taxes so due, not to exceed in any case fifty dollars, and the board of county commissioners of the county in which any such person may be convicted as aforesaid, if said person be committed to prison for failure to pay the said fine, may employ such offender on the public highway, and said commissioners may allow such offender a credit of so much per day on said fine and cost as to them may seem just and reasonable. It shall be the duty of the chairman of the board of county commissioners to act as prosecutor on the part of the county before such justice of the peace.

Sec. 34 amended.

Male person failing to pay insolvent taxes guilty of a misdemeanor.

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. 1883.

## CHAPTER 364.

An act to declare the mother of children in certain cases to be their natural guardian.

*The General Assembly of North Carolina do enact :*

Mother to be natural guardian of child, if father dead.

SECTION 1. That in case of the death of the father of a child or children, infants under the age of twenty-one years, the mother of such child or children surviving such father shall immediately become the natural guardian of such child or children, to the same extent and in the same manner, plight and condition as the father would be if living; and the mother in such case shall have all the powers, rights and privileges, and be subject to all the duties and obligations of natural guardian: *Provided, nevertheless,* that this act shall not be construed as abridging the powers of the courts of this state over minor children and their estates and to appoint guardians as now provided by law.

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. 1883.

## CHAPTER 365.

An act to prohibit the sale of spirituous liquors within five miles of Peterson church, in Yancey county.

*The General Assembly of North Carolina do enact :*

Unlawful to sell, etc., liquor within five miles.

SECTION 1. That it shall be unlawful to sell or give away any kind of spirituous liquors within five miles of Peterson church, in Yancey county.

Misdemeanor.

SEC. 2. Any person or persons so offending shall be guilty of a misdemeanor, and upon conviction for the

same shall be fined not less than ten dollars nor more than twenty-five dollars for each and every offence, or imprisoned not exceeding thirty days.

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. 1883.

### CHAPTER 366.

An act to incorporate the Chowan and Roanoke Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of constructing a railroad of one or more tracks from some point in Northampton county, at or near Garysburg, through the counties of Bertie and Northampton to the head waters of Albemarle sound, at or near the mouth of Salmon creek, in Bertie county, the formation of a corporate company with a capital stock of not more than twelve hundred thousand dollars is hereby authorized, to be called the "Chowan and Roanoke Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, it is to have a corporate existence as a body politic for ninety-nine years, and by said name may sue and be sued, plead and be impleaded in all the courts of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise, and said company may enjoy all the rights and immunities which other corporate bodies may exercise, and make all necessary by-laws and regulations not inconsistent with the constitution and laws of the state of North Carolina and the United States.

Route.

Incorporation authorized.

Name.

Corporate existence.

Corporate rights.

Authority to construct road.

SEC. 2. That the said company be and the same is hereby authorized to construct a railroad by one or more tracks from and to the points aforesaid, on a line through said counties between said points, to be determined upon by the company, and a branch road from the main road to the Roanoke river, at Edwards' ferry or a point below said ferry on said river, and also a branch road from the main road to Chowan river, at or below Winton.

Branch roads.

Capital stock.

SEC. 3. That the capital stock of said company may be created by subscription on the part of governments, individuals and municipal and other corporations, in shares of the value of one hundred dollars each, which may be made in money, land, timber or work, as may be stipulated and agreed upon.

Books of subscription.

SEC. 4. That books of subscription to the capital stock of said company may be opened by the following persons, who are hereby appointed commissioners for that purpose, to-wit: Dr. William R. Capehart, L. S. Webb, Wm. P. Gurley, Solomon Cherry, David E. Tayloe, Thomas W. Thompson, Watson Lewis, James P. Johnson, J. P. Rascoe, Stephen A. Norfleet and William J. Capehart, of the county of Bertie; and William E. Peele, William H. Burgess, A. Capehart, George D. Hollaman, Rev. William Grant, William W. Peebles, R. B. Peebles, Jas. W. Newsom, William T. Buxton, James A. Buxton, Samuel N. Buxton, J. N. Selden, George P. Burgwyn, E. J. Peebles, George S. Uiquhart, Thomas W. Mason and Thomas J. Person, of Northampton county; and D. G. Potts, Dr. Daniel W. Lassiter, R. G. Pegram, Richard T. Arington and Samuel R. Arington, of Petersburg, in the state of Virginia, whose duty it shall be to open or cause to be opened the said books of subscription at such times and places as they shall deem proper; said commissioners, or a majority of them, at any time after the sum of five thousand dollars has been subscribed to the capital stock of said company and five per centum paid thereon, have power to call together the subscribers to said stock, after

Commissioners.

Organization.

ten days' notice in one or more newspapers of the state, for the purpose of completing the organization of said company; and the subscribers aforesaid shall be and are hereby declared incorporated into a company, by the name and style of the "Chowan and Roanoke Railroad Company," for nine hundred years, with all the rights, powers, franchises and privileges herein granted.

SEC. 5. That said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and its annual meetings subsequent thereto seven directors shall be elected by the stockholders, to hold office for one year or until their successors shall be elected: *Provided*, that no person shall be elected a director unless he or she shall at the time of such election be in good faith and reality the owner of at least two shares of stock in said company to and for his or her only use and benefit. In all such meetings of stockholders a majority of all the stock subscribed shall be represented either in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and such share thus represented shall be entitled to one vote. The election of directors shall be by ballot, each stockholder having as many votes as he or she has shares of stock in said company, and a person having a majority of all the votes polled shall be considered as duly elected. The board of directors may fill all vacancies that may occur in it during the period for which they have been elected: *Provided, nevertheless*, that at the organization of the company no stock shall be represented either in person or by proxy till the subscriber shall have paid into the treasury of the company five per centum of the amount subscribed by said subscriber.

Stockholders meetings.

Directors.

Proviso.

Vacancies.

Proviso.

SEC. 6. That the president of the company shall be elected by the directors from among their number in such a manner and for such a term as the regulations of the company may prescribe.

President.

Stock vote.

SEC. 7. That at all elections and upon all votes taken in any general meeting of the stockholders upon any by-law or regulation of any of the affairs of the company, each share of stock shall be entitled to one vote, and that any stockholder may vote in person or by proxy, the proxies to be verified in such manner as the by-laws may prescribe.

Directors to locate and construct road.

SEC. 8. That after this company shall be organized as aforesaid, the board of directors shall locate and have constructed as speedily as possible, a railroad from and to the points aforesaid, on the route they may find most practicable and to be fixed by them. The said company shall have the exclusive right of conveyance and transportation of persons and things on the said railroad at such charges as may be fixed by a majority of its directors.

Certificate of stock.

SEC. 9. That the president shall, under the direction of the board of directors, issue certificates of stock to the stockholders, which shall be transferred in such manner as may be prescribed by the by-laws of the company.

Contracts.

SEC. 10. That all contracts made and entered into by the company for and on behalf of the company, with or without seal, shall be binding on the company: *Provided*, that nothing in this section shall be so construed as to authorize the president to sell, lease, farm, mortgage, or convey by deed in trust the road or any of the franchises of the company, unless authorized to do so by a majority in value of the stockholders.

Proviso.

Call for subscriptions.

SEC. 11. That the board of directors may call for the sum subscribed as stock in said company in such instalments as the interest of said company may in their opinion require. The call for each payment shall be published in one or more newspapers of this state for ten days before the day of payment, and on failure of any stockholder to pay the installment as then required, the directors may sell at public auction on a previous notice of ten days at such place as they may fix upon, for cash,

Failure of stockholders to pay.

all the stock subscribed in the company by such stockholder or stockholders and convey the same to the purchaser at the said sale; and if the said sale of stock does not produce a sum sufficient to pay the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered against such stockholders, or their executors or administrators or assigns, at the suit of said company in any court of competent jurisdiction, or by warrant before a justice of the peace, where the demand does not exceed two hundred dollars, and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such, both the original subscribers and the first and all subsequent assigns shall be liable to the company, and the same way to be recovered as above described.

SEC. 12. That the said company may use any section of said road before the whole shall be completed, and may charge for transportation thereon.

Use of part of road.

SEC. 13. That it may and shall be lawful for said company to make and issue bonds to any amount not to exceed five hundred thousand dollars, to be signed by the president of said company, under the common seal of the same, in sums not less than fifty nor more than one thousand dollars each, bearing interest at the rate of not more than eight (8) per centum per annum, to be paid annually in the city of New York or elsewhere, at their option, and redeemable at any time fixed and agreed upon by the company.

Authorized to issue bonds.

SEC. 14. That to secure the faithful payment of the said bonds, it shall and may be lawful for the president and directors of said company to make, execute and deliver to some person as trustee, a deed of trust or mortgage, under the common seal of said company, wherein shall be conveyed to the person thus appointed as trustee the

Authorized to make deed of trust.

road property, income and franchises of said company, acquired or to be acquired, conditional for the payment of the interest and the final redemption of said bonds.

Charter to be void if work not commenced in two years.

SEC. 15. That all the work hereby required shall be executed with due diligence, and if it be not commenced within two years after the ratification of this act, then this charter shall be void.

Subscription by incorporated cities and towns.

SEC. 16. That it shall and may be lawful for any incorporated city or town to subscribe for so much stock in said company as they or either of them shall be authorized to do by the inhabitants of said city or town in manner and form as hereinafter provided.

Election in cities and towns upon question of subscription.

SEC. 17. That the corporate authorities of such city or town are authorized to make an order requiring the constable of such city or town, or any officers of their own body, at their option, at such time and on such notices as they shall direct, to open a poll and take the sense of the voters of such city or town qualified to vote for city or town officers whether the corporate authorities of such city or town shall subscribe to the stock of said company for such sum or sums as the order shall propose, and the officers superintending such election shall make return of the number voting for and against it to the corporate authorities of said city or town or the presiding officer thereof; that if upon the return of said superintendent of election it shall appear that two thirds of the votes are in favor of the subscription, then the corporate authorities of such city or town shall make the subscription for such city or town, the subscription to be paid for in bonds of said city or town or in cash, as the authorities may elect, and upon such terms as may be agreed upon by the said authorities and railroad company, and the said corporate authorities shall order their presiding officers to issue city or town bonds of not less than fifty nor more than one thousand dollars each, payable at such time and places as said corporate authorities shall direct; said bonds may be made payable to said railroad company, or to bearer

Subscription to be made on two-thirds vote

or to any person, as said corporate authorities shall direct; said bonds shall have coupons attached and shall bear not less than six nor more than eight per centum interest, which interest shall be payable on the first day of January in each and every year. Said city and town corporate authorities are hereby vested with full power and authority to raise money by taxation on all taxable persons, land and other property within each city or town for the payment of any part of their subscription that may be due, and for the payment of the principal and interest of the bonds so issued as aforesaid as the same may be due.

SEC. 18. That the 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. Dividends.

SEC. 19. That the said company may, when they see fit, farm out their right of transportation over the said railroad subject to the rules above named, and said company and every person who may have received from them the right of transportation of persons, goods, wares and produce on the said railroad, shall be deemed and taken to be a common carrier. Authorized to farm out right of transportation.

SEC. 20. That the said company may purchase, have and hold in fee simple or for a term of years any lands, tenements or hereditaments. Authorized to hold land in fee, etc.

SEC. 21. That the said company shall have the right, when necessary, to conduct the said road across or along any public or private road or water course: *Provided*, that the said company shall not obstruct any water course or any public road without constructing another equally as good and as convenient. Right of way.  
Proviso.

SEC. 22. That when any lands or right of way may be required by said company for the purpose of constructing their road, and for the want of agreement for any cause the same cannot be purchased from the owner or owners, Condemnation of land.

the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the clerk of the superior court of the county wherein the land is situated upon petition in writing of the company, and after five days' service of a summons for relief on the party or parties owning the said land. In making the said valuation the said commissioners shall take into consideration the loss or damage that may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantages he, she or they may receive from the erection or establishment of the railroad or work, and shall state particularly the value and amount of each, and the excess of loss and damage over and above the advantage and benefit shall form the measure of valuation of the said land or right of way: *Provided, nevertheless*, that the company or the land owners may appeal, if dissatisfied, to the superior court of the county wherein the land or any part thereof lies, in the same manner as appeals are taken from the judgment of a justice of the peace to the superior court. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record. The land or right of way so valued by the said commissioners shall vest in the said company so long as the same shall be used for the purposes of said railroad so soon as the valuation shall be paid, or when refused, may have been tendered. The valuation provided for in this section shall be made on oath by the commissioners aforesaid, to be administered by any person having the authority to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize the said company to invade the dwelling house or burial ground without the consent of the owner of the soil.

Proviso.

Proviso.

SEC. 23. That the right of the said railroad company to condemn in the manner herein as aforesaid, land for the purposes of the company shall extend to the condemning of eighty feet on each side of the main track of the road, measuring from the centre of the same. The company shall also have power to condemn and appropriate to the company in like manner, land for the construction of building of depots, shops and warehouses and buildings for servants and agents employed on the road.

Width of land  
condemned.

Depots, etc.

SEC. 24. The board of directors of the penitentiary shall furnish to said railroad company, upon demand of the president of said company, two hundred male convicts to aid in the construction of said road. And said board of directors shall keep up that compliment of convicts from the penitentiary, if required so to do by the president of said company, till said railroad is completed and finished. Said railroad company shall provide for clothing and subsistence of such convicts as may be employed by them during the term of such employment, under such restrictions as may be imposed by the board of directors of the penitentiary, and shall pay for such convicts so furnished the sum of one hundred and fifty dollars per year: *Provided*, that the convicts herein mentioned shall not be furnished until those heretofore promised to other railroad companies have been furnished.

Convicts to be  
furnished.

Proviso.

SEC. 25. 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. 1883.

## CHAPTER 367.

An act to amend chapter two hundred and forty-seven, acts of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 247, acts  
1881, amended.

Additional  
boundaries.

SECTION 1. That the act entitled an act to prevent live stock from running at large in certain parts of Nash county, ratified March ninth, Anno Domini one thousand eight hundred and eighty-one, be amended so as to include the lands embraced in the following boundaries, in addition to those already mentioned in said act: Beginning at John H. Harris' western boundary to W. D. Harrison's land, thence with W. D. Harrison's western boundary to Sip Edward's line, thence with his eastern boundary and with G. W. Ward's line to E. J. Braswell, so as to take in G. W. Ward's and leave out E. J. Braswell and Sip Edwards, and with the said Ward's line to across the county road leading from Whitaker's Mill to Battleboro, thence up said county road to R. M. Whitaker's line, thence with R. M. Whitaker's and J. L. Ward's line to J. L. Ward's outside fence, thence across J. L. Ward's and G. W. Ward's lands near Swift creek to Mrs. J. K. Harper's land, thence south with her line to the county road east to J. B. Philips' land, thence north with the said Philips' land to his fence near Swift creek, thence down the creek across the lands of J. B. Philips, J. M. Neal, J. H. Jordan, T. P. Braswell, C. A. Taylor, T. A. Marriott, W. C. Wells, Carter Pape and T. B. Wells, to the Wilmington and Weldon Railroad; said line last above mentioned to be located between the arable and pasture lands on said Swift creek; thence across the Wilmington and Weldon Railroad to the eastern boundary of the said railroad; thence with the Wilmington and Weldon Railroad bounds to the corporate limits of the town of Whitakers; thence with the eastern line of said

town (or across the uninhabited portion thereof, if it shall be so agreed by the board of commissioners of said town,) to the Wilmington and Weldon Railroad bounds north of said town; thence with said railroad to Fishing creek, thence down said creek to Tar river to the boundary of the territory described in the act to which this act is amendatory; thence with the line of said territory to the beginning. This description embraces a part of the counties of Nash and Edgecombe.

SEC. 2. That the commissioners heretofore named, to-wit: John H. Thorp, R. H. Ricks and Gray Armstrong, be and they are hereby empowered to take charge of all that part of said territory embraced in said boundary which lies in the county of Nash; and as soon as the parties residing therein shall build a good and sufficient fence connecting with this territory, then said fence commissioners are authorized to advertise the same in like manner and to the same effect as is described in section five of said act: *Provided*, that if any moneys have been levied and collected by said fence commissioners from the parties residing in the original territory under the act aforesaid, then and in that case the sum or sums so collected shall be expended solely upon the fences of the territory embraced in the original act.

Duty of fence commissioners in regard to portion of added territory in Nash county.

Proviso.

SEC. 3. That said fence commissioners in making their annual report, as provided for in section three, shall report for collection from the territory in Nash county annexed by this bill a sufficient sum of money to pay for building said fence, and shall use the sum thus collected for said purpose only: *Provided, however*, that in using taxes levied for repairs to be made after August, one thousand eight hundred and eighty-three, they shall use the same upon the fence surrounding the whole of said territory.

Fence.

Proviso.

SEC. 4. That the said fence commissioners shall perform the duties required in the original act, of which this is amendatory, and shall be liable to the same pains and penalties as therein prescribed.

Duty of commissioners.

Fence commis-  
sioners for part of  
added territory  
in Edgecombe  
county.

SEC. 5. That Dr. R. H. Speight, J. Q. Bryan and M. H. Wetherbee be and they are hereby appointed fence commissioners in and for that part of said territory lying and being in the county of Edgecombe, with power to contract for the erection of a substantial fence upon the boundary above described, so as to connect with the Nash county territory, 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 county commissioners of Edgecombe county.

Fence commis-  
sioners to make  
report to board of  
commissioners of  
Edgecombe  
county.

SEC. 6. It shall be the duty of the fence commissioners to make report annually to the August meeting of the board of county commissioners of Edgecombe the condition of said fence and gates, the sums due for building the same, 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 boundary to raise such sums as said fence commissioners shall report as necessary, which taxes shall be collected by the tax collector of Edgecombe 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.

Board of com-  
missioners to  
levy tax.

How collected.

Fence commis-  
sioners to keep  
fence, etc., in  
repair.

SEC. 7. It shall be the duty of said fence commissioners to keep the fences and gates enclosing said territory at all 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 Edgecombe county, and upon conviction shall be fined at the discretion of the court.

Misdemeanor.

When act to go  
into operation.

SEC. 8. 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 Tarboro, and posters at five public places

within said territory, and from and after ten days after such advertisements this act shall go into operation.

SEC. 9. 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 bidding.

Authority of fence commissioners to keep fence, etc., in order.

SEC. 10. 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 Edgecombe 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.

Chairman.

Bond.

Removal.

Action against him.

SEC. 11. 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.

Misdemeanor, or to injure, etc., fences, etc.

SEC. 12. 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 guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars.

Misdemeanor to permit live stock to run at large.

SEC. 13. The term live stock used in this act shall include and mean horses, mules, colts, hogs, neat cattle, sheep, goats and jennets.

Meaning of live stock.

SEC. 14. 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 bidding for cash, and of the proceeds the person impounding the stock shall receive, if a horse, mule or

Live stock running at large liable to be impounded.

Sale.

Fees of impounder.

Fees of justice of  
the peace.

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.

SEC. 15. This act shall be in force from the day of its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

## CHAPTER 368.

An act regulating the fees of justices of the peace for the probate or acknowledgement of deeds.

*The General Assembly of North Carolina do enact :*

Fees of justice of  
the peace for pro-  
bate of deeds, etc.

SECTION 1. Justices of the peace shall be entitled to charge the following fees for the services herein below named, to-wit: Probate of a deed or other writing proved by a witness, including the certificate, twenty-five cents; probate of a deed or other writing executed by a married woman for her acknowledgement and private examination, with the certificate thereof, twenty-five cents; probate of a deed or other writing acknowledged by the signers or makers, including all except married women who acknowledge at the same time, twenty-five cents; probate of a chattel mortgage, including the certificate, ten cents.

When act to take  
effect.

SEC. 2. This act shall be in force from the first day of November, one thousand eight hundred and eighty-three.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

## CHAPTER 369.

An act to amend chapter one hundred and twenty-six, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and twenty-six of the laws of eighteen hundred and eighty-one be amended as follows: by striking out all of section sixteen and insert, "that whenever a majority of the qualified voters of any township in said county, as compared with the registration books of said township, shall petition the board of commissioners thereof, the said board shall declare said chapter one hundred and twenty-six in full force and effect in the township making the petition."

Chap. 126, sec. 16,  
laws 1881,  
amended.

When Wake  
county fence law  
to be in force in  
any township.

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. 1883.

## CHAPTER 370.

An act to amend chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-one be amended by adding in line four, section two, after the word New Hanover, the words, "Mount Pleasant Methodist Protestant church, Mount Pleasant Male and Female Academy, both in Greene township, Guilford county."

Chap. 231, sec. 2,  
laws 1881,  
amended.

Sale of liquor pro-  
hibited within  
two miles.

SEC. 2. That this act shall take effect upon the 1st day of June next.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

## CHAPTER 371.

An act to encourage the building of a railroad from some point on the Western North Carolina Railroad between the town of Salisbury, in the county of Rowan, and Newton, in the county of Catawba, to the Tennessee or Virginia line, via Taylorsville and Wilkesboro.

*The General Assembly of North Carolina do enact :*

Money received for state stock in C. F. & Y. V. R. R. to be surrendered to company, etc., constructing road.

SECTION 1. That whenever any railroad company or their assigns, or any person or company for such railroad company now operating under a charter granted before the twenty-fourth day of April, Anno Domini one thousand eight hundred and sixty-eight, shall construct a railroad from some point on the Western North Carolina Railroad between the towns of Salisbury and Hickory, via Taylorsville, in the county of Alexander, Wilkesboro, in the county of Wilkes, and Patterson, in the county of Caldwell, to some point on the Virginia or Tennessee line in such manner as is hereinafter directed; all money which shall be paid to the state treasurer or other person as the consideration for the state stock in the said Cape Fear and Yadkin Valley railroad by any person, company or syndicate to whom the state's stock in said railroad may be assigned, shall be surrendered to any such person or company as aforesaid, who shall construct the railroad aforesaid from some point on the Western North Carolina Railroad between Salisbury and Newton, via Taylorsville, Wilkesboro and Patterson, in the county of Caldwell, to some point on the Virginia or Tennessee line.

Route.

SEC. 2. That when the said railroad shall be graded to Taylorsville, in Alexander county, then the company or person aforesaid grading the same, shall be entitled to receive one-fourth part of the money paid into the state treasury as aforesaid by any company or syndicate as the consideration for the state stock in the said Cape Fear and Yadkin Valley Railroad as hereinafter directed.

One-fourth to be paid when road graded to Taylorsville.

SEC. 3. When the said railroad shall be graded to Wilkesboro, then the company or person aforesaid grading the same, shall be entitled to receive one-fourth part of all the money mentioned in section second of this act as herein directed.

One-fourth to be paid when road graded to Wilkesboro.

SEC. 4. That when the said railroad shall be graded to some point across the Yadkin river by any person or company aforesaid, such person or company shall be entitled to receive one-fourth part of all the said money mentioned in section second of this act on the terms herein stipulated.

One-fourth to be paid when road graded across Yadkin river.

SEC. 5. When the said railroad shall be graded to Patterson, in the county of Caldwell, by such person or company aforesaid, then the balance of the money mentioned in section second of this act shall be so surrendered to such person or company grading the same on the terms herein stipulated.

Balance to be paid when road graded to Patterson.

SEC. 6. That the honorable R. F. Armfield, Dr. J. G. Ramsay and W. W. Lenoir are hereby appointed commissioners to examine the said grading upon said line of railroad; and whenever said commissioners shall be notified that the said grading on the line is completed to Taylorsville, in the county of Alexander, it shall be their duty to examine the same and make report under their hands and seals to the treasurer as to whether the grading is completed, and by whom done. And when the said commissioners shall have reported that the grading is completed to Taylorsville as aforesaid, the state treasurer is hereby directed to surrender to the person or company so grading the same, one-fourth of the money

Commissioners.

To examine grading when road graded to Taylorsville, etc.

Duty of treasurer.

paid in the state treasury as the consideration for the sale of the state's stock in the Cape Fear and Yadkin Valley Railroad: *Provided*, in exchange therefor, the said company or person shall deliver to the said treasurer bonds of either of the counties of Alexander, Wilkes, Watauga, Caldwell, Ashe or Alleghany, running thirty years before maturity at six per cent. per annum interest, the face value of which shall equal the amount so received from the state treasurer as aforesaid.

Proviso.

To examine grading to Wilkesboro, etc.

SEC. 7. That when the said commissioners shall be notified that the said railroad is graded to Wilkesboro, they shall make the same examination of the grading and report the same as directed in section six of this act, and the treasurer is directed to surrender to the person or company so grading the same a like sum of the fund mentioned in section six of this act, and upon the same terms expressed in said section six of this act.

Duty of treasurer.

To examine grading across Yadkin river.

SEC. 8. When the said railroad is graded to any point from Wilkesboro across the Yadkin river and the railroad bridge completed, the said commissioners shall make the same examination and report as is directed in section six, and the state treasurer is directed to deliver to the person or company so grading the same a like sum of the fund mentioned in section six of this act, and upon the same terms expressed in section six of this act.

Duty of treasurer.

To examine grading to Patterson.

SEC. 9. When the said railroad is graded to Patterson and the said commissioners notified thereof, they shall examine and report the same to the state treasurer, who shall surrender to the person or company grading the same the balance of said fund, upon the same terms expressed in section six of this act.

Certain counties authorized to make subscription.

SEC. 10. That any of the counties of Alexander, Wilkes, Caldwell, Watauga, Ashe, Alleghany and Iredell, may make subscription to such railroad company so constructing its said line of railroad mentioned in section first of this act to an amount not exceeding (\$50,000) fifty thousand dollars for each county, in the discretion of the board

of county commissioners of such county, and in such manner as shall be determined by them respectively, and they are hereby authorized, each county for itself, to make any such subscription, and in the mode to be determined by them, and to issue bonds running twenty years before maturing at such rate of interest as they may respectively determine, and to levy a special tax to pay the interest thereon, but no such subscription or order to issue bonds shall be valid until the same shall have been ratified by a majority of the qualified voters of the county making the same, at an election to be held at such time and under such regulation as the board of county commissioners of such county shall adopt, not inconsistent with the constitution of the state or the general law regulating elections in this state.

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

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

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## CHAPTER 372.

An act to allow the superior court clerk of New Hanover county to be absent from his office three consecutive Mondays during one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be lawful for the superior court clerk of New Hanover county to be absent from his office three consecutive Mondays during the year one thousand eight hundred and eighty-three.

Authorized to be absent from office three consecutive Mondays in 1883.

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. 1883.

## CHAPTER 373.

An act to republish the reports of the supreme court.

*The General Assembly of North Carolina do enact:*

Secretary of state directed to have reports re-published.

SECTION 1. That the secretary of state be directed and is hereby authorized to have the reports of the supreme court of the state of North Carolina republished and numbered consecutively, retaining also the present numbers and names of reporters.

Purchase of printed or bound copies.

SEC. 2. That in case he can purchase printed or bound copies of any of such reports at less than it would cost to have them republished, he is authorized to make such purchase.

Secretary of state to sell reports.

SEC. 3. That the said secretary of state is authorized to sell said reports at a price sufficient to cover the cost of publication, not less than fifty per cent. more than the cost of publication, but not to exceed three dollars a volume, and supply the library of the supreme court with such numbers as the judges of said court shall certify are required.

To supply supreme court library.

Treasurer authorized to pay costs.

SEC. 4. That the treasurer is hereby authorized to pay the costs of such publication out of any money in the treasury not otherwise appropriated, and not required for the expenses of the state government and penal and charitable institutions.

Discretion of secretary of state as to reports re-published.

SEC. 5. That in case there are not sufficient funds which can be used for the purpose of republishing all of said reports at one time, the secretary is authorized to use his discretion in having such of said reports republished as cannot now be obtained at a cost of three dollars per volume, and most likely to command a ready sale and repay the costs of publication, and from time to time have other of such reports republished as funds can be obtained from the treasury for this purpose.

SEC. 6. That the secretary of the state be authorized to exchange such reports with the governors or proper authority of states and thus complete the number of reports of such states in the supreme court library.

Exchange of reports with other states.

SEC. 7. That before having said reports republished, the secretary of state shall contract for sale of at least one-half the volumes he proposes to publish.

Duty of secretary of state before publishing.

SEC. 8. That not more than fifteen numbers shall be published any one year.

Not over fifteen numbers to be published in one year.

SEC. 9. That the secretary of state is authorized and directed to make a special contract for the printing and binding of said reports, upon the best terms practicable, either in or out of this state.

Special contract for printing, etc.

SEC. 10. 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. 1883.

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CHAPTER 374.

An act to prohibit the sale of spirituous liquors within two miles of Forks of Ivy and Pleasant Gap churches in the counties of Buncombe and Madison.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to sell or in any other way dispose of any spirituous or intoxicating liquors within two miles of Forks of Ivy and Pleasant Gap churches in the counties of Buncombe and Madison.

Unlawful to sell, etc., liquor within two miles of Forks of Ivy and Pleasant Gap churches.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction of the same shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor.

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. 1883.

### CHAPTER 375.

An act to prohibit the sale of spirituous liquors within one mile of Mount Tabor Baptist church, in Columbus county.

*The General Assembly of North Carolina do enact:*

Unlawful to sell  
or give away  
liquor, etc.

SECTION 1. That it shall be unlawful for any person or persons to sell or give away any intoxicating liquors within one mile of Mount Tabor Baptist church in Columbus county.

Misdemeanor.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace having jurisdiction, shall be punished by a fine of not more than fifty dollars, or by imprisonment not to exceed ten days.

SEC. 3. This act shall be in force from and after the 1st day of March, 1884.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

### CHAPTER 376.

An act to amend chapter one hundred and forty-three of public laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact:*

Chap. 143, laws  
1879, amended.

SECTION 1. That chapter one hundred and forty-three of public laws of one thousand eight hundred and seven-

ty-nine, be amended by striking out section one of said chapter and inserting the following in lieu thereof: That Jacob James, John James, Gibson James, Asa Croom and — Cowan, of the county of Pender, be and they are here appointed commissioners to lay off and superintend the construction of a canal of sufficient width to chain Angola Bay, beginning at or near Croom's bridge, in Pender county, on the east side of the Northeast river, and running the road cut out by the citizens of that section to high land, and that Geo. W. Bradham, Jacob James, Nicanor James, Riley Jones and David Powell be and they are hereby appointed commissioners to lay off and superintend the construction of a road and canal across said Angola Bay, beginning at or near Croom's bridge, and to run as near as practicable, north fifty degrees east across said Bay to some point or high land or to the run of Cypress creek, as they may deem best, and shall from time to time report to the governor, and the board of directors of the penitentiary are authorized to divide the convicts which they have been authorized to furnish for the canalizing of Angola Bay by the acts of one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-nine, between the two routes or complete one before the other is begun.

Commissioners to lay off canal at Angola Bay, etc.

Commissioners to lay off, etc., road across Angola Bay.

Convicts to be furnished.

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. 1883.

## CHAPTER 377.

An act to amend chapter two hundred and thirty-one, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 231, laws  
1881, amended.

Durham graded  
school.

SECTION 1. That chapter two hundred and thirty-one, laws of one thousand eight hundred and eighty-one, entitled "an act to establish a graded school in the town of Durham," be amended by striking out the word "annually," in section four, line five, and inserting the words "one thousand eight hundred and eighty-three," and "biennially," and that the word "three," in same line, be changed to "four;" that the word "Orange," in line ten of said section be changed to "Durham;" that all after the word "Durham" in line ten of same section, down to and including the word "till," in line thirteen, be stricken out. That the following be added to section four: "all vacancies occurring in the board of education and learning shall be filled by the said board."

Public school  
money for  
white children  
applicable to sup-  
port of graded  
school.

SEC. 2. That a new section, to be known as section seven, be inserted as follows: "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 town of Durham, shall be applied for keeping up the public graded school for the whites, under the orders and direction of the Durham graded school committee for white children."

SEC. 3. That section seven be changed to section eight.

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. 1883.

## CHAPTER 378.

An act to prevent obstructing the passage of fish in Sandy Mush creek, in the counties of Buncombe and Madison.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to erect any dam or other obstruction across Sandy Mush creek, in the counties of Buncombe and Madison, so as to prevent the free passage of fish in one-half of said stream. Unlawful to obstruct Sandy Mush creek, etc.

SEC. 2. That any person or persons erecting any dam or other obstruction across said creek, from its mouth or juncture with the French Broad river to Gudger's Mill, without leaving one-half of said creek unobstructed, shall be deemed guilty of a misdemeanor, and upon conviction of the same before any justice of the peace living in the county where the offender resides be fined five dollars for every twenty-four hours said creek remains so obstructed: Misdemeanor.  
*Provided,* that the provisions of this act shall not apply to any dam built for the purpose of running mills or other machinery. Proviso.

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. 1883.

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 CHAPTER 379.

An act to authorize the commissioners of Madison county to open a public road and to furnish said county convict labor to aid in its construction.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of the county of Madison be and they are hereby authorized and empow- Authorized to open road from Warm Springs to Haywood line.

ered to order the cutting open and laying out of a public road in said county, leading from Warm Springs to the Haywood line.

Certain persons convicted liable to work on road.

SEC. 2. That all persons who shall be convicted of any criminal offence in any of the courts of Madison county [and] in consequence thereof be sentenced to imprisonment in the county jail for a term less than two years, shall, on 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, 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 road.

SEC. 3. 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 second section of this act.

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. 1883.

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## CHAPTER 380.

An act to authorize the commissioners of Cabarrus county to levy a special tax.

*The General Assembly of North Carolina do enact :*

Authorized to levy special tax not exceeding \$1,500 to complete road from Concord to depot.

SECTION 1. That the board of commissioners (in its discretion) of Cabarrus county are hereby authorized to levy a special tax in said county for the purpose of completing

the macadamized road from the depot of the North Carolina Railroad at Concord to the town of Concord: *Provided*, said tax shall not exceed the sum of fifteen hundred dollars.

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. 1883.

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## CHAPTER 381.

An act to amend section thirty-one of chapter one hundred and four of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section thirty-one of chapter one hundred and four of Battle's Revisal be and the same is hereby amended by striking out the word "ten," in line two of said section, and inserting in lieu thereof the word "five."

Chap. 104, sec. 31,  
Battle's Revisal,  
amended.  
Penalty for keep-  
ing ferry, etc.,  
without authori-  
ty.

SEC. 2. That all laws inconsistent 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 12th day of March, A. D. 1883.

## CHAPTER 382.

An act to prevent the destruction of wild fowl in New Hanover county.

Preamble.

WHEREAS, large numbers of wild fowl and birds are wantonly destroyed annually in the sounds and waters of New Hanover county, and the said fowl will soon become extinct; therefore,

*The General Assembly of North Carolina do enact :*

Unlawful to rob nests.

SECTION 1. That it shall be unlawful at any time to rob the nests of seabirds or game in the said waters of eggs or the young.

Unlawful to trap, etc., certain birds from April 1, to October 15.

SEC. 2 That the trapping and killing of partridges, quails, marsh-hens, woodcock, snipe, doves and curlew, shall be unlawful from the first day of April to the (15th) fifteenth day of October.

Unlawful to rob nests of mocking birds on land of another, etc.

SEC. 3. That it shall be unlawful for any person to rob the nests of mocking birds on the land of another, and the killing of them shall be unlawful.

Possession presumptive evidence.

SEC. 4. That possession of said birds or eggs shall be presumptive evidence against any person and make them liable to indictment.

Misdemeanor.

SEC. 5. Any person who shall violate any provision 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: *Provided*, this act shall apply only to the county of New Hanover.

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 12th day of March, A. D. 1883.

## CHAPTER 383.

An act in relation to roads and cartways.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who shall obstruct any road or cartway ordered to be laid off and established according to the provisions of Battle's Revisal, chapter one hundred and four (104), shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, at the discretion of the court.

Misdemeanor to obstruct road, etc.

SEC. 2. That any person who shall hinder or in any manner interfere with the making of any road or cartway laid off according to the provisions of Battle's Revisal, chapter one hundred and four (104), shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, at the discretion of the court.

Misdemeanor to interfere with construction of road, etc.

SEC. 3. 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. 1883.

## CHAPTER 384.

An act to protect the rice planters of Eagle's Island, in Brauswick county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall not be lawful for any person to keep hogs or cattle running at large on Eagle's Island; and any person offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction before a justice of the peace, shall be fined not more than fifty dollars, or imprisoned for one month.

Misdemeanor to keep hogs or cattle running at large on Eagle's Island.

No liability for killing hog in one's own field.

Proviso.

Proviso.

Act not applicable to hogs being driven on public road, etc.

SEC. 2. That no person shall be liable to any civil action for damages for any hog killed in his own rice fields on said island: *Provided*, said hog shall have been permitted by its owner to run at large contrary to this act: *And provided further*, that the hog shall not have been killed from malice or for any reason other than that of preventing injury to the lands or crops.

SEC. 3. That this act shall not apply to persons who may be driving cattle or hogs over the public road or causeway across said island.

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. 1883.

## CHAPTER 385.

An act to amend section fourteen, 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:*

Chap. 135, sec. 14, laws 1879, amended.

SECTION 1. That section fourteen (14) of chapter one hundred and thirty-five (135) of the laws of one thousand eight hundred and seventy-nine (1879) be amended by adding after the word "jennets," in line three (3), the word "geese": *Provided*, this bill shall apply only to the county of Cleveland.

"Stock" to include geese.  
Not applicable to Cleveland 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. 1883.

## CHAPTER 386.

An act to allow John Green and Samuel Hines to redeem land sold for taxes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John Green and Samuel Hines, of Harnett township, New Hanover county, may, on or before the thirty-first day of December, one thousand eight hundred and eighty-three, redeem any and all lands bought by them of the estate of Thomas Colville and since sold for taxes, bid in and now held by the state, by the payment of all back taxes up to date of payment, whether listed or unlisted.

Authorized to redeem land purchased by state.

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. 1883.

## CHAPTER 387.

An act concerning the toll-gates of Cherokee county.

WHEREAS, the county of Graham was formerly a part of the county of Cherokee, and the citizens of the county of Graham aided in making all the internal improvements in the county of Cherokee up to the time of their being cut off from said county; therefore

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the citizens of the county of Graham be and they are hereby allowed to pass through all the toll gates of the county of Cherokee free of charge.

Citizens of Graham county allowed to pass through free of charge.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of law in conflict with this act be and the same are hereby 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 12th day of March, A. D. 1883.

## CHAPTER 388.

An act to establish a standard weight for a barrel of pork.

*The General Assembly of North Carolina do enact:*

Standard weight 200 pounds.

SECTION 1. That the standard weight of a barrel of pork shall be two hundred pounds of pork.

Misdemeanor to offer for sale pork put up in barrels containing less than 200 pounds.

SEC. 2. That any person offering for sale pork put up in barrels containing a less quantity of meat than two hundred pounds, shall be guilty of a misdemeanor, and upon conviction before a justice of the peace, shall be fined not less than five or more than ten dollars for each and every offence, and shall also be liable in a civil action for a difference in weight.

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. 1883.

## CHAPTER 389.

An act to prevent wanton destruction of fish in Stony creek and Pig Basket creek, in Nash county, and for other purposes.

*The General Assembly of North Carolina do enact:*

Unlawful to obstruct passage of fish in certain streams in Nash county.

SECTION 1. That it shall be unlawful for any person to obstruct the passage of fish up Stony creek, between W. R. Winstead's mill and N. W. Boddie's mill, or up Pig

Basket creek, by the use of traps stretched across said stream or of felling trees therein which will prevent said passage.

SEC. 2. That it shall be unlawful for any person to fish in either of said streams as above described with seine or drag nets.

Unlawful to fish with seines, etc.

SEC. 3. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than ten dollars or imprisoned not more than ten days.

Misdemeanor.

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. 1883.

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## CHAPTER 390.

An act to repeal section twenty-seven, chapter thirty-two, Battle's Revisal, and to provide a substitute for the same.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-seven of chapter thirty-two, of Battle's Revisal, be repealed and the following inserted in lieu thereof: "If any woman or other person shall by secretly burying or otherwise disposing of the dead body of a new born child of such woman, or any other woman, or endeavors to conceal the birth of such child, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine and imprisonment, one or both, such imprisonment to be in the county jail or state's prison, at the discretion of the court: *Provided however*, that the imprisonment in the penitentiary shall in no case exceed a term of ten years: *And provided further*, that nothing in this

Chap. 32, sec. 27, Battle's Revisal, repealed.

Concealing birth of child a misdemeanor.

Penalty.

Proviso.

section contained shall be construed to prevent the mother, who may be guilty of the homicide of her child, from being prosecuted and punished for the same according to the principles of the common 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. 1883.

## CHAPTER 391.

### An act to protect the farmers of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person or persons who, in any stock law territory in this state, shall wilfully, and not as the result of an accident, kill any horse or mule, or drive any horse or horses, mule or mules, either loose or to any vehicle or wagon, over the cultivated or enclosed lands of another in this state, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace shall be fined not exceeding ten dollars, at the discretion of the court.

SEC. 2. That any landowner, or the agent or agents of any landowner desiring the protection of this act, shall be required to post up either a written or printed notice at, at least four conspicuous places on said land, forbidding any person or persons from trespassing on his or her lands or the lands for which he is agent, as set forth in section one of this act.

SEC. 3. That upon the trial of any person or persons for the violation of section one of this act, it shall be necessary for the landowner, or his or her agent, to prove by at least one substantial witness that the lands trespassed

Misdemeanor in stock law territory to ride, etc., horse, etc., over cultivated, etc., lands.

Landowner to post notice.

Evidence.

upon were posted as required in section two of this act, and that said notice was up at the time the trespass was committed.

SEC. 4. That any person or persons tearing down, mutilating or defacing any notice posted up as required in section two of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars or imprisoned not exceeding ten days, at the discretion of the court.

Misdemeanor to tear down, etc., notice.

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. 1883.

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## CHAPTER 392.

An act concerning the great seal of the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the great seal of the state of North Carolina shall be two and one quarter inches in diameter, and its design shall be a representation of the figures of Liberty and Plenty, looking toward each other but not more than half fronting each other and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand and a scroll with the word "constitution" inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended toward Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet and the contents of the horn rolling out.

Design of great seal of state.

SEC. 2. That it shall be the duty of the governor to file in the office of secretary of state an impression of the

Governor to file impression of seal with secretary of state.

great seal, certified to under his hand and attested by the secretary of state, which impression so certified; the secretary of state shall cause to be bound up with this statute among the manuscript statutes of this general assembly.

SEC. 3. 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. 1883.

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### CHAPTER 393.

An act to fix the term of office of standard keeper for the different counties.

*The General Assembly of North Carolina do enact:*

Term of office of  
standard keeper.

SECTION 1. That any person elected standard keeper for any county as is now provided by law, shall hold his office of standard keeper for the term of two years from the time of his appointment or election, and no longer, unless re-appointed or re-elected as now provided 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. 1883.

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### CHAPTER 394.

An act to require railway companies to keep and maintain cattle guards.

*The General Assembly of North Carolina do enact:*

Railroad compa-  
nies to construct  
and maintain  
cattle guards etc.

SECTION 1. That every incorporated company owning, operating or constructing, or which shall hereafter own, operate or construct, or any company which shall here-

after be incorporated, and shall own, operate or construct any railroad passing through and over the land of any person now enclosed, or which may hereafter become enclosed, shall, at its own expense, construct and constantly maintain in good and safe condition, good and sufficient cattle guards at the points of entrance upon and exit from said enclosed land, and they shall also make and keep in constant repair crossings to any plantation road thereupon.

SEC. 2. That every such corporation which shall fail to erect and constantly maintain such cattle guards and crossings, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the discretion of the court, and shall be further liable to an action for damages to the party aggrieved.

Misdemeanor.

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

It was read three times in the general assembly, and ratified this the 12th day of March, A. D. 1883.

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## CHAPTER 395.

An act to amend section (3) third, chapter two hundred and forty, laws of one thousand eight hundred and seventy-four and seventy-five.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section (3) third of chapter (240) two hundred and forty of the acts of the general assembly of North Carolina, ratified on the twenty-second day of March, one thousand eight hundred and seventy-five, be and the same is hereby repealed, and the following words substituted in its place, namely: "Nothing in this chapter or act shall be taken in any manner as abridging the

Chap. 210, sec. 3,  
laws 1874-'5,  
amended.

Special contracts  
between railroad  
companies and  
shippers of not  
less than one car  
load of freight.

right of any railroad company from making special contracts with shippers of large quantities of freight, not less in quantity or bulk than one car load.

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. 1883.

## CHAPTER 396.

An act to change the line between a small portion of Wilson and Edgecombe counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the line between the counties of Wilson and Edgecombe shall be as follows: commencing at the Rake Straw place, thence running north in a straight line to the bridge on Williamston branch, on the road leading from Upper Town Creek church to Temperance Hall church, thence up said branch to the head of same, thence northwest a straight line to the Sharpsburg road, near E. G. Hales, thence down said road to the Wilmington and Weldon Railroad, thence down the said Wilmington and Weldon Railroad to the Wilson county line.

SEC. 2. That the portion of said territory on the north side of Town creek shall be annexed to Toisnot township, in Wilson county, and that portion on the south side of said creek shall be annexed to Gardner's township, in Wilson county.

SEC. 3. That the property and polls in this territory affected by the change in the line shall not be exempt from paying its portion of the Edgecombe county debt if there be any at the time of the change.

Line between  
Wilson and Edge-  
combe counties.

Townships.

Liability for debt  
of Edgecombe  
county.

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. 1883.

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CHAPTER 397.

An act to authorize the board of commissioners of Warren county to levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Warren county be and they are hereby authorized and empowered to levy a special tax in one thousand eight hundred and eighty-three, or one thousand eight hundred and eighty-four, or in each of said years, at the same time with the other levies on all subjects of taxation in said county, the said special tax being required by the necessities of said county. That said special tax shall not exceed the sum of four thousand dollars net, after allowing for costs of collections, 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 officer, in said county in the same manner and under the same penalties, and within the same time as the other taxes levied in said county: *Provided*,

Authorized to  
levy special tax  
not exceeding  
\$4,000.

*Provided.*

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. 1883.

## CHAPTER 398.

An act to amend an act entitled an act to authorize the town of Warrenton to subscribe to the stock of the Warrenton Railroad Company and for other purposes, ratified the tenth day of February, one thousand eight hundred and seventy-seven, and also to amend the charter of the Warrenton Railroad Company.

*The General Assembly of North Carolina do enact :*

Chap. 86, laws  
1876-'7, amended.

Amount of sub-  
scription in-  
creased.

Coupons receive-  
able for town,  
taxes.

Increased sub-  
scription to be  
submitted to pop-  
ular vote.

Directors author-  
ized to substitute  
horse power for  
steam.

SECTION 1. That the act entitled an act to authorize the town of Warrenton to subscribe to the stock of the Warrenton Railroad Company and for other purposes, ratified the 10th day of February, one thousand eight hundred and seventy-seven, be amended as follows: "In section first of said act, the amount which the said town of Warrenton is authorized to subscribe to the capital stock of the Warrenton Railroad Company, shall be changed so as to read 'ten (10) thousand dollars' instead of 'three thousand dollars,'" and the following be added to said section: That the coupons of the bonds authorized to be issued by the town of Warrenton, and also the bonds of the Warrenton Railroad Company authorized to be endorsed by said town of Warrenton, shall be receivable for the corporation taxes of said town.

SEC. 2. This amendment shall be submitted to a vote of the qualified voters of said town as provided in section second (2) of said act.

SEC. 3. That the directors of the Warrenton Railroad Company may, if they shall see proper, use or substitute horse power on said road for steam power, or use both or either at their discretion.

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. 1883.

## CHAPTER 399.

An act to amend chapter one hundred and seventy-three of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the laws of one thousand eight hundred and eighty-one, chapter one hundred and seventy-three (173), be and the same is hereby amended as follows: insert after the words Lewis Bounce, in line three, section one, the names of Henry Taylor, S. M. Dugger and W. L. Bryan. Strike out the words Henry Taylor in line four and section four, and insert Boone.

Chap. 173, laws 1881, amended.

Marion and Asheville turnpike road.

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. 1883.

## CHAPTER 400.

An act to enable the commissioners of Vance county to build a court house and other county buildings.

*The General Assembly of North Carolina do enact :*

SECTION 1. That whereas by chapter one hundred and thirteen of the laws of one thousand eight hundred and eighty-one, the county commissioners of Vance county are empowered to provide by taxation for the erection of a court house and other necessary county buildings for said county; and whereas, it is by the authorities of said county deemed expedient that the amount necessary for such purpose, beyond the amount required in said act to be raised by the town of Henderson for said purpose, be raised by issuing and disposing of the bonds of the said

County commissioners, with approval of board of justices, authorized to issue coupon bonds not exceeding \$15,000.

county, that the commissioners of said county, with the approval of the board of justices of said county first had and obtained at a joint meeting of the said commissioners and justices called according to law, are hereby authorized to issue coupon bonds of the said county in an amount not exceeding fifteen thousand dollars, in denominations of not less than twenty-five nor more than five hundred dollars, the number of the said bonds and the denominations thereof to be in the discretion of the said commissioners.

Interest.

Coupons.

SEC. 2. That the said bonds shall bear interest at the rate of six per cent. per annum, and the coupons attached thereto shall call for the payment of the interest thereon and such part of the principal thereof as shall be determined by the said commissioners, said interest and part of the principal to be payable on or before the first day of July of each and every year whilst the said bonds are in force.

Bonds, how issued.

When payable.

Proviso.

Redeemable after four years at option of county.

SEC. 3. Said bonds shall be signed by the county commissioners of said county and countersigned by their clerk, and shall be payable as to the principal thereof in not more than twenty years from the date thereof, as shall be determined by said board of commissioners: *Provided*, that said bonds may be paid off by means of partial payments of the principal thereof as hereinbefore provided in section two of this act. And each bond shall have printed or written on the face thereof the words: "This bond is redeemable after four years at the option of the county."

Duties of clerk.

SEC. 4. That the clerk of said commissioners shall keep a book in which he shall keep an account of the number and denomination of said bonds issued as aforesaid, and the persons to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in, or otherwise cancelled, so that by inspection of said book the true status of the bonded debt of said county

herein provided for may be readily ascertained. Said book shall be at all times opened to the inspection of any taxpayer of the county, and any clerk of said county commissioners, county officer or other person having custody of said book, who shall refuse or wilfully neglect to allow such inspection shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. And upon such conviction the said commissioners shall take charge of said book and deliver it for keeping to some other person, who shall hold the same under the same rules, regulations and penalties hereinbefore prescribed.

Misdemeanor.

SEC. 5. That said coupons shall be receivable in payment of all county taxes.

Coupons receivable for county taxes.

SEC. 6. That the said bonds shall not be sold or otherwise disposed of for less than face value thereof by the said commissioners.

Bonds not to be sold for less than par.

SEC. 7. That the said commissioners and justices, in order to provide for the payment of the said bonds and coupons, are hereby authorized and empowered, if they shall deem it necessary, to levy a special tax of not more than ten cents on the hundred dollars' worth of property in said county and a corresponding tax on each taxable poll in said county, observing the constitutional equation and limitation in the levy and collection of such tax.

Special tax.

SEC. 8. That the said commissioners, if they shall determine that the said bonds shall not be paid by partial payments of the principal thereof by means of said coupons as is provided in section two of this act, shall, out of the ordinary revenue and general fund of said county, or out of the amount raised by the levy and collection of the said special tax, as the case may be, set aside year by year an amount sufficient in the aggregate thereof for the time during which said bonds are by the terms thereof to run, to pay the principal of said bonds, which amount so set aside shall from time to time, when opportunity shall offer, be applied to the purchase and cancellation of said

Sinking fund.

bonds, and in case the said commissioners shall be unable with the said amount to purchase said bonds, then they shall safely and securely invest the said amount and at the best rates of interest attainable. All securities for the payment of such amounts so invested to be taken to and in the name of the board of county commissioners of Vance county, which said securities so taken are hereby declared to be valid and binding on the parties thereto, and in all respects to be governed by the existing laws applicable to such securities between citizens of this state.

Bonds to be negotiated by county treasurer, etc.

SEC. 9. That as soon as said bonds are issued, signed and countersigned, as hereinbefore provided, the said commissioners shall place the same in the hands of the treasurer of said county, who shall also countersign the same, and the said treasurer shall thereupon, under direction and supervision of said commissioners, sell and dispose of the same as hereinbefore provided, making out and returning to said commissioners an accurate account of the number and denominations of said bonds and to whom sold, and thereupon the said treasurer shall receive all the proceeds of the sale and disposal of said bonds, hold said proceeds subject to the order and direction of the said board, and be responsible for the safe custody and keeping of said proceeds as by law it is now provided he shall be and is responsible for the custody and keeping of the moneys of the said county as the treasurer thereof.

Duties of treasurer.

Commissioners authorized to pay proportionate part of Granville county debt due by Vance county, out of proceeds of bonds.

SEC. 10. That the commissioners of said county are hereby authorized and empowered, if it shall become necessary in order to relieve the said county of its proportion of the debt of Granville county, to apply the amount raised by the issuance of said bonds, or so much thereof as may be necessary, to the payment of such said proportion of the debt of Granville county when the same shall be ascertained.

SEC. 11. 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. 1883.

## CHAPTER 401.

An act in relation to the justices' dockets in the counties of Durham and Orange.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the superior court of Orange county is hereby authorized and directed to deliver to the clerk of the superior court of Durham county the justices' dockets for the townships of Durham, Patterson and Lebanon, which were filed and deposited with said clerk of superior court of Orange county before the erection of the county of Durham.

Clerk of Orange superior court to deliver to clerk of Durham superior court certain justices' dockets.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

## CHAPTER 402.

An act to repeal an act entitled an act to incorporate the Jonathan's Creek and Tennessee Mountain Turnpike Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act incorporating the Jonathan's Creek and Tennessee Mountain Turnpike Company, in Haywood county, be and the same is hereby repealed.

Chap. 90, laws 1846-7, repealed.

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

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

## CHAPTER 403.

An act to prevent the putting of obstructions in Swift and Middle creeks, in Johnston county.

*The General Assembly of North Carolina do enact :*

Misdemeanor to  
fell trees, etc., in  
Swift creek.

SECTION 1. That if any person shall wilfully fell any tree or put any obstruction for any purpose whatever into the run of Swift creek, in Johnston county, in this state, between the mouth of Swift creek where it empties into Neuse river and the site of the old Ransom Sanders' mill dam on Swift creek, or into the run of Middle creek, in the same county, between its junction with Swift creek and the mill dam of J. W. Avera, Jr., on Middle creek, such person shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, or both fined and imprisoned, at the discretion of the court.

SEC. 2. This act shall take effect thirty days after the ratification of the same.

In the general assembly read three times, and ratified the 12th day of March, A. D. 1883.

## CHAPTER 404.

An act to authorize the proper authorities of Jones county to assign hands to work on Trent river.

*The General Assembly of North Carolina do enact :*

Hands to be as-  
signed to work  
on Trent river.

SECTION 1. That the proper authorities of Jones be and they are hereby authorized and empowered to assign hands to work on Trent river in said county, in as full and ample manner as they are now authorized to assign hands to work on public roads.

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. 1883.

### CHAPTER 405.

An act to amend an act entitled an act to incorporate the insane asylums of the state and for other purposes, passed at the present session of the general assembly.

*The General Assembly of North Carolina do enact: ]*

SECTION 1. That the last sentence in section twelve of said act, which is in the following words, to-wit: "The state treasurer shall keep all accounts of the institutions, as may be regulated by the boards of directors, and he shall pay out money only upon the warrant of the respective superintendents, and countersigned by at least two of said boards of directors," be and the same is hereby stricken out and the following inserted in lieu thereof: "The state treasurer shall keep all accounts of the institutions, and shall pay out all moneys upon the warrant of the respective superintendents, countersigned by two members of the board of directors, under such rules and regulations as the respective boards of directors may establish."

Chap. 156, *ante*  
amended.

Duties of state  
treasurer.

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. 1883.

## CHAPTER 406.

An act to amend section eight, chapter seven of Battle's Revisal.

*The General Assembly of North Carolina do enact :*

Chap. 7, sec. 8,  
Battle's Revisal,  
amended.

Misdemeanor for  
attorneys at law  
or justices of the  
peace to practice  
law in counties  
where they hold  
office of county  
commissioner,  
etc.

SECTION 1. That section eight, chapter seven of Battle's Revisal be amended to read as follows: It shall not be lawful for any attorney at law or justice of the peace to practice law in any of the judicial courts held for the county wherein they hold the office of county commissioner or justice of the peace; and any person violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court not less than two hundred dollars, and by the judgment of the court may be dismissed from the practice of law as an attorney and be removed from the office of justice of the peace.

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. 1883.

## CHAPTER 407.

An act to perfect the machinery for counting the votes for senator in the counties of Warren and Vance.

*The General Assembly of North Carolina do enact :*

Chap. 296, s. 1,  
laws 1881,  
amended.

SECTION 1. That section one of chapter two hundred and ninety-six of the laws of one thousand eight hundred and eighty-one shall be and the same is hereby amended by inserting the word "Vance" after the word "Warren," in the thirty-sixth line of said section, so that the nine-

teenth district shall be composed of the counties of Warren and Vance.

19th senatorial district.

SEC. 2. That three days after the result of any election for senator shall be declared at the court house in the counties of Vance and Warren respectively, the sheriffs of said counties shall meet at the first election held after the passage of this act at the court house in the county of Warren, and the next election thereafter at the court house in the county of Vance, and thereafter alternately at the respective court houses of said counties, and compare the votes of the counties of Vance and Warren for senator, and declare the result at the court house door of the county where they meet, and sign and deliver the certificates of election to the senator entitled thereto.

Where votes to be compared.

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. 1883.

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## CHAPTER 408.

An act to change the time for holding the superior courts of the fourth judicial district.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the superior courts of the fourth judicial district shall be held at the following times, viz :

Cumberland, the Monday before the last Monday in January.

Cumberland county.

Robeson, the last Monday in January.

Robeson county.

Moore, the first Monday in February and August, to continue two weeks.

Moore county.

Harnett, the third Monday in February and August, to continue one week.

Harnett county.

Bladen county.	Bladen, the first Monday after the third Monday of February and August, to continue two weeks.
Columbus county.	Columbus, the third Monday after the third Monday of February and August, to continue two weeks.
Brunswick county.	Brunswick, the fifth Monday after the third Monday of February and August, to continue one week.
Johnston county.	Johnston, the sixth Monday after the third Monday of February and August, to continue two weeks.
Robeson county.	Robeson, the eighth Monday after the third Monday of February and August, to continue two weeks.
Anson county.	Anson, the tenth Monday after the third Monday in February and August, to continue two weeks.
Richmond county.	Richmond, the twelfth Monday after the third Monday in February and August, to continue two weeks.
Cumberland county.	Cumberland, the fourteenth Monday after the third Monday in February and August, to continue two weeks.
By whom January terms of Cumberland and Robeson to be held.	SEC. 2. That the January terms of Cumberland and Robeson, as above provided for, shall be held by the resident judge of the district, unless otherwise directed by the governor, and the judge holding said January courts shall receive as compensation therefor one hundred dollars for each court, to be paid by the counties of Cumberland and Robeson.
Compensation of judge.	
When act to take effect.	SEC. 3. That this act shall be in force and take effect from and after the first day of August, A. D. 1883. In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

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## CHAPTER 409.

**An act to establish and define the line between the counties of Carteret and Craven.**

WHEREAS, it is uncertain as to the boundary line between the counties of Carteret and Craven; and for the more definite settlement of the same,

*The General Assembly of North Carolina do enact :*

SECTION 1. That the boundary line between the counties of Carteret and Craven shall be as follows, viz: Beginning at the point where the dividing lines between the counties of Carteret, Craven and Jones intersect on Hunter's creek, running eastwardly along the northern boundary of the Pocosin to the Atlantic and North Carolina Railroad, thence eastwardly a direct line to the head of Morton's mill pond, thence down said mill pond and creek to Chubfoot's creek, thence across Chubfoot's creek a direct line to the mouth of "Blue Billie's" creek, thence with "Blue Billie's" creek to the head of its northern prong, thence a northeast course to the turnpike, thence a direct line to the mouth of Turnagain bay.

Boundary line  
between Carteret  
and Craven coun-  
ties.

*Amended  
12-25  
C. 41*

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. 1883.

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## CHAPTER 410.

An act to extend the time to redeem lands sold for taxes.

WHEREAS, heretofore there have been various tracts of land in the state of North Carolina sold for taxes and the state has become the purchaser, and through inadvertence the owners of said land have failed to redeem the same and the time for such redemption has expired by limitation; therefore, Preamble. ]

*The General Assembly of North Carolina do enact :*

SECTION 1. That the time for the redemption of any land heretofore sold for taxes and purchased by the state, shall be and the same is hereby extended to the first day Time for redemption  
of land sold  
for taxes and pur-  
chased by state  
extended to Jan-  
uary 1, 1884.

of January, one thousand eight hundred and eighty-four, and that any person or persons whose property has been sold as aforesaid who shall pay within said time to the officer entitled by law to receive the same all taxes and costs due on said land, together with ten per cent. additional on said taxes, and also all such taxes as would have been due upon said land had no sale taken place, shall be allowed to redeem said land as though the same had been redeemed within the time prescribed by law: *Provided*, that the title to said lands is still in the state.

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 12th day of March, A. D. 1883.

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## CHAPTER 411.

An act to prevent the hauling of drag nets or seines, or fishing with gig or spear, etc., in the waters of Johnathan's creek, Haywood county.

*The General Assembly of North Carolina do enact:*

Unlawful to fish with drag nets, etc., in certain waters in Haywood county.

SECTION 1. That it shall be unlawful for any person to fish with any kind of drag net, seine, trap, spear or gig, in any of the waters of Johnathan's creek in Ivy Hill township, and in the waters of Catalooche creek, Haywood county, for the term of three years after May first, one thousand eight hundred and eighty-three.

Misdemeanor.

SEC. 2. That it shall be unlawful for any person to fish in any way described in section one of this act, at any time hereafter in the breeding or spawning season, in any of the waters of any stream in Haywood 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 12th day of March, A. D. 1883.

## CHAPTER 412.

An act to establish graded schools in the town of Washington, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. The commissioners for the town of Washington are hereby authorized to submit to the qualified voters of said town on first Monday of May, one thousand eight hundred and eighty-three, whether an annual tax shall be levied therein for the support of graded schools 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." The said election shall be conducted under the same rules and regulations, and the penalties for illegal and fraudulent voting shall be the same as in annual elections of said town.

SEC. 2. In case a majority of the qualified voters at such election shall vote "for school" and be in favor of such tax, the same shall be levied and collected by the town authorities under same rules and regulations by which other town taxes are levied; and the tax collector shall be subject to the same liabilities for the collection and payment of said tax as he is or may be for other town taxes: *Provided*, that the special taxes so levied and collected shall not exceed thirty cents on the one hundred dollars' valuation and ninety cents on the poll, and that the taxes thus levied and collected shall be applied exclusively to the support of graded public schools, and shall not be appropriated or expended for any other purpose; said tax, when collected, shall be paid to the town treasurer, and shall be disbursed by him upon the order of the board of trustees of the respective graded schools to which, under this act, the said money would belong as hereinafter provided, and the official bond of said treasurer shall be liable for said graded school funds, and in default of pay-

Election upon question of special tax for graded schools.

Ballots.

Election, how held.

Tax to be levied on majority vote.

How collected.

Proviso.

Town treasurer to disburse.

Liability of bond.

ment the said town commissioners shall sue for and recover the same as in case of other town funds, and when recovered the same shall be applied to said graded schools.

Taxes collected from white persons to be applied to support of white school.

SEC. 3. The special taxes thus levied and collected from the taxable property and polls of all 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 all colored persons, or negroes, shall be expended in keeping up a graded public school for colored persons of both sexes between the ages of six and twenty-one years.

Taxes collected from colored persons to be applied to support of colored school.

Trustees for white school.

SEC. 4. That Charles M. Brown, Charles K. Gallagher and George V. Credle, W. C. Mallison, Charles F. Warren, Jos. L. Winfield, E. S. Hoyt, W. A. Blount and W. T. Farrow, be and they are hereby constituted a board of trustees for the graded school for the whites, and that Henry Basco, Hampton Bonner, Haywood Hunter, Henry S. Jones, Charles Blackledge, J. W. Peyton, J. M. Williams, Sylvester Dibble and Romeo Little, be and they are hereby constituted a board of trustees for the colored school. The first three trustees named herein for each school shall hold office for one year, the second three for two years, and the third three for three years, from the first Monday in May, one thousand eight hundred and eighty-three. That any vacancy occurring in said board shall be filled by the appointment of the board of commissioners of [the] town of Washington, and when any trustee's term of office has expired, the said board of town commissioners shall appoint his successor, who shall hold office for three years: *Provided always*, that all the trustees for white schools shall be white persons, and the trustees for colored schools shall be colored.

Trustees for colored school.

Terms of office.

Vacancies.

Proviso.

Powers of trustees.

SEC. 5. That said board shall have power to employ teachers, to fix the rates of tuition for pupils attending said schools and residing beyond the corporate limits of

the town, and to do all such acts as shall be necessary to carry on said graded school.

SEC. 6. That if a majority of the qualified voters of the town of Washington shall vote "for school," the said trustees herein named for the white and colored graded schools shall be and are hereby created respectively bodies politic and corporate, entitled respectively "The Washington White Graded School" and "The Washington Colored Graded School," and each may sue and be sued, have a corporate seal, and purchase and hold real and personal property.

Trustees incorporated.

SEC. 7. The principals and teachers of said graded schools shall not be subject to the prescriptions and rules and laws now provided by statute for teachers of public schools, but in respect to salary and qualification and all other matters shall be governed by the rules and regulations provided by the said board of trustees of each of the corporations herein created.

Teachers.

SEC. 8. That the town of Washington shall constitute a school district for white persons and a school district for colored persons. That the public school money which shall be from time to time collected under the general school law for public school purposes for the white children in said district shall be applied to keeping up the public graded school for the whites under the order and direction of the board of trustees for said graded school for white children: that the public school money which shall from time to time be collected under the general school law for public school purposes for colored children in said district shall be applied to keeping up the public graded school for colored children under the order and direction of the board of trustees for said graded school for colored children.

Washington a school district.

Public school money for white children to be applied to support of white school.

Public school money for colored children to be applied to support of colored school.

SEC. 9. That non-residents of said town owning property therein of the assessed value of fifteen hundred dollars or more, shall have the right to send their children to said school free of charge as if living therein.

Non-residents admitted to school on payment of tuition.

No trustee to be  
a teacher. 7

SEC. 10. That no trustee of either of said graded schools shall be a teacher therein, while acting as such trustee.

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. 1883.

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## CHAPTER 413.

An act to amend chapter three hundred and fifty-five, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 355, laws  
1881, amended.

SECTION 1. That the word "act" in line eight, section five, be stricken out and the word "section" inserted.

Membership in  
N. C. Pharmaceu-  
tical Association.

Strike out the words, "as a member of said association," in lines one and two of section four. That the words "fifty cents" in line seventeen, section eight, be stricken out and "one dollar" inserted.

Registration fee  
of pharmacist.

SEC. 2. It shall be the duties of the sheriffs of the counties to see that the provisions of this act are enforced.

Duty of sheriffs.

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. 1883.

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## CHAPTER 414.

An act to amend section one, chapter three hundred and eight of the laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 308, sec. 1,  
laws 1881,  
amended.

SECTION 1. That section one of chapter three hundred and eight, laws of one thousand eight hundred and eighty-one, be and the same is hereby amended by striking out

the words "the affidavit of," in the fifth and sixth lines of section one of said chapter: *Provided*, this act shall only apply to the counties of New Hanover and Brunswick.

Coroner's in-  
quest.  
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. 1883.

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CHAPTER 415.

An act to establish a graded school in Magnolia, Duplin county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of the county of Duplin are hereby authorized to submit to the qualified voters of the school district in which the town of Magnolia in said county is situated, on the first Monday in May, one thousand eight hundred and eighty-three, under such rules and regulations as said board may prescribe, whether an annual tax shall be levied for the support of a graded public school for the white children and a graded public school for the colored children in said school district. 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.

Election upon  
question of spe-  
cial tax for gra-  
ded schools.

Ballots.

Election, how  
held.

SEC. 2. That in case a majority of the qualified voters of said school district shall be in favor of such tax, the same shall be levied and collected in the same manner as prescribed by law for levying and collecting state and county taxes. And the sheriff of Duplin county shall collect and pay over the same to the county treasurer under the same liabilities as are now provided by law for

Tax to be levied  
upon majority  
vote.

Sheriff to collect.

the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed one per cent. on property and two dollars on the poll.

Proviso.

Taxes collected from white persons to be applied to support of white school.

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 school district 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 school district for colored persons of both sexes between the ages of six and twenty-one years.

Taxes collected from colored persons to be applied to support of colored school.

SEC. 4. That Dr. M. K. Devane, G. W. Brinkley, Henry Hollingsworth, H. E. Newley, Dr. McMillain, 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.

Trustees of white graded school.

Powers.

SEC. 5. That the board of county commissioners of Duplin county shall appoint five persons to act as trustees of the graded school for the colored children, and 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.

Trustees of colored graded school.

Powers.

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 school district shall be applied for keeping up the public graded schools for the whites, under the orders and directions of the board of trustees for said graded public schools for white children.

Public school money for white children to be applied to support of white 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 school district 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.

Public school money for colored children to be applied to support of colored graded school.

SEC. 8. That the county treasurer of said Duplin county, and his sureties on his official bond, shall be responsible for the proper disbursement of all moneys collected under this act.

Liability of county treasurer.

SEC. 9. 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. 1883.

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## CHAPTER 416.

An act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling stock and providing for the record thereof.

*The General Assembly of North Carolina do enact :*

SECTION 1. That whenever any railroad equipment and rolling stock shall hereafter be sold, leased or loaned on the condition that the title to the same, notwithstanding the possession and use of the same by the vendee, lessee or bailee, shall remain in the vendor, lessor or bailor until the terms of the contract, as to the payment of the installments, amounts or rentals payable, or the performance of other obligations thereunder, shall have been fully complied with; such contract shall be invalid as to any subsequent judgment creditor, or any subsequent purchaser for a valuable consideration without notice, unless:

Conditional sale, etc., of railroad equipment and rolling stock invalid as to subsequent judgment creditor unless in writing and registered.

Registration.

I. The same shall be evidenced by writing duly ac-

knowledged before some person authorized by law to take acknowledgments of deeds.

II. Such writing shall be recorded in the same book as mortgages are recorded, in the office of the recorder of deeds of the county in which is located the principal office or place of business of such vendee, lessee or bailee within the state.

To bear name of vendor, etc., on both sides, etc.

III. Each locomotive or car so sold, leased or loaned shall have the name of the vendor, lessor or bailor, or the assignee of such vendor, lessor or bailor plainly marked upon both sides thereof, followed by the word owner, lessor, bailor or assignee, as the case may be.

Act not applicable to contracts heretofore made.

SEC. 2. This act shall not be held to apply to or invalidate any contract heretofore made of the character described in the first section, but the same shall be and remain valid.

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. 1883.

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## CHAPTER 417.

An act to allow Swain county to sell Cherokee land bonds to create a sinking fund to pay its outstanding debts, and for other purposes.

*The General Assembly of North Carolina do enact :*

County commissioners authorized to appoint agent to sell \$1,000 of land bonds.

SECTION 1. That the board of county commissioners of Swain county may appoint an agent to sell one thousand dollars of the land bonds filed with the state's agent or county treasurer for said county, to create a fund with which to pay off so much as possible of the outstanding debt of said county.

SEC. 2. That said agent may sell such sum as the commissioners may direct, never to exceed one thousand dollars, of said land bonds to any purchaser who may offer to buy, but shall in no case sell any of said bonds at a greater discount than twenty-five per centum of their face value.

Amount to be sold.

Terms of sale.

SEC. 3. That the fund thus raised shall be deposited in the county treasury, and at the same time a sworn statement of the amount so deposited to be filed in the office of the board of county commissioners by said agent: *Provided, nevertheless*, that said agent shall at no time hold a greater sum than one hundred dollars of said fund in his hands for a longer time than thirty days.

Fund to be deposited with county treasurer.

Proviso.

SEC. 4. That upon receipt of said fund, or any part of it, the treasurer shall pass his receipt for the same to said agent, which shall be a valid voucher for him in his settlement.

Treasurer to receipt for fund.

SEC. 5. That said agent may, under the direction and supervision of the county commissioners, buy up the outstanding audited claims against Swain county at such a discount as he may be able to negotiate with the holders for, and draw on the county treasurer to pay for them, but shall at no time draw on the treasurer for a greater amount than shall at the time be in the said treasurer's hands to the credit of the fund raised under this act.

Purchase of claims against county by agent.

SEC. 6. That said agent shall keep an accurate account of all claims by him so bought, showing the date, number and amount of each, and the price actually paid for it, with the date of its purchase, which account shall be sworn to and filed by said agent in the office of the board of county commissioners of said county on the first Monday in each month, and when approved by said board they shall enter the same in a book kept for that purpose.

Agent to keep and file account.

SEC. 7. That said agent shall from time to time turn over to the county treasurer the claims purchased and take his receipt for the same, filing with said treasurer a sworn statement showing the date, number and amount

Agent to turn over claims purchased to county treasurer.

of such claim and the price paid for it, with the date of its purchase.

Treasurer to credit fund.

SEC. 8. That the treasurer shall, upon the delivering of any audited claim to him by said agent, as provided for in the last section, place a credit to the fund thus raised by this act for the amount actually paid for such claim or claims.

Agent and treasurer to settle before board of county commissioners.

SEC. 9. That on the first Monday in January, May and September in each year, said agent and county treasurer shall come before the board of county commissioners and compare their accounts and settle, the agent with the treasurer, and the treasurer with the commissioners, but in said settlement no such agent or treasurer shall be allowed more credit for any audited claim so settled on than the amount actually paid for the same, and to this end the commissioners may examine witnesses or papers, with the powers and under the rules and regulations prescribed for proceedings in the superior court.

Settlements to be recorded.

SEC. 10. That the settlements provided for in the last section, when approved by the commissioners, shall be entered in a general settlement book kept for that purpose.

Application of fund.

SEC. 11. That no part of the fund provided for by this act shall be applied to any other purpose than paying off or buying in the liquidated debt of Swain county: *Provided, however*, that said fund shall be secured and maintained for that purpose by a contribution annually from the general county tax, if necessary, till said debts shall be paid in full.

Proviso.

Oath of agent.

SEC. 12. That the agent provided for by this act, before entering upon his duties, shall take and subscribe an oath that he will well and truly perform all the duties of his said agency, according to law, and to the best of his skill and ability, and enter into a bond in the sum of two thousand dollars, payable to the state of North Carolina, to the use of Swain county, conditioned for the performance of the duties of his said agency.

Bond.

SEC. 13. That the county treasurer and the agent provided for by this act shall receive such compensation for their services as the county commissioners may allow, not exceeding ten per centum of the moneys handled by them in pursuance of this act.

Compensation of agent and treasurer.

SEC. 14. That any county treasurer or agent provided for by this act, who shall wilfully fail to perform any of the duties required of him by this act, shall, upon conviction thereof, in addition to forfeiting his said bond, be guilty of a misdemeanor, and punished at the discretion of the court.

Misdemeanor.

SEC. 15. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. This act shall be in force from and after its ratification

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

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## CHAPTER 418.

An act to authorize the construction of a public ferry across the Great Pee Dee river in the counties of Anson and Richmond.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William D. Townsend is hereby authorized to construct a ferry in the Great Pee Dee river, which is appointed and settled and to be located as hereinafter provided, and that said ferry shall be in all respects a public ferry, and subject to the general laws, rules and regulations governing such ferries.

W. D. Townsend authorized to construct ferry.

SEC. 2. That the said William D. Townsend, his heirs and assigns shall have all the rights, powers, franchises and privileges usually conferred upon the owners and managers of such ferries, and all rights, powers and

Rights, etc., conferred.

privileges necessary to enable them to construct and establish and equip said ferry. And the said Townsend, his heirs and assigns are authorized to transport persons, vehicles of all sorts, and all kinds of freight, goods, wares and materials over and across said river at his said ferry by means of flats, boats or any craft he may see fit to use for that purpose, and to receive as a consideration for said transportation such fare or tolls as may be provided by law, or by the proper authority.

Tolls.

Bond.

Liabilities.

SEC. 3. That said party shall give bond and be subject to all the liabilities and penalties imposed by law for any neglect or omission in the control and management of said ferry.

Landings.

SEC. 4. That one landing of said ferry shall be situated on the bank of said river in Richmond county at such point within two hundred (200) yards of Blewitt's old ferry landing as the said Townsend may select. And that the other landing shall be on the Anson county bank of said river, at a point as nearly opposite the landing on the bank in Richmond county as can be conveniently located, and the termini of said ferry so located by said Townsend shall be deemed and held the termini of said ferry.

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. 1883.

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## CHAPTER 419.

An act to make appropriations for the several insane asylums of the state.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of fifty-eight thousand dollars (\$58,000) per annum be and is hereby appropriated for

\$58,000 per annum  
appropriated for  
N. C. Insane  
Asylum.

the sustenance and support of the patients in the North Carolina Insane Asylum at Raleigh, and the necessary repairs and improvements to the building.

SEC. 2. That the sum of forty thousand dollars (\$40,000) per annum be and is hereby appropriated for the maintenance and support of the patients in the Western North Carolina Insane Asylum at Morganton, and for the necessary furniture and other necessaries for the same.

\$40,000 per annum appropriated for Western N. C. Insane Asylum.

SEC. 3. That the sum of twenty-five thousand dollars (\$25,000) per annum be and is hereby appropriated for the support and maintenance of the patients in the Eastern North Carolina Insane Asylum at Goldsboro, and for the furniture and other necessaries for the same.

\$25,000 per annum appropriated for Eastern N. C. Insane Asylum.

SEC. 4. That the said appropriations shall be drawn out by the auditor upon his warrant, and be placed by the treasurer to the credit of the said institutions for which said appropriations are made respectively.

To be drawn upon warrant of auditor and placed by treasurer to credit of respective asylums.

SEC. 5. That the sum of thirty-five thousand dollars (\$35,000) per annum for the next two years be and the same is hereby appropriated for the continuation of the work on and the completion of the north wing of the Western North Carolina Insane Asylum at Morganton.

\$35,000 per annum for two years appropriated to completion of north wing of Western N. C. Asylum.

SEC. 6. That the work on said wing shall be conducted and continued under the direction and supervision of the commissioners heretofore appointed for the erection and building of said asylum, and the appropriation in the preceding section for the continuation of the work shall be drawn out by the auditor, upon his warrant, from time to time as the same may be needed and turned over to said commissioners as heretofore, to be by them expended and accounted for in the same manner as when they were engaged in the erection of the main building and the south wing.

Work to be continued under supervision of commissioners heretofore appointed.

SEC. 7. That as the different sections of the building are completed and ready for use by patients, the same shall be furnished, and the governor is hereby authorized and directed, when it shall appear to him that rooms in

Sections of building to be furnished as completed, etc.

said building are ready for patients that are unfurnished, to direct the auditor to issue his warrant in favor of the board of directors for the sum sufficient to furnish said rooms so that they may be occupied by the insane of the state, and the auditor is directed to issue his warrant accordingly: *Provided*, that the warrants issued under this section shall not exceed, for the next two years, ten thousand dollars (\$10,000).

Proviso.

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 12th day of March, A. D. 1883.

RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF NORTH CAROLINA,  
SESSION 1883.



RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY.

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SESSION 1883.

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Resolution to print five hundred copies of the census return of population.

*Resolved*, That a message be sent to the house of representatives proposing that five hundred copies of the census return of one thousand eight hundred and eighty of the population of each county of the state be printed for the use of the general assembly in laying off the congressional districts.

Five hundred copies of census returns of 1880 printed for use of general assembly.

Ratified this the 16th day of January, A. D. 1883.

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Resolution in favor of the clerks of the board of state canvassers.

*The General Assembly of North Carolina do resolve* : That the state auditor be and he is hereby authorized and directed to draw his warrant on the state treasurer, and the state treasurer is hereby authorized and directed to pay such warrant in favor of the clerks to the board of state canvassers as follows : Joseph Toms, three days' service at two dollars and a half per day ; M. V. B. Gilbert, two days' service at two dollars and a half per day ; C. W. Lambeth, two days' service at two dollars and a half per day.

Payment of clerks of board of state canvassers authorized.

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

**Resolution to authorize the committee on the Code to employ a clerk.**

Authorized to employ W. C. Blackmer and other clerical aid.

*Resolved, the House of Representatives concurring:* That the committee upon the Code be authorized to procure the services of W. C. Blackmer, late clerk of the commissioners to revise and consolidate the laws, as clerk to said committee, and such other clerical aid as the committee may deem necessary.

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

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**Resolution concerning the pay of the employees of the general assembly.**

Pay of doorkeepers and other employees fixed.

*Resolved by the House of Representatives, the Senate 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 each 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; three other employees of the senate, two dollars and fifty cents each per day; six pages for the house, one dollar each per day; five other employees for the house, two dollars and fifty cents each per day.

That this resolution shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

Resolution of instruction to our senators and request to our representatives in congress.

*Resolved by the General Assembly of North Carolina:* 1. That the improvement of our rivers is a work of deepest interest to a very large and growing section of this state; and while the advantages of the appropriations made by the general government heretofore are being felt, other sections traversed by navigable rivers present equal claims.

Improvement of navigable streams.

2. That our senators be instructed and our representatives in congress be requested to use their best efforts to secure such appropriations as will render Lumber river navigable as far as Lumberton, in Robeson county, and Waccamaw river navigable as far as Waccamaw lake, in Columbus county.

Appropriations for Lumber and Waccamaw rivers.

3. That his excellency the governor be and he is hereby requested to transmit a copy of these resolutions as above without delay.

Copies of resolutions to be transmitted by governor.

Ratified this 20th day of January, A. D. 1883.

Resolutions favoring the repeal of the internal revenue laws and reforming the tariff.

WHEREAS, the present tariff is unjust, unfair and burdensome to the people of North Carolina, and has proven a heavy embargo laid upon southern commerce to support monopolies, proscribing southern toil and checking the natural development of southern industry;

Preamble.

AND WHEREAS, the present system of internal revenue laws is oppressive and inquisitorial, centralizing in its tendencies and inconsistent with the genius of a free people, legalizing unequal, expensive and iniquitous taxation, and, as enforced in this state, is a fraud upon the

sacred rights of our people and subversive of honest government, prostituted in many instances to a system of political patronage which is odious and outrageous, corrupting public virtue and jeopardizing public liberty, and sustained by intimidation and bribery on the part of revenue officials to debauch the elective franchise:

Repeal of internal revenue taxes.

*Be it resolved by the General Assembly of North Carolina :*

1. That the internal revenue taxes of the United States ought to be repealed at once, with such provisions, by rebate of taxes or otherwise, as will be just to those who hold for sale articles on which taxes have been paid.

Incidental protection by collection from imports.

2. That the collection from imports, unaided by internal taxation, of the large revenue now necessary for the administration of the federal government, would give incidental protection to home manufacturers amply sufficient for their healthy development.

Duties higher than the per cent. necessary for revenue unjust and oppressive.

3. That though congress has power to lay and collect duties, yet to lay duties higher than the per cent. at which they would raise the greatest revenue is, as to the excess above that per cent., to lay duties so as to prevent their collection, and is therefore without warrant in the constitution, and that it is unjust and oppressive.

Discretion of congress as to duties and rates.

4. That within that per cent. congress may, in its discretion, select and determine the articles on which duties are laid, and the rates of the duties on them.

How discretion should be exercised

5. That this discretion ought to be exercised so as to raise a revenue not greater than is sufficient for the strictly economical administration of the federal government, and the gradual reduction of the federal debt, and so as to distribute the burdens of the tariff, and the incidental protection given by it, as justly and equally as possible to every part of the country, and to all classes of the people.

Luxuries should be taxed higher than necessaries, etc.

6. That these resolutions are not intended to interfere with the application of the principle that it is just and wise to tax articles that are intended to be consumed as

luxuries higher than the necessities of life, and the materials, implements and machinery consumed or used in producing, manufacturing and transportation.

7. That the tariff of the United States ought to be reformed so as to make it conform to the principles set forth in the foregoing resolutions.

Tariff reform.

8. If congress should deem it impracticable to modify the present tariff, and at the same time abolish the internal revenue taxes, as the less of the two evils, we prefer the retention of the former and the abolition of the latter.

Abolition of internal revenue taxes more desirable than modification of tariff.

9. That the secretary of state is instructed to transmit copies of these resolutions to the senators in congress from North Carolina as an expression of the voice of the state on the issues to which they relate, and to the representatives in congress from North Carolina for their respectful consideration.

Copies of resolution to be transmitted to senators and representatives in congress.

Ratified this the 26th day of January, A. D. 1883.

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**Resolution in regard to the distribution of surplus funds in the treasury of the United States for school purposes.**

*Be it resolved by the House of Representatives, the Senate concurring:* That our senators be instructed and our members to the congress of the United States be requested to urge the passage of a bill appropriating all surplus funds now in the treasury to the use of the different states for educational purposes, in proportion to the illiteracy of each state, based upon the statistics of the last census, the fund so appropriated to be paid to the states and by them disbursed; but nothing in this resolution contained shall be construed to favor the retention of the internal revenue or the protective tariff.

Senators instructed and representatives requested to vote for appropriation of surplus funds in U. S. treasury to educational purposes.

Ratified this the 26th day of January, A. D. 1883.

## Resolution of instruction to the governor.

Preamble.

WHEREAS, the governor of North Carolina did on the twenty-second day of February, one thousand eight hundred and eighty-one, issue a proclamation offering a reward of two hundred dollars for the apprehension of one Joe Ross, a fugitive from justice ;

AND WHEREAS, Alonzo Huntly, in attempting to apprehend and arrest the said Joe Ross, did slay him ; now therefore,

Governor authorized to issue warrant for \$200 in favor of A. Huntley, and treasurer authorized to pay the same.

*Resolved by the House of Representatives, the Senate concurring:* That the governor be authorized to issue his warrant on the state treasurer for the sum of two hundred dollars in favor of said Alonzo Huntly, and the treasurer be authorized to pay said warrant out of any money in the treasury not otherwise appropriated.

Ratified this the 30th day of January, A. D. 1883.

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 Resolution to pay John T. Morris thirty dollars.

Treasurer authorized to pay J. T. Morris \$30.

*Resolved by the House of Representatives, the Senate concurring:* That the treasurer pay, upon the warrant of the auditor, John T. Morris the sum of thirty dollars for chairs for the use of the house.

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

A resolution of instruction to our senators and representatives in congress.

*Resolved by the House of Representatives, the Senate concurring:* 1. That our senators in congress be instructed and our representatives be requested to use their influence to prevent the transfer of the revenue marine, the light house and life saving service from the treasury to the navy department, believing as we do that such transfer will be detrimental to said service.

To prevent transfer of revenue marine, etc., service from treasury to navy department.

2. That a copy of this resolution be forwarded at once to our senators and representatives in congress by the secretary of state.

Copy to be sent to senators and representatives.

Ratified this the 6th day of February, A. D. 1883.

Resolution authorizing the engrossing clerk of the house of representatives to employ an assistant.

*Resolved by the House of Representatives, the Senate concurring:* That W. J. Barrett, engrossing clerk, be and he is hereby authorized and empowered to employ an assistant, if necessary, to keep the work of his office up to the demands of the general assembly.

W. J. Barrett, engrossing clerk, authorized to employ assistant.

Ratified this the 6th day of February, A. D. 1883.

Resolution to pay the clerks to the Code committee.

*Resolved by the Senate, the House of Representatives concerning [concurring]:*

SECTION 1. That the clerks employed, or to be employed by the committee on the Code under the resolution

Payment of clerks employed by Code committee.

heretofore passed, be paid the sum of four dollars per day, on certificate of the chairman of said committee.

SEC. 2. Ratified this the 10th day of February, A. D. 1883.

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Resolution instructing our senators and requesting our representatives in congress to use their best efforts to obtain a return of the money collected by a direct tax from the citizens of North Carolina by the general government in one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-six.

*The General Assembly of North Carolina do enact:*

Return of direct taxes paid to United States.

SECTION 1. That our senators be instructed and our representatives requested to use their best efforts to secure a return of the money paid to the general government by the citizens of North Carolina as a direct tax on land and personal property.

Copies to be sent to senators and representatives.

SEC. 2. That immediately after the passage of this resolution, the secretary of state shall transmit a copy of this resolution to each senator and representative in congress.

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

Ratified this the 13th day of February, A. D. 1883.

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Resolution requesting our senators and representatives in congress to secure an appropriation to remove the obstructions in Bay river, and to erect a light house at the mouth of said river.

Preamble.

WHEREAS, the rapid growth and development of the county of Pamlico has and continues to add to the commerce of the state; and whereas, the state is interested in

the development of said county on account of her valuable state lands therein; and whereas, the increase of commerce demands that Bay river be buoyed out from its mouth to Bayboro, the head of navigation, and the removal of all obstructions to the safe and reliable navigation of the same; and whereas, a light is necessary at the mouth of said river for the safe entrance of vessels by night; and whereas, the citizens of said county in mass meeting assembled have petitioned congress for an appropriation for the same; therefore be it

*Resolved by the Senate, and House of Representatives concurring:* That our senators and members in congress be and the same are requested to use their influence in congress for an appropriation sufficient to remove all the obstructions to navigation as far up said river as Bayboro, and with the light house board to erect a light house on Fishing island near the mouth of said river, and to have the channel of the said river properly buoyed so as to insure the safe navigation of the same as far up as Bayboro.

Appropriation for Bay river and for light house on Fishing island.

*Resolved,* that the secretary of state furnish each of our senators and representatives with a copy of this resolution.

Copies to be sent to senators and representatives.

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1883.

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**Resolution to pay James I. Moore his mileage and per diem.**

*Resolved by the House of Representatives, the Senate concurring:* That the state treasurer be and is hereby instructed to pay to James I. Moore, the late contestant from Gran-

Treasurer instructed to pay mileage and per diem for 44 days.

ville county, for a seat in this house, his mileage and per diem as a member of this house for forty-four days.

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1883.

Resolution instructing our senators and representatives in congress in reference to the pension law.

*Resolved by the House of Representatives, the Senate concurring:*

Widows of soldiers of the war of 1812.

SECTION 1. That our senators and representatives in congress be and they are hereby instructed to use their influence toward having the act of congress allowing pensions to the soldiers of the war of one thousand eight hundred and twelve amended, so that the same service entitling a soldier of said war to a land bounty shall be sufficient to entitle the widow of such soldier to a pension, and especially that twenty miles travel towards the place of enrolment may be estimated as a day's service within the requirement of the act giving pensions to such widows.

Copies to be forwarded.

SEC. 2. That a copy of these resolutions be forwarded to our senators and representatives in congress, also a copy to the Hon. B. F. March, chairman of house committee on pensions, and Hon. John J. Mitchell, chairman of senate committee on pensions of the United States congress.

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

A resolution in favor of L. Howard, of Macon county.

Preamble.

WHEREAS, the governor of North Carolina, in obedience to the requirements of an act passed by the general

assembly at its session of one thousand eight hundred and seventy-nine, appointed L. Howard of Macon county as one of the commissioners on the part of the state, to settle the boundary line between said state and the state of Georgia: therefore,

*Resolved*, by the House of Representatives, the Senate concurring:

SECTION 1. That the treasurer is hereby authorized, upon the warrant of the auditor, to pay L. Howard of Macon county the sum of fifty dollars for services as a commissioner to settle the boundary line between the states of North Carolina and Georgia.

Treasurer authorized to pay L. Howard \$50, for services as commissioner to settle line between Georgia and North Carolina.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

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**Resolution in favor of Alfred Williams & Co.**

*Resolved* by the House of Representatives, the Senate concurring: That Alfred Williams & Co. be allowed seven dollars and forty cents, the amount of a bill of stationery furnished the house of representatives during the present session, and that the treasurer pay the same; and that the sum of two dollars and fifty-five cents, post office box rent paid by the clerk of the house of representatives, be also allowed and paid.

Treasurer directed to pay A. Williams & Co. \$7.40.

Ratified this the 1st day of March, A. D. 1883.

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Resolution authorizing the state board of education to examine and direct payment of arrears of salary, etc., to Rev. C. H. Wiley, late superintendent of common schools.

WHEREAS, the Rev. C. H. Wiley, late superintendent of common schools, claims that the state is indebted to

Preamble.

him on account of salary and expenses incurred as such superintendent in an amount approximating six hundred dollars principal;

AND WHEREAS, the said debt, whatever the amount may be, is justly due by the state of North Carolina for services faithfully performed,

*Resolved by the General Assembly of North Carolina :*

State board of education to examine claim.

SECTION 1. That the state board of education is hereby authorized and directed to examine the claim of the Rev. C. H. Wiley against the state and ascertain what amount is due thereon, and that the governor, upon such finding, is authorized and directed to issue his warrant upon the treasurer of the state directing the payment of the same.

Governor to issue warrant to treasurer.

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

In the general assembly read three times, and adopted and ratified the 6th day of March, A. D. 1883.

Resolution authorizing the treasurer to pay the actual expenses of the joint committee appointed to investigate the Western Insane Asylum.

Treasurer authorized to pay expenses.

*Resolved by the House of Representatives, the Senate concurring :* that the treasurer be and he is hereby authorized to pay to W. H. Cowell, chairman, the sum of forty-eight dollars and twenty-five cents, the full amount of actual expenses incurred by the said committee while on duty as such committee while discharging their duties in investigating the affairs of the Western Insane Asylum at Morganton. And to pay three dollars to each member of the committee who visited the asylum at Goldsboro, namely : B. F. Bullock, J. F. Beall, Powers of Cleveland,

J. D. Stanford, J. G. Ramsay, J. A. Hampton and Mr. Berry of the Senate.

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

**Resolution to pay commissioners appointed to sell state's interest in the Cape Fear and Yadkin Valley Railroad Company.**

*Resolved by the House of Representatives, the Senate concurring:* That the auditor be required to audit and the treasurer pay to the commissioners appointed by an act of the general assembly, ratified the fourteenth day of March, one thousand eight hundred and eighty-one, being an act to provide for a sale of the state's interest in the Cape Fear and Yadkin Valley Railroad, the same mileage and per diem as members of the general assembly, while said commissioners were actually engaged in the business of the state.

To be paid mileage and per diem.

This resolution shall be in effect from and after its ratification.

Ratified in the general assembly the 9th day of March, A. D. 1883.

**Resolution in favor of Alfred Williams & Co.**

*Resolved by the Senate, the House of Representatives concurring:* That the auditor of the state be and is hereby directed to issue a warrant to Alfred Williams & Co. for the sum of thirty-three dollars and five cents for stationery and supplies furnished the secretary of the senate for the use of the senate; and the treasurer of the state is

Payment of \$33.05 authorized.

hereby ordered and directed to pay the same out of any funds of the state not otherwise appropriated.

This resolution shall take effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1883.

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**Resolution in regard to receiving Wesley Jameson and Allen Auman into the Deaf, Dumb and Blind Asylum.**

Board of trustees authorized to receive W. Jameson and A. Auman into the Institution for Deaf and Dumb and Blind.

*Resolved by the Senate, the House of Representatives concurring:* That the board of trustees of the Institution for the Deaf, Dumb and Blind are hereby authorized, in its discretion, to receive into the institution for education, Wesley Jameson, of the county of Yancey, and Allen Auman, of Randolph county.

Ratified this the 9th day of March, A. D. 1883.

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**Resolution of instruction to the attorney general.**

Preamble.

WHEREAS, it is alleged that the Seaboard and Roanoke Railroad Company is holding a controlling interest in the Carolina Central Railroad Company by reason of its having purchased a majority of the stock of the latter company;

AND WHEREAS, there are grave doubts whether the said Seaboard and Roanoke Railroad Company has any authority under its charter or under the laws of the state to purchase and hold said stock;

AND WHEREAS, it ought to be the policy of the state to encourage competition in railroad traffic and to prevent the growth of monopoly power, and especially to prevent the subordination of state railroads by other corporations

having their termini in other states and run in the interest of foreign cities; therefore,

*Resolved by the House of Representatives, the Senate concurring:* That the attorney general is hereby instructed to examine into the matters herein referred to, and if, in his opinion, there is reasonable ground for bringing an action to test in the proper courts the right of the said Seaboard and Roanoke Railroad Company to hold said stock, and to assert the rights of the state in the premises.

Attorney general directed to examine into the matter of the controlling interest held by S. & R. R. Co. in the C. C. R. R. Co., etc.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

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**Resolution in favor of the principal and assistant doorkeepers of the general assembly.**

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That David R. Julian, principal doorkeeper of the house of representatives, and W. V. Clifton, principal doorkeeper of the senate, be allowed seventy-five dollars each for extra services, and that James P. Norton, assistant doorkeeper of the house of representatives, and D. McMatheson, assistant doorkeeper of the senate, be allowed fifty dollars each for extra services, and that the employees and pages shall each receive ten dollars, and John H. Tinley, one of the employees of the house, fifty dollars, and John Cox, an employee of the Senate, fifty dollars.

Extra allowance to certain officers and employees.

SEC. 2. *Resolved,* That this resolution shall be in force from and after its ratification.

Ratified in the general assembly the 9th day of March, A. D. 1883.

A resolution in favor of Thomas M. Arrington and W. C. Blackmer, clerks to the Code committee.

Treasurer directed to pay T. M. Arrington and W. C. Blackmer \$50 each.

*Resolved by the House of Representatives, the Senate concurring:* That the treasurer be and is hereby authorized to pay Thomas M. Arrington and W. C. Blackmer fifty dollars each, for extra services rendered as clerks of the Code committee, and the auditor is directed to draw his warrant on the treasurer for the same.

This resolution shall go into effect from and after its ratification.

Ratified this the 9th day of March, 1883.

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Resolution to compensate clerks of the committee on the appointment of justices of the peace.

*Resolved by the Senate, the House of Representatives concurring:*

Compensation of clerks to committee on justices of the peace.

SECTION 1. That the clerks to the committee on the nominations of the justices of the peace be allowed as compensation the sum of four dollars per day for their services.

Auditor to issue warrants, etc.

SEC. 2. That the auditor be and he is hereby instructed, upon the certificate of the chairman of said committee as to the time said clerks were employed, to issue his warrants for said services at said rate per day, and the treasurer is hereby authorized to pay the same.

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

## Resolution of adjournment.

*Resolved by the Senate the House concurring:* That a message be sent to the house of representatives proposing that the general assembly take recess at half-past two p. m. on Friday, the ninth day of March, one thousand eight hundred and eighty-three, to eleven o'clock a. m. on Monday, the twelfth day of March, and that the two houses adjourn *sine die* at twelve, meridian, of the last day named.

Resolution of adjournment.

Ratified this the 12th day of March, A. D. 1883.

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## Resolution in favor of the "Dixie Agricultural and Mechanical Association" of Anson county.

*Resolved by the General Assembly of North Carolina:* That the auditor be and is hereby authorized and directed to issue his warrant upon the treasurer in favor of the "Dixie Agricultural and Mechanical Association" of Anson county, for past due amounts of money, to wit, for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, appropriated by Battle's Revisal, chapter two, section nine.

Payment of \$100 for 1879-'80, under Bat. Rev., chap. 2, sec. 9, directed.

This resolution shall be in force from the date of its ratification.

Ratified this the 12th day of March, A. D. 1883.

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## A resolution authorizing trustees of public libraries to procure records touching colonial history of this state.

*Resolved by the House of Representatives, the Senate concurring:* That the trustees of the public libraries be and they

Colonial records missing from archives of state to be procured, etc.

are hereby authorized and directed to procure such of the colonial records of this state as may be missing from the archives of the state, and to publish them with the records heretofore authorized to be published. And in case the library fund shall prove to be insufficient to meet the expenses incurred in carrying out this resolution, the auditor is directed to draw his warrant for such sums as the trustees aforesaid shall certify to him to be needed to complete said work.

Ratified this the 12th day of March, A. D. 1883.

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Resolution authorizing the directors of the North Carolina Insane Asylum to receive into the asylum at Raleigh, Thomas C. Lingle, of Union county.

Authorized to receive T. C. Lingle into asylum.

*Resolved by the Senate, the House of Representatives concurring:* That the directors of the North Carolina Insane Asylum be and they are hereby authorized to receive into said asylum at Raleigh, Thomas C. Lingle, of Union county, the Western North Carolina Asylum not now being prepared for the reception of patients.

In the general assembly ratified this the 12th day of March, A. D. 1883.

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Resolution to furnish the judges of the superior courts of this state and the solicitors of the several judicial districts with copies of the laws of the general assembly.

*Resolved by the Senate, the House of Representatives concurring:*

Secretary of state to furnish judges and solicitors with acts of a public character passed at this session.

SECTION 1. That it shall be the duty of the secretary of state to cause to be forwarded to each of the judges of the superior courts of this state and to each of the solic-

itors of the several judicial districts, as soon as practicable, certified copies of all the acts of a public character passed by this general assembly at this session that affect the interest of the people of the whole state and take effect on their ratification.

SEC. 2. That the treasurer pay, upon the warrant of the auditor, the expenses actually incurred in printing and providing said acts.

Expenses to be paid by treasurer.

SEC. 3. That these resolutions take effect from and after their ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

**A resolution concerning the colored charitable institutions of the state.**

*Resolved by the House of Representatives, the Senate concurring:* That in the appointment of directors in the colored insane asylum and the institution for the colored deaf, dumb and blind, the colored race should have some representation, and the authorities are requested to appoint some suitable and worthy representative colored men to such positions.

Representation of colored race on directory of colored insane asylum, etc.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

**Resolution to provide for the payment of the funeral expenses of C. N. B. Evans, late senator from the fortieth district.**

*Resolved by the Senate, the House of Representatives concurring:* That the auditor of the state, upon the exhibition

Funeral expenses of Senator C. N. B. Evans.

to him of a duly certified statement of the burial expenses of the late C. N. B. Evans, senator from the fortieth district, be authorized and he is hereby directed to issue his warrant upon the treasury for the payment of such expenses, and upon the presentation to him of such warrant, the treasurer is hereby directed to pay the same out of any funds not otherwise appropriated.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

PRIVATE LAWS  
OF THE  
STATE OF NORTH CAROLINA,  
SESSION 1883.



# PRIVATE LAWS

OF THE

## STATE OF NORTH CAROLINA,

SESSION 1883.

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### CHAPTER 1.

An act to amend chapter eighty of the private laws of one thousand eight hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter eighty of the private laws of one thousand eight hundred and seventy-nine be amended by adding another section, to be known as section seven, as follows: That in case of absence or sickness, or the otherwise inability of the principal cotton weighers appointed as provided for in section one of this chapter to perform the duties of his said office, then and in that event it shall be lawful for him to appoint a deputy or assistant, who shall, before entering upon the duties of the said office, subscribe to the same oath as required of the principal by this act, and the principal and the sureties on his bond shall be responsible for the failure of the said deputy or assistant to perform his duty in the same manner as if he was the principal.

Chap. 80, private laws 1879, amended.

Deputy or assistant cotton weighers.

Liability of principal and sureties.

SEC. 2. That section seven of this chapter be numbered section eight.

Sec. 7 to be numbered sec. 8.

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

In the general assembly read three times, and ratified this the 16th day of January, A. D. 1883.

## CHAPTER 2.

## An act to perfect the organization of the Odell Manufacturing Company.

Preamble.

WHEREAS, J. M. Odell, J. A. Odell, W. R. Odell, J. T. Odell, G. W. Kestler, D. Curtis, O. R. Cox and P. E. Chambers, desiring to form themselves into a private corporation, did file with the clerk of the superior court of Cabarrus county, state of North Carolina, on the sixteenth day of January, one thousand eight hundred and seventy-nine the following written plan of corporation, to-wit: J. M., J. A., W. R. and J. T. Odell, George W. Kestler, D. Curtis, O. R. Cox and P. E. Chambers, desire to form themselves into a private corporation upon the following plan and for the purposes set forth in said plan, viz:

Corporators.

SECTION 1. The names of the persons proposed as the original corporators and their residences to be as follows: J. M. Odell, W. R. Odell and J. T. Odell, residing in Cabarrus county, state of North Carolina; J. A. Odell and George W. Kestler, residing in Guilford county, state of North Carolina; D. Curtis and O. R. Cox, residing in Randolph county, state of North Carolina; and P. E. Chambers, residing in Philadelphia, state of Pennsylvania.

Name.

SEC. 2. That the name and style of said corporation shall be the Odell Manufacturing Company, and that its principal place of business shall be at Concord, county of Cabarrus, state of North Carolina; its general purposes, the manufacturing of cotton, wool and such other articles and raw materials as they may deem expedient; and in order to facilitate and render profitable their operations, with full power and authority to buy and sell all raw materials, goods, wares and merchandise as they may deem expedient.

Place of business.

Purposes of corporation.

Capital stock.

SEC. 3. The capital stock of said corporation to consist of thirty-five thousand dollars, divided into three hun-

dred and fifty shares of the par value of one hundred dollars each, with full power and authority in said corporation to increase the capital stock to the sum of one hundred and fifty thousand dollars, the additional stock, in the event of such increase, to be divided into shares of the value of one hundred dollars each, as the original stock.

SEC. 4. The original corporators to own the original stock, as follows: J. M. Odell, one hundred shares; J. A. Odell, sixty shares; W. R. Odell, forty shares; J. T. Odell, forty shares; G. W. Kestler, fifty shares; D. Curtis, twenty shares; O. R. Cox, twenty shares; P. E. Chambers, twenty shares.

Stock, how owned.

SEC. 5. The said corporation to have power to purchase, own, lease and hold such real estate as their operations require, with right to sell and convey the same at pleasure.

Corporate powers.

SEC. 6. The officers of the corporation to consist of a president and secretary, who shall perform such duties as shall be prescribed by the by-laws of the company, which officers shall be elected by the stockholders at such time and for such term as shall be prescribed in said by-laws, which by-laws shall be established by a vote of the majority of the stock of the stockholders who shall govern the corporation; and in all meetings of the stockholders each stockholder shall be entitled to as many votes as he owns shares of stock in the corporation.

Officers.

By-laws.

SEC. 7. The regular general meeting of the stockholders to be held semi-annually on each and every year on the second Tuesday in January and on the second Tuesday in July.

General meeting.

SEC. 8. In the event the said corporation shall at any time fail to be able to pay all its liabilities, then, after exhausting the corporate property, each stockholder to be liable for such a portion of said indebtedness not discharged by the corporate property as his stock at the time of said failure, bears to the whole amount of stock: *Pro-*

Liability of stockholders.

Proviso.

*vided*, that in no event shall any stockholder be liable to a greater amount than the par value of his stock. Signed J. M. Odell, O. R. Cox, D. Curtis, W. R. Odell, J. T. Odell, Geo. W. Kestler per W. R. Odell, P. E. Chambers per J. M. Odell, attorney, J. A. Odell per J. M. Odell, attorney, stockholders.

Preamble.

AND WHEREAS, the said parties paid in cash thirty-five thousand dollars, according to the respective amounts subscribed by them, advertised for a meeting of stockholders, and elected officers on the twenty-sixth of February, one thousand eight hundred and seventy-nine; and whereas, said parties and the clerk of said court believing that the provisions of chapter twenty-six, Battle's Revisal, had been sufficiently complied with, the said proposed corporation was declared a corporation by the name and for the purposes in said plan set forth; and the said parties, under the name of the Odell Manufacturing Company, issued certificates of stock and have been operating since February, one thousand eight hundred and seventy-nine, in pursuance of their plan of organization, have purchased valuable real estate, machinery and other property, and have increased the capital stock of the corporation; and whereas, there are defects and irregularities in the proceedings to form said corporation:

*The General Assembly of North Carolina do enact:*

Incorporation  
declared valid.

SECTION 1. That said corporation is hereby declared to be as good and valid as if the same had been formed in accordance with the laws of North Carolina, and the acts of said corporation and the acts of the said stockholders, done in pursuance of said plan of organization, are hereby declared to be legal and binding to the same extent as if the corporation had been formed in accordance with the provisions of chapter twenty-six of Battle's Revisal, and all the property, real and personal, purchased or acquired as property of the said corporation, shall be deemed and

held to be the property of the Odell Manufacturing Company.

SEC. 2. That J. M. Odell, J. A. Odell, W. R. Odell, J. T. Odell, Geo. W. Kestler, D. Curtis, O. R. Cox and P. E. Chambers, and their associates and successors, be and they are hereby created a body politic and corporate, under the name and style of the Odell Manufacturing Company, with all the privileges, rights, franchises and benefits incidental to corporations formed under chapter twenty-six of Battle's Revisal, and shall be subject to all the provisions, restrictions and penalties of said twenty-sixth chapter of Battle's Revisal.

Body politic and corporate.

Name.

Powers, etc.

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 20th day of January, A. D. 1883.

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### CHAPTER 3.

An act to amend section first of chapter third of the private laws of one thousand eight hundred and seventy-six and seventy-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section first of the third chapter of the private laws of one thousand eight hundred and seventy-six and seventy seven be so amended as to read, "That Cashie river shall be a lawful fence from its mouth to three miles above the town of Windsor, in the county of Bertie."

Chap. 3, sec. 1,  
private laws  
1876-'7, amended.

Cashie river made  
a lawful fence  
from mouth to  
three miles above  
Windsor.

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

In the general assembly read three times, and ratified this the 23d day of January, A. D. 1883.

## CHAPTER 4.

An act to repeal chapter sixty-two, private laws of one thousand eight hundred and eighty-one, entitled "an act to amend the charter of the town of Plymouth, Washington county."

*The General Assembly of North Carolina do enact :*

Chap. 62, private laws 1881, repealed.

SECTION 1. That chapter sixty two, private laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

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 23d day of January, A. D. 1883.

## CHAPTER 5.

An act to incorporate Newton Cotton Mills, in Catawba county.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That William H. Williams, S. M. Finger, J. C. Clapp, W. S. Deal, Kerr Wilson and Hugh T. Rhyne, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "Newton Cotton Mills," with a capital stock of one hundred thousand dollars, with liberty to increase the same from time to time as the stockholders may determine, 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 other corporate bodies by the laws of this state.

Name.

Capital stock.

Corporate powers.

SEC. 2. That said corporation is hereby empowered and authorized to conduct, transact and carry on in all of 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 specie of manufacturing enterprise; and said corporation may buy, sell and deal in goods, wares and merchandise.

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 evidences of its indebtedness, 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 evidence 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.

Corporate powers.

SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation and the transaction of its business; they shall have power to elect, in such manner as a majority of the stock may decide, such officers as they 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 as they may consider best calculated to serve their interest.

Rules, etc.

Officers.

By-laws.

SEC. 5. That said corporation may issue certificates of stock and prescribe the manner of its transfer and assignment, and when any stockholder shall have transferred his stock in this corporation, he shall cease to be a member of and stockholder in the corporation, and the purchaser 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 as a stockholder.

Certificates of stock.

SEC. 6. The said corporation may be dissolved at such time and in such manner as the stockholders may determine, and all of its works, property and debts due to it shall be subject to the payment of debts due by it, and then to distribution among the stockholders according to

Corporation may be dissolved.

May sue and be  
sued, etc.

their respective interests; and the corporation may sue and be sued as before for the purpose of collecting debts due to it, prosecuting rights under previous contracts with it and enforcing its liabilities and distributing its effects among those entitled thereto.

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

In the general assembly read three times, and ratified this the 23d day of January, A. D. 1883.

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## CHAPTER 6.

### An act to incorporate Blackwell's Durham Tobacco Company.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Julian S. Carr, Marcellus E. McDowell, Samuel H. Austin, Jr., John A. McDowell, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of Blackwell's Durham Tobacco Company, with a capital stock of five hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding one million dollars, to be divided into shares of one thousand 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.

Name.

Capital stock.

Corporate pow-  
ers.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of manufacturing, buying and selling tobacco, and said corporation may buy, sell and deal in goods, wares and merchandise of every kind and description at its will and pleasure.

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 evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises 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 of interest and upon such terms as to said corporation may seem best.

Corporate powers.

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 shall have power to elect, in such manner as a majority of the stock may prescribe, such officers as they deem necessary, prescribe their duties, compensation and term of service, and in general said stockholders may make such by-laws and regulations for the government and conduct of said corporation and its business, not inconsistent with the laws of this state and the laws of the United States, as they may consider best calculated to serve their interest.

Rules, etc.

Officers.

By-laws.

SEC. 5. As such corporation they may have a common seal which they may break and alter at pleasure.

Corporate seal.

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

In the general assembly read three times, and ratified this the 24th day of January, A. D. 1883.

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## CHAPTER 7.

An act to incorporate the Rich Knob Copper Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Edward J. Brinner, Thomas Alcock, William Brandreth, Marcus P. Bestow and James A.

Body politic.

Name.	Williamson, and their associates and successors, shall be and are hereby constituted a body corporate and politic by the name and style of the "Rich Knob Copper 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 and privileges usually 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 to do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits and grants herein contained.
Corporate powers.	
Corporate existence.	SEC. 2. That the corporate existence of said company shall be the term of fifty years, and the object of this act is declared to be the opening, working and developing of mines of gold, silver, copper, lead, iron and mica, and other marketable minerals, the purchase and sale of the same, and the working, reduction, smelting and refining of said ores and manufacturing their products.
Object of act.	
Capital stock.	SEC. 3. The capital stock of said corporation shall be five hundred thousand dollars (\$500,000), divided into five hundred thousand shares of the par value of one dollar (\$1.00) each, which shares in all respects shall be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation may provide.
Issuance of stock.	SEC. 4. The whole capital stock shall be issued upon the payment of one per cent. of its par value, and shall be assessable on each and every share, but not more than four assessments shall be levied in any one year, and no assessment shall exceed ten per cent. of the par value of the stock. When any assessment is levied, notice shall be given to the stockholders by mailing notice of the same to their respective addresses, as shown by the 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
Assessments.	

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.

SEC. 5. That the affairs of said company shall be managed by a board of directors, five in number, to hold office for such term as the by-laws of said company shall 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 shall provide, and until their successors are duly elected and qualified.

Directors.

Officers.

SEC. 6. 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 election 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.

By-laws.

Directors to be stockholders.

SEC. 7. 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

Stockholders' meetings.

directors on the day appointed in said by-laws shall not be deemed to dissolve said company, but such election may be holden on the day thereafter appointed by the directors, upon due notice as prescribed by the by-laws. The directors, of whom three 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.

Powers of directors.

Principal office.

Branch office.

Service of process against corporation.

SEC. 8. The principal office of the company shall be at Gap Creek, Ashe county, North Carolina, and the 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 said director, manager or other officer, a copy of said process left at the office of said corporation in said Gap Creek 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.

SEC. 9. This act shall take effect from and after its ratification.

In the general assembly read three times, and ratified this the 26th day of January, A. D. 1883.

## CHAPTER 8.

## An act to incorporate the Southern Ore Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purposes of developing the mineral resources of North Carolina by purchasing gold and other ores, reducing and dressing the same, Joseph Beno, Irving Bacon, Alexander M. Goldstone, N. Gayer, John F. Baker, Alexander S. Rosenthal, Isaac Baks, Edward S. Latimer, A. Adrian, R. R. Bridgers, John F. Divine, and George W. Williams, and such other persons as they may associate with them, shall hereafter be a body politic and corporate by the name of the Southern Ore Company, and by that name shall be capable in law to buy, sell and hold real and personal estate, make contracts, sue and be sued, to make by-laws, and to do all other acts properly incident to such corporation, and which may be necessary and proper to carry into full effect the intention of this charter; to have and to use a common seal, and the same to alter at pleasure, and it shall have, use and enjoy all other rights, powers and privileges which by law usually belong to corporations for like purposes; and said corporation shall have situate within the state of North Carolina a principal office, where the annual meetings of the stockholders shall be held.

SEC. 2. The capital stock of the company shall be fifty thousand dollars, in shares of one hundred dollars each; but it may be increased to a sum not to exceed five hundred thousand dollars, whenever the board of directors may deem it expedient, and in order to get the requisite amount of stock, the persons named in the first section, or any two of them, may open books of subscription at such times and places as they may think best.

Body politic.

Name.

Corporate powers.

Capital stock.

Books of subscription.

General meeting  
of stockholders.

Directors.

President.

Other officers.

Salaries, etc.

SEC. 3. When twenty-five thousand dollars of stock shall be subscribed, and five thousand dollars paid in, it shall be the duty of the persons before named to call a general meeting of the subscribers, who shall elect a board of directors, to consist of such number, not less than seven, as they may determine, and such board of directors shall elect one of their number president, whereupon the company shall be considered fully organized, and said stockholders may provide in said meeting for the appointment of such other officers and agents as the company may require, fix the salaries and compensation for all its officers and agents, their terms of office, the mode and times of their election and appointment, and the votes to which the stockholders shall be entitled in general meeting, whether by scale or otherwise, and to make all needful rules and regulations for carrying out the intentions of this charter.

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 26th day of January, A. D. 1883. :

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## CHAPTER 9.

An act to incorporate the Bright Light Gold Mining Company.

*The General Assembly of North Carolina do enact :*

Body politic.

Name.

SECTION 1. That Joseph B. Stafford, Jacob H. Wight, Edward Rollke, John K. Ober and Joshua Horner, Jr., and their associates, successors and assigns, are hereby created and constituted a body corporate, under the name and style of the Bright Light Gold Mining Company, for the purpose of exploring, working and mining for gold, silver, copper and other minerals, and for vending, smelt-

ing and reducing such mineral ores, and by that name may sue and be sued, prosecute and defend suits or actions in all the courts of this state; may contract and be contracted with, may have and use a common seal and may enjoy all the rights and privileges and powers necessary and incident to mining, smelting, working and vending minerals. They may also purchase, hold, sell, mortgage, bond or convey real and personal property, and any right or interest therein necessary to carry out the provisions of this act.

Corporate powers.

SEC. 2. The capital stock of said corporation shall not exceed seven hundred and fifty thousand dollars, divided into such number of shares of not less than five dollars each, (par value) as the directors shall prescribe, which said shares of stock may be transferred in such form and manner as the by-laws shall direct, and each share of stock shall entitle the holder thereof to one vote. Subscription for stock in said corporation may be received in real and personal estate upon such terms as the directors shall agree.

Capital stock.

SEC. 3. The business of said corporation shall be conducted and managed by a president and board of directors of not more than five. Any three directors shall constitute a quorum fully authorized to exercise all the rights and privileges hereby granted. There shall also be a secretary and treasurer (which said office may be filled by one person if the board of directors shall so direct,) and such other officers as the directors shall prescribe.

President and board of directors.

Secretary and treasurer.

SEC. 4. There shall be an annual meeting of the stockholders of said corporation at such time and place as shall be fixed by the by-laws, at which the officers of said corporation shall be elected.

Annual meeting of stockholders.

SEC. 5. Until the regular annual meeting shall be held, Joseph B. Stafford, Jacob H. Wight, Edward Rollke, John K. Ober and Joshua Horner, Jr., shall be and are hereby constituted and appointed directors, fully author-

Directors.

ized to manage the affairs of said corporation. They shall elect one of their number as president, and appoint all the officers and employees of said corporation. They shall hold their offices until their successors are elected.

Vacancies.

SEC. 6. In the absence of the president from any meeting of the directors, the board of directors may select one of their own number to fill his place and discharge the duties of said office, and they may also fill all offices which shall become vacant by death or otherwise.

By-laws, etc.

SEC. 7. The directors shall have power to pass and enact such by-laws and regulations for the government of said corporation as they may deem necessary, and to alter or amend the same: *Provided*, such by-laws and regulations shall not be repugnant to the laws of the United States and of the state of North Carolina.

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

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

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## CHAPTER 10.

An act to incorporate the Mikado Gold Mining Company.

*The General Assembly of North Carolina do enact :*

Body corporate.

SECTION 1. That James Robertson, J. C. Hamilton, T. M. Hamilton, J. W. Hamilton and W. S. Hamilton, and their associates, successors and assigns, are hereby created and constituted a body corporate under the name and style of "Mikado Gold Mining Company," for the purpose of exploring, working and mining for gold, silver, copper and other minerals, and for vending, smelting and reducing such mineral ores, and by that name may sue and be sued, prosecute and defend suits or actions in

Name.

Corporate powers.

all the courts of this state, may contract and be contracted with, may have and use a common seal, and may enjoy all the rights and privileges and powers necessary and incident to mining, smelting, working and vending minerals; they may also purchase, hold, sell, mortgage, bond or convey real or personal property, and any right or interest therein, necessary to carry out the purposes of this act.

SEC. 2. The capital stock of said corporation shall not exceed seven hundred and fifty thousand dollars, divided in such number of shares of not less than five dollars each (par value) as the directors shall prescribe, which said shares of stock may be transferred in such form and manner as the by-laws shall direct, and each share of stock shall entitle the holder thereof to one vote. Subscription for stock in said corporation may be received in real and personal estate upon such terms as the directors shall agree.

Capital stock.

Subscriptions for stock.

SEC. 3. The business of said corporation shall be conducted and managed by a president and board of directors of not more than five. Any three directors shall constitute a quorum fully authorized to exercise all the rights and privileges hereby granted. There shall also be a secretary and treasurer (which said offices may be filled by one person if the board of directors shall so direct), and such other officers as the directors shall prescribe.

Officers and directors.

SEC. 4. There shall be an annual meeting of the stockholders of said corporation at such time and place as shall be fixed by the by-laws, at which the office of said corporation shall be elected.

Annual meeting of stockholders.

SEC. 5. Until the regular annual meeting shall be held, James Robertson, J. C. Hamilton, T. M. Hamilton, J. W. Hamilton and W. S. Hamilton, shall be and are hereby constituted and appointed directors, fully authorized to manage the affairs of said corporation. They shall elect one of their number as president and appoint all the

Temporary directors.

Officers.

officers and employees of said corporation. They shall hold their offices until their successors are elected.

Vacancies.

SEC. 6. In the absence of the president from any meeting of directors, the board of directors may select one of their own number to fill his place and discharge the duties of said office, and they may also fill all offices which shall become vacant by death or otherwise.

By-laws, etc.

SEC. 7. The directors shall have power to pass and enact such by-laws and regulations for the government of said corporation as they may deem necessary, and to alter or amend the same: *Provided*, such by-laws and regulations shall not be repugnant to the laws of the United States and of the state of North Carolina.

Proviso.

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

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

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## CHAPTER 11.

An act to incorporate the Brown Mountain Mining and Manufacturing Company.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That R. S. Pullen, R. F. Hoke and J. T. Pullen, together with such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and title of "The Brown Mountain Mining and Manufacturing Company," by which name said corporation and successors may sue and be sued, plead and be impleaded in any court in this state, and shall have power to make such by-laws and regulations not inconsistent with the laws of this state, as may be deemed

Name.

Corporate powers.

necessary for the government of the company, and which shall be binding on them and requisite to carry on the business; it shall have perpetual succession and enjoy all the rights and privileges, powers, liberties, immunities and franchises usually pertaining to a corporation.

SEC. 2. *Be it further enacted*, that the capital stock of the said company may be divided into such number of shares, and of such amount for each share as the stockholders in the general meeting may determine: *Provided*, that the capital stock of said company shall not exceed one million dollars, and that said shares be personal property and transferable on the books of the company, and shall be held as full paid shares and not be liable to assessments, and may be paid for in money, mineral lands, cash for working capital, machinery or any improvement to the property necessary for the operation of the company, including modes of transportation, and may buy and sell produce, supplies, merchandise of any description in connection with its business as the by-laws may determine.

Capital stock.

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

Meeting of stockholders.

SEC. 4. *Be it further enacted*, that said company shall have power to purchase, lease or otherwise acquire mineral lands, and to work the same for the extraction of iron ore, coal or other minerals or products, or manufacture iron and all products of iron or other minerals, and transport the same to market.

Corporate powers.

SEC. 5. That the affairs of said company shall be managed by a board of not less than (3) three nor more than seven directors, who shall all be stockholders, and one of whom shall always be a resident of this state. They shall

Directors.

be elected by ballot within one year from the passage of this act, and annually thereafter at such time and place as the by-laws may prescribe, and to hold their offices for one year, and until their successors are elected. If from any cause said election shall not take place at the time fixed, it shall be lawful to elect the same at any other time after twenty days' notice being given. Each share of stock may be represented in person or by proxy, and a majority of directors shall constitute a quorum for the transaction of business. Said directors shall elect one of their number to be president of the board; they shall fill all vacancies occurring in their own body until the next annual election. At any general meeting of the stockholders they may appoint such other officers and agents as they may deem necessary to manage the affairs of the company, remove the same at pleasure, and establish offices at such places as the wants of the business may require, and perform all such other acts which they may find necessary in the successful prosecution of their business demands. And this corporation shall be organized by any one of the resident corporators, giving twenty days to the other corporators to meet in Raleigh in person or by proxy, within one year from the passage of this act, and a majority of the corporators shall constitute a quorum for the transaction of business.

Officers.

Organization of corporation.

Authorized to construct railroads, etc.

SEC. 6. That said company shall have the right, power and authority to lay out, build and construct roads, whether rail, tram, plank or turnpike, for the successful transportation of iron ore, coal, coke, iron, mineral, and all products found upon their lands, and also to construct such dams as shall be needful for the supply of water to their mills, manufactories and furnaces, the drainage of their mines, or for any other purpose found necessary; to erect bridges over streams of water whenever necessary and connect such with the railroads of any company now incorporated or which may be hereafter incorporated by the laws of the state, at any point the said company may

select for such connection, and such roads shall be open to the use of the public, and subject to the laws of this state governing railroads and other common carriers.

SEC. 7. That where any land or right of way may be required by said company for constructing said roads and drains, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased of the owners, the same may be taken and the value ascertained as follows: On application by the company to any justice of the peace of the county where the said land or right of way may be situated, it shall be his duty to issue his warrant to the sheriff of said county to summon a jury of five freeholders to meet on the day named in said warrant; not less than ten nor more than twenty days thereafter. And the sheriff on receipt of said warrant shall summon the jury and notify the owners of the lands of the time and place at which he has summoned the jury to meet, and when met he shall administer an oath or affirmation to three of them that they will impartially value the land and right of way in question. The proceedings of said jurors, accompanied by a description of the land, shall be returned under their hands and seals by the sheriff to the clerk of the superior court, there to remain as a matter of record, and on the payment of said valuation and cost of said proceeding, the land and right of way so valued shall vest in said company for the purpose of constructing roads as aforesaid, but for no other purpose or use: *Provided*, that the location of the same shall not interfere with any graveyard, house, lot or garden, without the consent of the owners, and that no more land than thirty feet width on either side from the center of said roads or drains shall be condemned for the purpose aforesaid. *And provided further*, that if either party shall be dissatisfied with the valuation aforesaid, they may appeal to the superior court of the county in which the land lies and whose decision shall be final, but such appeal shall not delay or interrupt the use and possession

Condemnation of  
land.

Proviso.

Proviso.

of the said land and right of way by said company : *Provided, however,* that if upon an appeal by the owner of the land, he shall fail to recover judgment for a greater sum than was allowed by the jury below, the said company shall not be liable for any costs other than those accrued in the proceeding before the appeal was taken.

Common seal.

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

SEC. 9. *Be it further enacted,* that this charter shall take effect and be in force from and after its ratification.

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

## CHAPTER 12.

An act to incorporate the town of Germanton, Stokes county, North Carolina.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Germantown, in Stokes county, be and the same is hereby incorporated by the name and style of "The town of Germanton," 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-fourth of a mile east, west, north and south, from the centre of the town, which centre is the site of the brick building formerly known as Court House, and shall run with the four cardinal points of the compass.

SEC. 3. That the officers of said incorporation shall consist of a mayor and three commissioners and a constable.

Officers.

SEC. 4. That until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-three, the following named persons shall fill said offices, viz: Mayor, T. H. Bain; for commissioners, Wm. Campbell, E. J. Styers and Dr. J. G. Bynum; for constable, J. Y. Burchfield.

Temporary officers.

SEC. 5. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-three, and every year thereafter, under the same rules and restrictions that county and state elections are held.

Election.

SEC. 6. That any qualified elector in this state shall be eligible as mayor and commissioners: *Provided*, that he shall have resided in the corporation sixty days preceding the day of election.

Who eligible for mayor, etc.

SEC. 7. That for the purpose of electing said officers the commissioners of Stokes county shall, at least twenty days before the election, appoint three inspectors for the town, who shall be each a qualified voter, and said inspectors shall give ten days' notice thereof by public advertisement, and if from any cause inspectors shall not be appointed, the sheriff of Stokes county shall designate inspectors in like manner.

Inspectors of election.

SEC. 8. That on the day of election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes and conduct the election in like manner and during the same hours of the day as election for members of the general assembly. The voter shall designate on his ballot the person for whom he votes for mayor, and the persons for whom he votes as commissioners and constable, otherwise the votes shall not be counted.

Duties of inspectors.

SEC. 9. That all persons entitled to vote in the state, who shall have been residents of the town for sixty days

Electors.

Ballots.

next preceding the day of election, shall be allowed to vote for mayor, commissioners and constable, provided they have complied with the registration laws.

Inspectors to be sworn, etc.

SEC. 10. That the inspectors before they proceed to hold the elections, shall be sworn by the mayor or a justice of the peace, to conduct the election fairly, impartially and according to law, and in case of the absence of one of the inspectors, his place shall be forthwith supplied by the commissioners.

Oath of mayor.

SEC. 11. 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., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my skill and ability, all the duties of the office of Mayor in the town of Germanton 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 commissioner.

SEC. 12. 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 faithfully, fully and impartially perform the duties of commissioner for the town according to the best of his ability and judgment.

Terms of office.

SEC. 13. That the mayor, commissioners and constable shall hold their offices respectively until the next ensuing election, and until their respective successors are qualified.

Board of commissioners to be organized.

SEC. 14. That after the election of the mayor and commissioners, they shall within five days afterwards meet and organize the board of commissioners, a majority of them shall be competent to perform the duties prescribed for them. They shall, at their first meeting, fix their stated days of meetings for the year, which shall not be less than once every month, subject to a special called

Meetings of Board.

meeting either by the mayor or a majority of the commissioners; and every commissioner duly qualified who shall fail to attend the several meetings of the board unless prevented by such causes as shall be satisfactory to the board, 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 these forfeitures.

Penalty for failure of commissioners to attend meeting.

SEC. 15. That the commissioners shall have power to cleanse and repair the streets, take all proper means to prevent and extinguish fires, make regulations to cause due observance of the Sabbath, to suppress and remove all nuisances and perform all other duties of a town commissioner, including the passing or ordinances for the better government of the town.

Powers of commissioners.

SEC. 16. That the board of commissioners shall have power to levy a tax upon real estate to an amount not more than one-half of the state tax, and not more than fifty cents on the poll, whenever they, in their judgment, see it necessary to levy said tax for the improvement of the town, said taxes to be levied during the month of June of each year and to be collected during the month of September of each year. The constable shall be the tax collector for the town, he shall give an official bond to the town in the sum of two hundred dollars for [the] faithful performance of his duties, and for the collection of said taxes he shall receive five per cent. of the amount collected.

Town tax.

Constable to be tax collector.

SEC. 17. That all laws and regulations for the good government of the town, not incompatible with the laws of the state of North Carolina, and not mentioned in this charter, shall be submitted to the qualified voters of the town, upon a written petition signed by two-fifths of the voters of said town, and if, when a proposition shall be voted upon, and a majority of votes shall be cast in favor of such proposition, then the commissioners shall, by virtue of said election, grant the petition and cause such

Laws, etc., for government of town to be submitted to popular vote.

rule and law to be added to the laws, rules and regulations governing the town.

Fees of mayor.

SEC. 18. That the fees of the mayor shall be the same as an acting justice of the peace, he shall receive no other compensation, unless so allowed by a majority of the voters of the town. That the fees of the town constable shall be the same as a township constable, and he shall possess all the rights and powers as a town constable, may arrest men, and bring them before the mayor, who have been guilty of the violation of the laws of the town or state.

Fees of constable.

Per diem of commissioners.

SEC. 19. That after the first general election of town officers, the qualified voters of the town shall determine what per diem pay shall be allowed the commissioners, if any, for their services as members of the municipal board.

SEC. 20. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 31st day of January, A. D. 1883.

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## CHAPTER 13.

An act to incorporate the Weeping Mary Burial Society of Camden county, North Carolina.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That Solomon Griffin, John Barco, Denson Griffin, Joshua Comick, Wright Perkins, James Harvy and Willis Chamberlain, and such other persons as they may associate with them, be and they are hereby constituted a body politic under the name of the Weeping Mary Burial Society of Camden county, North Carolina, for the purpose of raising a fund with which to defray the

Name.

burial expenses of colored persons dying in said county without leaving the means necessary for burial purposes.

SEC. 2. The said corporation shall have power to purchase and hold real estate to the amount of two thousand dollars, and personal property to the amount of one thousand dollars, to sue and be sued by their corporate name, to use a common seal, and to make such rules and by-laws as may be necessary for their good government not inconsistent with the constitution and laws of North Carolina.

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 31st day of January, A. D. 1883.

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## CHAPTER 14.

An act to amend chapter one hundred and eight, private laws of one thousand eight hundred and fifty-eight and fifty-nine.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three, chapter one hundred and eight, private laws of one thousand eight hundred and fifty-eight and fifty-nine, being an act to incorporate the Raleigh Gas Light Company, ratified the — day of February, one thousand eight hundred and fifty-nine, is amended by striking out the word "fifty" in the second line of said section three, and inserting in lieu thereof the words "one hundred," so that said section, as amended, will read: "Section 3. *Be it further enacted,* that the capital stock of said company shall not exceed one hundred thousand dollars, in shares of one hundred dollars each, to be paid in such manner and under such rules and regulations as the president and directors of said company

Chap. 108, sec. 3,  
private laws  
1858-'9, amended.

Capital stock.

shall prescribe; and that said company may go into operation as soon as fifteen thousand dollars shall have been subscribed."

SEC. 2. That all laws and clauses of laws coming in conflict with this act are hereby 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 2d day of February, A. D. 1883.

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## CHAPTER 15.

### An act to incorporate the North Carolina Colored Christian Conference.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Moses Fike, Joseph Mann, W. M. Hayes, Samuel Foy, Thomas Bullock, G. W. Dunn, Jackson Jeffreys, Robert McKinsy, Robert Preddy, Jacob Onslow, J. F. Mitchell, S. L. Long, Norfleet White, Robert Cook, William Bullock, William Fenner, H. K. Kearney, Nelson Alston, Turner Levister, Clayton Cook, W. M. Nicholson, H. E. Long, J. L. Long, their associates and successors, be and the same are hereby declared a body politic and corporate under the name and style of "The North Carolina Colored Christian Conference," and as such shall have power to purchase and hold real and personal estate, to sue and be sued by their corporate name, to use a common seal, and to make such rules and by-laws as may be necessary for their good government.

Name.

Corporate powers.

Devises, etc.

SEC. 2. That all devises, bequests and conveyances heretofore made, or hereafter to be made to said "North Carolina Colored Christian Conference," shall vest in the same and be good and valid in law.

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 2d day of February, A. D. 1883.

## CHAPTER 16.

An act to amend the act to allow the Bank of Greensboro time to wind up its business.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter thirty-eight, of the private laws of one thousand eight hundred and seventy-nine, be amended by striking out the word "four" in line four, and inserting in lieu thereof the word "eight."

Chap. 38, sec. 1,  
private laws 1879,  
amended.

Time extended  
within which to  
settle its affairs.

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

In the general assembly read three times, and ratified this the 2d day of February, A. D. 1883.

## CHAPTER 17.

An act to incorporate Winton Lodge, number one hundred and twenty-seven, Free and Accepted Masons, at Winton, in the county of Hertford.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the master, wardens and members of Winton Lodge, number one hundred and twenty-seven, of Free and Accepted Masons, and their successors, at Winton, in the county of Hertford, be and they are hereby

Body politic.

Name, constituted a body politic and corporate by the name and style of Winton Lodge, number one hundred and twenty-seven, of Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, may plead and be impleaded, have a common seal, and in general may exercise all such rights and privileges as are usually incident to corporate bodies of like nature.

Corporate 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 2d day of February, A. D. 1883.

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## CHAPTER 18.

An act to amend chapter twenty-five, private laws of one thousand eight hundred and seventy-six and seventy-seven.

*The General Assembly of North Carolina do enact :*

Chap. 25, private laws 1876-7, amended.

Body politic.

Name.

Corporate powers.

SECTION 1. That chapter twenty-five of the laws of one thousand eight hundred and seventy-six and seventy-seven, be and the same is hereby amended to read as follows: That A. H. Watson, A. E. Bramble, R. Frank Peterson, T. F. Lewis, J. M. Graddy, James Porter, J. R. Peoples, S. G. Ayre, J. W. Knight, and such other persons as may be associated with them, they and their successors, be and are hereby incorporated into a body politic and corporate, under the name and title of "Fayetteville Lodge, number one, Ancient Knights," and by that name may have succession and a common seal, plead and be impleaded before any court of law, contract and be contracted with, acquire, hold and dispose of real and personal property not exceeding five thousand dollars in value, for the benefit of said corporation or its members, or the widows and orphans of said members, and may

have all such other rights and privileges as are incident to all benevolent and charitable corporations, and shall have jurisdiction throughout the state, with authority to organize and grant charters to additional lodges, and when not less than seven such lodges are organized, the same may meet in convention and form a grand lodge of Ancient Knights of North Carolina, with jurisdiction throughout the state, with exclusive authority to establish other subordinate lodges for the objects and purposes of said benevolent association.

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

SEC. 3. That this act shall be in force from and after its ratification, and so much of chapter twenty-five, private laws of one thousand eight hundred and seventy-six and seventy-seven, as is in conflict with this act be and the same is hereby repealed.

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

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## CHAPTER 19.

An act to incorporate the Horner School, of Oxford.

*The General Assembly of North Carolina do enact:*

SECTION 1. That James H. Horner, his associates, principals and successors, be incorporated into a company under the name and style of the Horner School, of Oxford, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, both real and personal, in their cor-

By laws, etc.

So much of chap. 25, private laws 1876-'7, as conflicts with this act repealed.

Incorporated.

Name.

Corporate powers.

porate capacity, such as may be necessary for maintaining a school of high grade.

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 6th day of February, A. D. 1883.

## CHAPTER 20.

An act to incorporate the Supreme Council of the Maccabees Home Aiding Society.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That in order to give permanent organization to the body or society hereinafter mentioned, organized for the advancement of the mental, moral and material prosperity of the members, and for the purpose of providing for the decent burial of their dead, and for the better protection of their widows and orphans, the following named persons, to-wit: Andrew DeGraffenreid, Amos Wooten, John Britt, Benjamin Smith, Joseph Wood, Wright Smith, Allen Smith, Benj. Buckram, Ephraim Smith, Willis Sugg, Robert Exum and Hiram Parks, of Greene county, and their associates and successors, be and they are hereby made, constituted and created a corporation and body politic, by and under the name and style of the "Supreme Council of the Maccabees Home Aiding Society."

Name.

Corporate powers.

SEC. 2. That the said corporation shall have and are hereby vested with the powers and privileges following, in order the more fully to carry out and secure the benevolent and charitable purposes for which it is created, to-wit: to have a common seal, to purchase, acquire and hold real and personal property, and the same to transfer,

convey and dispose of in such manner as it shall deem proper, to sue and be sued, plead and be impleaded by and in its corporate name and capacity, to institute and organize lodges, bodies or societies subordinate to said Supreme Council of the Maccabees Home Aiding Society, and to make such constitution and by-laws for its own good government or for that of its said subordinate lodges, bodies or societies, not inconsistent with the constitution and laws of the United States and of the state of North Carolina, as may be deemed necessary and proper, and shall in general have and exercise all such rights, privileges and immunities as by law are incident and necessary to corporations created for benevolent and charitable purposes.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

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## CHAPTER 21.

### An act to incorporate the Narrows Island Club.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Benjamin F. Huntting, D. G. Elliott, John B. Lawrence, Jr., Charles P. Frame, Bayard Dominick, and their associates and successors, be and they are hereby constituted a body politic and corporate by the name and style of the "Narrows Island Club," for the purpose of hunting wild fowl and other game and other similar sports for pleasure, and by such name and style may sue and be sued, plead and be impleaded in any and all courts of this state, contract and be contracted with, and have perpetual succession and a common seal.

Body politic.

Name.

Corporate powers.

SEC. 2. The said corporation shall have power to acquire by purchase in fee simple or lease, marsh, beach and other lands suitable for and adapted to the use of said club in the counties of Currituck and Dare, and hold, use and dispose of the same as it may please, and may also acquire, hold and dispose of such personal property as may be necessary or desirable for the purpose of said club: *Provided*, that the said corporation shall not acquire in fee simple a greater quantity of lands than twenty thousand acres: *And provided also*, that the said corporation and the members composing the same shall be subject to all the restrictions in regard to non-residents contained [in] chapter one hundred and eighteen of Battle's Revisal.

By-laws, etc.

SEC. 3. The stockholders shall have power to make such rules and regulations and by-laws for the government of the corporation and the management and disposition of its property as they may deem fit, not inconsistent with the constitution and laws of this state or of the United States.

Principal office.

SEC. 4. The principal office or place of business of said corporation shall be in Poplar Branch township, in the county of Currituck.

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

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1883.

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## CHAPTER 22.

**An act to incorporate the North Carolina Tobacco Exposition.**

*The General Assembly of North Carolina do enact:*

Body corporate.

SECTION 1. That Julian S. Carr, W. T. Blackwell, E. J. Parrish, M. A. Angier, John L. Markham, A. H. Stokes,

W. Duke and Eugene Morehead, their associates and successors, be and hereby are declared a body corporate under the name of "The North Carolina Tobacco Exposition," and under such name shall have power to use a corporate seal, to sue and be sued, to buy, lease, hold and sell real and personal estate, and in general to do all things conferred upon other like associations under the laws of this state.

Name.

Corporate powers.

SEC. 2. The said "The North Carolina Tobacco Exposition," shall have power to hold such fairs for the exhibition of tobaccos or other products, crops, stock, machinery or handiwork, in or near the town of Durham, as the board of directors may determine.

Empowered to hold fair in Durham.

SEC. 3. The capital stock of this association shall be seven thousand five hundred dollars, with power to increase the same to fifty thousand dollars, and the affairs thereof shall be managed by a board of directors, to be elected by the stockholders as soon after the ratification of this act as a majority of stock may be represented at any meeting to be called by the incorporators hereinbefore named.

Capital stock.

Board of directors.

SEC. 4. The board of directors shall elect a president, a secretary, a treasurer, and such other officers of this association as they may think necessary, and prescribe their duties, and pass such by-laws for the government of this association as are not inconsistent with the laws of this state.

President and other officers.

By-laws, etc.

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 6th day of February, A. D. 1883.

## CHAPTER 23.

## An act to incorporate the Bank of Goldsboro.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That R. P. Howell, Henry Lee, L. W. Humphrey, W. H. Smith and B. F. Arrington, their present and future associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "the Bank of Goldsboro," and shall so continue for the term of ninety-nine years, with capacity to take, hold and convey real and personal estate, and with all the powers, rights and privileges granted to any bank or banking institution now doing business in this statè, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations."

Name.

Corporate powers.

Capital stock.]

SEC. 2. The capital stock of said corporation shall not be less than thirty 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 five hundred thousand dollars.

Books of subscription.

SEC. 3. The corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank, at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the due organization of said bank may, at their discretion, from time to time, reopen books of subscription to said capital stock until the same be wholly taken.

Meeting of stockholders.

SEC. 4. Whenever forty thousand dollars shall be subscribed and twenty thousand dollars shall be 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 such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and vice-president to serve during their continuance in office.

Directors.

President, etc.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof, may do a general banking business on such terms and rates of discount and interest as may be agreed on not inconsistent with the laws of this state; and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The bank shall have a lien on the stocks for debts due it by the stockholders before and in preference to other creditors of the same dignity, and shall pay such taxes as may be imposed on banks in the revenue laws of the state, and shall pay the same to the treasurer of the state direct, at such time as may be prescribed in the revenue laws of the state.

Powers of president and directors.

Preferred lien on stock.

Taxes.

SEC. 6. That said bank may pay out and receive 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 estate and property as may be conveyed to secure debts to the bank or may be sold under executions to satisfy any debt due 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 agreed on, not inconsistent with the laws of this state. It may receive on deposit moneys, on terms to be agreed on be-

Corporate powers.

tween the officers and depositors and issue certificates of same; 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 under seal of the bank. Each stockholder shall be liable to depositors to the extent of the amount of his stock at the time the deposit was made: *Provided*, that all liabilities so incurred shall be borne by the stockholders pro rata.

Liability of stockholders.

Proviso.

Remedy against subscribers for unpaid 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 bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion or by civil action; or the entire stocks may be sold by order of the directors for cash at the banking house in Goldsboro, after advertisement of sale for twenty days in a newspaper published in the city; 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.

Remedy against assignee of subscriber for unpaid stock.

SEC. 8. If any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motions 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.

Agencies.

SEC. 9. Agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time; shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

SEC. 10. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank; 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 Goldsboro; at all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of president and directors.

SEC. 11. 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, taking in writing a lien or liens on the crop or crops to be raised, even before planting the same, or upon the present or prospective products of any mining operations or upon any article or articles then existing or thereafter to be made, purchased, manufactured or otherwise acquired; and any lien so taken shall be good and effectual in law: *Provided*, the same is duly recorded under the existing laws of registration anterior to all other liens and mortgages for securing such loans or advances. And the said bank shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment; and also to receive in storage or warehouse any cotton, wheat, corn, other produce, or any manufactured articles whatsoever, as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same; the said liens, pledges or mort-

Advancements and loans to planters, etc.

Proviso.

Loans on mortgage, etc.

gages being duly recorded and registered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

SEC. 12. That 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 February, A. D. 1883.

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## CHAPTER 24.

An act to incorporate the Loftin Silver Lead Mining Company.

*The General Assembly of North Carolina do enact :*

Body corporate.

SECTION 1. That George C. Irwin, Cloos Vocke, Joseph B. Stafford, E. S. Munroe, David Loftin and Thomas C. Anderson, their associates, successors and assigns, are hereby created and constituted a body corporate under the name and style of the Loftin Silver Lead Mining Company for the purpose of exploring, working and mining for gold, silver, copper and other minerals, and for vending, smelting and reducing such mineral ores, and by that name may sue and be sued, prosecute and defend suits or actions in all the courts of this state, may contract and be contracted with, may have and use a common seal and may enjoy all the rights, privileges and powers necessary and incident to mining, smelting, working and vending minerals. They may also purchase, hold, sell, mortgage, bond or convey real and personal property and any right or interest therein necessary to carry out the purposes of this act.

Name.

Corporate powers.

Capital stock.

SEC. 2. The capital stock of said corporation shall not exceed seven hundred and fifty thousand dollars, divided into such number of shares of not less than five dollars

each par value as the directors shall prescribe, which said shares of stock may be transferred in such form and manner as the by-laws shall direct, and each share of stock shall entitle the holder thereof to one vote. Subscription for stock in said corporation may be received in real and personal estate, upon such terms as the directors shall agree.

SEC. 3. The business of said corporation shall be conducted and managed by a president and board of directors of not more than five: any three directors shall constitute a quorum fully authorized to exercise all the rights and privileges hereby granted. There shall also be a secretary and treasurer, which said offices may be filled by one person if the board of directors shall so direct, and such other officers as the directors shall prescribe.

Officers.

SEC. 4. There shall be an annual meeting of the stockholders of said corporation at such time and place as shall be fixed by the by-laws, at which the officers of said corporation shall be elected.

Annual meeting of stockholders.

SEC. 5. Until the regular annual meeting shall be held, Joseph B. Stafford [and] Jacob H. Wight shall be and are hereby constituted and appointed directors fully authorized to manage the affairs of said corporation. They shall elect one of their number as president and appoint all the officers and employees of said corporation. They shall hold their offices until their successors are elected.

Temporary directors.

SEC. 6. In the absence of the president from any meeting of directors, the board of directors may select one of their own number to fill his place and discharge the duties of said office, and they may also fill other offices which shall become vacant by death or otherwise.

Vacancies.

SEC. 7. The directors shall have power to pass and enact such by-laws and regulations for the government of said corporation as they may deem necessary and to alter or amend the same: *Provided*, such by-laws and regulations shall not be repugnant to the laws of the United States and the state of North Carolina.

By-laws, etc.

SEC. 8. 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 February, A. D. 1883.

## CHAPTER 25.

An act to incorporate the town of Pireway, in the county of Columbus.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Pireway, in the county of Columbus, be and the same is hereby incorporated by the name and style of the town of Pireway, and shall be subject to and governed by all the provisions contained in chapter one hundred and eleven of Battle's Revisal.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Beginning at the ford of Persimmon branch, near the Primitive Baptist church, and running with said branch to J. Gore's cotton gin, thence with the mill branch down to J. Gore's lower mill, thence a direct line to B. Benton's landing on the Waccamaw river, then a direct line to J. Gore's rice mill, then a direct line to a timber landing on the Seven creeks, near N. E. Jacobs', then a direct line so as to include the Primitive Baptist church, to the beginning.

Election.

SEC. 3. That the first election for municipal officers and constable shall be held within two months after the ratification of this act, and annually thereafter on the first Monday of May.

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

In the general assembly read three times, and ratified this the 9th day of February, A. D. 1883.

## CHAPTER 26.

## An act to incorporate the Rocky Mount Agricultural and Mechanical Association.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the Rocky Mount Agricultural and Mechanical Association as organized by a voluntary association in the year one thousand eight hundred and eighty-one, at Rocky Mount, North Carolina, be and the same is hereby incorporated into a body politic and corporate, under the name and style of "Rocky Mount Agricultural and Mechanical Association," and in that name may sue and be sued, have and exercise any and all the powers and rights of other similar corporations in this state, and shall have a common seal, may pass all such by-laws, rules and regulations as they regard necessary, not inconsistent with the constitution and laws of this state and of the United States, may take and hold real property, not exceeding in value ten thousand dollars, and may acquire the same by deed, devise or in any other mode.

Incorporated.

Name.

Corporate powers.

SEC. 2. That the said association shall annually, at such times and in such manner as shall be provided in their constitution and by-laws, elect all such officers as shall be provided for in said constitution and by-laws.

Officers.

SEC. 3. That the constitution and by-laws heretofore adopted by said association shall be and continue in force and effect until the same are altered or amended, and that all officers heretofore elected and now exercising their offices shall continue till their successors are duly elected.

Constitution and by-laws.

SEC. 4. That the chief marshal and his assistants shall have all the powers given to policemen by chapter one hundred and eighty-four, acts one thousand eight hundred and seventy and one thousand eight hundred and

Powers of chief marshal.

seventy-one, and shall act in concert with them when necessary.

Stockholders not  
liable for debts.

SEC. 5. That the stockholders shall not be individually liable for the debts or liabilities of said association.

Capital stock.

SEC. 6. That the capital stock of said association shall be six thousand dollars, divided into two hundred and forty shares of twenty five dollars each.

Certificates of  
stock.

SEC. 7. That certificates of stock shall be delivered to each stockholder upon his paying for the same in full, and shall contain the name of the association, amount of the capital stock, the par value of each share, the name of the holder, the number of his shares and the date of its issue: said certificates shall be signed by the president and countersigned by the secretary.

Assignment of  
certificates.

SEC. 8. That the certificates of stock may be assigned and transferred under such rules and regulations as the association shall prescribe.

Empowered to  
convey real es-  
tate.

SEC. 9. That the said association may have power to convey real estate by deed, signed by the president, under the common seal of the association.

Taxation.

SEC. 10. That the treasurer of said association shall list the real and personal property of said association annually in Rocky Mount township, in the county of Nash, for taxation, and the taxes shall be paid by the treasurer of said association, and that the certificates of stock and exhibitions held by and under the direction and control of said association during the annual fairs held by them, and also all sales of property which is placed upon exhibition, made upon the grounds during said exhibitions, shall be exempt from taxation.

Exemption from  
taxation.

SEC. 11. 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 February, A. D. 1883.

## CHAPTER 27.

An act to incorporate the Charlotte Cotton Mills.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Robert M. Oates, David W. Oates, John E. Oates and James M. Oates, and such other persons as may hereafter be associated with them for the purpose set out in this act, are hereby constituted and declared to be a body politic and incorporate under the name of the "Charlotte Cotton Mills," with all the power herein specially granted, and also all those conferred upon corporations by the twenty-sixth chapter of Battle's Revisal.

Body politic.

Name.

Corporate powers.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same to an amount not exceeding five hundred thousand dollars, as the stockholders may from time to time determine; said stock may be paid for in money, real estate, machinery, or materials as required by the company.

Capital stock.

SEC. 3. That said corporation is hereby authorized and empowered to conduct in all its branches the business of manufacturing, making and finishing warps, yarns, cloths, or any other fabric of cotton, wool, or other material, and may buy and sell goods, wares and merchandise, and to lease, purchase, hold, sell and convey real estate, and may borrow money and issue bonds, or other evidences of any indebtedness, and secure the payment of the same by mortgage upon its property and effects.

Authorized to conduct business of manufacturing, etc.

SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations for the management of the affairs of the company, and to elect such officers as may be deemed necessary for the transaction of its business, and to fix the duties, salaries and terms of office of such officers.

Rules, etc.

SEC. 5. It shall be the duty of the president or other chief officers of said company to list for taxation all the

Taxation.

property of the corporation in the county where its principal place of business is located.

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 13th day of February, A. D. 1883.

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## CHAPTER 28.

An act to incorporate the trustees of Bess's Chapel Camp Ground in Lincoln county.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Thomas Bess, Peter Bess, W. C. Childers, N. H. Manney and P. C. Bess and their successors and associates, are hereby constituted a body politic and corporate by and under the name of "The Trustees of Bess's Chapel 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 in North Carolina having jurisdiction, have and use a common seal; elect officers who shall be a chairman, a secretary and a treasurer, and shall have power to establish such rules and regulations for the enforcement of good order and behavior, and for the removal or abatement of any nuisance from said camp ground.

Name.

Corporate powers.

Officers.

Vacancies.

SEC. 2. That in case any vacancy should occur from any cause, a majority of the remaining trustees shall have power to fill such vacancy.

Unlawful to sell within two miles.

SEC. 3. That it shall not be lawful for any person to sell or give away or otherwise dispose of spirituous liquor within two miles in any direction of said camp ground,

any that if any person shall sell or give away or otherwise dispose of spirituous liquors within said limits, he shall be guilty of a misdemeanor, and on conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days for each and every offence.

Misdemeanor.

SEC. 4. That all the provisions of sections four, five, six, seven, eight and nine, of chapter fifty-eight, of the private laws of one thousand eight hundred and seventy-eight and nine, as applied to Rock Spring Camp Ground be and the same are hereby re-enacted so as to apply to Bess's Chapel Camp Ground, and are hereby made a part of this act.

Chap. 58, private laws 1879, sections 4 to 9 inclusive, applicable to Bess's Chapel Camp Ground.

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 13th day of February, A. D. 1883.

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CHAPTER 29.

An act to incorporate the St. John's Agricultural and Mechanical Association of Cabarrus county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That G. E. Ritchie, M. A. Ludwick, A. Cline, S. M. Ritchie, J. W. Walker, H. McNamar, Lawrence Klutts, Aaron Ritchie, J. M. Ridenhour, and their associates and successors in office, are hereby incorporated and made a body politic under the name and style of the St. John's Agricultural and Mechanical Association, and by that name may sue and be sued, purchase and hold real and personal property, not exceeding in value ten thousand dollars, and shall have all the powers, rights and authority incident to such corporate bodies, and shall have a common seal.

Body politic.

Name.

Corporate powers.

Officers.

SEC. 2. The society shall annually elect a president, vice-president, secretary, treasurer, and five directors, which directors shall have power to elect one chief marshal, who shall be invested with all the powers of a police officer, and whose duty it shall be to arrest, or cause to be arrested, any person or persons violating any of the rules or regulations of said association not inconsistent with the constitution of North Carolina.

Games of chance.

SEC. 3. That the St. John's Agricultural and Mechanical Association shall have full power and control over the adjacent grounds outside of its enclosures for the distance of three hundred yards, and any person attempting to make any exhibition, or to play at any game of chance, or in any manner to cheat or defraud within said distance, after having been forbidden so to do by the marshal, or other officer in charge shall be guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than five dollars, or imprisoned not less than ten days.

Misdemeanor.

Sale of spirituous liquors.

SEC. 4. That it shall not be lawful for any person or persons to sell any spirituous liquors, or to erect any place of amusement for profit, within said distance of three hundred yards from said enclosure or buildings of said association, except by the consent of said association, and any person or persons violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor.

Exemption from levy and execution.

SEC. 5. That all agricultural products, mechanical work or property of any and every kind designed for exhibition at any fair of the St. John's Agricultural and Mechanical Association, while going to or returning from, or while being exhibited, shall be exempted from levy or execution: *Provided*, such articles shall not be sold by the exhibitor during said fair with intent to defraud creditors.

Proviso.

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 13th day of February, A. D. 1883.

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## CHAPTER 30.

### An act to incorporate the Centurion Benevolent Society.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Alexander Williams, Eliza Jones, Nelly Bryant, Maria Jones, Lucy Sikes, T. A. Cradle, Peter Spruill, F. H. Hoyt, Moses Lee, Nancey Jones, Jenny Brinson, Edward Jackson, Toney A. Bishop, Sid-die Paxton, Mary A. Hoyt, and their associates and suc-cessors, shall be and they are hereby declared a body politic and corporate, under the name, style and title of the "Centurion Benevolent Society."

Body politic.

Name.

SEC. 2. That by that name said society shall have power to sue and be sued, to plead and be impleaded with, and to make all contracts for the good of said So-ciety.

Corporate pow-ers.

SEC. 3. That the object of said society shall be for re-ligious, charitable and benevolent purposes, to educate the members thereof socially, morally and intellectually, to provide for the relief of the sick and distressed mem-bers thereof, and especially to provide for the decent and proper burial of its members in case of death, and to pro-tect and care for the poor widows and orphan children of its members.

Objects of society

SEC. 4. That said society shall have full power and authority to adopt a constitution, and to make such rules, regulations and by-laws for its government as a majority thereof shall deem best, and the same to change, abro-

Constitution and bylaws.

gate and annul, at any time they deem best: *Provided*, that the same shall not be inconsistent with the constitution and laws of this state and of the United States.

Common seal.

SEC. 5. That said society shall have a common seal, and shall have all rights, privileges and immunities usually incident to such societies under the laws of North Carolina.

Officers.

SEC. 6. That the officers of said society shall consist of a grand chief, deputy grand chief, a vice chief, a passed chief, a prelate, a marshal, an inside sentinel, and outside sentinel, a conductor, a secretary and a treasurer, and that the officers holding office at the time of the passage of this act shall be the officers thereof until the next regular election for such officers.

Meetings.

SEC. 7. That said society shall be governed by a grand lodge, and by subordinate lodges, which shall hold their meetings at such times and places as may be fixed by the constitution and by-laws thereof.

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 13th day of February, A. D. 1883.

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## CHAPTER 31.

An act to incorporate the town of Trenton, Jones county.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Trenton in Jones county is hereby incorporated into a body politic and corporate by the name and style of the town of Trenton.

Name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake at the end of Lower street, thence running north twenty degrees, east sixteen

poles to Trent river, thence the various courses of said river eighty-five and three-quarters poles to a gully opposite Cherry street, thence with said gully thirty-five and one-third poles to a point opposite Upper street, thence a continuance of said line thirty-three and one-half poles to a stake, thence south twenty degrees, east fifty-nine poles, to a point opposite Third street, thence south to Third street, thence with said Third street to McDaniel's mill pond, thence the various courses of said mill pond to the beginning of Back street, thence with said street to Lower street, thence with said street to the first section.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a constable to be elected annually on the first Monday of May by the qualified voters of said town ; and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-three, or until their successors are elected and qualified, viz: mayor, J. A. Smith ; commissioners, Lewis Daniels, George F. Coble, John F. Brogden, (the present board), and constable, J. W. Pollock.

Officers.

Election.

Temporary officers.

SEC. 4. The mayor elect shall within three days after being notified of his election as aforesaid, appear before the clerk of the superior court of Jones county and take and subscribe an oath (which the clerk shall file in his office) faithfully and impartially to discharge the duties herein imposed upon him as mayor of the town of Trenton, and also such other duties as are or may be by law imposed upon mayors as justices of the peace, within the corporate limits of their respective towns in the state. As a peace officer he shall have within the limits of the town all the powers of a justice of the peace ; and as a judicial officer within the same, all the powers, jurisdiction and authority necessary to issue process upon, and hear and determine all cases arising upon the ordinances of the board of commissioners, to enforce penalties upon

Oath of mayor.

Powers of mayor.

any adjudged violations thereof by fine or imprisonment either in the guard house of the town or the common jail of the county, and to execute the laws and ordinances made by the commissioners for the government of the town: *Provided*, that in all cases in which any person or persons are dissatisfied with his judgment, they may appeal to the superior court of Jones county upon recognizance with security for his or their appearance at the next term thereof.

Proviso.

Oath of commissioners

SEC. 5. After the mayor has been qualified as above provided, he shall, within three days, call together the commissioners elect, who shall before him take and subscribe the following oath: "I, —, do solemnly swear that I will faithfully discharge the duties of commissioner of the town of Trenton for the ensuing year, to the best of my ability, so help me God." After the commissioners, or a majority of them, have been qualified, the mayor, as chairman, shall declare the board of commissioners of the town of Trenton duly organized, when they shall appoint a secretary and treasurer, who shall hold their offices for one year and until their successors are appointed and qualified, subject, however, to be removed at any time for misbehavior or neglect of duty in office, in which event the commissioners shall appoint others in their stead. Before assuming the duties of his office, the treasurer shall be sworn to the faithful discharge of his duties as such, and shall execute a bond with sufficient sureties, payable to the town of Trenton, in such sum as the commissioners may designate.

Organization of commissioners.

Secretary and treasurer.

Powers of commissioners.

SEC. 6. That the board of commissioners, after having qualified and organized as hereinbefore provided, shall have power to pass all by-laws, rules and regulations necessary for the good government of the corporation.

Taxation.

SEC. 7. That said commissioners shall have power to levy a tax, not to exceed seventy-five cents on the poll, and not to exceed twenty-five cents on the one hundred dollars valuation of property.

SEC. 8. That the commissioners shall have power to tax all subjects of state taxation within the corporate limits an amount not exceeding one-half of the state tax, and shall have power to abate all nuisances, and may impose such fines as may be necessary to abate them.

Subjects of taxation.

Nuisances.

SEC. 9. That it shall be the duty of said commissioners to spend the tax so levied and collected in opening and repairing the streets and sidewalks and for such other purposes as may be for the interest of said corporation, and may exempt persons within the corporation from working the public roads.

Tax, how expended.

SEC. 10. That the mayor shall be *ex officio* chairman of the board of commissioners, and in case of a vacancy in the office of mayor, the board of commissioners shall fill the same as soon as possible, and in case of a vacancy in any of the other officers, the mayor shall fill the same immediately, a majority of the board concurring; and in case any person elected to the office of mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty dollars to said town, and it shall be the duty of the treasurer to sue for the same if not paid upon demand.

Vacancies.

Failure of mayor or commissioner to qualify.

SEC. 11. The constable after being elected shall, before entering upon his duties as such, execute a bond with good and sufficient security, to be approved by the board of commissioners, payable to the town of Trenton, for the faithful discharge of his duties. It shall be the duty of the constable to serve all process issued by the mayor, collect all fines imposed by him, to quell all riots, disturbances and breaches of the peace within the corporate limits. It shall also be his duty to collect all taxes levied by the board of commissioners, and to pay said taxes and fines to the treasurer of the town and to take his receipt therefor.

Constable.

SEC. 12. It shall be the duty of the secretary and treasurer to post at the court house door, and at two other public places in the town of Trenton on the first Monday

Statement of receipts and disbursements.

of April of each year, a full and accurate statement of all the moneys paid to the treasurer, and of all the disbursements made by him during the preceding year.

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

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

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## CHAPTER 32.

An act incorporating The American Legion of Honor of North Carolina, and subordinate councils working under the jurisdiction of said grand council.

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 :*

Body politic.

SECTION 1. That Nathaniel Jacobi, Robert H. Lyon, John A. Collins, M. D., Jacob I. Macks, John G. Snyder, A. H. McLeod, C. O. Mercer, Joseph Schwerin, George G. Newman, Joseph H. Baker, M. D., C. M. Brown, J. H. Bell, Henry Morris, M. Patterson, S. K. Fountaine, A. Arnheim, Owen Fennell, Jr., J. A. McDowell and S. Trueblood, and their successors, be and are hereby created a body politic, to be known by the name, style and title of "The Grand Council American Legion of Honor of the State of North Carolina," and subordinate councils working under the jurisdiction of said grand council, and by such name and title shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding, granting

Name.

Corporate powers.

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 this corporation shall be to unite fraternally all white men and women of sound bodily health and good moral character who are socially acceptable and between the ages of eighteen 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, to establish a fund for the relief of sick and distressed members, and ameliorate the condition of humanity in every possible manner; to collect assessments levied upon its members by the supreme council of the American Legion of Honor, and upon satisfactory evidence of the death of a member of the order who has complied with all its lawful requirements, to receive from the supreme council and pay a sum not exceeding five thousand dollars to his or her family, or those dependent on him or her, as he or she may direct.

Objects of corporation.

SEC. 3. The said grand council and subordinate councils 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.

Common seal.

SEC. 4. The said grand council may provide for holding to annual meeting at such time and place as a majority of its voting members may select.

Annual meeting.

SEC. 5. The private property of members of the corporation shall be exempt from the corporate debts of either council.

Property of members exempt from corporate debts.

SEC. 6. The said grand and subordinate councils shall provide for the election of such officers as they shall 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.

Officers.

Corporate funds.

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

In the general assembly read three times, and ratified this the 15th day of February, A. D. 1883.

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### CHAPTER 33.

An act to incorporate the Yadkin Mineral Spring Academy in Stanly county.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That John L. Palmer, I. D. Coggin, Wm. A. Kirk, J. F. Kirk and James R. Littleton, trustees of the "Yadkin Mineral Spring Academy," a joint stock company in the county of Stanly, and their successors in office, are hereby incorporated a body politic for educational purposes under the name and style of "Yadkin Mineral Spring Academy," in the county of Stanly, and as such may have all the powers of trustees of like institutions. The said trustees may sue and be sued, may plead and be impleaded.

Name.

Corporate powers.

Vacancies.

SEC. 2. That all vacancies occurring in said board of trustees by death, resignation or removal from the county

shall be filled by the board of trustees, three of whom shall constitute a quorum for the transaction of business.

SEC. 3. That it shall be unlawful for any person or persons within one mile of said "Yadkin Mineral Spring Academy" to sell, give away or otherwise dispose of any vinous or spirituous liquors.

Unlawful to sell, etc., liquors within one mile.

SEC. 4. That all persons violating the third section of this act shall be guilty of a misdemeanor, and on conviction before any justice of the peace of Stanly county shall forfeit and pay a sum not more than twenty dollars, or be imprisoned not more than twenty days, or both, at the discretion of the court.

Misdemeanor.

Penalty.

SEC. 5. That the said corporation may have a common seal and have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this state or the United States.

Common seal.

By-laws.

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. 1883.

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## CHAPTER 34.

An act to incorporate the Cabarrus County Co-operative Store Association.

*The General Assembly of North Carolina do enact :*

SECTION 1. That C. Mesenheimer, H. C. McAllister, A. Ritchie, M. M. Ritchie, J. A. Cline, H. W. Ludwick, G. W. Blackwelder, J. A. Cruise, A. Cline, John Barringer, John W. Walker, and M. Dove, their associates, successors and assigns, shall be and they are hereby created and constituted a body politic and corporate, by the name

Body politic.

Name.	and style of "The Cabarrus County Co-operative Store Association," and by that name they and their associates and successors shall and may have continual succession and a common seal, which they may alter or change at their pleasure from time to time, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, with defending and being defended in all and every manner of actions, suits, complaints, matters and causes whatsoever, and by the corporate name aforesaid shall and may be capable of conducting and carrying on a full and general mercantile business in all its branches, and including articles of hardware and all implements, articles and things used in agriculture.
Corporate owners.	
Place of business.	SEC. 2. That the principal place of business of said association shall be in the town of Concord, in the county of Cabarrus, and the capital stock of the same shall be
Capital stock.	three thousand and three hundred dollars, in shares of five dollars each, with power to increase such capital from time to time to the sum of fifty thousand dollars.
By-laws.	The stockholders shall have power to ordain and execute all by-laws and regulations by them deemed necessary for the well ordering and governing of said corporation :
Proviso.	<i>Provided</i> , said by-laws and regulations are not repugnant to the constitution and laws of this state and of the United States.
Board of directors.	SEC. 3. That the affairs of the said association shall be governed and managed by a board of directors, consisting of at least five and not exceeding nine stockholders, to be elected and chosen from the stockholders of the association.
Officers.	SEC. 4. The officers of said company shall consist of a president, a treasurer, a secretary and two auditors, the president to be selected by the board of directors from among the stockholders. The office of secretary and treasurer may both be held by one person if the association shall so elect.

SEC. 5. The association shall be governed by the directors, who shall be elected by the stockholders. The by-laws shall be made by a two-thirds vote of the stockholders present at the meeting at which they are adopted. One-third of the stockholders shall constitute a quorum, and each stockholder shall have one vote only in the election of officers, making by-laws or on any question on which it may be necessary to vote.

Directors.

By-laws.

Quorum.

SEC. 6. There shall be two regular general meetings of the stockholders in each and every year, to be held on the second Saturday in January and July at Concord, and the stockholders shall determine which of the said meetings shall be known at the annual meeting at which officers are to be elected.

Meetings.

SEC. 7. That the individual members of the association shall be liable for the debts of the corporation only to the extent of the amount of the stock owned by them at the time of contracting the debt, and the stock shall be non-assessible, and under no circumstances shall the directors, officers or stockholders have the power to assess the stock of any member in any sum whatever.

Liability of stockholders for corporate debts.

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 20th day of February, A. D. 1883.

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## CHAPTER 35.

An act to amend the charter of the town of Hendersonville.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act of the general assembly of North Carolina entitled an act to incorporate the town of Hendersonville, in the county of Henderson, ratified the

Chap. —, sec. —,  
laws 1817,  
amended.

Mayor and commissioners.

Body politic.

Name.

Corporate powers.

Town government.

Taxation.

seventh day of January, one thousand eight hundred and forty-seven, and all the amendments to the same, be and are hereby amended to read as follows: That the mayor and board of commissioners of the town of Hendersonville be continued as such until the next regular election as provided in section thirteen, chapter one hundred and eleven of Battle's Revisal, and they, together with the inhabitants of said town, shall be and continue as they heretofore have been a body politic and corporate, under the name and style of the Town of Hendersonville, and under such name and style are hereby invested with all property and rights of property which now belong to said corporation, and by such name may acquire and hold for any legitimate purpose all kinds of property, real and personal, and dispose of such property when by a two-thirds vote of the board of commissioners for the same it may deem best.

SEC. 2. That the administration and government of said town shall be vested in one principal officer, styled the "mayor," and a board of commissioners to be elected as provided for in chapter one hundred and eleven of Battle's Revisal, and the said mayor and board, with all subordinate officers, shall have all the powers, privileges and emoluments, and shall be subject to all the forfeitures, pains and penalties, granted, provided for and imposed by the provisions of said chapter one hundred and eleven, Battle's Revisal, and to be subject to all the provisions thereof not in conflict with the provisions of this act.

SEC. 3. That in addition to the special taxes herein provided for, for the purpose of making new streets and improving and working the streets of said town, the board of commissioners shall have power annually to levy and collect in the manner herein prescribed an *ad valorem* tax not exceeding fifty cents on the hundred dollars' worth of property, real and personal, and a like tax on all bonds, stocks and other investments in banks, railroads or other

incorporated companies, or cash on hand or deposit, or solvent credits, etc.; and a tax on all taxable polls not to exceed one dollar and fifty cents on the poll, and in levying such taxes the constitutional equation between property and poll tax must be observed.

SEC. 4. That the secretary of the board of commissioners shall be a tax lister, and shall give ten days' notice at three public places in said town, within the month of June in each and every year, of the time and place for listing taxes of said town, at which times and places all persons liable to pay taxes to said town shall, to said tax lister, return on oath a true and perfect list of his or her taxable property as designated in the preceding section, with the true value thereof, and all taxable polls; and the said secretary shall, by the first meeting of the board in July in each year, make and return to said board an alphabetical list of the tax payers of said town, together with a classified schedule of all the taxable property, polls, &c., of said town for revision, and after the said board shall have revised said list and affixed the amount of taxes due from each tax payer, they shall cause the same to be copied in a book to be kept for the purpose, from which a copy shall be made and placed in the hands of the town tax collector for collection by the fifteenth day of August in each and every year, together with a warrant from the said board through the mayor, returnable on a day certain, not later than the first day of February in each and every year; and said tax list and warrant shall have the force of a judgment and execution for the taxes therein mentioned: *Provided, however,* that said tax list shall in no case be delivered to such collector for collection until he shall have filed with said board a justified bond in double the amount of the taxes to be collected for the current year, with at least two sureties and approved by said board.

Secretary of commissioners to be tax lister.

Taxable property and polls to be listed.

Duty of tax lister.

Tax collector.

Tax list and warrant to have force of judgment and execution.  
Provido.

SEC. 5. That in addition to the *ad valorem* tax on property and polls, the said board of commissioners shall have

Special taxes.

power to levy and collect the following special taxes for the privilege of carrying on the business or doing the acts hereinafter named in said town, to-wit:

Retail liquor dealers.

(1.) On all licensed retailers of spirituous, vinous, malt or alcoholic liquors, not more than ten hundred dollars.

Wholesale liquor dealers.

(2.) On all vendors of such liquors of the measure of a quart or more, a tax not more than four hundred dollars.

Bowling alleys, etc.

(3.) On every bowling alley, ten or nine pin alley, billiard, pool and bagatelle table, a tax not more than one hundred dollars.

Hotels, etc.

(4.) On every hotel, boarding house, restaurant or public eating house, a tax not exceeding fifty dollars, with power in commissioners to classify, etc.

Banks, etc.

(5.) On all banks or banking agencies, a tax not to exceed one hundred dollars.

Drays.

(6.) On all drays used for hauling goods or merchandise of any kind, a tax not to exceed fifty dollars.

Pedlars.

(7.) On all pedlars of medicines, goods, wares or merchandise of any kind except literature, articles manufactured or produced within this state, a tax not to exceed ten dollars.

Insurance companies.

(8.) On all insurance companies, or their agents, doing business as such in said town, a tax not to exceed fifty dollars.

Lectures.

(9.) On all lectures for reward, unless they are given wholly for religious or charitable purposes, a tax not to exceed ten dollars.

Photographers, etc.

(10.) On all photographic articles, or picture takers of any kind and their agents, a tax not to exceed twenty-five dollars.

Auctioneers.

(11.) On every auctioneer, a tax not to exceed fifty dollars.

Commission merchants.

(12.) On every commission merchant, a tax not to exceed fifty dollars.

Express, etc., companies.

(13.) On every express office, and telegraphic office, or resident agent, or office doing business within said town, a tax not to exceed fifty dollars.

- (14.) On all theatrical companies, a tax not to exceed fifty dollars. Theatres.
- (15.) On every concert or entertainment for pay, except wholly given for religious or charitable purposes, a tax not to exceed twenty-five dollars. Concerts, etc.
- (16.) On every exhibition of a circus or menagerie, a tax not to exceed one hundred dollars, and on each side exhibition accompanying such circus or menagerie, which charges admission fees, a tax not to exceed twenty-five dollars. Circuses, etc.
- (17.) On every gift enterprise, or any person offering to present any purchaser with any gift or prize as an inducement to purchase, a tax not to exceed fifty dollars. Gift enterprises.
- (18.) On all dealers in lightning rods and patent pumps, a tax not to exceed twenty-five dollars. Lightning rod dealers, etc.
- (19.) On every practicing lawyer, physician, surgeon, dentist, a dealer in patent medicines, a tax not to exceed twenty-five dollars. Lawyers, etc.
- (20.) On every livery stable, a tax not to exceed two hundred dollars, with power in commissioners to classify, and for the purpose of this act a livery stable shall mean any and every place at which horses, mules or vehicles are kept or let out for pay, or used for hire or compensation within said town. Livery stables, etc.
- (21.) On all dogs kept or owned by residents of said town, a tax not to exceed five dollars, and said board shall have power to pass and enforce ordinances for the protection of said dogs. Dogs.
- SEC. 6. The tax collector may enforce the collection of taxes due said town by levying upon the personal property, if any be found, and if none be found, then upon the real property of the delinquent within said town, and after he shall have advertised the personal property ten days and the real property thirty days at the court house and two other public places in said town, or for the same time in some weekly newspaper published in said town, shall sell at the court house door in Hendersonville, at Collection of taxes.

public outcry, so much of said property as will pay the tax and cost ; and if real property, the tax collector shall pass to the purchaser a receipt for the purchase money, and file with the secretary of said board a true return of his proceedings. If the delinquent tax payer or his agent, within twelve months from the date of said sale, shall redeem the said real estate, by paying to the secretary the amount of said bid, and twenty-five per cent. on the same, then the delinquent tax payer shall be restored to his or her original rights, but on failure thus to redeem, the collector shall make deed to the purchaser, and such deed shall be valid to pass all the rights and interests of the delinquent tax payer. A recital in said deed of such things as were necessary to be done in order to perfect such sale, shall be deemed *prima facie* evidence that such things were done. The tax collector shall by survey or otherwise, definitely designate what part of said real estate is to be sold, when less than the whole will be sufficient.

Streets

SEC. 7. The board of commissioners of said town shall have power to open, change, widen or discontinue streets, when promotive of the interests of the public. When the board of commissioners shall determine to open a new street, or to change any street already opened, they shall select five disinterested freeholders of said town to lay out such new street, or to change existing streets, who shall, when notified, at once proceed so to locate the new and make such changes in the old streets as may have been determined by the said board, and assess such damages as may be sustained by the owners of the property to be effected thereby, taking into consideration in estimating said damages the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. They shall make, within five days of the notice of their selection as a jury, a full written report of their action and their findings to the board of commissioners, who shall cause the

same to be published in some newspaper, having a general circulation in Henderson county, at least once for four successive weeks from the time of making said report. Any person interested may, within ten days after notice by publication as aforesaid, file with the secretary of said board written exceptions to said report, and the board shall fix a time certain, within five days from the filing of such exceptions, for hearing and determining the same, and if said report shall, upon such hearing, be confirmed by said board, any person affected by said report may, within ten days of such confirmation, appeal to the next term of the superior court for Henderson county, by filing bond and giving such notice to the board of commissioners of said town as are required by law in cases of appeal from justices' courts, and such appeal shall not stay or impede the progress of such improvements: *Provided*, that no interference with property so condemned, or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved, or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the clerk of the superior court of Henderson county to abide the results of the appeal then pending.

visio.

SEC. 8. When any house or building in said town, from any cause, shall become a public nuisance, by its liability to fire, or dangerous or unsafe from insecure foundation or any other cause, or being the abode of immoral, indecent or illegal business or conduct, or become offensive to the senses, the said board shall have power to prevent the erection of such buildings, or to remove or destroy such if necessary to the complete abatement of such nuisance. And for the violation of any ordinance of said town, committed openly or secretly in such houses, the occupant of such buildings shall be *prima facie* guilty of such violation, and upon conviction shall be punishable as the ordinance of said town may provide.

*Prima facie* evidence of guilt

Alley lots, etc., to be kept clean.

SEC. 9. That the board of commissioners shall have power to cause alley lots, cellars, privies, stables and other places of like character to be kept clean and decent, and shall have power to go upon the premises for that purpose.

Extent of jurisdiction over nuisances.

SEC. 10. That the power of the board of commissioners to abate and remove nuisances shall extend one-half mile beyond the corporate limits of said town.

Power of town marshal.

SEC. 11. That the town marshal or arresting officer shall have the right to make arrests in any part of the county of Henderson, under a warrant issued by the mayor for violation of the town laws.

Authority of mayor in issuing warrants.

SEC. 12. That the mayor shall have the power to depute any citizen to execute his warrants in the absence of an officer, and shall also have power to issue his warrants for the arrest and apprehension of offenders against the town laws without complaint, upon oath when the offence for which a person is to be arrested is committed in the presence of the mayor.

Penalty for violation of town ordinances.

SEC. 13. That for the violation of any ordinance or by-law, made by said board of commissioners, they may prescribe penalties not to exceed a fine of fifty dollars, and imprisonment for one month for each offence, the fine to be recovered by warrant before the mayor. And when any person shall be convicted for a violation of any ordinance or by-law of said town, the party convicted may, unless the penalty and cost be paid, be immediately committed to the calaboose or jail, for the space of thirty days, or until payment thereof be made, and the commissioners have the power to work such parties as may be committed to prison upon the streets, under such regulations as they may prescribe.

Liability to work on streets.

Arrests by town marshal without warrant.

SEC. 14. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have power, and it shall be the duty of all such marshals to arrest the

body of offending parties who have violated the law in the presence of such marshal or marshals, without warrant, and take them as early as practicable before the mayor, to be dealt with as the law directs, and for every resistance to such authority by offenders or others, the party so resisting shall be punished as the ordinance of said town shall provide. And if necessary, the marshal shall have power to call to his aid any bystander to assist in any legal arrest, and any one so summoned or called, who refuses or fails so to arrest shall, upon conviction before the mayor, be punished as the ordinance of said town shall prescribe.

Bystanders to aid when called on.

Penalty.

SEC. 15. That said commissioners shall have power to control and direct the manner and place in which commercial fertilizers shall be stored, the manner in which hogs and dogs may be kept, and to prevent the running at large on the streets of all domestic animals and fowls as they may regulate.

Commercial fertilizers.

Live stock running at large.

SEC. 16. That the said board, when they deem it necessary, shall have the power to employ a legal counsellor or town attorney.

Town attorney.

SEC. 17. That the corporate limits of said town shall extend one-half mile in every direction from the court house: *Provided*, it shall not extend beyond the nearest bank of Mud creek.

Corporate limits.

Proviso.

SEC. 18. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed: *Provided*, that at any time upon the written application of ten of the legal voters of said town, at which shall be submitted the question of the extension of said limits as applied for, at which said election all the legal voters for members of the general assembly within the proposed limits shall be allowed to vote "Extension," or "No extension." Said election shall be held under the same rules and regulations as are prescribed by law for the election of board of town commissioners, and if a majority of the votes so cast be for extension, the said board shall

Conflicting laws repealed.

Proviso.

Election concerning extension of corporate limits.

declare the corporate limits so extended, and make proclamation thereof at the court house door, and from and after thirty days from said proclamation, the limits of said town shall be extended accordingly.

SEC. 19. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

## CHAPTER 36.

### An act to incorporate the Wilkesboro Bridge Company.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Messrs. J. P. Rousseau and Julius Rousseau, 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 Wilkesboro Bridge Company," of Wilkesboro, North Carolina, and in that name may sue and be sued, plead and be impleaded, 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 and regulations and by-laws as may be proper for the purposes of their incorporation not inconsistent with the constitution and laws of this state.

Name.

Corporate powers.

Authorized to build bridge over Yadkin river.

SEC. 2. That said corporation is hereby authorized and fully empowered to erect and build a bridge across the Yadkin river in Wilkes county, near Wilkesboro, from

which they shall be allowed to collect tolls as prescribed by law. Tolls.

SEC. 3. That the capital stock of said 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. That the corporators named in section one are hereby authorized to open books of subscription in the town of Wilkesboro 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 ten shares are subscribed the person so subscribing shall have power to elect officers and declare the company duly organized. Books of subscription.

SEC. 5. That the officers of said company shall consist of a president, secretary and treasurer, who are hereby authorized to enact the by-laws and regulations governing said company. Officers.

SEC. 6. That no person or corporation shall build a toll bridge across said stream within two miles of said bridge: *Provided*, said bridge is kept in good repair and reasonable tolls are charged. Unlawful to build other bridge within two miles.  
Proviso.

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

In the general assembly read three times, and ratified this the 20th day of Febuary, A. D. 1883.

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## CHAPTER 37.

An act to incorporate the Globe Academy, in Caldwell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That H. R. Estes, E. D. Crisp, J. R. Moore, F. P. Moore, Patterson Moore, M. L. Moore, J. H. Dick- Body corporate.

Name.	son, Elisha Sims and J. H. Cook and all other persons who may be associated with them (and who may own any interest in the "Globe Academy"), and their successors for the purpose of advancing the cause of education, are hereby constituted a body corporate and politic by the name, style and title of the "Globe Academy."
Corporate powers.	SEC. 2. That said corporation shall have power to make a constitution and such rules, by-laws and regulations as its members may deem proper to carry out the purpose of its incorporation, to sue and be sued, plead and be impleaded in any court of law or equity in this state, and shall have power to enjoy all and every right and privilege incidental and belonging to corporate bodies according to the laws of the state.
Officers.	SEC. 3. The officers of this corporation shall consist of five trustees to be annually elected by the stockholders of said corporation (the first election to be held on the first Monday in April, one thousand eight hundred and eighty-three), who shall hold their office until the first Monday in April, one thousand eight hundred and eighty-four, when their successors shall be appointed or elected as hereinafter provided.
Election.	SEC. 4. In the election of the trustees above provided for, every person owning five dollars of stock in said academy shall be entitled to vote, and the trustees of said academy are hereby authorized to issue certificates of stock to all persons owning as much as or more than five dollars of stock therein.
Who entitled to vote.	SEC. 5. The trustees herein provided for shall have full power to represent the "Globe Academy" in all things whatsoever, subject to any rules or regulations the stockholders may make for their government.
Certificate of stock.	SEC. 6. There shall be an annual meeting of all the stockholders of this academy who may own as much as five dollars of stock therein on the first Monday of April, and at such other times as a majority of the trustees may appoint, at which meeting or meetings all such by-laws,
Authority of trustees.	
Meetings.	

rules, constitutions or regulations as may be deemed necessary for the welfare of said "Globe Academy" shall be made and adopted.

SEC. 7. That F. P. Moore, H. R. Estes, J. H. Cook, J. H. Dickson and E. D. Crisp are hereby appointed trustees of the "Globe Academy," with full power to act as such until the first regular election of trustees provided for in section third (3d) of this act.

Temporary trustees.

SEC. 8. It shall be unlawful for any person or persons to sell or dispose of any spirituous or intoxicating liquors within one mile of "Globe Academy," in Caldwell county, and any person violating the provisions of this section shall be fined or imprisoned at the discretion of the court.

Unlawful to sell liquors within one mile.

Penalty.

SEC. 9. The stockholders, at any regular or called meeting, may change the name of said "Globe Academy," and thereafter the said academy, under its new name, shall have the same corporate capacities in every respect that are given to the "Globe Academy" by the preceding sections of this act.

Change of name.

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

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1883.

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## CHAPTER 38.

An act to incorporate the Citizens Trust Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. J. Thomas, A. B. Andrews, R. B. Peebles, Benelham Cameron, C. M. Hawkins, T. M. Holt, P. M. Wilson, W. J. Hawkins, W. R. Capeheart, A. W. Graham, Walter Clark and J. Crawford Cooper, their associates, successors and assigns, are hereby constituted a

Body corporate.

Name.	body corporate by the name of "Citizens Trust Company," of Raleigh, N. C., by which name said corporation and their successors shall have perpetual succession and enjoy all the franchises and privileges incident to a corporation, to 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 management of the corporation, and to do all acts and things which a body corporate may do, not inconsistent with the constitution of the United States and the constitution and laws of North Carolina.
Corporate powers.	
Capital stock.	SEC. 2. The capital stock shall consist of fifty thousand dollars, divided into five hundred shares of par value of one hundred dollars, and it may be increased by vote of the stockholders at any time to an amount not to exceed two hundred and fifty thousand dollars. The said company shall have authority to organize and transact business whenever five thousand dollars of their capital stock is paid up.
Organization.	
Authorized to loan money on mortgage, etc.	SEC. 3. The said company shall have power to loan money on mortgage or deed of trust conveying real or personal property, or on other securities, 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. The said company may receive money to keep for its depositors either with or without interest payable thereon, and may buy or sell real estate, and buy, sell, draw or negotiate bonds, with or without coupons, notes and bills of exchange. 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 the company; and any draft, order, check or other paper issued and signed and countersigned as aforesaid shall be transferable.
To receive deposits, etc.	

ble and negotiable if payable to order, by endorsement, and if payable to bearer, by delivery.

SEC. 4. The said company shall have power to accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, or by any corporation or committed to them by order of any court of record.

To accept and execute trusts.

SEC. 5. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trust created in accordance with the laws of this state, and execute such legal trusts in regard to the same on such terms as may be declared established or agreed upon in regard thereto.

To hold real and personal estate in trust, etc.

SEC. 6. The said company are authorized to act as agent for the sale, management and custody of real estate, or for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of debt of any corporation, association or municipality, state or public authority, on such terms as may be agreed upon.

To act as agent for sale, etc., of real estate, etc.

SEC. 7. To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agent for them in the management of such property.

To accept and execute trusts for married women, etc.

SEC. 8. The said company shall have power to own, maintain or lease warehouses, and carry on the business of warehousemen and forwarders, to receive on storage or deposit all kinds of produce, merchandise and personal property, to make advances in money on merchandise and produce, and carry on and transact all kinds of business usually transacted by warehousemen and trust companies, also to advance money and take legal liens for all such advances, and collect and receive interest and commissions, compensation for storage and all labor and expenses incident thereto, including the expenses of receipt and delivery, insurance and custody on all property received on storage or deposit at such rates and on such terms as may be agreed upon between the company and

To own, etc., warehouses and conduct business of warehousemen, etc.

the owners of the property or their agents; all advances made by the company on property received on storage or deposit, and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid before the company can be called on for the delivery of the property. The said company shall have power to construct warehouses and other edifices, and employ such other appliances as they may deem necessary for carrying on a general warehouse and storage business.

To construct warehouses, etc.

Meeting of stockholders for organization.

SEC. 9. Whenever the sum of five thousand dollars is subscribed and paid up to the corporators herein named, or to any three of them, the stockholders shall meet upon notice of ten days issued by any three of said corporators and proceed to organize. Every share of stock shall be entitled to one vote in person or by proxy; the officers shall be elected by the stockholders, and shall consist of a president and five directors and such other officers as the stockholders by their by-laws may ordain.

Stock vote.

Officers.

Agencies.

SEC. 10. The said company may establish offices and agencies in such places as they may think proper, but the principal office shall be at Raleigh, North Carolina. The general meetings of stockholders to elect officers and for other purposes shall be held at such times as the stockholders by resolution or by their by-laws may direct.

Principal office.

Stockholders' meetings.

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

In the general assembly read three times, and ratified the 20th day of February, A. D. 1883.

## CHAPTER 39.

An act to incorporate the Enterprise Manufacturing Company, in the county of Randolph.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following named persons, viz: James H. Cole, Eli A. Moffitt, and Daniel H. Lambert, junior, their associates, successors and assigns are hereby created a body politic and corporate under the name and style of "The Enterprise Manufacturing Company," with a capital stock of twenty thousand dollars, with the liberty from time to time to increase the same to any sum not to exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have all the rights and privileges hereby specially granted, and also all those conferred upon corporations by the statutes embodied in the twenty-sixth chapter of Battle's Revisal, entitled "corporations."

Body politic;

Name.

Capital stock.

Corporate powers.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its various branches, the business of manufacturing, making and finishing warps, yarns and cloths, and any and all other fabrics of cotton, wool, or any other material, to own, run, and operate, or cause to be run and operated, grist mills and saw mills, and to engage in any species of manufacturing enterprise at pleasure, and said corporation may buy, sell and deal in goods, wares and merchandise, and carry on, engage in and conduct a mercantile business in any and all its different branches.

Authorized to conduct business of manufacturing, etc.

SEC. 3. That said corporation shall have power to lease, purchase, hold, sell and convey real estate at pleasure, to borrow money and issue bonds, or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage upon its property or otherwise.

Authorized to purchase land, etc.

SEC. 4. That the stockholders of said corporation shall

Rules, etc.;

Officers.

By-laws, etc.

Private property  
of stockholders  
not liable for cor-  
porate debts.

have power to make all such rules and regulations for the government of said corporation and the transaction of its business as they may deem expedient, to elect in such manner as a majority of the stocks [stockholders] may decide, such officers as they may deem necessary or expedient, prescribe their duties, compensation and terms of service, and in general said stockholders may make all such by-laws, rules and regulations for the government and proper conduct of the corporation and its business not inconsistent with the constitution and the laws of this state and of the United States, as they may consider best calculated to serve their interest.

SEC. 5. That the private property of the stockholders of the said corporation shall not be liable for the debts of the corporation.

SEC. 6. 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 20th day of February, A. D. 1883.

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## CHAPTER 40.

An act to repeal chapter forty-nine, private laws of one thousand eight hundred and eighty-one, entitled an act to incorporate the Cotton and Merchants' Exchange, of Goldsboro, North Carolina.

*The General Assembly of North Carolina do enact :*

Chap. 49, private  
laws 1881, repeal-  
ed.

Goldsboro Cotton  
and Merchants'  
Exchange.

SECTION 1. That chapter forty-nine of the private laws of one thousand eight hundred and eighty-one be and the same is hereby repealed.

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 20th day of February, A. D. 1883.

## CHAPTER 41.

An act to incorporate the Baltimore Gold and Silver Mining and Smelting Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Joseph Wilkins, William T. Hough, Body politic,  
 John M. McElroy, Samuel Streett and Jacob T. Grimes,  
 and their associates, successors and assigns, are hereby  
 created and constituted a body politic and corporate by  
 the name and style of the "Baltimore Gold and Silver Name.  
 Mining and Smelting Company," for the purpose of work-  
 ing, mining, exploring and manufacturing all kinds of  
 ores, minerals and chemicals and preparing the same for  
 market, also for the smelting, transporting and dealing  
 in the same and their products, and buying, developing,  
 selling and dealing in mineral properties; and by that  
 name may sue and be sued, plead and be impleaded, Corporate pow-  
 ers.  
 appear, prosecute and defend in any court of law or equity  
 whatsoever in all suits and actions; may have a common  
 seal (and the same alter at pleasure), and may enjoy all  
 the privileges and powers incident to mining and smelt-  
 ing corporations, and may also purchase, hold and convey  
 any real and personal property or estate as capital stock  
 to the amount of three millions of dollars.

SEC. 2. That the said corporation may divide their stock Stock,  
 into such number of shares, and may provide for the sale,  
 transfer and exchange thereof for money, stock or property  
 of any description, in such manner and form as said cor-  
 poration shall from time to time deem expedient, and  
 may levy and collect assessments, forfeit and sell delin-  
 quent shares, declare and pay dividends on the shares,  
 and may make, alter and repeal such by-laws and regula- By-laws.  
 tions as said corporation may deem necessary not repug-  
 nant to the laws of the state or of the United States.

Directors.

SEC. 3. That it shall be lawful for the said corporation to be managed by five directors, one of whom at least shall be a resident of the state, who shall have the power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and shall exercise all such rights as by this act are conferred and granted.

Temporary officers.

SEC. 4. That the aforesaid Joseph Wilkins, William T. Hough, John M. McElroy, Samuel Streett and Jacob T. Grimes shall manage the affairs of said corporation as directors until others are elected or appointed, and that general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe.

Meetings of stockholders.

Corporate existence.

SEC. 5. That this corporation shall exist for thirty years.

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

In the general assëmbly read three times, and ratified this 21st day of February, A. D. 1883.

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## CHAPTER 42.

An act to amend chapter forty-three, laws of one thousand eight hundred and seventy-six and seventy-seven, and chapter eighty-four, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

Mayor and commissioners.

SECTION 1. That the corporate powers and authority granted to the town of Beaufort shall be vested in and exercised by a mayor and eight commissioners. No person shall be eligible as mayor or commissioner unless he shall be eligible as a member of the legislature of this state, and shall have resided within the town ninety days next preceding the election, and every commissioner elected by the people shall be a resident of the ward for which he shall be chosen ninety days next preceding the day of election.

SEC. 2. That one commissioner shall be elected for each of the five wards of the town by the qualified voters of each ward respectively, and within five days after their election they shall convene and qualify before some justice of the peace. Immediately after qualifying, they shall proceed to elect as follows: three commissioners from the people at large, within the corporate limits; the commissioners of the first and fifth wards shall elect one, the commissioners of the second and fourth wards shall elect one, and the commissioners of the second and third wards shall elect one. The commissioner of the first ward shall preside as chairman of this meeting of the board, who shall vote as a commissioner, and in case of a tie, shall give the casting vote. Immediately after such election, the three commissioners so chosen from the people at large shall qualify before some justice of the peace, whereupon the board of commissioners, or a majority of them, shall proceed to elect from outside their number a mayor who, within five days after his election, and before entering on the duties of his office, shall qualify before a justice of the peace, and in case of a tie, shall give the casting vote on all questions which may come before said board.

Commissioners,  
how elected.

Commissioners to  
qualify.

Commissioners  
to elect mayor.

Mayor to qualify.

SEC. 3. If any vacancy shall occur in the board of commissioners by any commissioner failing to qualify in the time prescribed, or after qualifying shall fail to serve, or occurring from any cause, the commissioners elect who have qualified shall fill the vacancy so occurring, and such persons only shall be chosen as are heretofore declared to be eligible. If the election of mayor or any commissioner from the people at large shall have been prevented by a vacancy in the board of commissioners, such election shall be proceeded with as heretofore declared after the vacancy is filled.

Vacancies.

SEC. 4. Any person qualified to serve, and elected mayor or commissioner either by the electors at their annual election, or by the commissioners to fill a vacancy or

Penalty for fail-  
ure of mayor or  
commissioners to  
qualify or serve.

otherwise, who shall not take the oath of office within five days after his election, or who, having qualified, shall fail to serve during the term for which he may be elected (inability from sickness, removal from town or resignation excepted), shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of Carteret county in the name and for the benefit of the town of Beaufort, or, on failure to pay such fine, shall be imprisoned in the county jail not to exceed thirty days.

Mayor pro tem.

SEC. 5. Whenever there shall be a vacancy in the office of mayor, and when the mayor shall be absent from the town, or be prevented by sickness or any other cause from attending to the duties of his office, the board of commissioners may appoint one of their number to act as mayor, who shall possess all the rights and powers of mayor during such vacancy, absence or disability; besides, shall be entitled to vote as a commissioner on all questions which may come before the board.

Chap. 84, sec. 4,  
private laws 1881,  
repealed.

SEC. 6. That all of section four, chapter eighty-four, private laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

Conflicting laws  
repealed.

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

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

In the general assembly read three times, and ratified this 21st day of February, A. D. 1883.

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## CHAPTER 43.

An act to incorporate Philadelphia Presbyterian church (colored)  
in Gaston county, South Point township.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That Philadelphia Presbyterian church, of Gaston county, be and the same is hereby incorporated

by the name and style of Philadelphia Presbyterian church. Name.

SEC. 2. That the corporate limits of said church shall extend two miles in each direction, and it shall be unlawful for any person to manufacture, sell or dispose of any spirituous liquors within said distance, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court. Unlawful to manufacture, sell, etc., liquors within two miles. Misdemeanor.

SEC. 3. That the present pastor and ruling elders shall be constituted commissioners of said church, and shall have all the powers conferred on like corporations, not inconsistent with the constitution of North Carolina and the United States. Commissioners. Corporate powers.

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 21st day of February, A. D. 1883.

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## CHAPTER 44.

An act to incorporate Saint James' Parish, Wilmington.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the present rector, wardens and vestry of St. James' parish, in the city of Wilmington, and their successors, as they may from time to time be appointed or elected in accordance to the constitution and canons of the Protestant Episcopal church in North Carolina, shall be and [are] hereby declared to be a body corporate, to be known by the name and style of "The Rector, Wardens and Vestry of St. James' Parish," and by that name shall have perpetual succession, be able and capable in law to sue and be sued, plead and be impleaded in the courts of Body corporate. Name. Corporate powers.

this state and elsewhere, to have and use a common seal, and shall have all the powers incident or belonging to religious corporations and societies under the laws of this state.

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

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1883.

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## CHAPTER 45.

### An act to incorporate the High Point and Randleman Railroad Company.

*The General Assembly of North Carolina do enact :*

Incorporation authorized.

SECTION 1. That for the purpose of effecting a railroad communication between High Point, in Guilford county, and the town of Randleman, in Randolph county, the formation of a corporate company is hereby authorized under the name and style of the "High Point and Randleman Railroad Company," and when formed in compliance with the conditions hereinafter described, shall have a corporate existence as a body politic for ninety-nine years, with a capital stock of two hundred and fifty thousand dollars, which may be increased at the pleasure of said company, to one million dollars.

Name.

Corporate existence.  
Capital stock.

Authorized to construct road.

SEC. 2. That the said company shall have power to construct a railroad from High Point to Randleman, and if it so desires, may extend its road in the direction of South Carolina and connect with the railroads of this state.

Commissioners to open books of subscription.

SEC. 3. That for the purpose of raising the capital stock of said company, J. M. Worth, John H. Ferree, S. C. Worth, Alfred M. Diffe, J. H. Millis, O. R. Cox, B. Moffitt,

A. J. Tomlinson, O. W. Carr, W. P. Wood and A. C. McAlister are appointed commissioners to open books and receive subscriptions to said road. That all subscriptions of stock shall be in shares of fifty dollars each, and may be payable in money, lands or other valuable property.

Subscriptions.

SEC. 4. That when twenty-five thousand dollars shall have been subscribed, and five per cent. thereof paid in, said subscribers, their associates, successors and assigns be and they are hereby declared a body politic and corporate under the name and style aforesaid, and the stockholders may meet and organize the "High Point and Randleman Railroad Company," and elect a president, and such other officers and directors as it may think proper, or it may elect a board of directors and delegate to them such powers, not inconsistent with this charter, as they may elect. That the company shall adopt a corporate seal.

Organization.

Officers.

Corporate seal.

SEC. 5. The company shall have power in its corporate name to sue and be sued, to own real and personal estate, to condemn land for right of way and for depot stations, and other like railroad purposes in the same manner as the North Carolina Railroad Company, and to farm out or lease its railroad to any other person or corporation.

Corporate powers.

SEC. 6. That said company may mortgage its road and other property, and issue bonds thereon for the purpose of constructing said road.

Authorized to issue mortgage bonds.

SEC. 7. That it may enter upon lands to survey its route, and locate the road as it thinks proper and beneficial to the company: *Provided*, it does not run through yards, gardens and cemeteries: *And provided*, that when they locate on a highway they shall make another highway equally good, and shall place crossings wherever the road intersects the highway.

Location of road.

Proviso.

Proviso.

SEC. 8. That said company may make by-laws for the government of the company and prescribing the duties of its officers, and the mode in which it may contract and

By-laws.

convey property, and in all other matters not inconsistent with the constitution and laws of this state.

Gauge.

SEC. 9. That the said company may adopt a gauge and change the same at their pleasure.

Corporate rights.

SEC. 10. That the company shall have all other rights which appertain to it as a corporation under the laws of North Carolina.

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 21st day of February, A. D. 1883.

## CHAPTER 46.

An act to amend sections one and two, chapter ninety-four, laws of eighteen hundred and seventy-nine.

*The General Assembly of North Carolina do enact:*

Chap. 94, sections  
1, 2, private laws  
1879, amended.

SECTION 1. That section one, chapter ninety-four, laws of eighteen hundred and seventy-nine, be amended as follows: strike out the words "Dr. James Abernathy" in line four of said section, and insert in lieu thereof "Thomas Lane;" add after the word "eighty," in the last line of section two, the word "three."

Commissioners  
of town of Mt.  
Holly.

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 21st day of February, A. D. 1883.

## CHAPTER 47.

## An act to incorporate the Raleigh Mail Printing and Publishing Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of engaging in and carrying on at the city of Raleigh, and any other place or places within the state, the business of printing and publishing a religious, literary, agricultural, news or other paper or papers, books, magazines, pamphlets, and doing all kinds of work appertaining to printing, M. V. B. Gilbert, J. B. Neathery, W. H. Day, their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of "The Raleigh Mail Printing and Publishing Company." The said company shall have a corporate existence for ninety-nine years, and by its name may sue and be sued, plead and be impleaded, and have a common seal. It shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, so far as may be necessary for the purposes herein contemplated, and the said company may enjoy all the rights, privileges and immunities which other corporate bodies of a similar character may lawfully exercise; and may make all necessary by-laws and regulations for its government, not inconsistent with the constitutions and laws of North Carolina and the United States.

Purposes of corporation.

Body politic.

Name.

Corporate existence.

Corporate powers.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, which may be increased at any time by the stockholders at any general or special meeting to any sum not exceeding one hundred thousand dollars. The said capital stock shall be created by subscription on the part of individuals or corporations in shares of the value of one hundred dollars each.

Capital stock.

Organization.

SEC. 3. That when the sum of five thousand dollars shall have been subscribed, and fifty per cent. thereof paid in, the subscribers shall assemble at such time and place as may be agreed upon, for the purpose of effecting and completing the organization of the said company; and the said subscribers shall be and are hereby declared to be incorporated into a company as aforesaid, under the name and style of "The Raleigh Mail Printing and Publishing Company."

Stockholders' meetings.

SEC. 4. That said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and the annual meetings subsequent thereto, not less than three nor more than five directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected, and any of said meetings shall have power to make or alter the by-laws of the company; that in all such meetings a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to vote on all questions, that it shall be the duty of the directors to elect one of their number president of said company, and to fill all vacancies which may occur in the board of directors; and that the said company may have such officers and agents as may be provided for in the by-laws of the company.

Directors.

By laws.

Stock vote.

President.

Other officers.

Payment of subscriptions, how enforced

SEC. 5. That said company shall have the same power to enforce the payment of stock subscribed as has been heretofore granted to other corporations within this state.

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 21st day of February, A. D. 1883.

## CHAPTER 48.

An act to incorporate the Shelby Baptist Female College at Shelby, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. P. Love, J. S. Borders, R. McBrayer, T. D. Lattimore, J. T. Bostic, J. L. Webb, M. W. Doggitt, D. D. Suttle and S. J. Green, and their successors duly elected in the manner hereinafter prescribed, be and they are hereby made and created a corporation and body politic, to have perpetual succession by the name and style of the Shelby Baptist Female College.

Body politic.

Name.

SEC. 2. That said corporation shall have a seal, may purchase or receive by gift or devise real and personal property or estate, may sue and be sued, and enjoy any and all rights incident to a corporation.

Corporate powers.

SEC. 3. That the said trustees shall hold their office for life or during good behavior, each being subject, however, to be removed at any time by a majority of the others for inefficiency or neglect of duty.

Term of office of trustees.

SEC. 4. That five members of said board of trustees shall constitute a quorum for the transaction of business, and when a vacancy shall occur in said board by death, resignation, refusal to act, removing from the state or otherwise, such vacancy or vacancies may be filled at any regular meeting of the board by a majority vote of the trustees present.

Quorum.

Vacancies.

SEC. 5. That said trustees shall have the right to elect a president, secretary and treasurer of said board under such rules and regulations as they may prescribe, who shall hold their office not longer than four years, and the treasurer elect, before entering upon the discharge of his duties, shall give bond to said trustees as trustees and their successors in a sum not exceeding five thousand

Officers.

Bond of treasurer.

dollars, conditioned for the faithful performance of his duties as such treasurer.

Duty of president.

SEC. 6. The president shall preside at all meetings of said board of trustees when present, and when absent the president *pro tem.* designated by those present shall preside. The secretary shall keep a record of all the proceedings of the board and record the same in a book to be kept for that purpose. He shall also record in a book to be kept for that purpose all the by-laws passed by said trustees for the government of said corporation.

Duty of secretary.

Compensation of officers.

SEC. 7. That the trustees aforesaid shall receive no compensation for their services, but the treasurer and secretary of said board shall receive such compensation as the trustees may allow.

Property of trustees not liable for corporate debts.

SEC. 8. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation.

Donations.

SEC. 9. That said trustees shall have the right to open books for the purpose of receiving donations to said college, and any person donating any amount to the same, or who has heretofore made donations to the same, or any person promising to donate any amount to said college, upon payment of the amount so promised to the treasurer of said board, it shall be the duty of said treasurer to issue to such person or persons a certificate, under his hand and seal of said corporation, setting forth the amount so donated.

Certificates of donation not transferable.

SEC. 10. That said certificate shall not be transferable unless by the unanimous vote of all the trustees in meeting assembled.

Sale of property donated.

SEC. 11. Should the aforesaid trustees at any time conclude that the purposes and objects for which the donations were made, or which may be hereafter made have failed, then it shall be the duty of said trustees, after advertising the same for thirty days in a newspaper published in the state, to sell all of the property they may have acquired by a donation fund for the use and benefit

of the Shelby Baptist Female College on such terms as they may think right and just and for the best interest of all parties interested, and after paying all debts and charges against them as trustees of said college, if any, divide and distribute the remainder of the fund arising from said sale among all of the donors or their legal representatives equally in proportion to the amount donated to said college, retaining all costs and expenses of sale, and when such conclusion as aforesaid shall have been reached by said trustees and published and declared, then this corporation shall be deemed to be abrogated and annulled to all intents and purposes in the law.

Surplus after payment of debt, etc., to be divided pro rata among donors.

Abrogation of corporation.

SEC. 12. It shall be the duty of the treasurer of the board to keep a book, in which he shall enter the name or names of all persons donating to said college and the amounts.

Record of donations.

SEC. 13. That the board of trustees aforesaid shall have full power to employ such professors, tutors and other officers in and over said college as they may deem qualified to discharge the duties of their several offices, and may remove the same at any time for good cause. They shall also have the power to make all necessary by-laws, rules and regulations for the government of the corporation not inconsistent with the laws and constitution of North Carolina and the constitution of the United States. They shall have power to erect suitable buildings in the town of Shelby for school purposes in addition to those now erected, and such other buildings as they may think proper, and to exercise a supervision and control over the school at all times.

Authority of trustees.

SEC. 14. That the property heretofore purchased had all of the estate acquired by the individuals hereinbefore named, acting in that behalf as the board of trustees of a corporation created under the general law by the same name as that hereby created, shall be deemed to be transferred to and become vested in the same persons in their capacity as the board of trustees created by this act in like manner with like effect, and as fully as if the same

Transfer of property heretofore acquired.

had been acquired by them originally as such. And the said corporation so formed as aforesaid under the general law, is hereby abrogated and repealed.

Property, how held.

SEC. 15. That the property and estate specified in the next preceding section shall be held by the said board of trustees, subject to the same restrictions, power and authority as is hereinbefore prescribed as to any property to be hereafter acquired by them.

Meeting of donors.

SEC. 16. That it shall be the duty of the trustees aforesaid to call a meeting of the donors to said college, to be held on the fifteenth day of August, one thousand eight hundred and eighty-three, and every two years thereafter, said meeting to be held in the town of Shelby, North Carolina, for the purpose of hearing any suggestions said donors may have to make to said trustees for the benefit and interest of said college, and at each of said meetings it shall be the duty of the treasurer of said board of trustees to report the financial condition of said college to said donors in meeting assembled.

Treasurer to make report.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 18. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1883.

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## CHAPTER 49.

An act to amend the charter of the town of King's Mountain, Cleveland county.

*The General Assembly of North Carolina do enact:*

Chap. 170, sec. 3,  
laws 1874-'5,  
amended.

SECTION 1. That section three of chapter one hundred and seventy, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended as follows: Add after the word

“cases” in the last line of said section the following:  
 “*Provided*, that in all cases where a defendant shall be convicted before the mayor for the violation of any ordinance of said town, and shall be sentenced to pay a fine and cost, and such defendant shall refuse or be unable to pay the same, it may and it shall be lawful for the mayor to order and require such defendant to work on the streets of said town, 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.”

Defendants convicted of violation of town ordinance and failing to pay fine and costs liable to work on streets.

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 22d day of February, A. D. 1883.

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## CHAPTER 50.

An act to incorporate the King's Mountain High School at King's Mountain, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. A. Manney, R. H. Garrett, F. Dilling, R. C. G. Love and J. W. Garrett, and their successors in office, be constituted a body politic and corporate by the name of the “Trustees of King's Mountain High School,” for educational purposes, with all the powers, rights and privileges contained in chapter twenty-six of Battle's Revisal and therein conferred on corporations.

Body politic.

Name.

Corporate powers.

SEC. 2. That they and their successors in office are hereby authorized and empowered to take title in fee simple to the academy in King's Mountain, and all lands, grounds and property belonging to or appurtenant of every description, and which may hereafter be added to

Authority of trustees.

for the purpose of carrying on and conducting a school for white children in said building upon such terms and in such manner as they, in their discretion, may deem best. Said trustees and their successors shall have full power to lease, rent or mortgage said lands and buildings for any term of years not to exceed ten (10) for educational purposes, and shall have full power at any time to dispose of by sale, and convey the whole or any part thereof, whenever they shall deem it best for the interest of said school or it be necessary for the discharge of any debt due on said academy or lands, or for the purpose of reinvesting the proceeds for a like purpose.

Quorum.

SEC. 3. A majority of the trustees shall constitute a quorum for the transaction of business after due notice.

Vacancies.

SEC. 4. That upon the death or resignation of any trustees herein appointed, the vacancy shall be filled within one month by appointment by the town commissioners of the town of King's Mountain.

Authorized to grant diplomas.

SEC. 5. That under this act of incorporation power shall be conferred upon said King's Mountain High School to grant diplomas or issue such other certificates of merit as the corps of teachers shall deem advisable.

Unlawful to sell, etc., intoxicating liquors within two miles.

SEC. 6. That it shall be unlawful for any person or persons to sell or in any manner give away any intoxicating liquors, or either directly or indirectly to receive any compensation for the same, within two miles of King's Mountain High School buildings.

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

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1883.

## CHAPTER 51.

An act to amend charter of the town of Henderson, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That sections sixteen, forty-two and forty-six, of the charter of Henderson, be amended by striking out the word "Granville" and inserting in its place "Vance."

Sections 16, 42, 46 amended.

SEC. 2. That section two of said charter be amended by striking out the word "January" and inserting in lieu thereof "May."

Sec. 2 amended.  
Election.

SEC. 3. Amend section twenty-two of said charter by adding thereto "the commissioners may establish such boundaries as they may determine, within which they may prescribe by general rules or special permits the kinds of buildings which may be erected, so as to provide against fire, and they may prohibit the erection of wooden buildings, or any addition of wood to buildings already erected within said fire limits."

Sec. 22 amended.  
Authority of commissioners concerning erection of buildings.

SEC. 4. That said charter be amended, "that no mayor or commissioner of said town shall directly or indirectly become a contractor for work to be done for the town, and any person herein offending shall forfeit and pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor."

Town officers not to be a contractor for town work.

Penalty.

SEC. 5. *Be it further enacted*, that all persons who shall be residents of the town for sixty days preceding May the first in each year, shall be liable to pay poll tax as provided under the constitution.

Persons liable to poll tax.

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

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1883.

## CHAPTER 52.

An act to incorporate the town of Killquick, in the county of Edgecombe.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Killquick, in the county of Edgecombe, is hereby incorporated by the name of Killquick, and shall be subject to the provisions of chapter one hundred and eleven, Battle's Revisal.

Name.

Corporate limits.

SEC. 2. The corporate limits of said town shall be one-half of a mile square, run with the cardinal points of the compass, with the centre of the road in front of Richard H. Gatlin's big new store, exactly in the centre of said half mile.

Election.

SEC. 3. An election shall be held in said town on the first Monday in May, one thousand eight hundred and eighty-three, 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 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 inconsistent with the constitution and laws of North Carolina or the United States, as prescribed in section three, chapter three of Battle's Revisal.

Powers.

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 22d day of February, A. D. 1883.

## CHAPTER 53.

An act to incorporate the Co-operative Colonization Society,  
Teutonia.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. Edleman, of the state of North Carolina, Joseph Tresck, of the state of North Carolina, and Henry Manyer and Bernhard Hong ———, of Philadelphia, Pa., and their associates, successors and assigns, or any three of them, be and they are hereby created and made a body politic and corporate under the name and style of the Co-operative Colonization Society, Teutonia, and by such name and title shall have perpetual succession for the purpose of mining, manufacturing, trade and agricultural purposes, and for building, erecting and owning lands, machinery and fixtures, and for buying, owning, holding, selling and conveying such estate and property, real and personal, as may be necessary or advantageous to the objects and purposes of this charter, and shall be capable of suing and being sued, of pleading and being impleaded, of 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.

SEC. 2. That for the purpose of improving and developing the property of said corporation, the said corporation may have power to issue certificates of stock, bonds with or without coupons attached, enter into agreements, contracts, leases, mortgages or other obligations in writing, and determine how and by whom the same shall be executed on behalf of said corporation, and may sell the same or pledge them as security for the loan of money or otherwise negotiate such evidences of indebtedness, with the further power to make loans and advances of money or

Body politic.

Name.

Corporate rights.

Corporate powers.

Proviso.

other effects and things to settlers and others on such terms and on such securities, real and personal, as may be agreed upon: *Provided*, that no rate of interest greater than that established by law shall be recovered. To engage in any species or branch of agriculture, horticulture, trade, manufacture; also mining and building, and by vending, selling and disposing of the product of the same; to take measures for the transportation, location and settlement of persons and property upon their lands, with power to build and construct roads and railroads over and through their lands, and to connect the same with any existing road or railroad that hereafter may be built, and of carrying out any other purpose connected with the business of said corporation, and of such other business as may not be contrary to the constitution and laws of the state or of the United States, with power also to form and lay out town sites upon their lands, and to prescribe the by-laws, rules and regulations thereof, and to the carrying out of the above mentioned purposes, objects and incidents, may make all such by-laws, rules and regulations as they may deem proper and advantageous, and the same to alter and amend at pleasure: *Provided*, that such by-laws shall not be inconsistent with the constitutions and laws of the state of North Carolina and of the United States.

Proviso.

Subscriptions to stock.

SEC. 3. That the subscription of the capital stock of said corporation shall and may be paid in such installments and in such manner as a two-thirds majority of the stockholders may determine.

Stockholders not individually liable for corporate debts.

SEC. 4. That the stockholders shall not be individually liable for the debts or other obligations of the corporation, nor for any loss or damage beyond the assets of the corporation.

Capital stock.

SEC. 5. That the minimum capital stock of said corporation shall not be less than ten thousand dollars, with power to increase the same from time to time, when ap-

proved by a two-thirds majority of the stockholders, not, however, to exceed one million of dollars.

SEC. 6. That the affairs and business of said corporation shall be managed by a board of directors, one of whom shall be president of said corporation, which board shall be chosen by the stockholders at their regular annual meeting biennially, but one-half of the said board to be chosen annually, to-wit: at the first regular annual meeting of stockholders after the organization of said corporation, one-half of the board of directors shall be chosen to serve for the two succeeding years, and at the second annual meeting the other half shall be chosen, and so on at each regular annual meeting of stockholders, one-half of the board of directors shall be elected to serve for the two succeeding years: *Provided*, the stockholders may determine how vacancies may be filled, both in the offices of the company and in the board of directors, and at what time, in case the board of directors should consist of an odd number, the odd number shall be elected or appointed: *Provided further*, that the persons named in this charter shall manage the business and constitute the board of directors for one year, and until their successors are elected or appointed and qualified, and all officers and members of the board of directors of said corporation shall hold their term until their successors are elected or appointed and qualified.

Directors.

Proviso.

Proviso.

Principal office.

Branch offices.

Proviso.

SEC. 7. That the principal office of said corporation shall be at Dallas, in the county of Gaston, state of North Carolina, with power to remove the same by a majority vote of the stockholders, and to establish branch offices at such place or places as the stockholders of this corporation may from time to time prescribe: *Provided*, that if any railroads are built under this charter, they shall be subject to the control of the state in all matters in which other railroads may be subject to control by any general law of the state.

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 22d day of February, A. D. 1883.

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## CHAPTER 54.

An act to incorporate the Immigrant Land and Mineral Company, of North Carolina.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That E. M. Davis, Edward Hoopes, Edward Lewis, H. C. Davis and C. M. Foulke, of Philadelphia, Pennsylvania; I. Kemp Bartlett, of Baltimore, Maryland; and Samuel H. Wiley, Luke Blackmer and Henry G. Tyson, of Salisbury, North Carolina, and their successors and assigns, any five of whom may organize, shall be and they are hereby created a body politic and corporate by the name of "The Immigrant Land and Mineral Company of North Carolina," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend as a natural person in all courts and places, and may have and use a common seal, and change, alter and renew the same at pleasure; they may also make such rules, by-laws and regulations for the management and government of said company, its property, business and affairs as they may think proper, and alter and change them at will, not to be in conflict with the laws of the United States or this state, and the by-laws of the said company shall fix the time and mode of electing the directors and their number, and prescribe their qualifications, powers and duties, and their terms of office and the manner of their succession, and the directors of said com-

Name.

Corporate powers.

pany may establish offices for its business at such points as may be desired and have their principal office at any place they may think proper, at which it shall be lawful to hold all their meetings and transact all their business, and the persons named herein, their successors and assigns, or a majority of them, may fix the capital stock of said company at such an amount as they may think proper, not exceeding two millions, and divide the same into as many shares as they may deem advisable, which may be altered and changed in accordance with the provisions of the by-laws; and they may open books for subscription to the same at such times and places, and subject to the terms and conditions as they may deem proper, and issue certificates of stock in such manner and form and under such rules, regulations and restrictions as they may consider necessary; and said company is also hereby fully authorized and empowered to receive, lease, purchase, hold, own and control in any manner, and grant, bargain, sell and convey and dispose of in its corporate name such real, personal and mixed property in North Carolina as it may desire, and shall have all other powers, rights, privileges and franchises of ownership over any property that it may in any way acquire that a natural person or citizen of the state might, could or would exercise over or do with the same, and shall have all the powers usual and incident to corporations, and is also fully authorized and empowered to do all other acts and things requisite and necessary for the interest and benefit of the shareholders.

SEC. 2. That the board of directors shall elect from their own number a president of the company, and the president and other directors shall elect or appoint all of its other officers and agents, and prescribe their qualifications, powers and duties, and the property, business and affairs of said company shall be vested in and controlled by the board of directors for the use and benefit of the shareholders, and the board of directors may cause the

Officers.

Board of directors.

Authority of  
board of direct-  
ors.

books of subscription for the capital stock to be continued open until the whole is subscribed, or they may hold, sell or otherwise dispose of the same as they may think proper; and the stock of said company shall be held to be personal estate and pass as such, and shall be sold and transferred as the by-laws may prescribe, and the board of directors are hereby authorized and empowered to borrow money for the use and benefit of said company upon such terms as they may think proper, and they may secure the repayment of the same by deeds of trust upon the property, rights and franchises of the company, and in such conveyances authorize and empower one or more trustees to sell and convey or otherwise dispose of the same in accordance with the provisions of the conveyance, without the intervention of a court of law or equity, and a sale and conveyance thus made shall have and vest a good and perfect title to the property sold, free from all incumbrances and liabilities whatever, and if the whole of the assets of said company be sold, the purchasers shall be entitled to all the benefits of this act, and the board of directors may also issue and sell the bonds of the company upon such other terms as they may think proper, and may do such other acts and things as may be desired: *Provided*, the same are not contrary to the laws of this state or of the laws of the United States.

Proviso.

No banking priv-  
ileges conferred.

SEC. 3. No banking privileges are conferred by this charter.

Subscriptions to  
stock.

SEC. 4. The subscriptions of the stockholders may be paid in real or personal estate or money, as may be directed by the board of directors.

Authorized to  
subscribe to capi-  
tal stock of rail-  
way companies.

SEC. 5. The said company may subscribe to the capital stock of any railway company of this state, by the consent of said railway company, and may pay such subscriptions in real estate and money upon such terms as may be agreed upon by said companies.

Authorized to  
build railroads.

SEC. 6. The said company is hereby authorized to construct and equip a railway, railways or turnpikes through

and from any of its lands, and to connect with any railway company in this state.

SEC. 7. One of the offices for the business of the company shall be at Salisbury, North Carolina, where the company shall at all times have an officer or agent upon whom any process or proceedings against said company may be executed, and if the company fails to appoint the said officer or agent, the county court may, on motion, appoint one.

Office at Salisbury.

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 23d day of February, A. D. 1883.

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## CHAPTER 55.

### An act to amend the charter of Lexington.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the inhabitants of the town of Lexington shall be a body politic and corporate, and in the name of the board of commissioners of Lexington 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.

Body politic.

Name.

Corporate powers.

SEC. 2. That the corporate boundaries of the town of Lexington shall be as follows, to-wit: Beginning at a stone, corner of Cemetery, running thence with the north line of the same, south fifty degrees, east twenty-three chains and nineteen links to a stone in C. T. Lowe's line, thence south thirty and a quarter degrees, west twenty-nine chains and twenty-five links to a black oak in P. D. Leonard's lot; thence south sixty degrees, west twelve chains and thirty-two links to a stone, formerly a large

Corporate boundaries.

pine, corner of several lots of land; thence south seventy-seven degrees west thirty-seven chains and sixty-three links to an apple tree near D. W. Picket's; thence north forty-eight degrees, west ten chains and sixty-five links to a stone, Rev. F. H. Johnston's lot; thence along his line on the east side of the Mocksville road to a stake, his northwest corner; thence northeast along his and W. H. Hargrave's line to a stake, W. H. Hargrave's northeast corner; thence nearly northwest in a straight line with the west side of the cross street about fifteen chains to a stake on the lane and line of Alfred Hargrave's heirs; thence east along said lane to where it intersects the old corporation line; thence north fifteen degrees east about five chains, passing of a fore and aft white oak near T. C. Ford's spring about twenty-five chains to a stone near B. B. Robert's corner, thence north seventy-two degrees east about thirty chains and sixty links to the beginning.

Mayor and commissioners.

SEC. 3. That there shall annually, on the first Monday in May in each year, be elected a mayor and five commissioners, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the town.

Who eligible for mayor or commissioners.  
Proviso.

SEC. 4. That any qualified elector in this state shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the corporation twelve months next preceding the day of election.

Electors.

SEC. 5. That all persons entitled to a vote in the county of Davidson for members of the general assembly, and who shall have been *bona fide* residents of the town of Lexington ninety days next preceding the election, shall be entitled to vote for mayor and commissioners, or at any election held therein for municipal purposes.

Oath of mayor and commissioners.

SEC. 6. That the mayor and each commissioner, before entering upon the duties of his office, shall take before some justice of the peace an oath that he will truly and impartially perform the duties of his office for the town according to the best of his skill, ability and judgment.

SEC. 7. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint a treasurer, town constable, and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their number a mayor *pro tempore*, to act as mayor in case of the absence of the mayor or his inability to perform the duties of his 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 state of North Carolina, in such sum 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.

Vacancies.

Town officers.

Mayor pro tem.

Official bonds.

Proviso.

SEC. 8. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep 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 by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court, within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if [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 common jail of the county. If the accused is

Mayor constituted an inferior court.

Powers.

Mayor a special court.

Appeal.

dissatisfied with the judgment of the mayor or court, he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

Mayor's precepts.

SEC. 9. The mayor may issue his precepts to the town constable, who may execute the same anywhere in Davidson county, or to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority for the officer to execute the same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Persons failing to pay costs, etc., liable to work on streets.

SEC. 10. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority, by their ordinances and by-laws, to confine, control and manage such persons until the said fines and penalties or forfeitures, together with costs thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

Persons arrested by constable, etc., to be committed to jail.

SEC. 11. That any town constable, policeman, watchman, or other town officer, arresting any person or persons in the night time for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the lockup or the common jail of the county, and the sheriff or jailer of the county of Davidson is hereby required, without a *mittimus*, to receive into the jail of the county as his prisoner any person taken up in the night by the police or constable, and to keep such persons safely until the morning, when the offender shall be brought before the mayor or some magistrate resident in the town and be dealt with according to law.

SEC. 12. 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 accounts to the commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Duties of treasurer.

SEC. 13. 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 money received by him : *Provided*, all claims against the corporation shall be audited by the board of commissioners before any order shall issue for the payment of the same.

Orders on treasurer.

Proviso.

SEC. 14. That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens and cause the same to be posted at the court house door ten days before the day of the annual election of commissioners.

Commissioners to post statement of receipts and disbursements annually at court house door.

SEC. 15. That it shall be [the] duty of the constable to see that the laws, ordinances and the orders of the commissioners are enforced, and to report all breaches thereof to the mayor, to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him by the mayor

Duties of constable.

or others, and in the execution thereof he shall have the same powers which the sheriff and constables of the county have, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on like processes and precepts, and also such other compensation as the commissioners may allow.

Fees.

Additional compensation.

Streets.

SEC. 16. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change, or extend or discontinue any street or streets, or any part thereof, or any sidewalk within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the lands and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who [shall] be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court as now provided by law, and the mayor or board of commissioners shall transfer the award and

Proviso.

all the original papers to the next ensuing term of [the] superior court.

SEC. 17. That the board of commissioners of the town of Lexington shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all moneys on hand, solvent credits, and upon all polls and other subjects of taxation taxed by the general assembly for public purposes not exceeding twenty-five cents on one hundred dollars' valuation of property and twenty-five cents on the poll; and the said board shall have power to levy and collect a commutation upon all persons residing within the corporate limits of Lexington who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets. Taxation.

SEC. 18. The board shall proceed on the first Monday in June to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list (with an endorsement by the mayor to the collector authorizing him to collect the taxes in said 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 to the treasurer on or before the first Monday of November, and the collector shall receive such per cent. on the amount so collected as may be determined by the board of commissioners: *Provided*, the commissioners may extend the time for collecting and paying over said tax. Board of commissioners to levy tax.

SEC. 19. 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 at the court house door and four other public places in the corporation, if the property be personal, or twenty days if the property be real, without any judgment or execution. Tax list.

Compensation of collector.

Proviso.

Collection by distress and sale.

Nuisance.

SEC. 20. That the commissioners shall have power to declare all horses, cattle, dogs and sheep running at large within the corporate limits of the town a nuisance, and the commissioners at their option may impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated, or impound the same under such regulations as they may adopt.

Unlawful to sell liquor at retail without town license.

SEC. 21. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous or malt liquor by a less measure or in less quantity than three gallons within the corporate limits of Lexington without first having paid the tax and obtained a license therefor as herein required: *Provided, however,* that the town commissioners may issue license for retailing lager beer and ale, and these, alone, upon the payment of an annual tax not exceeding one hundred and fifty dollars; and that the said commissioners shall have authority to revoke such license at any time upon the payment to the party holding it of that portion of the tax paid correspondinn to the unexpired term of the license.

License to retail lager beer and ale.

Billiard tables, etc.

SEC. 22. That no person shall erect, put up, keep, use or maintain any billiard table, ten pin alley, or any gaming table or place, by whatever place [name] known or called, at which games of chance, hazard or skill shall be played, within the corporate limits of Lexington without first having paid the tax and obtained license therefor as herein required.

License tax of \$200 on retail dealers, billiard tables etc.

SEC. 23. That the commissioners of the town of Lexington shall impose, levy and collect a corporation tax of not exceeding two hundred dollars per annum upon every person obtaining a license for any one of the purposes specified in sections twenty-one and twenty-two of this act; and said commissioners shall grant no license to any person for any one of the purposes herein enumerated until he shall have paid all the taxes imposed for said

license and proved a good moral character by the oaths of not less than two citizens of said town, and until he shall have given a bond payable to the state of North Carolina with good security in the sum of five hundred dollars, conditioned for the keeping of an orderly and lawful house, and if any retail dealer violates the condition of said bond, the commissioners shall have power to revoke his license and put said bond in suit to collect the penalty therein.

Bond.

Revocation of license.

SEC. 24. That no court, board of county commissioners, sheriff or any other officer, shall grant a license to any person for any one of the purposes specified in sections twenty-one and twenty-two of this act to be kept up, used, carried on or exercised within the corporate limits of Lexington, unless such person shall produce before such court, board of county commissioners, sheriff or other officer, a license therefor, granted by the commissioners of said town, duly signed by the mayor thereof, and that any person who shall violate any of the provisions of sections twenty-one and twenty-two of this act, shall forfeit and pay to the commissioners the sum of fifty dollars for each offence, to be sued for and recovered by the said commissioners, and such violation shall be held and deemed a misdemeanor, and any one convicted thereof shall be fined fifty dollars and imprisoned thirty days, at the discretion of the court, and each act of selling or retailing shall be deemed a separate offence, and each day, or part of a day in which any billiard table, ten pin alley, or any gaming table, or place where any game of chance, hazard or skill shall be kept up, maintained or played by whatever name, shall be deemed a separate offence and a violation of this act.

Town licenses pre-requisite to granting of license to retail, etc., in corporate limits by county commissioners, etc.

Penalty.

Misdemeanor.

SEC. 25. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the persons causing the same, or the owner or the tenant of the ground wherever the same may be; they may also present the establishment

Abatement of nuisances.

of, and may regulate, if allowed to be established, any slaughter house or place for the exercise, within the town of any offensive or unhealthy business, trade or employment.

Powers of board of commissioners.

SEC. 26. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fires, to make regulations, to cause due observance of the sabbath, appoint and regulate town police, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder within the town, to regulate the speed of riding and driving on the public streets, and to keep or require to be kept the side walks clear of all obstructions, to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owners of the adjacent lots who may refuse to do the same in five days' notice from the mayor of the town.

Corporate powers.

SEC. 27. That the town of Lexington is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter one hundred and eleven, (Battle's Revisal), entitled "towns," not inconsistent with any of the provisions of this act.

Cemetery.

SEC. 28. That the commissioners shall have control and direction of the cemetery, and pass all resolutions and ordinances for its care and preservation, and may appropriate such sums of money as they may deem fit to keep it in good order.

Wooden buildings.

SEC. 29. The commissioners shall have power to regulate and control the erection of wooden buildings within the corporation, so as to prevent loss, danger or damages by fire.

Use of county jail.

SEC. 30. That the commissioners may use the county jail for the confinement of prisoners, or they may erect or rent suitable buildings for that purpose.

SEC. 31. That an act to incorporate the town of Lexington, ratified in one thousand eight hundred and twenty-eight, also an act for a similar purpose, ratified twelfth day of April, one thousand eight hundred and sixty-nine, also an act to amend the charter of the town of Lexington, ratified the third day of March, one thousand eight hundred and seventy-seven, and all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Former acts repealed.

SEC. 32. That this act shall be in force from and after the first Monday in May, Anno Domini one thousand eight hundred and eighty-three.

When act to take effect.

In the general assembly read three times, and ratified this the 24th day of February, A. D. 1883.

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## CHAPTER 56.

An act to incorporate the town of Highlands, in Macon county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Highlands, in Macon county, be and the same is hereby incorporated and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake three-fourths of a mile north from the crossing of Main and Fourth streets, and running thence east three-fourths of a mile, thence south one and one-half miles, thence west one and one-half miles, thence north one and one-half miles, thence east three-fourths of a mile to the beginning.

Corporate limits.

SEC. 3. The officers of said town shall consist of a mayor and three commissioners, who shall appoint a treasurer and constable, and shall provide for an election which

Town officers.

Election.

shall be held on the first Monday in May, one thousand eight hundred and eighty-three, and the first Monday in May of each year thereafter, for the election of mayor and commissioners, who shall hold their offices one year and until their successors are elected and qualified, the elections to be held according to the laws which govern state elections. The commissioners of said town shall appoint the judges, who shall hold said elections according to the law now existing as to the election of state officers. The treasurer and constable, under the provisions of section three of this act, shall give such bond as the commissioners may require and approve.

Bond of treasurer and constable.

Residents of town not exempt from work on public roads.

SEC. 4. That nothing in this act shall be so construed as to exempt any person residing within the corporate limits of the town of Highlands from working on the public roads outside of the incorporation.

Temporary officers.

SEC. 5. That the following named persons shall be mayor and commissioners until the election on the first Monday in May, one thousand eight hundred and eighty-three, and until their successors shall be elected and qualified: Mayor, George A. Jacobs. For commissioners, S. W. Hill, C. A. Boynton and M. T. Skinner.

Corporate powers.

SEC. 6. That in its corporate capacity the town of Highlands shall possess all the powers and privileges and be subject to the provisions contained in the general statutes of the state governing corporated towns, and the board of commissioners shall have power to pass all ordinances and by-laws that are necessary for the good government of the town, not inconsistent with the laws of the state or of the United States.

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

In the general assembly read three times, and ratified this the 27th day of Febuary, A. D. 1883.

## CHAPTER 57.

## An act for the promotion of female education.

WHEREAS, the Greensboro Female College Association, Preamble.  
 a corporation organized under the general corporation  
 act of this state, has assumed and become liable for the  
 debts and obligations of "The Greensboro Female Col-  
 lege," in order to relieve it from its pressing burdens,  
 and to prevent its being sold under mortgage, and pro-  
 bably diverted from the purposes of education, and in  
 order to promote education, and the growth of learning;  
 and whereas, it is the policy of the state to foster and en-  
 courage by all lawful means such institutions of learning:

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Greensboro Female College Asso- Greensboro Fe-  
 ciation, by its proper offices, shall have the power to issue male College As-  
 bonds or other evidences of indebtedness, and in order to sociation author-  
 secure the same, may make and execute a mortgage or ized to issue mort-  
 mortgages upon all its estate, property and effects, both gage bonds.  
 real and personal: *Provided*, such bonds shall not in the Proviso.  
 aggregate amount to more than the sum of forty thou-  
 sand dollars.

SEC. 2. That said bonds shall be of such denomination Bonds.  
 as the stockholders or a majority of them shall prefer,  
 and shall not run for a longer period than thirty years  
 from the date of their issue, and shall not bear a greater  
 rate of interest than six per cent. per annum.

SEC. 3. That to such bonds shall be attached coupons Coupons.  
 for the interest upon said bonds, said coupons to become  
 due annually, and each coupon shall be for a sum equal  
 to the interest upon the bond to which it is attached for  
 one year.

SEC. 4. That the coupons upon said bonds shall be re- Coupons receiva-  
 ceivable in payment of all dues to the association. ble for dues to  
 Association.

Bonds exempt  
from taxation.

SEC. 5. That all bonds so issued shall be signed by the president of the association and countersigned by the secretary thereof, and shall be exempt from all state, county and municipal taxation in the hands of the holders.

When exemption  
from taxation to  
cease.

SEC. 6. That the exemption from taxation shall cease whenever the property of said corporation shall cease to be used for educational purposes.

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 27th day of February, A. D. 1883.

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## CHAPTER 58.

An act to amend an act entitled an act to incorporate Spring Shoals Manufacturing Company, ratified the twenty-fifth day of February, one thousand eight hundred and eighty-one, and for other purposes.

*The General Assembly of North Carolina do enact:*

Chap. 31, private  
laws 1881, amend-  
ed.

SECTION 1. That the said act be so amended that the corporate name of the said corporation, to-wit: "Spring Shoals Manufacturing Company," wherever it occurs in the said recited act, be stricken out and the name of "McAden Mills" be inserted in lieu thereof, and that the said McAden Mills shall be entitled to all the rights, privileges and franchises conferred upon the Spring Shoals Manufacturing Company in and by the said recited act.

Name.

Corporate rights.

Authorized to  
construct railway  
from factory to  
Atlanta and  
Charlotte Air-  
Line Railway.

SEC. 2. That section seven (7) of the above recited act be also amended by striking out the words "Charlotte and Atlanta Railway," and inserting in lieu thereof the words "Atlanta and-Charlotte Air-Line Railway."

Town of McAden-  
ville incorpora-  
ted.

SEC. 3. That that portion of the county of Gaston which lies within a radius of one-half of a mile from the main

factory building of the said corporation, be incorporated into a town by the name of "McAdenville," and as such municipality shall have, possess and enjoy all the rights, powers and franchises, and be subject to all the restrictions that are prescribed in chapter one hundred and eleven (111) of the Revised Code, entitled "towns," and the laws of this state passed at the session of one thousand eight hundred and seventy-one, being chapter twenty-four (24), sections one (1), two (2), three (3), four (4) and six (6), also chapter ninety-nine (99), sections one (1) and two (2), also chapter thirty-eight (38), section one (1), also chapter one hundred and ninety-five (195), sections one (1) and two (2) of the laws of one thousand eight hundred and seventy-one and seventy-two, also chapter one hundred and twelve, sections one (1) two (2) and three (3), of the laws of one thousand eight hundred and seventy-two and seventy-three as brought forward in Battle's Revisal, chapter one hundred and eleven (111), entitled "towns."

Corporate powers.

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

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

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## CHAPTER 59.

An act to incorporate the town of South Mills, in Camden county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of South Mills, in the county of Camden, be and the same is hereby incorporated by the name and style of the town of South Mills, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code not in-

Incorporated.

Name.

sistent with the constitution and laws of this state or of the United States, also subject to the provisions of the general law in relation to municipal incorporations.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: one half mile each way through points north, south, east and west, from the bridge across the Dismal Swamp canal in said town, forming a square mile.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable.

Election.

SEC. 4. That the first regular election for mayor, commissioners and constable shall be held on the first Thursday in May, Anno Domini one thousand eight hundred and eighty-three, and every year thereafter. And it shall be the duty of the sheriff of Camden county or some justice of the peace in said county, after giving ten days' notice by advertising at three or more places in said corporation, prior to the said first Thursday in May, Anno Domini one thousand eight hundred and eighty-three, to open the polls and conduct the election herein provided for under the same restrictions and regulations that

How held.

other county and state elections are held: *Provided*, that the elections held hereafter under the provisions of this charter shall be subject to the control of the commissioners of said town: *Provided further*, that the following officers nominated and appointed under this act shall duly exercise the duties of the said offices from the ratification hereof until the said election shall have been held, to wit: for mayor, C. H. Spencer; town commissioners, D. D. Ferebee, W. H. Abbott and John E. Spence; and for constable, S. D. Burnham.

Proviso.

Proviso

Temporary officers.

Electors.

SEC. 5. That all qualified voters within said corporation that have resided therein ninety days previous to the election shall be entitled to vote at said election.

Commissioners to organize.

SEC. 6. It shall be the duty of the commissioners elect to meet together and organize and take the oath of office.

Taxation.

SEC. 7. That the commissioners shall have power to levy a tax not to exceed sixty cents on the poll, and on

all property in said town an amount not to exceed twenty cents on the one hundred dollars' valuation.

SEC. 8. That the commissioners shall also have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them, but this shall not be construed to authorize them to take up and impound any live stock belonging to any person outside of the corporate limits of the said town, and also to prescribe any rules, regulations and ordinances for the good government of the town not inconsistent with the laws of the state or of the United States.

Authority of  
commissioners.

SEC. 9. The commissioners when organized shall have power to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners, and also appoint a treasurer, who shall enter into bond approved by the commissioners, and it shall also be their duty to require the constable to enter into bond, payable to the state of North Carolina, approved by the commissioners.

Secretary.

Treasurer.

Constable.

SEC. 10. That the commissioners shall have power to apply the taxes collected under this act, together with all fines and forfeitures for violation of the town ordinances, to the improvement of the public streets or other public improvements in said town as they may find necessary: *Provided*, no tax shall be levied to improve the streets or roads in said town unless such improvements shall extend to all streets or roads adjacent to the lands of all persons within said town who are taxed for such improvements.

Application of  
taxes, etc.

Proviso.

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

In the general assembly read three times, and ratified this the 27th day of February, A. D. 1883.

## CHAPTER 60.

An act to amend the charter of the city of Greensboro.

*The General Assembly of North Carolina do enact:*

Chap. 122, private  
laws 1869-'70,  
amended.

Elections.

Registration.

Oath.

SECTION 1. That chapter one hundred and twenty-two of the private laws of one thousand eight hundred and sixty-nine and seventy be amended by striking out all of section five and substituting therefor the following, viz: "*Be it enacted*, that for the purpose of electing city officers and for any other election by the electors of said city not specially provided for, the commissioners shall, at least twenty days before the election, appoint one inspector for each ward and one registrar for the city at large, all of whom shall be qualified voters, and the inspectors and the registrar shall give ten days' notice of their appointment, the time and place of election, and the time and place, during and at which persons entitled may register, and if from any cause inspectors or a registrar shall not be appointed, the sheriff of Guilford county shall designate inspectors and a registrar qualified in like manner. That it shall be the duty of such registrar to open at the mayor's office a book which shall be furnished by the commissioners, between the hours of sunrise and sunset of each day (Sundays excepted) for ten days next preceding each election, wherein the names of all persons entitled to vote in the state elections and who shall have been a resident of the city for sixty days next preceding the day of election whose names do not appear on said registration book upon his taking the following oath, viz: "I, ....., do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of North Carolina; that I have been a resident of the state of North Carolina for twelve months, of the county of Guilford for ninety days, and of the city of Greensboro for sixty days; that I am a duly

qualified elector, and that I am an actual and *bona fide* resident of said city, so help me God:" *Provided*, that the registration book shall be closed at sundown on Saturday last preceding the Monday of election, after which no person shall be allowed to register for the next election: *Provided further*, that nothing contained in the foregoing proviso shall be so construed as to prevent any person becoming twenty-one years of age on the Sunday before the Monday of election, or on the Monday of election, having all the other qualifications, from registering and voting on the day of election. That all persons entitled to vote in the state elections whose names are now registered shall not be required to register anew unless the same shall be ordered by the board of commissioners at the meeting hereinbefore spoken of, which they may do if from any cause they shall think proper, of which ten days' notice shall be given in the same manner as the inspectors and registrar are required to give as hereinbefore provided for. That the board of commissioners, or a committee of two or more of their number selected by them, shall have the power to revise the registration book before each election in such a manner that said book shall show an accurate list of electors previously registered, and who are at that time entitled to vote in city elections, and they may have the names therein appearing after such revision transferred to a new registration book without requiring such electors to be registered anew: *Provided*, that such revision and transfer shall be done as many as fifteen days before the day of election: *Provided further*, that notice that such has been done shall be given by the clerk of the board in some newspaper published in the city, and notice put up at the door of the mayor's office as many as ten days before the day of election. Amend further by striking out the words "for the preceding year," after word "purposes" in section seven; by adding "within two days thereafter," at the end of section eight, after the word "inspectors;" by striking out the words

Proviso.

Proviso.

New registration.

Revision of registration book.

Proviso.

Proviso.

Sec. 7 amended.  
Electors.

Sec. 8 amended.  
Notice to persons elected.

Sec. 9 amended.  
Absence of in-  
spector.

Sec. 39 amended.  
Imprisonment.

Sec. 45 amended.  
Poll tax.

Tax on dogs.

Sec. 47 stricken  
out.  
Assessment for  
taxation.

Tax list.

Sec. 48 amended.  
Mayor to return  
tax list.

Sec. 49 amended.  
Collection of tax  
by attachment.

“by the commissioners” after the word “supplied,” in section nine, and substitute therefor “by the mayor, or in his absence, by the acting mayor;” by adding after the word “hours,” in the ninth line, in section thirty-nine, “except that when a Sunday shall come before the expiration of the said twenty-four hours;” by striking out the words “two dollars” in sub-division two, section forty-five, and substitute therefor the words “a sum on each equal to the tax on property valued at three hundred dollars in cash;” by striking out the words “over one to a family,” after the word “dogs,” in sub division five, of section forty-five; by striking out section forty-seven, and substituting therefor, “*Be it enacted*, that the assessment made for the purpose of county and state taxation on all the real estate, with its improvements, lying within the corporate limits of the city, shall be adopted by the city commissioners each year as the value thereof for taxation for city purposes, and it shall be the duty of the mayor on or after the thirty-first day of May of each year to make out a full and complete list of all the taxable real estate, with its improvements, within the corporate limits of the city, with the assessed value thereon, as shown by the state and county tax lists, and return the same to the commissioners on or before the first day of August next ensuing, which return shall also contain a full and complete list taken in the manner provided in section forty-six, of all other subjects of taxation provided for under section forty-five;” by striking out the word “assessors” in the second line of section forty-eight, and substituting therefor the word “mayor,” and striking out the word “their,” in the same line and section, and substituting “his” therefor; by adding after the word “real” in the last line of section forty-nine, “and if the collector can find no property of the person liable sufficient to satisfy the taxes unpaid due by such person, it shall be the duty of the collector to attach any debt or other property incapable of manual delivery, due or belonging to the

person liable, or that may become due to such person on or before the expiration of the calendar year, and the person owing such debt, or having such property in possession shall be liable for such tax: *Provided*, that such person shall not be liable for an amount greater than he owes such delinquent at the time notice is served on him as hereinafter provided, or that he may owe on or before the expiration of the calendar year, or the value of the property of such delinquent in his hands." For the purpose of carrying into effect this section, the following form shall be used as an attachment; viz: "To A. B.: take notice, this is to attach any debt that is now due or may become due by you, or property in your hands to or belonging to C. D., a delinquent in his tax for the year 18....., and you are hereby summoned to appear before E. F., an acting justice of the peace for Guilford county, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and also the value of any property that may be in your hands belonging to such delinquent, and to show cause why judgment should not be rendered against you for said delinquent's tax and cost of this proceeding; this the ..... day of ..... , 18..... G. H., city tax collector;" by striking out the words "and other productions of the growth or manufacture of this state," after the word "merchandise," in line four in sub-division one of section fifty-five; by striking out the words "fifty dollars" in the third line of sub-division three of section fifty-five, and substituting therefor the words "five hundred dollars;" by striking out the word "twenty-five" in line four, sub-division three, section fifty-five, and substitute therefor the words "one hundred and fifty (\$150);" by striking out all of section seventy-four, after the word "that" in the tenth line thereof, and substitute therefor the following words: "it shall be the duty of the board of commissioners to elect of their number, or from the city at large, three suitable persons who shall constitute

Provisc.

Form of attachment.

Sec. 55 amended.  
Exemption from taxation.

Retail liquor dealer.

Retail dealer in malt liquor.

Sec. 74 amended. ?  
School committee.

Sec. 83 amended.  
Conveyance of  
land.

the school committee for the city ;” by striking out all of section eighty-three, after the word “mayor,” in the fourth line thereof, and substituting therefor “and city treasurer, and attested by the city collector.”

Corporate limits.

SEC. 2. That the corporate limits of the city be so changed on the northwest side thereof as to embrace that piece or parcel of ground of about thirty acres, purchased by the city of John A. Gilmer, and known as “Green Hill Cemetery,” and adjoining the lands of J. A. Gilmer on the east, A. H. Vanbokkellen on the north, H. H. Tate on the west, and the old Martinsville-road on the south.

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 27th day of February, A. D. 1883.

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## CHAPTER 61.

An act to incorporate the town of Glen Alpine, in the county of  
**Burke.**

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the citizens of the territory hereinafter specified, embracing Glen Alpine station, on the Western North Carolina Railroad, in Burke county, be and the same is hereby incorporated under the name and style of the town of Glen Alpine.

Name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be a circle five hundred yards distant in all directions from the station house or depot of said railroad.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor and five commissioners, and a marshal to be appointed by the commissioners, and until the first Monday in May, eighteen hundred and eighty-three, W. T. Bow-

den shall fill the office of mayor, and Henry Brinkley, Alfred Bright, James F. Knott, J. I. Sigman and James Simpson shall act as commissioners.

Temporary officers.

SEC. 4. That on the first Monday in May, one thousand eight hundred and eighty-three, and each succeeding year thereafter, there shall be held an election for mayor and commissioners for said town, under the same rules and regulations as are or may be established by law for the election of town officers in like corporations in this state.

Election.

SEC. 5. That the said mayor and commissioners shall have the power to enact all such by-laws, rules and regulations for the better government of said town as may seem to them just and reasonable, not inconsistent with the constitution and laws of North Carolina or the United States.

By-laws.

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 28th day of February, A. D. 1883.

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## CHAPTER 62.

An act to incorporate the town of Sharpsburg, in the counties of Nash and Edgecombe.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Sharpsburg, in the counties of Nash and Edgecombe, be and the same is hereby incorporated under the name of the town of Sharpsburg, and the limits shall be as follows, to-wit: Beginning at the one hundred and nineteenth mile post on the Wilmington and Weldon Railroad, in the county of Edgecombe; thence twenty-nine degrees west one hundred and sixty-nine poles to a stake; thence north seventy-one de-

Incorporated.

Name.

Corporate limits.

grees west one hundred poles to a stake; thence south twenty-nine degrees west three hundred and twenty poles to a stake; thence south seventy-one degrees east two hundred poles to a stake; thence north twenty-nine degrees east three hundred and twenty poles to a stake; thence north seventy-one degrees west one hundred poles to the railroad and intersecting line north seventy-one degrees west in the beginning.

Officers.

SEC. 2. That the officers of the town shall be a mayor, three commissioners and one constable, to be elected in accordance with the general laws regulating the elections in cities and towns.

Temporary officers.

SEC. 3. That until next election and until their successors shall be elected or appointed, the officers of said town shall be, for mayor, D. L. Lancaster; for commissioners, W. H. Callifer, John J. Sharp and George W. Robbins; and for constable, Pedin S. Petway.

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-three, and every year thereafter, under the same restrictions that county and state elections are held; all male citizens over twenty-one years of age 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.

Electors.

By-laws.

SEC. 5. That the said commissioners shall have power to pass 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 to impose fines and penalties for the violation of town ordinances and collect the same.

Fines.

SEC. 6. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

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 28th day of February, A. D. 1883.

## CHAPTER 63.

An act to incorporate the Trustees of the Hayesville High School.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. M. Sanderson, D. W. Kollics, W. A. Haigler, J. S. Brooks and G. M. Flemming, and their associates and successors in office, be constituted a body politic and corporate under the name and style of the Trustees of the Hayesville High School, located in Clay county, North Carolina, and under such name and style may have a perpetual succession and a common seal, may sue and be sued, plead and be impleaded in all the courts of this state or of the United States, and do all such acts as pertain to bodies politic and corporate.

Body politic.

Name.

SEC. 2. That said corporation shall have power of contracting and being contracted with, purchasing, holding and conveying in their corporate capacity property, real and personal, such as may be necessary and suitable for maintaining a school of high grade near Hayesville, in the county of Clay, with powers to make all necessary and needful rules and regulations for their own good government and that of the said Hayesville High School, subject to the by-laws to be passed by the stockholders of said Hayesville High School, and a certificate of five dollars stock shall be one full share and entitle the holder to one vote in such trustee's meeting as provided in this act.

Corporate powers.

SEC. 3. That the receipts and disbursements shall be managed and directed by and through a majority of the board of trustees, who shall be elected annually by the stockholders, and the said trustees, in case of a vacancy caused by death or otherwise, shall have power to fill such vacancy for any one year or part thereof.

Board of trustees

SEC. 4. That the trustees herein named shall hold their offices as such for one year after the ratification of this

Term of office.

act and until their successors are elected as herein provided.

Stockholders not  
liable for corpo-  
rate debts.

SEC. 5. That the liabilities of the corporation shall affect the stock of the company only.

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 28th day of February, A. D. 1883.

## CHAPTER 64.

An act to incorporate the Southern Mining, Smelting and Manufacturing Company.

*The General Assembly of North Carolina do enact :*

Body corporate.

SECTION 1. That F. H. Stith, J. Howard Jones and Truman Coman, and their associates, successors and assigns, are hereby constituted a body corporate in perpetuity, under the name and style of the Southern Mining, Smelting and Manufacturing Company, for the purpose of conducting in all its branches the business of mining, smelting and manufacturing, and to that end the said company is hereby invested with all the rights, powers, privileges and franchises conferred by the general assembly of this state upon any corporation heretofore created for any of the purposes above named, and said company may also construct and operate telephone lines.

Name.

Corporate pow-  
ers.

Capital stock.

SEC. 2. The capital stock of said company shall be fifteen hundred thousand dollars, with power to increase the same from time to time, and the stock shall be divided into such number of shares and of such value as may be deemed expedient: *Provided nevertheless*, that all stock issued shall be full paid and free from assessment, and no shareholder shall be personally or individually liable

Proviso.

for any of the acts or obligations of said company. The said company may choose its own officers, whose terms of office shall be one year. The principal office shall be at Thomasville, in this state, but branch offices may be established elsewhere.

Officers.

Principal office.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

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## CHAPTER 65.

### An act concerning a devise to the Oxford Orphan Asylum.

WHEREAS, the late E. P. Powell, of Halifax, by his last will and testament duly executed, proved and recorded, did therein devise and bequeath as follows, namely: "All the balance of my estate of every description I will and bequeath unto the state of North Carolina for the sole use and benefit of the Orphan Asylum, located at Oxford, North Carolina, to be paid over to said asylum in installments as the legislature of North Carolina may deem best for the benefit of said asylum." AND WHEREAS, it is impracticable for the state of North Carolina to hold the estate and property conveyed by said devise and bequest as a trustee, and it is meet that the same should be vested in the head of the masonic order, of which the said asylum is a charity; therefore

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the state of North Carolina does hereby relinquish its right to act as trustee as aforesaid, and does hereby constitute and appoint, in its lieu and stead, as trustee as aforesaid, the present Grand Master of Ma-

Relinquishment of right of state to act as trustee.

Grand master of Masons appointed trustee.

sons in North Carolina, being Grand Master of the Grand Lodge of Ancient Free and Accepted Masons of North Carolina, and his successors in office, who shall hold all the property so conveyed, in and by said will, to and for the use of said asylum, and shall receive and pay over to such persons, at such times and in such manner as the said grand lodge shall prescribe, the income of said property: *Provided always*, that the whole of the net income thereof shall be devoted to the uses of the said asylum.

Proviso.

Grand lodge authorized to sell and re-invest property.

SEC. 2. That said grand lodge may, in its discretion, and by a three-fourths vote, (by lodges), sell said property and invest the same in such other estate or property as to the said lodge may seem expedient.

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

In the general assembly read three times, and ratified this 28th day of February, A. D. 1883.

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## CHAPTER 66.

An act in relation to gas and water supply for the town of Asheville.

*The General Assembly of North Carolina do enact :*

Committee on improvements in Asheville authorized to purchase or subscribe to stock of Asheville Gas and Water Supply Company.

SECTION 1. That V. S. Lusk, J. E. Rankin, F. M. Miller, E. Sluder and T. W. Patton, composing the committee on permanent improvements in the town of Asheville, and trustees of the fund provided for street improvement and for procuring a supply of water for said town, appointed under ordinance of June twentieth, one thousand eight hundred and eighty-two, be authorized and empowered, if in their judgment they can best accomplish the object of obtaining a water supply for said town by so doing, to purchase or subscribe to the capital stock of the Asheville Gas and Water Supply Company, incorporated by act of

the general assembly, entitled "an act to incorporate the Asheville Gas and Water Supply Company," ratified March twelfth, one thousand eight hundred and eighty-one.

SEC. 2. That said committee and trustees in subscribing to or purchasing said stock, may use the sum of twenty thousand dollars (\$20,000) of the trust funds now in their hands to pay such a per cent. on said capital stock as the stockholders may require to be paid in, and in all meetings of said company the number of shares of stock so subscribed or purchased shall be held by them in trust for the town of Asheville, and shall be voted by them or their successors: *Provided*, that in making such subscription or purchase of said capital stock the said sum of twenty thousand dollars shall be used only to procure a water supply for said town, and shall be devoted to no other purpose whatever.

Authorized to use \$20,000 of trust funds in purchase, etc., of stock.

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 28th day of February, A. D. 1883.

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## CHAPTER 67.

An act to amend the charter of the city of Newbern.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section thirty-seven of chapter forty-two, of the private laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended by striking out the word "fifty" in the fifth line of said section, and by inserting instead thereof the word "sixty." Further, that all of said section thirty-seven, after the word "valuation," in the sixth line thereof, be stricken

Chap. 42, sec. 37, private laws 1879, amended.

Tax on real estate.

Reservation of tax to pay judgment against city.

Limitation of taxation.

Sections 38, 39 repealed.

Purchase of fire engine.

out: *Provided*, that ten cents on the one hundred dollars' valuation of the above tax shall be annually reserved by the city treasurer for two years for the payment of the judgment debt against the city of Newbern. That thereafter the annual tax on real and personal property shall not exceed fifty cents on the one hundred dollars' valuation.

SEC. 2. That section thirty-eight and section thirty-nine of the said chapter forty-two of the private laws of one thousand eight hundred and seventy-nine, be and the same is hereby 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 28th day of February, A. D. 1883.

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## CHAPTER 68.

An act to amend sections seven (7), ten (10) and eleven (11) of chapter twenty-three (23) of the private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, entitled "an act to incorporate the Biddle University."

*The General Assembly of North Carolina do enact:*

Degrees.

SECTION 1. That the proviso to section seven (7) of the act referred to in the title be repealed.

Value of real and personal estate.

SEC. 2. That section ten (10) of said act be amended by striking out in lines three (3) and four (4) the words "two hundred thousand dollars," and insert the words "one million of dollars."

Authorized to hold 200 acres of land free from taxation.

SEC. 3. That said university shall hold two hundred acres of land free from taxation, and that section eleven (11) of the recited act be 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 28th day of February, A. D. 1883.

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## CHAPTER 69.

An act to amend the charter of the town of Salisbury, and to authorize the board of commissioners for the town of Salisbury to issue bonds to provide for the payment of the outstanding indebtedness of the town and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners for the town of Salisbury be and they are hereby authorized and empowered to issue bonds to the amount of thirty thousand dollars, to be due and payable as follows, viz: ten thousand dollars due and payable ten years from the first day of June, one thousand eight hundred and eighty-three, and ten thousand dollars to be due and payable twenty years from the said first day of June, one thousand eight hundred and eighty-three, and ten thousand dollars due and payable thirty years after the first day of June, one thousand eight hundred and eighty-three, which said bonds shall bear interest from date at the rate of six per cent. per annum, payable annually on the first day of June of each and every year.

Town commissioners authorized to issue \$30,000 of bonds.

SEC. 2. That said bonds shall be coupon bonds of the denomination of fifty dollars, one hundred dollars and five hundred dollars, and are to be numbered from one upwards in accordance with the order of issue. They shall be signed by the mayor and countersigned by the treasurer of the town, and sealed with the corporate seal, but the coupons thereon may be signed by the treasurer alone.

Description of bonds.

SEC. 3. The said coupons shall be receivable in payment of taxes due the town of Salisbury, and the same shall be expressed on the face of each coupon.

Coupons receivable for taxes.

Not to be sold for less than par.

Application of proceeds.

SEC. 4. That said bonds shall be sold at not less than their par value, and the proceeds of sale shall be applied as follows, viz: five thousand dollars shall be applied to the payment of the outstanding indebtedness of the town of Salisbury as ascertained to be due the first day of February, one thousand eight hundred and eighty-three, and the remainder, to-wit: the sum of twenty-five thousand dollars shall be used in defraying the expenses of macadamizing, paving, draining and otherwise improving the streets and sidewalks of the town: *Provided*, that not more than fifteen thousand dollars of said bonds shall be sold in any one year.

Special tax.

SEC. 5. That for the purpose of paying the interest which shall accrue on the said bonds and of accumulating a fund for the payment of the principal of said bonds as they shall mature, the said board of commissioners shall have power annually to levy and collect in the manner and at the time prescribed for the collection of the general town taxes an *ad valorem* tax, not exceeding twenty-five cents on the one hundred dollars of the assessed valuation of all real and personal property, and also a tax on all taxable polls not exceeding seventy-five cents.

Limitation of tax.

Tax, how collected.

SEC. 6. That said special tax shall be collected by the tax collector under the same rules and regulations as are prescribed for the collection of the general town taxes, and shall be paid to the treasurer of the town, who shall give a bond with good and sufficient security, conditioned for the faithful and honest management and disbursement of the special taxes and for the safe keeping of the money arising from sale of bonds. The treasurer shall renew his bond annually on the first day of June of each successive year, the amount of which bond shall be fixed and approved by the board of commissioners, and shall be registered in the office of the register of deeds of Rowan county; and the treasurer shall keep an account of the receipts and disbursements of the special tax money in a separate book to be kept for that purpose, and he shall

To be paid to town treasurer.

Bond.

Treasurer to keep account of receipts and disbursements.

annually publish a statement showing the balance and condition of the special tax funds in his hands.

SEC. 7. That the board of commissioners may let out the work on the streets by contract to the lowest responsible bidder, but they shall require the work to commence at the centre of the town at the intersection of Main and Inniss streets.

Commissioners to let out street work by contract.

SEC. 8. That a poll shall be opened on the first Monday in May, one thousand eight hundred and eighty-three, at the usual polling place in the town, when and where all qualified voters residing within the corporate limits shall be entitled to vote. All persons who shall be in favor of issuing the bonds provided for in the first and second sections of this act may vote on a written or printed ticket "for bonds," and all persons who shall be opposed to the issue of said bonds may vote on a written or printed ticket "against bonds;" and if a majority of the qualified voters shall vote "for bonds," then the provisions of this act shall take effect and be in force from and after the said first day of May, one thousand eight hundred and eighty-three. The judges for the regular municipal election shall hold the poll provided for in this section, and shall declare the result in the same manner and at the same time that they declare the result of the general municipal election.

Election upon question of issuing bonds.

Ballots.

Act to take effect upon majority vote.

Election, how held.

SEC. 9. That hereafter the board of commissioners for the town of Salisbury shall be composed of a mayor and eight commissioners, who shall be elected on the first Monday in May by the qualified voters of the town, under the rules and regulations now prescribed for the election of mayor and commissioners, and they shall be elected every two years thereafter on the said first Monday in May, and the act authorizing an election annually for the mayor and commissioners is hereby repealed.

Board of commissioners.

Bi-ennial election.

SEC. 10. That this act shall take effect from and after its ratification.

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

## CHAPTER 70.

## An act to incorporate the Platonic Literary Society of Rutherford College.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That J. D. Helms, S. B. Dew, J. D. Pridgeon, F. W. Secrest, M. T. Steel, their associates and successors, be and they are hereby constituted a body politic and corporate under the name and title of "The Platonic Literary Society of Rutherford College," 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 this state, may contract and be contracted with, may acquire, hold and dispose of personal and real estate for the benefit of the society, and in general exercise all such rights and privileges as are usually incident to such corporation.

Name.

Corporate powers.

By-laws.

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

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

## CHAPTER 71.

## An act to incorporate the town of Third creek, in the county of Rowan.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Third Creek, in the county of Rowan, be and the same is hereby incorporated

by the name and style of the town of Third Creek, and shall be subject to all the provisions of law now existing in reference to incorporated towns and not inconsistent with the provisions of this act. Name.

SEC. 2. That the corporate limits of said town shall be and extend three quarters ( $\frac{3}{4}$ ) of a mile in all directions from the freight and passenger depot of the Western North Carolina Railroad Company, known as Third Creek Station, and said town shall include all the lands lying within said limits. Corporate limits.

SEC. 3. That the officers of said incorporated town shall consist of a mayor, three commissioners and a marshal, and the following named persons shall be and act as such officers until the first Monday in May, one thousand eight hundred and eighty-three, or until their successors are elected and qualified, viz: mayor, Dr. S. W. Eaton; commissioners, B. A. Knox, A. D. Moore and R. M. Rosebro; marshal, S. W. Henry. Officers.

SEC. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-three, and each succeeding year thereafter, under the restrictions hereinafter mentioned, and all male citizens, twenty-one years of age, within the corporate limits of said town, who shall have resided therein thirty days, and in the state twelve months previous to the day of election, shall be entitled to vote in such election. Temporary officers.

SEC. 5. That the board of commissioners shall annually, at least ten days before the first Monday in May, appoint as many judges of election as to them may seem proper, (not less than three,) and shall give at least ten days' public notice by sufficient posters, that the said judges will hold the annual election at such place or places as the commissioners may appoint in said town, and named in the said public notice: *Provided*, that if for any reason the judges appointed shall fail to act, or any one of them, the commissioners may appoint others. Election, how held.

Election.

Electors.

Proviso.

Duty of judges of election.

SEC. 6. That it shall be the duty of the judges so appointed to hold the election according to law, after being sworn by any lawful officer, and at the close of the election the votes shall be counted by the judges publicly, and such persons voted for as mayor, having the largest number of votes, shall be declared to be elected mayor, and such persons (three in number) voted for as commissioners, and having the largest number of votes, shall be declared elected commissioners, and the judges shall, within two days thereafter, notify those elected of the fact, and also report the result to the board of commissioners of the town, who shall keep a correct record of the same: *Provided*, that in case of a tie vote at the annual election, the judges shall decide who shall be mayor or commissioner, as the case may be.

Mayor.

Commissioners.

Proviso.

Oath of mayor.

SEC. 7. That the mayor elect shall, within three days after being notified of his election as aforesaid, take an oath before some justice of the peace of Rowan county to faithfully and impartially discharge the duties herein imposed upon him as mayor of the town of Third Creek, and also such duties as may be by law imposed upon mayors as justices of the peace within the corporate limits of their respective towns in the state. As a peace officer he shall have, within the limits of the town, all the powers of a justice of the peace, and as a judicial officer within the same he shall have all the power, jurisdiction and authority necessary to issue process and to hear and determine all cases arising upon the ordinances and by-laws of the board of commissioners, and to enforce penalties upon any adjudged violation thereof by fine or imprisonment in the guard house of the town or the common jail of the county, or by hard labor upon the streets, and to execute the by-laws and ordinances of the commissioners for the good government of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Rowan county under such rules and regulations as are or may hereafter be prescribed

Authority of mayor.

Proviso.

for appeals in similar cases from the judgment of a justice of the peace to said superior court.

SEC. 8. That the board of commissioners shall have power to pass all ordinances, by-laws, rules and regulations that are necessary for the good government of the town not inconsistent with the laws of the state and of the United States, and to levy and collect a tax on all subjects of state taxation other than spirituous and malt liquors not to exceed in amount one-half the state tax thereon, and to impose and collect fines for the violation of the ordinances and by-laws of the town, and shall have power to expend all moneys arising from such taxes or fines for the good of the town.

Authority of  
commissioners.

SEC. 9. The board of commissioners shall have full control of the sale of spirituous and malt liquors within the limits of said town, and shall determine whether or not they shall be sold therein and in what quantities, and, if by retail, the amount of license tax to be paid to the town and the conditions upon which they may be sold; and the commissioners shall moreover have power to revoke such license and close up any bar room at their option, sufficient cause being shown, without refunding any part of the license tax, and no license from the board of commissioners or sheriff of Rowan county shall be lawful within the limits of said town without the license of the commissioners of the town as aforesaid.

Commissioners  
to control sale of  
liquor in town  
limits.

SEC. 10. That so much of the act entitled "an act to prohibit the sale of intoxicating liquor in certain localities," chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, as applies to the citizens of the town of Third Creek is hereby repealed.

Chap. 232, laws  
1879, as applicable  
to town repealed.

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 28th day of February, A. D. 1883.

## CHAPTER 72.

## An act to incorporate the town of Bell's Ferry.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the village of Bell's Ferry, in the counties of Pitt and Lenoir, is hereby incorporated by the name of Bell's Ferry, and as such shall be subject to the general laws upon towns in the Revised Code, chapter one hundred and eleven, and elsewhere, so far as the same may be now in force, and except so far as varied by this charter.

Name.

Corporate limits.

SEC. 2. That the limits of said town shall be as follows, viz.: Beginning at a pine on the north bank of Contentnea creek and runs north twenty-six and one-half, east twenty-five poles to the run of Terry branch thence up said branch to the road leading from Bell's Ferry to C. M. A. Griffin's, then south forty-two, west seventy-four poles to the edge of low grounds of Contentnea creek, thence down said low grounds to a holly near Pittman and Webb's Mill, thence south twelve feet across said creek to a small pine on the south side bank of said creek, then up the south bank of said creek to a small black gum on the creek, then south ten east, nineteen poles to a stake centered by three persimmon trees, then north eighty-five east, eighty-eight poles to a stake centered by a horn-beam and two haw trees, then north thirty-five to the beginning.

Commissioners.

SEC. 3. That the commissioners of said town shall be three in number, and that until their successors are elected under this law, the following persons, namely: C. M. A. Griffin, W. H. Hellen and Franklin Bell shall be commissioners, and F. M. Pittman shall be mayor, and at the election for the commissioners there shall also be elected a mayor and constable for said town.

Temporary officers.

SEC. 4. That the town of Bell's Ferry shall not be liable to keep in repair the bridge across Contentnea creek in said town.

Not liable to keep in repair bridge over Contentnea creek.

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

In the general assembly read three times, and ratified the 28th day of February, A. D. 1883.

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## CHAPTER 73.

### An act to incorporate the Bank of Salisbury.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Stephen W. Cole, Moses L. Holmes, John D. Gaskell, Theodore F. Klutz, John M. Knox, Luke Blackmer, Reuben J. Holmes, J. Frank Patterson, Kerr Craige, Paul N. Heilig, and their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Bank of Salisbury," and shall so continue for the term of thirty years, with the capacity to take, hold and convey real or personal estate, with the rights, powers and privileges incident or belonging to corporations as set forth and referred to in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations."

Body politic.

Name.

Corporate rights.

SEC. 2. The capital stock of said corporation shall not be less than thirty thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding three 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 bank in the

Books of subscription.

town of Salisbury for such period as they may determine, and the stockholders at any general meeting, called after the due organization of the said bank, may at their discretion from time to time open books of subscription to said capital stock until the same be wholly taken, preference being given to the original stockholders or their assigns *pro rata*.

Meeting of stockholders.

SEC. 4. Whenever it shall appear that the sum of thirty thousand dollars is subscribed and five per cent. of the same paid into the capital stock of said bank, the before mentioned 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, not less than ten days, as they may deem sufficient, and such stockholders, a majority of the stock being represented, shall by vote of the majority of the stock so represented elect such directors, not less than nine, 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 from their own number to serve during their continuance in office.

Directors.

President.

Powers of president and directors.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents, and, subject to the approval of the stockholders, fix their compensation and take sufficient 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 not to exceed the legal rate prescribed by the laws of this state as may be agreed on, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The bank shall have a lien on the stock subscribed for and unpaid by the stockholders before and in preference to other creditors of the same dignity; that said bank

Lien on stock.

shall pay an annual tax to the state according to the provisions of the general revenue laws of the state.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in, exchange gold and silver coin, bullion, in current paper, and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money upon such terms as may be agreed on in conformity with law. It may receive on deposit moneys on terms to be agreed on between the officers and depositors. Each stockholder shall be liable to depositors and creditors of the bank to the extent of the amount of his stock at the time the deposit was made or the debt contracted: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders pro rata.

Corporate powers.

Proviso.

SEC. 7. The president and directors, after their election, may proceed to call for payments upon the stock subscribed at such times and in such manner as they may deem proper, and if any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the banking house in Salisbury, after advertisement of sale for twenty days in some newspaper published in said town, and if at said sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the advertisement and sale, the subscriber shall be liable for the deficiency in a civil action.

Call for payments upon stock.

Remedy against subscriber failing to pay for stock.

Remedy against assignee of subscriber.

SEC. 8. If any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motions 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 remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Subscription by mortgage.

SEC. 9. The directors may receive one-half the amount of the subscription of any subscriber in a mortgage or mortgages on unencumbered real estate properly executed: *Provided*, that such mortgage shall not be for an amount in excess of one half the tax valuation of such real estate.

Proviso.

One-third of capital stock to be kept on hand well secured.

SEC. 10. The directors shall always keep on hand one-third of the capital stock of the bank in mortgages on real estate or in other good securities.

Powers of president and directors.

SEC. 11. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with and subject to the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans, not inconsistent with the laws of this state, may be made and deposits received by the bank, and they shall direct when and to whom and in what manner dividends of profits shall be made. Not less than three directors, of whom the president shall be one, shall constitute a quorum for the transaction of business, except in case of the absence or sickness of the president, when he may, in writing, appoint any other director to fill his place temporarily. They shall call an annual meeting of the stockholders at the banking house in Salisbury by twenty days' advertisement in some newspaper published in said town, to be held on

Quorum.

the first Monday in April, and may call such other meetings of the stockholders as and when they may think proper ; and a number of stockholders, not less than five, holding together not less than one-fifth of the capital stock, may call a special meeting on giving thirty days' notice in some newspaper published in Salisbury. At all meetings stockholders may be represented by proxy, each share being entitled to one vote, and a majority vote of the stock represented at any meeting regularly called under the provisions of this charter shall be required to decide, and shall decide, upon all questions properly coming before such meeting.

Stockholders' meetings.

SEC. 12. In all cases in addition to usual personal or real estate security, the stock owned by any director shall be a pledge for the repayment of any moneys which he may borrow from the bank either as principal or surety, and no person not a stockholder in said bank shall be eligible to election as a director.

Stock owned by director pledge for money borrowed.

Who eligible for director.

SEC. 13. That the cashier shall keep a book in which he shall enter the proceedings of the board of directors, the day and date of each meeting, the names of those present, and shall record the "yeas and nays" of every question when asked for by a director, which book shall be evidence in any of the courts of the state against said bank.

Cashier to keep record.

Evidence.

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 1st day of March, A. D. 1883.

## CHAPTER 74.

An act to extend the time for the organization of the Danbury Iron and Steel Manufacturing Company.

*The General Assembly of North Carolina do enact :*

Chap. 33, sec. 1,  
private laws  
1876-7, amended.

SECTION 1. That section one of chapter thirty-three of the private acts of eighteen hundred and seventy-six, (1876) and eighteen hundred and seventy-seven, (1877,) ratified on the twenty-third day of February, Anno Domini one thousand eight hundred and seventy-seven, be amended by striking out the words "for two years from the ratification of this act," in the fifth and sixth lines of said act, and inserting in lieu thereof "until the first day of January, eighteen hundred and eighty-five.

Time extended to  
January 1, 1885.

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. 1883.

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 CHAPTER 75.

An act to incorporate the town of Wilson's Factory.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Wilson's Factory, in the county of Gaston, be and the same is hereby incorporated by the name and style of Wilson's Factory, and it shall be subject to all the provisions of law existing in reference to incorporated towns.

Name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows, viz.: Beginning at a point rock on the right bank of the south fork of the Catawba river and running about south one hundred poles to a stake, thence east one

hundred and fifty poles to the centre of the said south fork of the Catawba river, thence with the meanders up said river to the beginning.

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 of May, one thousand eight hundred and eighty-three, viz.: For mayor, John C. Rankin; for commissioners, J. H. Wilson, Jesse and Jonas Flowers, and for Marshal, J. W. Moore.

Officers.

Temporary officers.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-three, and every year thereafter, under the same restrictions that county and state elections are held. All qualified voters who have resided twelve months within the state and thirty days within the corporate limits previous to the day of election, shall be entitled to vote at said election.

Election.

Electors.

SEC. 5. That said commissioners shall have power to pass by-laws, rules and regulations for the good government of said town not inconsistent with the laws of the state and the United States, to impose fines and penalties for the violation of the town ordinances and power to collect the same.

Powers of 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 1st day of March, A. D. 1883.

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## CHAPTER 76.

An act to incorporate the town of Stanton, in Beaufort county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Stanton, in the county of Beaufort, be and the same is hereby created an incor-

Incorporated.

Body politic.	porated town, and that George B. Colbert, E. D. Springer, J. B. Sawyer, E. Tuthill and William T. Campen, and their successors in office, are hereby created a body politic
Name.	and corporate under the name and style of the Commissioners of the town of Stanton, to have perpetual succes-
Corporate rights.	sion and a common seal, with the usual powers of such corporations, to sue and be sued, plead and be impleaded, contract and be contracted with, and to make such rules, regulations, by-laws and ordinances for the government of said town not inconsistent with the constitution and laws of this state and of the United States.
Election.	SEC. 2. That the election shall be held on the first Monday in May, Anno Domini one thousand eight hundred and eighty-three, and on the same said first Monday in May in each and every year, for five commissioners, who shall be styled the commissioners of the town of Stanton, who shall immediately meet at some convenient place in said town and qualify before some justice of the peace or other officer authorized to administer oaths, and immediately enter upon the duties of their said office, and for the better organization of the town government they, the said commissioners, shall elect one of their number mayor
Commissioners to qualify.	of said town; they shall also elect a constable, a clerk and a treasurer for said town, who shall hold their office for the term of one year, or until their successors in office are duly elected and qualified, and the commissioners aforesaid shall be authorized to fix the penal sum of the
Mayor and other officers.	bonds required to be given by the treasurer and constable, and require the said officers to execute the same before
Bonds.	entering upon the duties of said office: <i>Provided</i> , that they may consolidate the office of clerk and treasurer, and in that event the same bond shall be given as required of the treasurer.
Proviso.	SEC. 3. That the mayor of said town shall have all the powers conferred upon the mayors of other towns, and that the constable of said town shall have all the powers
Powers of mayor.	that are now conferred upon constables or may hereafter
Constable.	

be conferred, and that the fees of the mayor shall be the same as those of a justice of the peace in like cases, and the fees of the constable shall be the same as those of the sheriff of the county in like cases.

Fees.

SEC. 4. That all fines and costs that may be adjudged by the mayor against any person for violating any of the ordinances of said town shall be collected in the same manner as fines and costs of any other court, and all such fines shall be paid into the treasury of said town, to be expended in the improvement and construction of the streets and other public improvements in said town.

Fines, etc.

SEC. 5. That the citizens of said town shall be exempt from working the public roads outside of the corporate limits of said town: *Provided*, that the town authorities shall be liable for the maintenance of the public road in the limits of said town, and to that end may have the power to have the said road kept in order by the citizens of said town, who may be subject to labor on the public roads, in the same manner and under the same rules, regulations and laws as now exist, or may hereafter exist, for the working of the public roads of the state: *Provided*, that the said commissioners may in their discretion keep the said road in repair by assessment upon the property and polls in said town, observing the constitutional equation between property and poll in such assessment.

Exemption from work on public roads.

Proviso.

Proviso.

SEC. 6. That for the purpose of perfecting the organization of the town and providing for the necessary machinery for the same, the commissioners mentioned in section one of this act shall meet on the first Monday of March, Anno Domini (1883) one thousand eight hundred and eighty-three, and elect one of their number mayor, and shall pass such by-laws or ordinances as are necessary for the government of said town, and shall appoint a registrar to register the qualified voters and appoint judges of election and to do such other acts as are necessary for the holding of the elections in said town, as provided by law; and the registrar and judges of election in

Mayor.

By-laws.

Registrar and judges of election.

Election returns.

said town shall make return of the result of all elections to the mayor of said town on the day following such election, and at (12) twelve o'clock meridian on said day the said mayor shall publicly proclaim the result of such election.

Powers of commissioner.

SEC. 7. That the commissioners of said town are invested with all the rights, privileges and powers granted to the commissioners of incorporated towns by chapter one hundred and eleven of Battle's Revisal, not inconsistent with the provisions contained in the preceding sections of this act.

SEC. 8. 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. 1883.

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## CHAPTER 77.

An act to amend the charter of the town of Mt. Pleasant, in Cabarrus county, ratified January twenty-first, one thousand eight hundred and fifty-nine.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Mt. Pleasant, in Cabarrus county, be and the same is hereby incorporated by the name and style of the Town of Mt. Pleasant, and under such name is hereby invested with all the privileges, immunities, franchises, property and all other rights heretofore belonging or in any wise appertaining to the town of Mt. Pleasant, and in that name may sue and be sued, plead and be impleaded, acquire and hold property, real or personal, for the use of the town as its board of commissioners may deem necessary or expedient. The boundaries of said town shall be as follows, to-wit: Beginning

Name.

Corporate rights.

Corporate limits.

at a stake in Cross street, thence north four degrees, east sixty-four poles and four links; thence north one and one quarter degrees, west one hundred and fifty-three poles to a white oak on east side of street, thence east seventy-four poles to a stake; also from W. O. West's fifty-one poles to a stake. Again, beginning at stake in Cross street, thence running south twenty-eight poles, thence south ten degrees, east fifty-two poles, thence south four degrees, west thirty-eight poles, to where the road leads off to Daniel Barrier's, thence south fifteen degrees, west fourteen poles to a slate rock near the west side of the road, thence east seventy-one and one-half poles to a stake; also from said slate rock west fifty-three and one half poles to a stake. Again, from said stake in Cross street sixty-four degrees east forty-six poles, thence south seventy-six degrees east seventy-two poles to a stake in middle of street near Cook's barn, thence north nine and three quarters degrees west and three hundred and seventeen degrees west to the stakes called for at seventy-four poles and seventy-one and one-half poles respectively from Main street. Again, beginning at stake in Cross street, thence north fifty-three degrees, west sixty-three poles and nineteen links to northwest corner of the graveyard, thence due north and south to the stakes called for at fifty-one and fifty-three and one-half poles respectively from Main street.

SEC. 2. The officers of said town shall consist of a mayor and five commissioners, who shall be styled the board of commissioners, to be elected by ballot on the first Monday in May in each and every year, (or such other day as may be designated by the general law of the state for municipal elections.) A constable and secretary and treasurer to be chosen by the board of commissioners immediately after its organization, to hold one year.

Mayor and commissioners.

Election.

Constable, etc.

SEC. 3. The board of commissioners of said town shall have authority to assess and collect annual taxes for municipal purposes on all persons and property within

Taxation.

the corporate limits which are taxed for state and county purposes: *Provided*, that the basis between persons and property shall be the same as established by the constitution of the state, and taxes so assessed and collected shall not exceed twenty cents on the hundred dollars of property and sixty cents on the poll.

Proviso.

Ordinance.

SEC. 4. That the board of commissioners of the town may pass all ordinances they deem necessary for the good government, quiet, peace, health and safety of the town, not inconsistent with the constitution and laws of the state.

Misdemeanor.

SEC. 5. That the violation of any ordinance of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty days

Powers of mayor.

SEC. 6. That the mayor of said town, within the limits thereof, shall have and exercise the true jurisdiction and powers which are now or may hereafter be conferred by the laws governing cities and towns. And the constable or marshal of said town shall within the corporate limits thereof have and exercise all the authority, rights and powers which are now or may hereafter be conferred by law on constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable or marshal.

Powers of constable.

Duties of constable.

SEC. 7. That the town constable shall collect and pay over to [the] secretary and treasurer all taxes imposed by the board of commissioners, all fines and costs when execution is issued to him for that purpose, and return the same in due time to the secretary and treasurer. He shall see that the ordinances of the town are enforced and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence and apprehending offenders and taking them before the mayor, or if they are intoxicated or in any way not in a condition to be brought before the

mayor, he may confine them there until they are in a condition to be brought before the mayor. He shall execute all process directed to him by the mayor within the limits of the said town, and in execution of his duties he may call to his aid such assistance as he may deem necessary, and whenever the board of commissioners may deem it necessary they may appoint as many additional constables as they see proper. He shall have the same fees for his services as are allowed the sheriff for similar services, and such additional compensation as the board of directors may allow.

Fees.

Additional compensation.

SEC. 8. The secretary and treasurer shall act as the clerk of the board of commissioners and of the mayor's court. He shall keep minutes of the proceedings of all trials before the mayor, of all fines imposed, preserve the books, papers and all articles committed to his charge, keep a strict account of all moneys coming into his hand from any and all sources whatever belonging to said town, pay the same out upon the order of the board of commissioners, signed by the mayor, and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town, and for his services he shall receive such compensation as the board may allow.

Duties of secretary and treasurer.

Compensation.

SEC. 9. That the secretary and treasurer, before entering upon the duties of his office, shall enter into bond conditional upon the faithful performance of his duties in the sum of four hundred dollars payable to the state of North Carolina, with surety to be approved by the board of commissioners, and the town constable shall enter into a like bond before entering upon his duties. And the board of commissioners shall institute suit in the name of the "Town of Mt. Pleasant," upon the relation of the state of North Carolina for any violation of said bonds.

Bonds of secretary and constable.

Action on bond.

SEC. 10. That the mayor shall have power to commit any offender who is sentenced to imprisonment for mis-

Mayor authorized to commit certain offenders to county jail.

demeanor or violation of the town ordinances, or for contempt of the mayor's court, or upon failure to pay fine and costs, to the common jail of the county, and the sheriff or jailer shall receive such persons as are committed by the mayor, and shall charge the same fees as in cases of other prisoners, or the mayor shall have power, under such rules and regulations as the board of commissioners may adopt, to require any person who fails to pay fines and costs to work on the streets of the town till the fines and costs are paid; and the town constable is authorized to use a ball and chain upon persons working the streets.

Persons failing to pay fines, etc., liable to work on streets.

Fines payable to secretary and treasurer.

How applied.

New streets.

Proceedings to ascertain damages.

Appeal.

Present town officers to hold office until election of successors.

SEC. 11. That all fines and penalties imposed for violations of the town ordinances shall be paid over to the secretary and treasurer, and shall be expended for the improvement of the streets of the town or for the necessary expenses of the town.

SEC. 12. That the commissioners shall have power from time to time to open out any new streets within the limits of said town by paying the owners through whose land the said streets may run the damages, if any there be: *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 as follows: the commissioners shall select one and the owner of the land one, and the two thus selected shall select the third man, and these persons thus selected shall assess the damages; and if the owner of the land will not select a man, then the commissioners shall select two men, and the two thus selected shall select the third, and the three thus selected shall assess the damages to the land: *Provided further*, that either party being dissatisfied with the decision of the persons thus selected, by giving bond for payment of costs, may appeal to the superior court.

SEC. 13. That the present mayor, commissioners and other officers of Mt. Pleasant shall hold said offices with

all the powers, privileges, rights and responsibilities which this charter and the former charter conferred until their successors are elected and qualified.

SEC. 14. That in addition to the rights, franchises and immunities conferred by the foregoing sections, the town of Mt. Pleasant shall have and be subject to all the provisions contained in Battle's Revisal, chapter one hundred and eleven, not inconsistent with this act. Corporate rights.

SEC. 15. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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## CHAPTER 78.

### An act to incorporate Mt. Holly Manufacturing Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. P. Rhyne, Ambrose Costner, D. E. Rhyne and Thomas F. Costner, their associates, successors and assigns, are hereby created a body politic and corporate under the name of Mt. Holly Manufacturing Company, with a capital stock of forty thousand dollars, to be divided into shares of five (5) hundred dollars each, with privilege to increase said capital stock to an amount not to exceed two hundred thousand dollars, such increase to be likewise divided into shares of the par value of five (5) hundred dollars each, with all the privileges and rights granted in this act, together with those conferred by the twenty-sixth chapter of Battle's Revisal, entitled "corporations." Body politic.  
Name.  
Capital stock.

SEC. 2. That said corporation is hereby authorized to conduct and carry on all the branches of the manufacture of cotton and wool staples, and of ginning and carding Corporate rights.

the same, and to manufacture fabrics of any kind from jute, hemp, flax, cotton or any other material whatever, to manufacture agricultural and mechanical tools and implements, and any and all other things whatsoever they may see fit out of iron, wood or other material, and to carry on a general milling and merchandise business, and for said purposes may purchase and hold any property necessary therefor, and construct all buildings, dams, canals or other thing necessary for said purposes, and may purchase all necessary machinery or other property therefor, such manufacturing and dealing to be carried on at such place or places in Gaston county as said corporation may desire.

Authorized to  
issue stock

SEC. 3. That said corporation, in order to raise money to purchase property or to carry on its business, may issue stock, both common and preferred stock, with such regulations as to such stock and the dividends thereon as may be prescribed by a majority in value of the stockholders in general meeting.

Authorized to is-  
sue mortgage  
bonds.

SEC. 4. That said corporation, in order to raise money to accomplish any of the purposes mentioned in this act, may borrow money, issue its bonds and secure the same by mortgage on any or all of its property, under such rules and regulations as may be prescribed by the board of directors.

Authorized to re-  
ceive money on  
deposit.

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 the same.

Directors.

SEC. 6. That said corporation shall be managed by a board of directors to be elected by the stockholders, said board of directors to consist of such a number of said stockholders and to hold their offices for such term or length of time as may be prescribed by the stockholders in general meeting, and said board of directors shall have power to make such rules and regulations for the management of its business not inconsistent with the constitution and laws of this state as they may deem proper and necessary.

- SEC. 7. That said corporation shall have power and authority to construct, equip with rolling and other stock, and operate a turnpike, tramway or railroad from its factories on Catawba river and Dutchman creek to a point at or near Mt. Holly or Tuckasegee station on the Carolina Central Railway, and shall have all the powers to condemn land and to do all other things necessary for the accomplishment of this purpose conferred upon corporations by chapter sixty-two and ninety-nine of Battle's Revisal. Authorized to construct turnpike, etc.
- SEC. 8. That the stock in this corporation shall be owned and held as personal estate, and shall be transferred in such way and manner as the board of directors shall direct. Condemnation of land.
- SEC. 9. That each owner of stock in this corporation shall be liable for its contracts and indebtedness to the extent and amount only of the par value of the stock held by him. Stock held as personal estate.
- SEC. 10. That whenever any stockholder in this corporation shall sell or assign his stock, he shall cease to be a member of this corporation, and his purchaser or assignee shall have all the rights and privileges and be subject to all the liabilities of such grantor or assignor. Liability of stockholders.
- SEC. 11. That in all meetings of the stockholders, whether general or special, each stockholder in person or by proxy shall be entitled to one vote for each share of stock owned by him, and shall vote in person or by proxy in such manner as the directors in their by-laws may prescribe. Assignment of stock.
- SEC. 12. That the officers of this corporation shall be entitled to such compensation as the stockholders in general meeting may prescribe. Stock vote.
- SEC. 13. That within ninety days after the passage of this act, any three of the incorporators of this corporation may call a general meeting of the stockholders at the present office of the Mt. Holly Cotton Mills and proceed to organize under this act by the election of the board of Compensation of officers.
- SEC. 14. That the directors of this corporation shall be organized under this act by the election of the board of Organization.

Meetings of  
stockholders.

directors and such other officers as may be determined upon, and for the general transaction of business, and may fix the time of holding their annual meetings and provide for holding such called or special meetings as may be desired.

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 3d day of March, A. D. 1883.

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## CHAPTER 79.

An act to incorporate the town of Ashboro, in the county of Randolph.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Ashboro, in the county of Randolph, be and the same is hereby incorporated under the name and style of "The Town of Ashboro."

Name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows, viz.: Beginning at a red oak on the hill southwesterly of A. J. Hamlet's house, and running thence south ten degrees west, crossing the old Salisbury road about midway between the Methodist church and the flat rock crossing the tanyard road about midway between L. Woolen's and the tanyard, one mile to a white flint rock in the tanyard field, about three chains south of the barn, thence east one mile, crossing the plank road near the northeast corner of Ed. William's lot, and the old dirt road, near the northeast corner of William Lytle's lot to a white oak and blue rock marked "C," south of Atlas Baldwin's house, thence north ten degrees east, running by the west side of Harry Cox's house and Frank Hearn's barn to a pine, northeast of Worth's saw mill, thence west

one mile crossing the north end of Worth's lumber yard, and running north of Peter Vuncannon's house and Jos. Nichol's, to the beginning.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, treasurer, constable and clerk, all to be elected by the qualified voters, to possess the qualifications prescribed, and the elections to be held at the times and under the rules and regulations contained in the laws brought forward and contained in chapter one hundred and eleven of Battle's Revisal, entitled "towns."

Officers.

Election.

SEC. 4. That said town, its officers aforesaid and citizens, shall have, possess and enjoy all the powers, rights and privileges respectively contained in the laws brought forward in the aforesaid chapter of Battle's Revisal, entitled "towns," and all subsequent acts of the general assembly modifying the same.

Corporate rights.

SEC. 5. That until the time for the next regular election for officers of towns under the general law concerning incorporated towns, James T. Crocker is appointed and shall be mayor, W. P. Wood, Alex. C. McAllister and J. A. Blair are appointed and shall be commissioners, Micajah Burns constable, T. S. McLean treasurer, and Wm. H. Moring, jr., clerk, of said town, and that they shall serve until the time prescribed by law for the next election of officers of incorporated towns, and until their successors are elected and qualify.

Temporary officers.

SEC. 6. That all laws heretofore passed incorporating said town are hereby repealed.

Former acts of incorporation 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 3d day of March, A. D. 1883.

## CHAPTER 80.

An act to incorporate "Mott's Grove Camp Ground" Methodist church (col.) in Catawba county.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Emerson Cornelus (colored), Robert Beaty (colored), James Long (colored), and their successors in office, be and they are hereby declared a body politic and corporate, to be known and styled by the name and style of the trustees of "Mott's Grove Camp Ground," situated and lying in the county of Catawba, North Carolina, and the said trustees shall have succession and a common seal, and be capable in law to sue and be sued, plead and be impleaded in all courts of law and equity in this state, that they may take, demand, receive and possess all lands, tenements, moneys, goods and chattels which may be given to them by deed, will or otherwise for the use of said camp ground.

Name.

Corporate powers.

Unlawful to sell liquor, etc., within one mile during religious services.

SEC. 2. That it shall not be lawful for any person to sell or give away any or dispose of any spirituous liquors, or to sell any cakes, beer, lemonade or any other kind of goods or wares within one mile of said camp ground during the time the people are assembled at said camp ground for religious services, whether actually engaged in religious services at the time or not, and any person violating said prohibition shall be guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not less than ten nor more than twenty-five dollars, or imprisoned not more than three months, at the discretion of the court.

Misdemeanor.

By-laws.

SEC. 3. That the trustees shall have power to pass by-laws for the proper government of said camp ground.

Vacancies.

SEC. 4. That in case of death or refusal to act, or removal from the state, the remaining trustees shall have power to fill the vacancy: *Provided*, their number shall not be less than three nor more than nine.

Proviso.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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## CHAPTER 81.

An act to amend an act entitled an act to incorporate the town of Enochsville, Rowan county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter eighty-five (85) of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, entitled "an act to incorporate the town of Enochsville, Rowan county," be and the same is hereby amended by striking out all of section two of said chapter and inserting in lieu thereof the following: "The corporate limits of said town shall be ninety rods north, thirty-four rods south, forty-two rods east and forty-four rods west, from St. Enoch's Evangelical Lutheran church."

Chap. 85, sec. 2,  
laws 1876-7,  
amended.

Corporate limits.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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## CHAPTER 82.

An act to amend section one of chapter twenty-four, private laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter twenty-four, laws of one thousand eight hundred and eighty-one, be

Chap. 24, sec. 1,  
private laws 1881,  
amended.

Licensed drug-  
gists in Newton.

amended by striking out the word "one" in line fifteen, and insert the word "two" in lieu thereof.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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## CHAPTER 83.

### An act to establish a ferry across Toe river.

*The General Assembly of North Carolina do enact:*

J. Randolph and  
M. Randolph  
authorized to es-  
tablish ferry  
across Toe river.

SECTION 1. That John Randolph and Merritt Randolph, of Yancey county, their heirs and assigns, are hereby authorized to establish a ferry across Toe river at or near the mouth of Pig Pen creek and Huskin's store, on said river.

Vested right for  
thirty years.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said John Randolph and Merritt Randolph, their heirs and assigns, during the full term of thirty years.

Tolls, etc.

SEC. 3. That it shall be lawful for the said John Randolph and Merritt Randolph, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated from time to time by the commissioners of Yancey and Mitchell counties.

Unlawful to con-  
struct ferry or  
transport person  
or vehicle for pay  
within two miles.

SEC. 4. That it shall not be lawful for any person, persons or corporators to construct any ferry, or transport any person or vehicle for pay, within two miles of said ferry.

Duty of commis-  
sioners of Mitch-  
ell county.

SEC. 5. That whenever it shall be made to appear to the satisfaction of the board of county commissioners of Mitchell county that the said John Randolph and Merritt Randolph have made a ford across the river at the

said mouth of "Pig Pen" creek by raising or causewaying the bottom of said Toe river, or otherwise, so as to admit of safe and convenient crossing or fording at ordinary water mark, it shall be the duty of the county commissioners of Mitchell county to provide for the laying out and building a public road from the ford of Toe river, known as Peterson's ford, down the river, on the north side of the same to the said ford or crossing at the mouth of Pig Pen.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1883.

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CHAPTER 84.

An act to incorporate Mount Vernon church, in Mitchell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. D. English, D. F. Blalock, J. A. McDonald, David D. Devenpork and Jesse Blalock, and their successors, be and the same are hereby incorporated under the name and style of the Trustees of Mt. Vernon Ecclesiastical Society of the Methodist Episcopal Church, South, and by that name may sue and be sued, plead and be impleaded, and shall have all powers of trustees of like institutions.

SEC. 2. That said trustees may meet at their pleasure and elect one of their number chairman and one secretary, and the trustees shall fill all vacancies by a majority vote at any meeting of said board.

SEC. 3. That the corporate limits shall extend in every direction from the said Mount Vernon church, in the county of Mitchell, four miles in all directions, and any

Incorporated.

Name.

Corporate powers.

Officers.

Vacancies.

Corporate limits.

Misdemeanor to  
sell liquor in cor-  
porate limits.

person or persons selling spirituous or intoxicating liquors within said corporate limits shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars or imprisoned not less than twenty days in the county jail for each and every 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 6th day of March, A. D. 1883.

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## CHAPTER 85.

An act to incorporate the town of Caswell, in Pender county.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Caswell, in the county of Pender, be and the same is hereby incorporated under the name and style of the Town of Caswell, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, as brought forward in the one hundred and eleventh [chapter] of Battle's Revisal, and not inconsistent with the provisions of this act.

Name.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: Beginning on the east side of Black river opposite the mouth of Wilson's cove, and running up the east bank of said river to the mouth of Colvin's creek, thence up the various courses of said creek to a point where Red Water branch enters into said creek, thence up said branch to the intersection of Simpson's and McDuffie's sand hill ditch, and from thence to the beginning.

Temporary officers.

SEC. 3. Until the regular election on the first Monday in May next, the government of the town shall be vested in the following officers: mayor, Liston Simpson; com-

missioners, A. R. Black, L. Vollers, J. R. Paddison, D. M. Hanlon and R. P. Paddison, who upon taking and subscribing an oath to support the constitution and laws of the United States and the constitution and laws of North Carolina not inconsistent therewith, shall be entitled to enter upon the discharge of their duties, and shall hold their offices until their successors are elected and qualified, and shall have power to appoint a constable, secretary and treasurer, who shall hold their respective offices until their successors are appointed.

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

Mayor and commissioners.

Mayor pro tem.

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

Secretary.

Treasurer.

Constable.

Oath.

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

Election.

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

Electors.

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

By-laws, etc.

SEC. 8. The commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town not inconsistent with the laws of the United States and of this state. They shall have power to levy and collect a tax not exceeding sixty cents on the poll, and not to exceed twenty cents on the one hundred dollars' valuation of property, and shall also have power to tax all other subjects of state taxation not to exceed one-half of the state tax, and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them.

Taxation.

Nuisances.  
Fines, etc.

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

County commissioners not to grant license to sell liquor in town except on presentation of town license.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 86.

An act to amend chapter thirty-three of the private laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 33, private laws 1881, amended.

SECTION 1. That the title of chapter thirty-three, private laws of one thousand eight hundred and eighty-one, be amended by striking out the words "gold mining" and inserting in lieu thereof the word "investment," and

Title changed.

by striking out in line six of said chapter, the words "gold mining" and insert in lieu thereof the word "investment."

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 6th day of March, A. D. 1883.

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## CHAPTER 87.

### An act to incorporate the Big American Reduction Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Thomas C. Anderson, David Loftin and J. H. Lambeth, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate by the name and style of "The Big American Reduction Company," for the purpose of working, mining, exploring and manufacturing all kinds of ores, minerals and chemicals, and preparing the same for market, also smelting, transporting, and dealing in the same, and their products, and buying, developing, selling, and dealing in mineral properties; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal, (and the same alter at pleasure,) and may enjoy all the privileges and powers incident to mining and smelting corporations, and may also purchase, hold and convey any real and personal property and estate as capital stock to the amount of three millions of dollars.

Body politic.

Name.

Corporate rights.

SEC. 2. That the said corporation may divide their stock into such number of shares, and may provide for the sale, transfer and exchange thereof for money, stock,

Corporate powers.

or property of any description in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, and may make, alter and repeal such by-laws and regulations as said corporation may deem necessary, not repugnant to the laws of the state, or of the United States.

Directors.

SEC. 3. That it shall be lawful for the said corporation to be managed by five directors, one of whom, at least, shall be a resident of this state, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and shall exercise all such rights as by this are conferred and granted.

Temporary officers.

SEC. 4. That the aforesaid Thomas C. Anderson, David Loftin and J. H. Lambeth, shall manage the affairs of said corporation as Directors until others are elected or appointed, and that general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe.

Stockholders' meetings.

Corporate existence.

SEC. 5. That this corporation shall exist thirty years.

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 6th day of March, A. D. 1883.

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## CHAPTER 88.

An act to incorporate the town of Garner's Station, in Wake county.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Garner's Station, in the county of Wake, be and the same is hereby incorporated by the name and style of Garner's Station, and shall be

Name.

subject to all the provisions of laws now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as follows: two hundred yards each way from T. W. Bennett's store. Corporate limits.

SEC. 3. That the officers of said town shall be a mayor, three commissioners and a town constable, and the following named persons shall hold and exercise said offices until the first day of May, one thousand eight hundred and eighty-three, when an election shall be held to fill all of said offices: mayor, T. A. Bingham; commissioners, Eli Dupon, T. W. Bennett, J. M. Spruce; constable, E. Rogers. Officers.

SEC. 4. It shall be the duty of said commissioners to organize within ten days after the passage of this act, and take and subscribe the oaths prescribed for other state and municipal officers. Temporary officers.

SEC. 5. That said commissioners shall have power to do and perform all rules and acts prescribed in the laws for cities and towns.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 89.

An act to amend and consolidate the acts incorporating the town of  
Lumberton.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Lumberton, in the county of Robeson, be and the same is hereby incorporated under the name and style of the Town of Lumberton, and that John H. Lewis, W. H. Barnes, W. I. Corley and Gilbert Incorporated.

Name.

Body politic. P. Highly, the present commissioners of said town, and their successors in office, shall be and are hereby declared a body corporate and politic with succession during the corporate existence of said town, and shall be styled "The Commissioners of the Town of Lumberton," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of thirty thousand dollars. That Edward K. Proctor, the present mayor of said town, and the commissioners aforesaid, shall continue in office as such, and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.

Corporate powers.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit: Beginning at a cypress stump in the eastern edge of the Lumber river where the Carolina Central Railroad crosses said river, near the tressel, on the south side of said road, and runs as said road south sixty-eight degrees, east twenty-three and one-half chains, to the northwestern corner of the pump or water tank house at the Lumberton depot; thence north seventy degrees, east twenty-five and one-half chains to a stake; thence north one degree, east forty-five chains to a stake in B. Goodwin's ditch; thence south fifty-five degrees, west fifteen and one-half chains to a stake by a short-strawed pine by the parsonage fence; thence north eighty-five and one-half degrees, west thirty chains to a stake about fifteen feet from the road leading from Lumberton to the mill on that Carthage road known as the old Morissey mill; thence south fifty-one and one-half degrees, west ten chains to two short-strawed pines on the bank of Lumber river, on the north side of the mouth of Beaver hole; thence down the river to the beginning.

SEC. 3. The officers of said town shall consist of a mayor

and four commissioners, to be elected by the qualified voters of said town annually on the first Monday in May.

Mayor and commissioners.

SEC. 4. Said election of mayor and commissioners shall be held at the court house in said town, and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes, unless he shall be an elector of the state of North Carolina, and shall have resided ninety days next preceding the day of election within the said corporation.

Election.

Electors.

SEC. 5. It shall be the duty of the commissioners of said town on the first Monday in March in each year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall, within ten days thereafter, be notified of their appointment by the constable of said town. The registrar so appointed shall immediately make publication at the door of the court house and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted,) for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register, whose names have never before been registered in said town, or do not appear on the revised lists, but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Appointment of registrar and judges of election

Duties of registrar.

New registration.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four, of the

Oath of registrar, etc.

constitution of North Carolina, before some justice of the peace of Robeson county.

Duty of registrar  
and judges.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town, with the registration book, on the Monday preceding the election from the hour of nine o'clock a. m. until the hour of five o'clock p. m., when and where the said book shall be opened to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Proviso.

Election, how  
conducted.

SEC. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open the polls at seven o'clock a. m. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners counted out by them. They shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall in any trial for illegal or

fraudulent voting be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy who shall be sworn by him before acting.

SEC. 9. The voters shall vote by ballot, having the name of the mayor and commissioners on one ballot, either in writing or printed on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Ballots.

Result of election.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Who eligible to office.

SEC. 11. That immediately after each election, it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners elect of their election.

Notice of election.

SEC. 12. That the mayor and commissioners elect shall, within three days, after having been notified by the town clerk and treasurer, before some justice of the peace in said county, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Mayor and commissioners to qualify.

SEC. 13. That any person elected mayor or commissioner of said town, under the provisions of this charter, refusing to qualify and act as such for one month after such election, shall forfeit and pay the sum of two hundred dollars, one half to the use of the person suing for the same, and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof: said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the state of North Carolina.

Penalty for refusal to qualify.

SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Quorum.

- Mayor to preside,  
etc.      SEC. 15. That the mayor, when present, shall preside at all meetings of the commissioners; he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall select one of their own number to act as mayor *pro tempore*, who shall, while acting as such, have all the authority and powers conveyed by this charter on the mayor of said town.
- Mayor pro tem.      SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies; and their appointee or appointees shall hold office until the next regular election herein provided for.
- Vacancies.      SEC. 17. That said commissioners shall at the first meeting after their election select some one as town clerk and treasurer, who shall hold office for one year or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond with sureties, to be approved by the board of commissioners of said town in the sum of two thousand dollars, payable to the state of North Carolina and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of
- Clerk and treasurer.      To act as secretary.
- Bond.
- Monthly statement.
- Penalty for failure to make statement.

the officers of said town shall be in the name of the state of North Carolina, to the use of the board of commissioners of the town of Lumberton against the said official and his sureties.

SEC. 18. The said commissioners shall at the first meeting after their election select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of two thousand dollars, with good and sufficient sureties to be approved by the board of commissioners, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets, and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

SEC. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof before the

Constable.

Bond.

By-laws.

Nuisances.

Misdemeanor to violate town ordinance.

mayor of said town by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

Persons failing to pay fine liable to work on street.

SEC. 22. In all cases when an offender has been convicted before the mayor of said town for the violation of any of the ordinances thereof, and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against such offender therefor, may order that on failure to pay such fine to the constable of said town for the space of one day, such offender so convicted shall be by the constable of Lumberton put to work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged.

Jurisdiction of mayor.

SEC. 23. The mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons, for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town.

Authority of constable.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor, shall have authority to preserve the peace in said town, and, within the corporate limits thereof, shall have the same authority in criminal matters and be entitled to the same fees as a sheriff has in the county, and in the collection of taxes of said town levied by the authorities thereof shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

Officers prohibited from receiving pay for materials, etc., furnished town.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, town clerk or constable, or any other official of said town, to demand or receive, either directly or indirectly, any consideration for work or labor done, or materials furnished to said town by said official: *Provided, however,* that the commissioners of said

town may determine the compensation or salary of the mayor, town clerk and treasurer and town constable.

SEC. 26. The commissioners of said town shall have <sup>streets.</sup> power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section on making compensation, as hereinafter provided, to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order, directed to the town constable, commanding him to summon as jurors six citizens of said town, freeholders connected neither by consanguinity or affinity with the mayor or commissioners of said town, or the person or persons over whose lands said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out or changed or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors, and the time and place of their meeting and the purpose of meeting for five days before the day when said jurors will meet to open and lay out any new street, or alter, change or discontinue any street already laid out; said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial

justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them, and the said jurors shall, under their hands and seals, make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer under the order and direction of the commissioners of said town of the amount of damages so assessed, said new street or streets so laid out, altered, changed, made narrower or wider, shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

Sidewalks

SEC. 27. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town, or they may require the owner or owners of any land or lands in said town, extending along said street, to construct or repair sidewalks, and in case of failure of said owner or owners so to do, after thirty days' notice in writing to them or their agent, then the said commissioners shall have the power and are hereby authorized to proceed with said work, and after the completion of the same the mayor of the said town may cause the town constable to summon, as assessors, three citizens of said town, freeholders, unconnected by consanguinity, or affinity, with the mayor or commissioners of the town or owner or owners of said land or lands, who shall, after being duly sworn by a justice of the peace, faithfully and

impartially to render justice between the town of Lumberton and said owner or owners, shall view said work and assess the value of the same, and what amount thereof is properly chargeable against the land or lands of said owner or owners, if any, taking into consideration the value of such improvement to said lands and return their report, under their hands and seals, within sixty days after they have been summoned, to the mayor of said town: said assessors shall notify said owner or owners, or his or their agent, of the time and place of their sitting, and shall allow him, or them, to testify, or introduce evidence before them, and shall, if demanded by such owner or owners or their agent, postpone the hearing and determination of said matter for five days after they shall have notified said owner or owners, or his or their agent, and not longer. The amount so assessed and returned by them shall be lien and a charge on such land or lands, and unless paid by the said owner or owners, or his or their agents, within sixty days thereafter to the town clerk or treasurer of said town, the mayor of said town may issue an order to the constable of said town, reciting said proceeding and charges and their non-payment, and commanding him, after thirty days' notice at the court house door, and four other public places in said town, to sell said land or lands to the highest bidder at public auction, at the door of the court house in Lumberton for cash, and he shall return a report of said sale, together with the money received therefrom, and the name of the purchaser, to the mayor within five days after such sale; out of the proceeds of such sale, such an amount shall be by the mayor retained as will be sufficient to satisfy said charges or assessment, and the remainder, if any, paid over to such owner or owners, or his or their agent. In the event of a sale of any land or lands under the provisions of this section, the mayor of said town, upon the receipt by him of the amount last bid at such sale, is hereby authorized and

empowered to make title in fee simple for such land or lands to the purchaser.

Market.

SEC. 28. The commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things, and in what manner, whether by weight or measure.

Public scales.

SEC. 29. They may erect at some suitable place within said corporation public scales for the purpose of weighing fodder, hay, oats or rye in straw, cotton, crude turpentine, and live stock on foot, offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fee and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town, to have the same weighed at said scales by said public weigher.

Contagious diseases.

SEC. 30. The commissioners of said town may take such measures as they may deem requisite or pass such ordinances or regulations as they may think necessary to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

Commissioners of Robeson prohibited from granting retail license in town without permission of town commissioners.

SEC. 31. That it shall not be lawful for the board of commissioners of Robeson county to grant any license to retail spirituous or malt liquors within the corporate limits of said town, or within one mile thereof, without permission first obtained from the board of commissioners of said town in being at the time of application to the said county commissioners, and if any license to retail spirituous or malt liquor within said town, or in one mile thereof, shall be granted by said county commissioners without such permission in writing attested by the clerk or secretary of the board of commissioners of said town, and exhibited to the board of county commissioners and filed with their clerk, and entered on the minutes of their proceedings, the same shall be utterly

void. Every person selling spirituous or malt liquors within the corporate limits of said town or in one mile thereof, in quantities less than five gallons, shall be deemed a retailer thereof within the provisions of this section.

SEC. 32. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however,* that the taxes levied by them shall not exceed thirty-three and one-third cents on the hundred dollars' valuation on all real and personal property and one dollar on each taxable poll, and the valuation of all property within said town, as taxed by said town commissioners, shall be the same as that at which it is assessed for taxation for state and county purposes.

SEC. 33. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by him by distraining any personal property of the taxpayer to be found within said town.

SEC. 34. On the first Monday in July in each and every year, the town clerk and treasurer of said town shall, by advertisement at the court house door and four other public places in said town, notify all persons within said town liable to taxation, to come forward and make returns of their tax lists to him within thirty days from the publication of said notice. All persons within said town and liable to taxation shall make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such taxpayers an oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter; said list so

returned shall state the age of the taxpayer and all property, real or personal liable to taxation, owned by him with an accurate description of all real property owned by him when he is required by law to return the same to the list taker of Lumberton township to be assessed for taxation for state and county purposes.

Property to be listed.

SEC. 35. All persons owning any property within said town liable to taxation for town purposes shall return the same to the town clerk, as provided in section thirty-four of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis*, shall be returned as herein provided by their guardian or guardians, if they shall have any such.

Executors, etc., to list.

SEC. 36. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized, at any time after the taxes may be due the town on said property as aforesaid, to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

Clerk to make out tax list.

SEC. 37. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for, for thirty days after the first Monday in July in each year, the town clerk shall make return of the taxable property of such person or persons, and his age, if he is liable to poll tax, and such person or persons so failing to make return of their property and poll shall be liable to double property and poll tax to be collected as other property and poll taxes. The

Unlisted property.

town clerk of the said town shall complete the tax list and place it, or a certified copy thereof, in the hands of the constable of said town on the third Monday in August of each year. Such tax list, or a copy thereof certified by the town clerk, when placed in the hands of the town constable, shall have the force and effect of an execution.

Copy of tax list  
to be furnished  
constable.

SEC. 38. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue, until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax payers within the town shall be liable to be seized and sold, after ten days' notice at the court house and four other public places in said town, in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

Lien for taxes.

SEC. 39. Whenever the taxes due said town shall be due and unpaid, the constable of said town shall immediately proceed to collect them as follows: first, if the party charged or his agent have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the constable of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable 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

Collection of  
taxes.

personally if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed post-paid to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice substantially as above described, at the court house door and four other public places in said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted [as] in all cases of sales of land for taxes in said town ; fourth, the sale shall be made at the court house in said town and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town and his address be known to the constable, the constable shall within one month after the sale mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

Sale of land for taxes.

SEC. 40. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of the taxes with all the expenses for the smallest part of the land. At all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Redemption of land.

SEC. 41. The delinquent may retain possession of the property for twelve months after sale, and within that time redeem it by paying the purchaser the amount paid by him, and twenty-five per centum in addition thereto. At the time of said payment to the purchaser, he shall give to the delinquent a receipt therefor. If he shall refuse, or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and

he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk, all rights under the purchase shall cease.

SEC. 42. At the time of such purchase of real estate for taxes, the town constable, on the receipt of the amount, bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Constable to give purchaser a receipt, etc.

SEC. 43. If the delinquent, his agent or attorney shall fail to redeem, as provided in section forty-one hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-two hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office of Robeson county within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid, which the delinquent, his agent or attorney had at the time of sale for taxes.

Purchaser to get deed on failure of owner to redeem.

Registration.

SEC. 44. All real estate bid in by the mayor of said town for the use of the town, at sales made by the constable for taxes, may be redeemed as herein before provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per cent. additional to the town clerk and treasurer within twelve months.

Redemption of land bid in for town.

SEC. 45. The commissioners of said town shall have the power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes

Privilege tax.

as shall seem to them fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town, that is to say, on every merchant, lawyer, physician, dentist, druggist, artizan, mechanic, daguerrean artist, or other picture; on all officers or agents of incorporated companies, on all clerks or employees of other persons or corporations; on every drummer, unless the state license under which he acts shall have been issued to such drummer by the treasurer of the state in the name of such drummer, and not in the name of the person, firm or corporation for whom he is acting or doing business; on all editors, printers, butchers, tanners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon makers, jewelers, liquor dealers, confection grocers, bar tenders, harness makers, saddlers, blacksmiths; on billiard or bagatelle table, public or private bowling, nine or ten pin alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold, silver or metal watches; on all pianos; on all pistols, dirks, bowie knives or sword canes; on every livery stable, cotton gin, or turpentine or other distillery; on every hotel or boarding house, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies; on all horses, cattle, sheep, hogs, goats or dogs owned or kept in said town; on every stallion, jackass kept or exhibited in said town; on all itinerant traders, pedlars or bankers; on all and every person or persons, company or companies who may exhibit, sing, play, act or perform, or on anything for which they charge or receive any gratuity, fee, or pay, or award whatsoever within the limits of said town, and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable.

Sale of liquors.

SEC. 46. The board of commissioners of said town shall have full and complete control of the sale or vending of spirituous or malt liquors, wines or cider within the limits of said corporation, and may permit the same to

be sold by persons of good, moral character, resident therein; shall prescribe the rules and regulations under which the same may be sold; shall prescribe the amount of the license tax therefor, and when the same shall be due and payable, and shall have full power and authority to revoke and annul any license by them granted at any time, without refunding any part of the license tax.

SEC. 47. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court house and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Ordinances to be posted.

SEC. 48. That all laws heretofore passed for the better government and regulation of the town of Lumberton be and the same are hereby repealed.

Repeal of former laws.

SEC. 49. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 90.

An act supplemental to an act passed at the present session of the general assembly, ratified on the twenty-third day of January, one thousand eight hundred and eighty-three, entitled an act to incorporate Newton Cotton Mills, in Catawba county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of the above recited act be amended by striking out the letter "W." where it appears in the name of "W. S. Deal," and insert in lieu thereof the letter "M.," making the name "M. S. Deal;" also that the word "granted" be inserted after the word "specially," where it occurs in said section, making it

Chap. 5, sec. 1,  
ante amended.

read “and to have the privileges and rights hereby specially granted.”

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 6th day of March, A. D. 1883.

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## CHAPTER 91.

An act to incorporate the town of Franklin, in Macon county.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Franklin, in Macon county, be and the same is hereby incorporated, and shall be subject to all the provisions of chapter one hundred and eleven of Battle's Revisal.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be one-half a mile in all directions from the court house.

Election.

SEC. 3. An election shall be held on the first Monday in May, one thousand eight hundred and eighty-four, and annually thereafter, for the election of five commissioners,

Officers.

a mayor and a marshal, and any person living within the corporate limits entitled to vote for members of the

Electors.

general assembly may vote at said election, and until said election shall be held the following named persons are

Temporary officers.

authorized and empowered to act as officers of said corporation, to-wit: for mayor, Geo. A. Jones; for marshal, I.

Powers.

J. Ashe; for commissioners, A. G. Bryson, Ed. K. Cunningham, J. O. Harrison, H. G. Trotter and R. W. Siler,

and together they shall form a council and may make, publish and enforce all police regulations for the govern-

ment of said town of Franklin not inconsistent with the constitution of the United States or of the constitution of North Carolina.

SEC. 4. That it shall be unlawful to sell any kind of

spirituous or intoxicating liquors within two miles of the corporate limits of the said town of Franklin, and any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction before the mayor shall be fined not less than ten dollars or be imprisoned not less than ten days for each and every offence, and shall also be subject to the provisions of chapter ninety-seven (97) of the laws of one thousand eight hundred and seventy-six and seventy-seven.

Unlawful to sell  
liquors within  
two miles.

Misdemeanor.

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 6th day of March, A. D. 1883.

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## CHAPTER 92.

An act to incorporate the Salisbury Water Works Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Charles E. Robinson, of the city of Charlotte, State of North Carolina, William H. Howell, George M. Church and George M. Bacon, of the city of New York, and 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 Salisbury Water Works Company," and by such name and title shall have perpetual succession for the purpose of obtaining and supplying the city of Salisbury and all other persons within the county of Rowan with water for public, domestic and manufacturing purposes, and for building, erecting and owning machinery and fixtures for said purpose, and for laying, owning, holding such real or per-

Body politic.

Name.

Corporate powers.

sonal 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.

Corporate powers.

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 pipes or tapping the same, building of 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 any agreement cannot be made between this corporation and the owner of the land or the person entitled to the beneficial interest 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 occur or be incurred by reason of the condemnation of land and it shall at all times have a right to enter upon said lands for the purpose of repairing, improving or replacing mains, pipes and ditches.

Condemnation of land.

Proviso.

Capital stock.

SEC. 3. A minimum capital stock shall be fifty thousand dollars (\$50,000), to be divided into shares not less than ten dollars (\$10) 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.

SEC. 4. The principal office of the company shall be at Salisbury, 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 corporation 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 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 instalments in such manner, and in such property real or personal, as a majority of the corporation 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, or as they may deem necessary and proper: *Provided*, the same are not inconsistent with the provisions of the constitution of the United States, or of 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 Salisbury with water as the mayor and board of aldermen may approve, and to make and establish such a schedule

Officers.

Directors.

Officers.

Stock subscrip-  
tion.Liability of stock-  
holders.

By-laws.

Proviso.

Authorized to  
issue stock, etc.

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 trans- action of the business for which it is organized.

Misdemeanor to  
injure, etc., prop-  
erty of company.

SEC. 7. That any and all persons who shall wantonly, maliciously or negligently interfere with or injure mains, pipes, ditches, reservoirs, fire plugs or other property of said company necessary or used in obtaining supply or distributing water, or shall place in the water used by said company before distribution or while in the pipes any poisonous or unwholesome material or matter calcu- lated to render unwholesome the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

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

In the general assembly read three times, and ratified this the 6th day of March, A. D. 1883.

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## CHAPTER 93.

An act to incorporate the town of Chadbourn, in the county of Columbus.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Chadbourn, in the county of Columbus, be and the same is hereby incorporated by the name and style of the Town of Chadbourn, and shall be subject to all the provisions contained in chapter one hundred and eleven (111) of Battle's Revisal not incon- sistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be one square mile, run with the cardinal points of the com- pass, with the new store of the Chadbourn Mill and Rail- way Company exactly in centre of said square mile.

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 of May, one thousand eight hundred and eighty-three, or until their successors are elected and qualified, viz: mayor, James H. Chadbourn, Jr.; commissioners, Joshua Smith, Amos Allen and Joseph A. Brown, and marshal, R. C. Holland.

Officers.

Temporary officers.

SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-three, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens in said corporation 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.

Election.

Electors.

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 election and take oath prescribed by law for such officers.

Officers to qualify.

SEC. 6. That all fines collected for violation of any of the town ordinances shall be paid into the town treasury for the benefit of said town.

Application of fines.

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 7th day of March, A. D. 1883.

## CHAPTER 94.

## An act to incorporate the Weldon and Garysburg Road Bridge and Ferry Company.

*The General Assembly of North Carolina do enact :*

Body politic.\*

SECTION 1. That T. L. Emry, W. G. Anderson, C. J. Gee, J. T. Evans and J. J. Daniel are hereby declared a body corporate, under the name and style of the Weldon and Garysburg Road Bridge and Ferry Company, and by that name may sue and be sued, plead and be impleaded, and may buy, sell and hold real and personal property. They shall have a common seal, and have all the privileges of a body corporate for the purpose of building a bridge or establishing a ferry across the Roanoke river, at some point within a mile either above or below the railroad bridge at Weldon, and of opening a public road from some point in First street in the town of Weldon, in the county of Halifax, to the Roanoke river on the Halifax side of said river within a mile of the railroad bridge, and either above or below the bridge, and from the point where the said Weldon and Garysburg Road Bridge and Ferry Company shall determine to build the bridge or establish the ferry, in the county of Northampton, to the road leading from Garysburg, in said county, to the Seaboard and Roanoke Railroad bridge over Roanoke river, at some point within one mile of said bridge and from such point to Garysburg, using as far as is convenient the county road leading from Garysburg to said bridge.

Name.

Corporate powers.

Capital stock.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars and shall be divided into two hundred and fifty shares of one hundred dollars each, but the company may organize and carry on its business when ten shares shall have been subscribed for, and books of subscription shall be opened at such time and place as the company may deem best.

SEC. 3. As soon as ten shares of stock shall have been subscribed for, the company shall proceed to the election by ballot of five directors who shall hold office for one year from the date of their election, and the said five directors shall elect one of their number president, and another treasurer, and another secretary, each of whom shall hold his office for one year from date of election.

Organization.

Officers.

SEC. 4. The said company shall have the privilege of twenty feet from the centre of their road track in the counties of Halifax and Northampton, and shall at all times keep the road in good repair.

Road privilege.

SEC. 5. For the purpose of condemning the land through which its road passes, a justice of the peace shall summon five freeholders, upon a notice of five days to the owner of the land, who shall view the land and assess the damages. If either party is dissatisfied with the valuation, an appeal may be taken to the next succeeding term of the superior court of the county in which the land is situated; but such appeal shall not prevent said company from entering upon said land to construct and operate or use said road, bridge or ferry. The damages when fixed shall be paid within sixty days, or the rights of said company to said land shall cease. The report of the justice of the peace and the freeholders shall be recorded in the county where the lands lie, as is provided by law for conveyances of land, and the company which shall be good and effectual to pass the title to said land for so long a time as the road shall be used for the purpose herein expressed.

Condemnation of land.

SEC. 6. The charges or rates or toll across the ferry or bridge shall be as follows: for every person, not to exceed ten cents; for every vehicle or conveyance of every sort on wheels, not to exceed ten cents for each wheel; for every horse, mule, ox or other animal, if attached to and engaged in drawing a vehicle or conveyance as aforesaid, not to exceed ten cents for each horse; for every other horse, mule, ox, cow, calf, hog, sheep or other animal whatso-

Rates of toll.

ever, not to exceed ten cents; for all produce, merchandise, barrels, boxes, packages and every article or thing of every kind whatsoever, if charged according to weight, not to exceed fifteen cents for every one hundred pounds, and if not charged by weight then not to exceed twenty-five cents for the barrel, box, package or other article or thing: *Provided*, nothing herein contained shall be construed to be a grant of any privilege to take any toll upon any box or other package contained in any vehicle or upon any animal being transported across the bridge or ferry of the company.

Proviso.

Books open to inspection of stockholders.

SEC. 7. The books of said company shall always be open for the investigation and examination of any stockholder, and all the net earnings or other sums of money in the hands of the company for division among the stockholders shall be regularly divided and paid at intervals of not more than twelve months.

Dividends.

Conflicting laws repealed.

SEC. 8. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 9. That 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. 1883.

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## CHAPTER 95.

An act to amend section four of chapter fifteen, private laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact :*

Chap. 15, sec. 4,  
private laws 1881,  
amended.

Unlawful to manufacture liquor,  
etc., within two  
miles of Concordia College.

SECTION 1. That section four of chapter fifteen, private laws of one thousand eight hundred and eighty-one, be amended as follows: insert in line four [two], after the word "to" and before the word "sell," the words, "manufacture or."

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. 1883.

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## CHAPTER 96.

### An act to incorporate the Statesville and Catawba Toll Bridge Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. Sherrill, C. H. Lester, C. S. Brown, "Turner Brothers" (C. L. & W. D.), John Setzer, S. A. Sharpe, John J. Mott, "Baker & Woods," "Wallace Brothers" and others, and their successors are hereby created and constituted a body politic and corporate under the name and style of the Statesville and Catawba Toll Bridge Company, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with.

SEC. 2. That the aforementioned owners of and stockholders in the toll bridge across the Catawba river at Ulonbo shall have power to make all rules and regulations they may deem fit for the government of the corporation and transaction of their business. They may prescribe the numbers, power of their directors and other officers, fix salaries and terms of service, and in general make such by-laws as they may deem fit, not inconsistent with the constitution and laws of the state or of the United States.

SEC. 3. That if any person after crossing said bridge shall refuse to pay toll, or shall drive rapidly, or ride at a trot, gallop or run, or discharge firearms at the bridge, the same shall be guilty of a misdemeanor, and on conviction before a justice of the peace in Catawba or Iredell

Misdemeanor 'o  
refuse to pay toll  
tax.

Penalty.

county shall forfeit and pay to said company for the use of the educational fund a sum not exceeding twenty dollars, in the discretion of the court.

Rates of toll.

SEC. 4. That the following shall be the rates of fare : Footmen, three cents ; round trip, five cents ; man and horse, ten cents ; round trip, fifteen cents ; one horse and vehicle, fifteen cents ; round trip, twenty-five cents ; two-horse vehicle, twenty cents ; round trip, thirty-five cents ; three-horse vehicle, thirty cents ; round trip, forty cents ; four-horse vehicle, forty cents ; round trip, seventy-five cents ; loose horses, five cents ; cows, five cents ; sheep and hogs, two cents a head ; ministers of the gospel and children under twelve years of age, free.

SEC. 5. 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. 1883.

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## CHAPTER 97.

An act for the improvement of the streets of the city of Raleigh.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of improving the streets of the city of Raleigh, the board of aldermen of the city are hereby authorized and empowered to issue coupon bonds in such denomination and form, and payable at such time not exceeding thirty years from the date of their issue, as the board of aldermen shall determine. The bonds shall bear interest at the rate of six per centum per annum paying semi-annually. The total amount shall not exceed fifty thousand dollars, and they shall not be sold or disposed of at a less price than their par value.

Board of aldermen authorized to issue bonds

SEC. 2. That the special tax authorized to be levied and collected under private acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter forty-four, for the payment of the interest and principal of the eight per cent. bonds authorized by that act, be and the same is hereby continued to an amount not exceeding one-third of one per centum upon the hundred dollars' valuation of all property in the city liable to *ad valorem* taxation, and a poll tax in the proportion fixed in the charter for the purpose of paying the interest and creating a sinking fund to pay the principal of the bonds authorized by this act. The commissioner of the sinking fund is empowered and directed to apply the money received by him on account of the special tax to the following purposes, viz.: 1. To pay the interest on the eight per cent. or market house bonds and on the bonds authorized to be issued by this act. 2. To pay the principal of the eight per cent. bonds when they shall have become due and payable. 3. To pay the principal of the bonds authorized to be issued by this act when they shall have become due and payable.

Special tax authorized under chap. 41, private laws 1863-'9, continued.

Application of tax by commissioner of sinking fund.

SEC. 3. That for the purpose of securing the due investment of the amount collected from year to year applicable to the payment of the principal of the bonds, the commissioner of the sinking fund shall invest the surplus after paying interest on such interest-bearing securities as the board of aldermen shall approve. The commissioner shall have all the rights and powers and be liable to all the duties imposed in private acts one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter forty-four, and he shall give such additional bond and receive such additional compensation as the board of aldermen shall determine.

Investment of fund.

Authority of commissioner.

Additional bond

SEC. 4. After the principal of the eight per cent. bonds falling due in one thousand eight hundred and eighty-nine shall have been paid, the board of aldermen are hereby empowered to cancel all bonds of the city of

Cancellation of bonds heretofore issued.

Raleigh in the hands of the commissioner of the sinking fund.

Bonds authorized by this act, how issued and negotiated.

SEC. 5. That the bonds authorized by this act shall be issued by the board of aldermen and delivered to the city treasurer, to be sold or negotiated by the mayor, an alderman to be designated by the board, and the city treasurer, from time to time as the money may be required, and the proceeds of sale shall be held by the treasurer to be paid out as follows: the board of aldermen shall elect two commissioners, one of whom shall be a Republican (not members of the board), who with the present mayor shall constitute a "board of street improvement," and the proceeds of the bonds shall be paid out and applied under their exclusive control to the improvement of the streets of Raleigh. The contracts for improvements of all kinds, and all the matters connected therewith shall be under the exclusive management of the commissioners, who shall hold their offices during good behavior, subject only to removal for misconduct in office by a two-thirds vote of the board of aldermen. All vacancies occurring in the "board of street improvement" shall be filled by the board of aldermen. The board of street improvement shall make monthly reports of their operations to the board of aldermen.

Board of street improvement.

Proceeds of bonds to be applied to improvement of streets.

Assessment upon adjoining land-owners.

SEC. 6. That whenever the commissioners shall determine to pave thoroughly or to macadamize any of the streets of the city of Raleigh, the owners of the land upon each side of the street shall each be assessed one-fourth of the expense of the paving: *Provided*, that such assessment shall not exceed four dollars per running foot on Fayetteville street and three dollars upon other streets: *And provided further*, that no assessment shall be made unless the street is paved or macadamized entirely across from gutter to gutter. The assessment shall be a lien upon the said land to the same extent as unpaid taxes in the assessment provide by law for sidewalks, and shall be entered upon the books of the tax collector as in the case of taxes.

Proviso.

Lien of assessment.

After due notice according to law, as in the case of unpaid taxes, the city tax collector shall proceed to collect the assessment by a sale of the land under all the regulations, including advertisement, sale, deed and redemption provided by law for the collection of unpaid taxes. The tax collector shall pay over all amounts collected under this section to the city treasurer, who shall hold the same for the same purposes as the money raised by a sale of its bonds.

Collection of assessment.

Payable to city treasurer.

SEC. 7. That before this act shall have any force and effect, it shall be submitted to a vote of the citizens of Raleigh at a time to be fixed by the board of aldermen, upon thirty days' notice, under all the regulations provided by law for the holding of municipal elections, except that the books of registration may be kept open until the day of election. Those approving the issue of bonds shall vote "Approved," and those not approving shall vote "Not approved," and unless a majority of those voting shall vote "approved," this act shall have no force and effect.

Act to be submitted to a vote of the citizens of Raleigh.

Ballots.

SEC. 8. This act shall be in force from and after its ratification, and all laws in conflict therewith are hereby repealed.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1883.

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## CHAPTER 98.

An act to incorporate the Oxford Ford Toll Bridge Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a company may be formed with a capital stock not exceeding twenty thousand dollars to be divided into shares of twenty-five dollars each, to be called

Incorporation authorized.

Name.	and known as the Oxford Ford Toll Bridge Company, for the purpose of constructing a bridge across the Catawba river at or within one mile of Oxford Ford, and such company when formed as hereinafter directed shall have power to receive, possess, own and transfer real and personal property and estate, to have a common seal and to pass such by-laws not inconsistent with the laws of this state as may be necessary to carry out the objects of the corporation, shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this state.
Corporate powers.	
Commissioners.	SEC. 2. That for the purpose of creating the capital stock of such company, A. E. Alspaugh and R. P. Matheson, of the county of Alexander, A. J. Stein, George Setzer and W. H. Williams, of the county of Catawba, or any three of them, are hereby appointed commissioners whose duty it shall be as soon after the passage of this act as may be, to appoint commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe; such subscriptions or any part thereof may be payable in money, lands, labor or material necessary in the construction of said bridge, bonds, stock or other valuable credits, in such manner and on such terms as shall be agreed between said company and such subscribers.
To open books of subscription.	
Subscriptions, how payable.	
Stockholders' meetings.	SEC. 3. That whenever the sum of one thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners above named, any three of whom may act, to call a general meeting of the stockholders, after giving such notice as to them shall seem sufficient, and at such times and place as they shall determine, and at general meetings of said stockholders not less than a majority of all stock subscribed shall constitute a quorum for the transaction of business, and said stockholders when so met in general
Quorum.	

meeting shall have power and it shall be their duty to elect a president and four directors whose term of office shall be one year and until others are chosen. Organization.

SEC. 4. That it shall be the duty of said stockholders, at their general meetings, to prescribe the manner and time in which payment of stock on the subscription books shall be made. Payment of stock.

SEC. 5. That it shall be the duty of the president and directors to appoint a treasurer, who shall remain in office such a length of time as the company in their by-laws may determine. Treasurer.

SEC. 6. That the president or board of directors shall at least once a year make a full report on the state of the company and its affairs to a general meeting of the stockholders and oftener if required by any by-law of the company, and also call a general meeting of the stockholders whenever they may deem it expedient; and the company may provide in their by-laws for the calling of occasional meetings, and prescribe the mode thereof. President, etc., to make annual report.

SEC. 7. That if said company and the owner of any lands which may be necessary for the location of a bridge or for the building of a keeper's house, shall not be able to agree upon the price of the same, or for any cause the same cannot be purchased from the owner, the same may be taken by the company at a valuation to be ascertained as follows, to-wit: according to the mode prescribed in chapter ninety-nine of Battle's Revisal for the condemnation of lands needed for railroad companies incorporated under said chapter. Condemnation of land.

SEC. 8. That said company shall prescribe the rates to be charged for tolls in their by-laws, but they shall in no case exceed the following rates: For man on foot, five cents; for man on horse, ten cents; for one-horse wagon, twenty-five cents; for one sulky-buggy, twenty-five cents; for two-horse wagon, forty cents; for two-horse carriage, forty cents; for three or four-horse wagon, fifty cents; for five or six-horse wagon, sixty cents; for loose hogs per Rates of toll.

head, 1 cent; for loose cattle or horses, two and one-half cents.

Roads.

SEC. 9. That said company shall have the power to locate and build roads leading from the direction of the court house of either Catawba or Alexander counties, to their bridge, and in the case of objection being made by any land owner, whose land the company propose to locate their road on, and the parties are unable to agree as to the amount to be paid for the right of way, or for any cause the company are unable to get the consent of the land owner, the company may have as much of the same as is needed by the company condemned to their use by the course prescribed in section seven of this act.

Penalty for riding, etc., faster than a walk.

SEC. 10. That upon conviction before a justice of the peace of any person who shall ride or drive over the company's bridge at a pace faster than a walk, a penalty of five dollars (\$5) shall be imposed; and any person who shall cross the company's bridge and refuse or wilfully neglect to pay the legal toll which may have been prescribed by the company, said person shall be held guilty of a misdemeanor, and may be fined five dollars, or imprisoned one month, at the discretion of the justice of the peace trying the case.

Misdemeanor to refuse to pay toll.

SEC. 11. 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. 1883.

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## CHAPTER 99.

An act concerning the duties of the mayor and board of aldermen of the city of Goldsboro.

Mayor and aldermen to post annually verified statement of receipts and expenditures.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the mayor and aldermen of the city of Goldsboro, in the county of Wayne, shall annually on

or before the first day of April, in every year, cause to be posted at the court house door and three other public places in said city, an itemized statement of the receipts and expenditures of money by the said city during the preceding year; said statement shall be verified and shall contain the names of all persons who have been paid by said city, the amount claimed by each person and the amount allowed by the mayor and board of aldermen, and the amounts and sources from whence received of all the funds of said city and the amounts of the indebtedness of said city.

SEC. 2. That the mayor or aldermen or any one of them who shall fail or neglect to comply with the above requirements shall be guilty of a misdemeanor, and on conviction thereof shall be fined not to exceed five hundred dollars or be imprisoned not to exceed twelve months at the discretion of the court.

Penalty for failure.

SEC. 3. 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. 1883.

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## CHAPTER 100.

### An act to incorporate Central Institute for Young Ladies.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Thomas W. Harris, Sterling Johnston, J. W. Heptinstall, E. C. Thorne, W. C. Johnston, C. L. Sledge, W. E. Spruill, N. E. Jenkins, M. E. Newsom, W. H. Thorne, B. R. Browning, their associates and successors, be and they are hereby created a joint stock company, a body politic and corporate, for the purpose of maintain-

Body politic.

taining a school of high grade near the town of Littleton, in the county of Warren, for the intellectual, moral and religious development and training of young ladies under the name and style of Central Institute for Young Ladies, and in that name may sue and be sued, may plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property personal and real, and exercise all acts in relation thereto incident to the ownership of personal property and real estate.

Name.

Corporate powers.

Perpetual succession, etc.

SEC. 2. The members of the corporation shall have perpetual succession, and forever elect their officers not hereinafter named, and may, if they so elect, have and use a common seal.

Officers.

SEC. 3. That the officers of said company shall be a president, vice-president, treasurer, secretary, and a board of nine directors, five of whom shall constitute a quorum for the transaction of business, and all of whom shall be elected by the stockholders annually after the first year.

Stockholders' meetings.

SEC. 4. The annual meeting of the stockholders shall be on the second Wednesday in June of each year, unless otherwise ordered by the vote of a majority of said stockholders.

Capital stock.

SEC. 5. The capital stock of said corporation shall not be less than three thousand dollars nor more than fifty thousand dollars, and shall be divided into shares of fifty dollars each, to be paid at such times and in such manner as the board of directors may prescribe.

Bequests, etc.

SEC. 6. All bequests and donations to the institute shall be the property of the North Carolina Conference of the Methodist Episcopal Church, South, and shall be used as the donors direct. For every fifty dollars which shall be donated or bequeathed in money or its equivalent, the corporation shall issue to the Methodist Episcopal Church, South, and to that portion of it known as the North Carolina Conference one share of stock, which shall be held by three trustees, who shall be appointed by the said

conference to take in trust and hold said certificates of stock.

SEC. 7. In the event the use of such bequests and donations as are provided for in section six of this charter shall not be directed by the donors, they shall be used as directed by the trustees provided for in said section, who shall be *ex officio* directors and shall have perpetual succession.

Application of bequests.

SEC. 8. The officers of the corporation until the election and qualification of their successors in office shall be as follows: Thomas W. Harris, president; J. W. Heptinstall, vice-president; Sterling Johnston, treasurer; W. A. Johnston, secretary; C. A. Thorne, W. E. Spruill, N. E. Jenkins, M. E. Newsom, W. H. Thorne, B. R. Browning, Thomas W. Myrick, G. T. Simmons and C. L. Sledge, directors.

Temporary officers.

SEC. 9. The stockholders shall not be individually liable for the indebtedness of the institution.

Liability of stockholders.

SEC. 10. 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. 1883.

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## CHAPTER 101.

An act to incorporate the town of Conover, in Catawba county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Conover shall continue to be, as heretofore, a body corporate under the name and style of "The Town of Conover," and under such name are hereby invested with all the privileges and franchises, property and all other rights heretofore belonging or appertaining to the town of Conover, and in and by that name may sue and be sued,

Corporation continued.

Name.

Corporate powers.

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, and that the corporate limits of the town of Conover shall be as follows: Beginning north eighty-five degrees, east two hundred and twenty-six and one-fourth poles from the depot of the Western North Carolina Railroad, at a stake on J. Hunsucker's land and runs north fifty degrees, west three hundred and twenty poles to a stake, thence south fifty degrees, west three hundred and twenty poles to a stake, thence south fifty degrees, east three hundred and twenty poles to a stake, thence north fifty degrees, east three hundred and twenty poles to the beginning.

Corporate limits.

Temporary officers.

SEC. 2. The present mayor and commissioners and other officers of the town of Conover shall be and the same are hereby declared to be like officers, with the powers and duties of the town of Conover until their successors are elected and qualified.

Officers.

Election.

SEC. 3. The officers of the town shall consist of a mayor, five commissioners and a constable, 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 secretary and treasurer to be elected 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, printed or written, and put up at three or more places in the town, and if the board of county commissioners of Catawba county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold such elections.

Election, how held.

SEC. 4. That all elections for town officers be held under the same rules and regulations as are now or hereafter may be made or provided for in such cases by the general law of the state municipal elections, and all persons

so elected shall qualify under the same general law of the state for municipal officers.

SEC. 5. 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 powers, 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 in either 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 Catawba upon recognizance with security for his appearance at the next term thereof.

Authority of  
mayor.

SEC. 6. 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 officer to whom justice of the peace may direct his precepts.

Precepts.

SEC. 7. That every violation of the 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.

Misdemeanor.

SEC. 8. 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.

Imprisonment  
for fines.

SEC. 9. That all fines collected under the provisions of this act for violation of town ordinances shall go to the use of the town.

Application of  
fines.

SEC. 10. 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 if deemed necessary.

Fees of mayor.

Board of commis-  
sioners.

SEC. 11. 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.

Authority of  
commissioners.

SEC. 12. That 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.

Proviso.

Duty of commis-  
sioners.

SEC. 13. 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 disturbances by quarrels, bad, profane or obscene language, riots, affrays, trespasses, or other breaches of the peace or other 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, remove nuisances and prohibit any indecent exposure of the person, by imposing fines and imprisonment in all cases within the jurisdiction of a justice of the peace, as they shall deem adequate.

Guard house.

SEC. 14. The commissioners may build or establish a guard house in which to secure and confine offenders against town ordinances: *Provided*, that in the above case no prisoner or offender shall be confined in said guard house more than twenty-four hours without first having his case heard and determined before the mayor.

Proviso.

Streets.

SEC. 15. The commissioners shall have power to grade the streets and sidewalks, 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 road, street or streets within said corporate limits whenever they may determine, and that when any land or right of way shall be required for

the purpose of opening new streets or alleys, or for widening those already open, or for other objects allowed by this act, and such other purposes as are allowed by the general law of the state or may hereafter be allowed for municipal government, and if 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 two disinterested freeholders of the town, the commissioners choosing one and the party or parties claiming damages one, and in case the owner or owners of the land shall refuse to choose such arbitrators, then the sheriff of Catawba county shall in his stead select one for him, and in case the two aforesaid cannot agree they shall select an umpire, whose duty it shall be, after being duly sworn by the mayor of the town or justice of the peace or clerk of court of record, to take into consideration the loss or damages which may occur 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 of such streets or other improvements, and ascertain the sum which shall be paid to the owner or owners of said land or property and report the same to the mayor of the town under their hands and seals, which report, on being confirmed by the board and spread upon the minutes, shall have the effect of a judgment against the board of commissioners and shall pass the title to the board of commissioners, in their corporate capacity, of the land so taken. The land so valued by the freeholders shall vest in the town as soon as the valuation may be paid to the owner or owners, or placed in the hands of the clerk of the superior court of Catawba county in case of refusal by the owner of said land or if the owner is a non-resident of Catawba county : *Provided*, that

Proviso.

if either the commissioners or the person whose lands the said valuation was made upon be dissatisfied with [the] valuation thus made, then they may appeal to the superior court of Catawba county, and in that case the report

of the valuation and the proceedings therein shall be sent up by said appraisers to said court, there to be determined: *Provided, however,* that such appeal shall not hinder or delay the commissioners opening or widening such streets or erecting such improvements.

Proviso.

Taxation.

SEC. 16. The commissioners shall have power to levy and collect the following taxes, viz.: upon all real estate and personal property within the corporate limits of the said town, upon all moneys on hand, solvent credits, upon all polls, and upon all other taxables taxed by the general assembly and the general laws of the state for public purposes: *Provided,* that the annual tax on property shall not exceed fifty cents on the one hundred dollars valuation thereof, nor shall the poll tax exceed the sum of one dollar and a half annually.

Proviso.

Tax list.

SEC. 17. 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 of commissioners; such list 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 list thus taken shall be filed with the secretary or clerk who shall after a levy of taxes assessed thereon in the same manner as the 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, and the said secretary or clerk shall copy in said book the assessment made by the board of township assessors of all property within the corporate limits of said town, which assessment may be revised, corrected or

Unlisted property.

amended by the board of commissioners. The usual list made as aforesaid by the secretary or clerk and placed in the hands of the constable or town 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 ten days' notice, posted at three public places in the town, of the property to be sold by personalty, and of thirty days if the property be realty, 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.

Collection of taxes.

SEC. 18. 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 the 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 as in the manner prescribed by law for the collection of state taxes by the sheriffs of the state.

Tax collector to collect.

SEC. 19. The constable 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 a 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 of them shall be allowed to redeem any property thus sold at any time within one year 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 expenses 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.

Sale of land for taxes.

Redemption.

Tax collector to  
make return.

SEC. 20. That the constable or town tax collector shall return an account of his proceedings to the commissioners specifying the portion of land sold and the purchaser or purchasers thereof, and the price of the same, which shall be entered on the book of proceedings of the board, and if there shall be a surplus after paying said taxes and expenses or of advertising and selling same, it shall be paid into the town treasury subject to the demand of the owner.

Cemetery.

SEC. 21. That the board of commissioners shall have power to purchase lands for a cemetery, and to regulate the manner and terms on which bodies may be interred in the public cemetery and have the said cemetery kept in proper repair.

Enforcement of  
town ordinances.

SEC. 22. That it shall be the duty of the constable to see that the town ordinances and orders of the commissioners are enforced and to report all breaches thereof to the mayor, and he shall have the same fees on all processes or precepts executed and returned by him which may be allowed to constables of the county on like processes and precepts.

Constable to be  
tax collector.

SEC. 23. That the town constable shall by virtue of his office be town tax collector, unless he fails to give the bond required by the commissioners for that purpose or is otherwise deemed incompetent, in which case the commissioners shall appoint the tax collector for the town.

Penalty for fail-  
ure of officer to  
turn over proper-  
ty, etc., to succes-  
sor.

SEC. 24. That all officers of said town who shall on demand fail to turn over to their successors in office the property, books or effects of the town shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of the state shall be fined at the discretion of the same.

Corporate pow-  
ers.

SEC. 25. That the town of Conover is hereby vested with all the power, rights, privileges, immunities enumerated in chapter one hundred and eleven and elsewhere in Battle's Revisal, not inconsistent with any of the provisions of this act.

SEC. 26. That all laws concerning the corporation of Conover coming in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 27. That 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. 1883.

## CHAPTER 102.

An act supplemental to and amendatory of an act to incorporate the Loftin Silver Lead Mining Company, ratified seventh day of February, one thousand eight hundred and eighty-three.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act to incorporate the Loftin Silver Lead Mining Company, ratified on the seventh day of February, one thousand eight hundred and eighty-three, be amended by inserting in fifth section thereof instead of the names of Joseph B. Stafford and Jacob A. Wight, the names of George C. Irwin, Cloas Vocke, Joseph B. Stafford, E. S. Monroe, David Loftin and Thomas C. Anderson as the first board of directors of said company. Chap. 24, sec. 5,  
ante amended.  
  
Directors.

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. 1883.

## CHAPTER 103.

An act to incorporate the town of Maiden, in the county of Catawba.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Maiden, in the county of Catawba, be and the same is hereby incorporated by the Incorporated.

- Name. name and style of the "Town of Maiden," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the laws of this state or of the United States.
- Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: one-half mile east, west, north and south, from the centre of Maiden Cotton Mills.
- Officers. SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty three, or until their successors in office are elected and qualified, to-wit: for mayor, J. P. Robb; for commissioners, Alexander Keener, Alexander Cline, Amzi Stine; and for constable, Daniel Boyd.
- Temporary officers. and qualified, to-wit: for mayor, J. P. Robb; for commissioners, Alexander Keener, Alexander Cline, Amzi Stine; and for constable, Daniel Boyd.
- Election. SEC. 4. There shall be an election held for the officers mentioned in section three of this act, on the first Monday in May, one thousand eight hundred and eighty-three, and each succeeding year thereafter, under the same rules and regulations and restrictions that state and county elections are held, and all citizens within said corporation, who have resided twelve months in the state and ninety days in the corporate limits of said town previous to the day of election, shall be entitled to vote at said election.
- Electors. SEC. 5. It shall be the duty of the commissioners to meet and organize within twenty days after their election or appointment, and take the following oath of office: "I, A. B., do solemnly swear or affirm, that I will faithfully act and discharge the duties of commissioner to the best of my knowledge and ability for the ensuing year, so help me God."
- Commissioners to organize. SEC. 6. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this state or of the United States, and to levy and collect a tax on all subjects of state taxation, not to ex-
- Oath.
- Authority of commissioners.

ceed one-half of the state tax, and to abate all nuisances, and for that purpose may impose such fines as may be necessary to abate them. And it shall be the duty of said commissioners to expend the taxes and fines in repairing the streets and for the necessary expenses of said town.

SEC. 7. That the mayor, before entering upon the duties of his office, shall go before some person authorized to administer oaths and take and subscribe the oath of a justice of the peace of this state.

Oath of mayor.

SEC. 8. That the constable provided for by this act, before entering upon the duties of his office, shall go before the mayor or some other person authorized to administer an oath and take the oath usually taken by constables.

Oath of constable.

SEC. 9. That the said commissioners shall have power to take bonds of the constable or other officer of the corporation.

Official bonds.

SEC. 10. That the said commissioners, for the purpose of the election of the officers mentioned in this act, shall have power to appoint a registrar and inspectors of election to hold the elections as provided by law for election of county officers and members of the general assembly in this state.

Registrar, etc., of election.

SEC. 11. That no person or persons shall sell any spirituous liquors within the limits of said town without first having a license for that purpose from the commissioners of said corporation, the amount to be fixed by said commissioners in their by-laws.

Unlawful to sell liquor within corporate limits without town license.

SEC. 12. 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. 1883.

## CHAPTER 104.

An act to incorporate the town of Arden, in the county of Buncombe.

*The General Assembly of North Carolina do enact :*

- Incorporated. SECTION 1. That the citizens of the territory hereafter specified, embracing the town of Arden, in the county of Buncombe, be and the same are hereby incorporated under the name and style of the Town of Arden.
- Name.
- Corporate limits. SEC. 2. That the corporate limits of said town shall be a circle of one-half mile from the store house of T. L. Rickman on Shatford Lane street in said town in all directions.
- Officers. SEC. 3. That the officers of said town shall consist of a mayor and five commissioners, and a marshal to be appointed by the commissioners, and the said mayor and the commissioners shall be elected by the qualified voters of said town on the first Monday in May, one thousand eight hundred and eighty-three, and annually thereafter, under the same rules and regulations as are prescribed by the law for the holding of such election in the incorporate town of Asheville, in said county of Buncombe; and until the said first Monday in May, one thousand eight hundred and eighty-three, E. W. Beale shall fill the office of mayor, and T. L. Rickman and Will Suply, J. W. Rickman, J. B. Ledbetter and M. L. Shuford shall act as commissioners
- Election of mayor and commissioners.
- Temporary officers. SEC. 4. That the said mayor and commissioners shall have the power to enact all such by-laws, ordinances, rules and regulations for the better government of said town as may seem to them just and reasonable, not inconsistent with the constitution and laws of the state of North Carolina or of the United States of America.
- Powers of mayor and commissioners. 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 7th day of March, A. D. 1883.

## CHAPTER 105.

An act to authorize the town of Statesville to rebond its bonded debt.

WHEREAS, the town of Statesville subscribed twenty-five thousand dollars to the capital stock of the Atlantic, Tennessee and Ohio Railroad Company, in one thousand eight hundred and sixty-one, and issued coupon bonds therefor running twenty years; and whereas, a balance of some six or eight thousand dollars, principal and interest of said debt, still remains unpaid and is now due; now, therefore, in order to give further time and to prevent oppressive taxation:

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Statesville be and the same is hereby authorized and empowered to issue coupon bonds in denominations of one hundred dollars and five hundred dollars, due on the first day of January, one thousand eight hundred and ninety-three, but redeemable any time after the first day of January, one thousand eight hundred and eighty-five, said bonds to draw six per cent. interest payable semi-annually, until paid, to an amount sufficient to pay off and satisfy said bonded debt, but in no event to exceed ten thousand dollars: *Provided*, that said bonds so issued shall not be used in exchange for the old bonds of the town for less than their par value, nor shall they be sold for less than their par value.

Authority to issue coupon bonds.

Proviso.

SEC. 2. It is further enacted that said bonds and their coupons shall be signed by the mayor of the town of Statesville and by the secretary and treasurer of the town of Statesville. That no bond shall be disposed of except by the secretary and treasurer of the town of Statesville, who shall number each bond as he disposes of the same and keep a record thereof, showing the number and

Bonds, how issued and registered.

amount of said bond, to whom sold or exchanged and whether the same was sold or exchanged for old bonds.

SEC. 3. It is 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 7th day of March, A. D. 1883.

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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 :*

SECTION 1. That the charter of the town of Durham be amended by adding as a part thereof, as contained in chapter one hundred and ten, acts of one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy five, that the commissioners of said town of Durham be empowered to issue and sell the bonds of said town to an amount not exceeding twenty thousand dollars, said bonds to run for and fall due at the expiration of twenty years, drawing interest from date of bonds at the rate of six per cent. per annum, payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid. The said bonds to be sold at no less than their face value. Three-fourths of the proceeds arising from the sale of said bonds shall be expended by the commissioners of said town of Durham in paving and improving the streets of the town of Durham, and one-fourth thereof shall be expended by the Durham graded school committee in the purchase and erection of suitable grounds and buildings for the Durham graded or public schools: *Provided, however,* that this said amendment of the charter of the town of Durham be submitted to the qualified voters of said town for their

Chap. 110, private laws 1874-'5, amended.

Commissioners authorized to issue bonds.

Application of proceeds.

To be submitted popular vote.

ratification or rejection at an election to be held in said town on the first Monday of May, one thousand eight hundred and eighty-three, for the election of mayor and commissioners of Durham. The said election shall be advertised by the commissioners of said town in the papers of said town, "The Tobacco Plant," and the "Recorder" and "Tobacco Journal," for thirty days prior to the day of said election: *Provided further*, that those who are in favor of said amendment shall vote "for amendment," and those who are opposed to said amendment shall vote "against amendment." That the number of votes cast for and against said amendment shall be deposited in a special box, counted and duly certified by the inspectors of said election and returned to the commissioners of said town, who shall certify the result of said election to the secretary of state and the register of deeds of Durham county. And if a majority of the votes cast shall be for the amendment, the said commissioners shall proceed immediately to issue and sell said bonds; but if a majority of the votes cast shall be against the amendment, then this act shall be of no force and effect.

Ballots.

Election, how conducted, etc.

Commissioners to issue bonds on majority vote.

SEC. 2. If the said amendment is ratified by a majority of the votes cast, then the commissioners of said town of Durham shall proceed in ten days thereafter to elect a suitable person as trustee, whose duty it shall be to receive the proceeds of the sale of said bonds and all further sums that may be paid into his hands for the purpose of paying the interest on said bonds, and creating a sinking fund to pay the principal of said bonds at their maturity. The said trustee shall give a bond with good and sufficient security in the sum of twenty-five thousand dollars, payable to the commissioners of said town, for the faithful performance of his duties as trustee. The said commissioners shall require a renewal of said bond at least once each year.

Trustees.

Duties.

Bond.

SEC. 3. The commissioners of said town of Durham shall order the town treasurer to pay to the said trustee,

Payment of interest on bonds.

on the first day of January of each year, the sum of six hundred dollars (\$600), and the first day of July of each year, the sum of six hundred dollars (\$600), and shall take from said trustee receipts for the same. The trustee shall with said sums pay off the semi-annual interest accrued on said bonds, and the coupons shall be a sufficient discharge of said trustee that he has paid said interest. The commissioners of said town shall further order the town treasurer to pay over to said trustee, on the first day of January of each year, the sum of one thousand dollars to create a sinking fund for the payment of said bonds at their maturity, which sum and sums the said trustee shall lend at the highest legal rate of interest that can be obtained, securing the said loans by mortgages on real estate, taking as a basis of the value of such real estate the valuation of the real estate on the tax book of the county where such real estate is situated, and not lending the borrower more than three-fourths the value of such real estate, and the interest on said loan or loans to be paid yearly. And the said trustee shall be empowered to lend on the same security as the sinking fund the one half of the proceeds arising from the sale of said bonds until such time as the said sum shall become needed in the paving and improving of the streets of said town: *Provided, however,* that when the sinking fund in the hands of the trustee shall amount to twenty thousand dollars, clear of charges, the town commissioners shall order the town treasurer to stop the payment of the said one thousand dollars.

Sinking fund.

Proviso.

Committee to examine trustee's accounts.

Duties of committee.

SEC. 4. The commissioners of said town shall each year appoint three residents of the town of Durham other than their own number; the members of said committee shall each own property in the town to the amount of five thousand dollars or more. It shall be the duty of this committee to examine every three months the books, papers and accounts of the trustee and report in writing to the board of commissioners. If the said committee

shall find the said trustee negligent in the performance of his duties, the said committee shall report him to the town commissioners, whose duty it shall be to remove him from the position and appoint a successor. If the office of trustee shall become vacant by death, resignation or otherwise, the commissioners of the town shall in five days fill such vacancy. The said trustee shall be allowed as a compensation for his services the sum of four hundred dollars per annum for the first two years, and two hundred dollars for each year thereafter, to be paid to him out of the sinking fund.

Vacancy in office of trustee.

Compensation of trustee.

SEC. 5. The commissioners of said town shall let out the paving and improving of the streets of said town by contract, the work to be done under the supervision of the street commissioner of said town. The said trustee shall pay out no money for work on said streets, except upon the written order of the town commissioners, and such written order signed by the chairman of the board of commissioners shall be a sufficient discharge of said trustee that he has paid the said sum.

Commissioners to let out contract for paving, etc., streets.

How trustee to pay for work.

SEC. 6. The commissioners of the town of Durham shall issue the said bonds in such sums, and bearing such devices, as they shall see proper, and said bonds shall bear date of July first, one thousand eight hundred and eighty-three.

How bonds to be issued.

SEC. 7. 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. 1883.

## CHAPTER 107.

An act to incorporate the trustees of Wesley Chapel Methodist church and camp ground, in the county of Catawba.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That D. C. Warlick, D. W. Ramsaur, D. P. Shuford, James Keever, S. M. Abernathy, R. J. Helton, John E. Carpening, W. R. Cobb and E. R. Ramsaur, and their successors, shall be and are hereby declared a body politic and corporate in deed and in law, by the name and style of the trustees of Wesley Chapel Camp Ground, in the county of Catawba; and said corporation shall have power to purchase and hold real estate and to acquire the same by gift or otherwise, shall have perpetual succession, and sue and be sued, plead and be impleaded in any court of this state having competent jurisdiction, and may have and use a common seal, and have power to elect such officers as they shall deem necessary.

Name.

Corporate powers.

Vacancies.

SEC. 2. That in case of death, or refusal to act, or removal, or from any other cause there becomes a vacancy, the remaining trustees shall have power to fill the same: *Provided*, their number shall not be less than three or more than nine.

Proviso.

Unlawful to sell, &c., liquor within two miles.

SEC. 3. That it shall not be lawful for any person to sell, give away or dispose of spirituous liquors, except for medicinal purposes, at or within two miles of Wesley Chapel Church and Camp Ground and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor.

Misdemeanor to exhibit one's self drunk.

SEC. 4. That it shall be a misdemeanor for any one to exhibit himself drunk in the limits of this incorporation while the church and camp ground is being occupied for worship, and any one violating this section shall be fined

not more than fifty dollars or imprisoned not exceeding thirty days.

SEC. 5. That it shall be a misdemeanor for any one to use loud and profane language, or loud and indecent language, or quarrel in an angry manner in the hearing of those assembled in the limits of this incorporation for worship, whether divine service is going on at the time or not, and for every such offence, on conviction, the offender shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to use loud and profane language, etc.

SEC. 6. That it shall be a misdemeanor for any one to fire off a gun or pistol in the limits of the incorporation while occupied for worship, to sell, give away or buy any intoxicating liquors in the limits of the incorporation, while occupied for worship, or wilfully to throw any rock or other missile of any kind, against, in, or upon any tent, or upon the church, or arbor in the limits of the incorporation while the same is being occupied for worship, or to 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 this incorporation; or to destroy any harness, saddle or bridle, or wilfully injure the same, or to throw any rock or other missile in the arbor where divine service is usually held, or to wilfully injure or render impure any spring in the limits of the incorporation, whereby those who are occupying the ground for worship are disturbed:

Misdemeanor to fire off gun, etc.

*Provided*, the offences committed in this section be committed while the camp ground is occupied for worship, and for every such offence the offenders shall, upon conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days.

Provisc.

SEC. 7. That it shall be a misdemeanor to wilfully destroy, injure, deface or pull down any tent on the said Wesley Chapel Camp Ground, or to destroy, injure, deface or pull down the arbor, or any outhouse, shed or other

Misdemeanor to injure, etc., tent, etc.

appurtenances to a tent, whether the said camp ground is then being occupied for worship or not, and any one violating the provisions of this section, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Ordinances.

SEC. 8. That the trustees of Wesley Chapel Methodist Church and Camp Ground, and their successors in office, may enact all ordinances for the good government and protection of the church and camp ground and people there assembled while occupied for worship, and for the protection of their property which they may have with them, and enforce the same: *Provided*, that such ordinances are not inconsistent with the constitution and laws of the state.

Proviso.

Special police.

SEC. 9. That the trustees of Wesley Chapel Church and Camp Ground and their successors in office, shall have full and ample power to appoint special police and to prescribe rules and regulations for their government and remuneration, and may also elect an intendent of police who shall hold his office for one year, or until his successor is appointed.

Powers of special police.

SEC. 10. That the special police shall have power to keep the peace and to execute all processes to them directed by the intendent of police in the limits of their incorporation, while occupied for divine worship; and the church and camp ground shall be considered as occupied for worship from the arrival of the first vehicle to the departure of the last at any encampment.

SEC. 11. 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. 1883.

## CHAPTER 108.

## An act to incorporate the Palmer Island Club.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That Edward Kidder, Giles F. Ward, David S. Babcock, William F. Bridge, Robert B. Roosevelt, Isaac Townsend and J. H. Bradford, and their associates and successors, or any five of them, be and they are hereby constituted a body politic and corporate by the name and style of the Palmer Island Club, for the purpose of shooting wild fowl, and by such name and style may sue and be sued, plead and be impleaded in any court of this state, contract and be contracted with, and have perpetual succession and a common seal.
- SEC. 2. Said corporation shall have power to acquire, hold, buy and dispose of marsh and beach lands in the county of Currituck, in Currituck sound, and between Currituck sound and the sea, not exceeding five thousand acres, and such personal property as may be necessary or desirable for the purpose of the said club.
- SEC. 3. The stockholders shall have power to make such rules, regulations and by-laws for the government of the corporation and the management and disposition of its property as they may deem fit, not inconsistent with the constitution and laws of this state or of the United States.
- SEC. 4. The principal office or place of business of said corporation shall be at the club house on Currituck beach.
- SEC. 5. Said corporation and the members composing the same shall be subject to all the restrictions in regard to non-residents shooting in this state.
- SEC. 6. This act shall be in force from and after its ratification.
- In the general assembly read three times, and ratified the 7th day of March, A. D. 1883.

Body politic.

Name.

Corporate powers

By-laws, etc.

Principal office.

Restrictions as to shooting.

## CHAPTER 109.

An act to amend the charter of the town of Shoe Heel, in the county of Robeson.

*The General Assembly of North Carolina do enact:*

Chap. 88, sec. 58,  
private laws 1879,  
amended.

SECTION 1. That section fifty-eight of chapter eighty-eight of the private laws of one thousand eight hundred and seventy-nine, be amended by adding thereto the words: "*Provided, however,* that it shall not be lawful for the commissioners of said town to grant license to retail spirituous liquors to any one until the question of license or no license shall have been annually submitted to the qualified voters of said town: said election shall be held at the time of electing officers for said town and under the same rules and regulations as govern the election of officers of said town."

Election on ques-  
tion of license.

Ballots.

SEC. 2. The voters shall vote a written or printed ticket with the words "license" or "no license" thereon. If a majority of the voters of said town vote "license," then the commissioners of the town shall grant license, but not otherwise.

Repeal of prohibi-  
tory laws on ma-  
jority vote.

SEC. 3. That if a majority of the qualified voters of said town shall vote "license," then in that event all laws and clauses of laws heretofore passed preventing the sale of spirituous and malt liquors by retail within said town be and the same are hereby repealed, in so far as the limits of said town are concerned, and no farther: *Provided, however,* that no person shall be allowed to register or vote in any election held in said town, either for the election of officers, or on any question submitted or to be submitted to the qualified voters of said town unless such person shall be a *bona fide* resident of said town, and shall have resided therein continuously for sixty days preceding the election.

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 7th day of March, A. D. 1883.

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CHAPTER 110.

An act to incorporate the Colored Orphan Home of Eastern North Carolina.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That George T. Wassom, John A. Savage, Louis H. Fisher, George H. White, John C. Dancy, J. H. Mattocks, P. W. Casey, W. C. Coleman, C. H. Johnson, W. W. Arrington and Richard Bunu, and their associates and successors, be and they are hereby created a body politic and corporate, under the name of the Colored Orphan's Home of Eastern North Carolina, with power to receive, purchase and hold property, both real and personal, not exceeding twenty-five thousand dollars, to sue and to be sued, to plead and to be impleaded, to contract and to be contracted with, and to do all other acts and things which may be necessary for the convenient and efficient management of the business of said corporation and for the carrying out the intentions of the same.
- SEC. 2. That the said corporation shall have its principal place of business at or near Goldsboro, in the county of Wayne, and buildings necessary to enable the said corporation to carry out the purposes of the organization shall be erected at or near said city, and not elsewhere.
- SEC. 3. That said corporation shall have power to choose from the corporators named in this act, or from such as may be associated with them hereafter, a board of directors to consist of five, who when chosen and duly organized

Body politic.

Name.

Corporate powers

Place of business,  
etc.

Board of directors.

President.  
Secretary.  
By-laws.

by the election of a president and a secretary shall have power to make all necessary by-laws and regulations for the convenient and efficient management and control of the affairs of said corporation, and to appoint from the said board of directors, or from the incorporators generally, three trustees, who shall perform such duties as may be assigned them by said board of directors: the said trustees shall be subject to removal at the pleasure of the board of directors.

Trustees.

Corporate powers.

SEC. 4. That said corporation shall have power to adopt such measures as will enable it to afford protection and extend the benefits of education and correct training to all such orphans, unprotected and friendless children as may be entrusted to the care of said corporation by any lawful authority.

Corporate powers.

SEC. 5. That said corporation shall have power to receive, for the purposes of protection, education and right training all orphans, unprotected and friendless children, under such rules and regulations as said corporation may prescribe, and may discharge any of said children from said Orphan Home when, in the judgment of the board of directors of said corporation, it shall become necessary for the best interest of such child to be discharged, or for the advantage of the institution.

Corporate powers.

SEC. 6. Said corporation shall have power to secure control of such orphans, unprotected and friendless children, in such manner as may be provided by the by-laws of the corporation: and it shall not be lawful for any person or persons to interfere with the said Orphan Home of eastern North Carolina, in its management and control of said children after they are lawfully entered and received by said corporation: *Provided*, that the said institution shall be for children of the colored race only.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1883.

## CHAPTER 111.

An act to amend the charter of the town of Asheville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the inhabitants of the town of Asheville shall be and continue as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The City of Asheville," and under such name and style is hereby invested with all the property and rights of property which now belong to the present corporation of "The Town of Asheville," or any other corporate name or names heretofore used ; and by the corporate name of "The City of Asheville" may purchase and hold for purposes of its government, welfare and improvement, all such estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and re-invest as shall be deemed advisable by the proper authorities of the corporation.

Body politic.

Name.

Corporate powers.

SEC. 2. That the corporation line of "The City of Asheville" shall hereafter be defined and located as follows: Beginning in a crevice of a large rock marked with the letters "A. C. L.," on the top of the mountain ridge north-east of the court house, and south of the highest top of said mountain, and known as "Smith's view," and running thence a straight line south seventy-four degrees west to the east bank of the French Broad river, thence up the bank of said river, passing the iron bridge and the mouth of Town branch to two large sycamore trees on the east bank of said river and marked with the letters "A. C. L.," thence a straight line north seventy-four degrees east to a stake one hundred feet east of the crest of the mountain ridge, next west of Ross's creek, thence parallel with the top of said mountain ridge, passing

Corporate limits.

one hundred feet east of Beau' Mont to a stake one hundred feet east of the beginning, and thence to the beginning.

Election of  
mayor and alder-  
men.

SEC. 3. There shall, on the first Monday in May in each and every year, be elected by the qualified voters of the city of Asheville, a mayor and five aldermen, who shall be residents within the corporate limits of said city of Asheville.

Election, how  
held.

SEC. 4. That the election provided for in the foregoing section shall be held under the same rules and regulations as elections are now held for members of the general assembly, and every citizen residing within the corporate limits of the city of Asheville who is qualified to vote for members of the general assembly, shall be entitled to vote for one mayor and for five aldermen; each elector shall vote one ballot on which shall be placed the names of the persons voted for, either written or printed; and of the persons voted for as mayor, who shall receive the greatest number of votes cast at said election shall be declared elected mayor of the city of Asheville, and of the persons voted for as aldermen, the five who receive the greatest number of votes cast at said election shall be declared elected aldermen of the city of Asheville. Immediately upon the result of said election being declared by the judges, it shall be the duty of the sheriff to make proclamation at the court house door in said city and then and there declaim the result of the same. It shall be the duty of the judges, within the next twenty-four hours thereafter, to certify under their hands and seals to the mayor of the city of Asheville, the result of said election, which certificate together with the scrawl and ballots shall be filed in the mayor's office. Upon the receipt of said certificate, the mayor shall immediately notify the persons of their election requesting them to immediately appear before him to be qualified and enter upon the duties of their respective offices. If among the persons voted for there shall be any two or more who

Ballots.

Mayor.

Aldermen.

Result of election.

Officers to qual-  
ify.

shall receive an equal number of votes for the same office and either of them would be elected but for the equal vote, the question as to which of such parties is elected shall be decided by the judges of election, and in case they divide, the registrar shall decide between the persons for whom the judges vote.

SEC. 5. That the mayor immediately after his election, and before entering on the duties of his office, shall take and subscribe before his predecessor in office, or other person authorized and empowered by law to administer oaths, the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of the city of Asheville while I continue therein, and will cause to be executed as far as in my power lies all laws, ordinances and regulations made for the government of the city, and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me God." The oath shall be filed in the office of the mayor and record thereof made by his predecessor in the records of the mayor's office.

Oath of mayor.

SEC. 6. That each alderman, before entering upon the duties of his office, shall take before the mayor, or some other person authorized to administer oaths, an oath that he will truly and impartially perform the duties of alderman for the city of Asheville according to the best of his ability and judgment.

Oath of aldermen.

SEC. 7. That the mayor and aldermen shall hold their offices respectively until the succeeding election and until their successors are qualified.

Term of office.

SEC. 8. That if the person elected mayor of the city of Asheville shall refuse to qualify, or if after qualifying, there is any vacancy in the office of mayor of the city by reason of death, resignation or disability to discharge the duties of the office, or if the mayor during his term of office shall become a non-resident of the city, the aldermen after due notice shall choose by ballot, in a full

Vacancies.

meeting of the aldermen, some discreet and well qualified person to serve as mayor for the term, or for the unexpired portion of the term, as the case may be; and in like manner and, if for like causes, vacancies should occur in the board of aldermen, shall the remaining aldermen elect suitable persons to fill said vacancies.

Penalty for refusal to qualify.

SEC. 9. That any person elected mayor or alderman, who shall refuse to qualify and act as such, shall forfeit and pay for the use of the city twenty-five dollars, and it is hereby made the duty of the mayor to enforce this section.

Jurisdiction of mayor.

SEC. 10. That the mayor of said city of Asheville, while acting as such, is hereby constituted an official court with all the jurisdiction and powers in criminal offences occurring within the limits of the city of Asheville, which are now or may hereafter be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors, consisting of a violation of the ordinances or by-laws of said city. The proceedings of said court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the next inferior or superior court of Buncombe county having jurisdiction of the case. In all cases of appeal from the mayor's judgment, the mayor shall require bond with surety which in his judgment is sufficient to insure the defendant's appearace at the next succeeding term of the appellate court, and on failure to furnish said bond, the mayor shall commit the defendant to the common jail of Buncombe county.

Appeal.

Persons failing to pay fines, etc., liable to work on streets.

SEC. 11. That in all cases where judgment may be entered up against any person or persons for fines or penalties according to the laws and ordinances of the city of Asheville, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor of said city to order and require such person or persons so con-

victed to work on the streets or other public works of said city under the supervision of the marshal or street overseer until, at a fair rate of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

SEC. 12. That the mayor of the city of Asheville may issue his precepts to any constable, marshal, or to such other officers to whom a justice of the peace may direct his precept.

Precepts.

SEC. 13. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings. The precepts issued by him shall have all the force, virtue and validity of precepts issued by a single justice of the peace, and may be executed and enforced against parties in the county of Buncombe for violation of any of the ordinances or by-laws in the said city of Asheville and elsewhere, in same manner and by the same means as if the same had been issued by a justice of the peace for the county of Buncombe.

Mayor to keep record, etc.

Precepts.

SEC. 14. That the mayor shall keep his office in some convenient part of the city designated by the aldermen. 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 by the ordinances of the corporation.

Mayor's office, etc.

Compensation.

SEC. 15. 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 cases, 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 extended absence or sickness, the board of aldermen may appoint one of their own number *pro tempore* to exercise his duties.

Mayor to preside over board of aldermen, etc.

Mayor pro tem.

SEC. 16. That the aldermen shall form one board, and a majority of them shall be competent to perform all the

Board of aldermen.

duties prescribed for the aldermen, unless otherwise provided. Within five days after their election, they shall convene at the mayor's office for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often, at least, as once in each and every calendar month. Special meetings of the aldermen may also be held on the call of the mayor, or of 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.

Penalty for failure to attend meeting.

SEC. 17. That if any alderman shall fail to attend a regular 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, and it shall be the duty of the mayor to enforce such forfeitures.

Ordinances, etc.

SEC. 18. That the 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.

Powers of board of aldermen.

SEC. 19. That among the powers hereby conferred on the board of aldermen, they may borrow money only by the consent of a majority of the qualified and registered voters of the city, which consent shall be obtained by a vote of the citizens of the corporation, after thirty days' public notice, at which time those who consent shall vote "Approved," and those who do not consent shall vote "Not approved." The aldermen shall also provide a supply of pure water; provide for repairing and cleansing the streets and sidewalks; establish and regulate a market and erect or lease a suitable market house; take all proper and effectual means to prevent and extinguish fires; make regulations to cause the due observance of Sunday; appoint and regulate city watchers; suppress and remove nuisances; take all necessary measures to preserve the

city from contagious or infectious diseases; appoint marshals or other officers to execute such precepts as the mayor may lawfully issue to them; take measures to preserve the peace and order of the city, and to execute all the laws and ordinances thereof; establish one or more public cemeteries, either within or without the corporate limits, of such dimensions as they may deem necessary, and provide for the care and maintenance of the same; to enact and pass such laws and ordinances as they deem necessary to preserve the health of the town; to determine, when necessary, the boundaries of streets, lots and alleys, and to establish new streets, lanes or alleys; to provide for licensing and regulating auctions; to restrain and prohibit gambling, and provide for licensing, regulating or restraining theatrical or other public amusements within the city; to establish necessary inspections within the city; to impose and appropriate fines, penalties or forfeitures for the breach of its by-laws and ordinances; to lay and collect taxes for carrying all necessary measures into operation for the benefit of the city; to regulate and restrain tippling houses, and pass all laws and ordinances necessary to carry the intent and meaning of this act into effect, provided they are not incompatible with the constitution and laws of this state, and if in the opinion of said aldermen, any one or more of these objects can be better accomplished by combining with private individuals, they shall have power to subscribe in the name of the city of Asheville to the capital stock of any company which may be organized for the accomplishment or furtherance of such object or objects, and join with other stockholders in making any and all rules and regulations which may be considered best for such company. They shall also appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. They shall have the right to regulate the charges for the carriage of persons, baggage and freight by omnibus or other vehicles, and to

issue license for omnibuses, hacks drays or other vehicles used for the transportation of persons or things for hire.

Clerk and treasurer.

Tax collector.

Marshals.

Oath.

Bond.

SEC. 20. That the aldermen at the first meeting after their election shall appoint a clerk and treasurer, who may be one of their own number, also a collector of taxes, who may be one of the marshals provided for, and shall appoint one or more marshals, all of which officers shall respectively hold their offices during the official term of the aldermen, subject however to be removed at any time for misbehavior or neglect of duties, and others appointed in their stead by the aldermen, who alone shall be the judges of such misconduct or neglect of duties. Before entering upon the duties of their office, each of said officers shall be sworn by the mayor, or other person competent to administer oaths, to the faithful discharge of their duties, and execute a bond payable to the city of Asheville in such sum as the aldermen shall determine with security approved by aldermen, which bond shall be duly probated and recorded in the office of register of deeds of the county of Buncombe, in the book prepared for the official bond of the officers of said county. The original bonds shall be deposited with the mayor, and a copy of the same, duly certified by the register of deeds, shall at all times be received as evidence in any court of law for the enforcement of penalty or for any other purpose. The office of clerk and treasurer may be united in one and the same person, or otherwise, as to the board of aldermen may seem best.

Salaries, etc.

Duty of clerk.

SEC. 21. That the officers provided for in the foregoing section shall have a reasonable salary or compensation, to be determined by the board of aldermen, and it shall be the duty of the clerk 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 to deliver the same to his successor, and regularly to perform such other duties as may be prescribed by the aldermen.

SEC. 22. That it shall be the duty of the treasurer to call on all persons who may have in their hands any 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 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 mayor or 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 in said office he shall faithfully perform all duties imposed upon him as city treasurer.

Duty of treasurer.

SEC. 23. That all orders drawn on the treasurer shall be signed by the mayor, and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose in his accounts, and also the sources whence are derived the moneys received by him.

Orders on treasurer.

SEC. 24. That the 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 at the court house door in the city of Asheville, at least ten days before the annual election of mayor and aldermen, and the aldermen failing to comply with the duties prescribed in this section shall forfeit and pay for the use of the city one hundred dollars. It shall be the duty of the mayor to enforce the provisions of this ordinance.

Aldermen to post annual statement of receipts and disbursements.

SEC. 25. That it shall be the duty of the constable or marshal to see that the laws, ordinances and orders of the aldermen are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the city by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and

Penalty for failure.

Duty of constable and marshal.

authorities vested in sheriffs or county constables. He shall execute all precepts lawfully directed to him by the mayor or others, and in execution thereof shall have the same power anywhere in the county of Buncombe as the sheriff or constables of the county have; and he shall have the same fees on all process and precepts executed and returned by him which may be allowed to the constable of the county on like precepts, and also such other compensation as the aldermen may allow.

Fees.

City officials prohibited from speculating in claims against the city or county.

SEC. 26. That any and all officers or employees of the city of Asheville are prohibited from speculating in, or purchasing at a discount, any claim, paper or evidence of indebtedness, whether allowed or not allowed, of the city of Asheville or of the county of Buncombe. The provisions of this section shall apply to any person employed in any capacity by the city and shall hold good for the term of the aldermen during whose term such person may be employed, and any violation of this section shall cause the forfeiture and non-payment by the city of Asheville, or by the county of Buncombe, of any evidence of indebtedness which may have been so speculated in or purchased at a discount.

Penalty.

Powers of marshal

SEC. 27. That the marshal have the same power and be bound by the same rules, in this respect, as constables of the county of Buncombe, to apprehend all offenders against the state, in the limits of the city or of the county of Buncombe, and to carry them before the mayor or some justice of the peace, and for such duty he shall have the same fees as constables of the county, to be paid by the party offending, if found guilty.

Fees.

City patrol.

SEC. 28. That the aldermen may provide a patrol or watch for the city and prescribe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or watch, or may class the inhabitants into such patrol or watch.

Duty of citizens.

SEC. 29. That the inhabitants when classed into such watch (each one, either by person or by substitute accepta-

ble to the mayor) [shall] serve in turn when ordered out by the mayor or other person appointed by the aldermen as director of the watch.

SEC. 30. That any person being of the watch or patrol and failing to serve and faithfully to discharge his duties, for each default, if an officer of the watch, shall forfeit and pay four dollars, and if not an officer, two dollars.

Penalty for failure to serve in patrol.

SEC. 31. That the sheriff or jailer of Buncombe county is hereby required without *mittimus* to receive into the jail of said county as his prisoner any person taken up in the night by the watch, marshal or police of the city of Asheville, and to keep such person safely until the following morning, when the offender shall be brought before the mayor, or some magistrate resident in the city, and be lawfully dealt with, and for such service the sheriff or jailer shall be entitled to such fees as he is in other like cases. If the offender is charged with violation of a law of the state, the fees shall be paid by him, if guilty, and if not, by the county of Buncombe. If the offender is charged with violation of an ordinance of the city, the fees shall be paid by him, if guilty, and if not, by the city.

Duty of sheriff to receive prisoners, etc.

Fees.

SEC. 32. That for any breach of his official bond of any officer of the city, who may be required to give an official bond, such officer shall be liable to an action on the same in the name of the city, at the suit of the city, or of 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.

Liability for breach of official bonds.

SEC. 33. That the aldermen shall have power to appoint one or more auctioneers in and for the city, and prescribe his duties and fix his compensation, and if any person shall act as auctioneer within the city without being duly authorized or appointed by the aldermen, he shall be deemed guilty of a misdemeanor.

Auctioneers.

SEC. 34. That the aldermen may elect one of their own number, or any other citizen of the city whom they shall

Public Inspector.

## Duties.

deem capable, to fill the office of public inspector, and it shall be the duty of this officer to carefully inspect and examine all articles of food offered for sale within the city limits, and should he find any such article of food, either vegetable or animal, to be uncleanly, impure, tainted or otherwise unfit for human food, he shall at once notify the person offering it for sale to cease such offering or selling, and to remove such articles without the city limits, and in case he is not immediately obeyed, it shall be his duty to seize all such articles and cause them to be immediately destroyed. It shall be the duty of any marshal or policeman, when called on by the public inspector, to assist him in effecting such seizure and destruction, and to arrest any person who shall resist his authority, and the person so arrested shall be taken before the mayor to be dealt with as other offenders. It shall also be the duty of the public inspector to inspect and examine any cistern, well, spring or other water supply, which he shall have reason to believe is impure and unfit for human use, and if, after making such inspection or examination, he shall not be fully satisfied that such water is thoroughly pure and wholesome, he shall notify the owner thereof to stop the use thereof by himself or by any other person until a thorough analysis thereof can be made, and he shall at once cause an analysis of the suspected water to be made, either by the state chemist or other competent person, and if the report of said analysis does not remove all doubt from his mind in regard to the purity of said water, he shall cause the place from which the same was procured, if a cistern, to be thoroughly emptied and cleansed, and if a well or spring, to be filled up, or by some other means rendered forever incapable of being used. All expenses incurred in making such inspection and analysis, except his own fees or salary, he shall report to the mayor of the city, and the amount shall be by him charged to owner of such water supply, and be collected in same way as taxes are col-

Duty of marshal  
or policemen.

Duty of public  
inspector.

lected. The salary of this officer shall be fixed by the aldermen.

SEC. 35. That in order to raise a fund for the expenses incident to the proper government of the city, or for the improvement thereof, and to provide for the payment of the interest on the bonded debt of the city, and to provide for a sinking fund to meet the principal of said debt when it shall become due, the aldermen may, at their regular meeting in June of each year, levy and collect the following taxes, to-wit :

1st. On all real and personal property within the corporate limits of the city of Asheville, including money on hand and all other subjects taxable by the general assembly of North Carolina as specified, set forth and valued on the tax list of Buncombe county, a tax *ad valorem* not exceeding one dollar on every one hundred dollars in valuation. Taxation.  
Ad valorem tax.

2nd. On all taxable polls residing within the corporate limits of the city of Asheville on the first day of June of each year, a tax not exceeding three dollars. Poll tax.

3rd. On every hundred dollars of value of goods, wares and merchandise purchased for re-sale or manufacture by any merchant or manufacturer trading or manufacturing within the city, for the whole or any portion of the year next preceding the first day of June of each year, a tax not exceeding twenty cents. Purchase tax.

4th. Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding twenty dollars per annum, and upon every hack, carriage or other vehicle, including express wagons used for the carriage of persons or baggage for hire, and for every dray, wagon or other vehicle used for transportation of persons, freight or other articles for hire, a license tax not exceeding ten dollars per annum : *Provided*, that in fixing the license tax on the above enumerated vehicles, the aldermen shall discriminate between one, two or four-horse vehicles, and also between the various kinds of Omnibuses, etc,  
Proviso.

vehicles as to them may seem just. For the enforcement of this section, the aldermen may give notice by ordinance at their meeting in June of each year of the amount of license tax fixed on vehicles of each kind, and every person intending to use such vehicle in the city shall report the same to the clerk on or before a day to be fixed in said ordinance, and on payment to the clerk of the amount of license tax fixed on his vehicle or vehicles shall obtain from him a certificate stating the kind and the number of each kind of vehicle he shall be entitled to use: *Provided*, that any person may take a license *pro rata* for any portion of a year not less than three months on such terms as may be fixed by the aldermen. And any person who shall use any such vehicle after the day appointed by the aldermen for procuring the license thereof without having such license, shall be deemed guilty of a misdemeanor, and on conviction before the mayor shall be fined double the amount of his license tax and the costs of action.

Proviso.

Misdemeanor.

Saddle horses  
kept for hire.

5th. Upon every saddle horse kept for hire, a license tax not exceeding five dollars per annum. The license on saddle horses shall be obtained in same manner as is prescribed for vehicles and under the same penalties.

Express compa-  
nies, etc.

6th. Upon every express company, telegraph company or railroad company doing business in the city or having an office therein, a tax not exceeding one per cent. of its gross receipts at that office, and the manager or agent of such company at that office shall, on the first day of June, of each year, or by such other day as the aldermen may appoint, make to the city clerk under oath a return of the amount of the gross receipts at his office for the year ending on the thirty-first day of May preceding: *Provided*, that for the year one thousand eight hundred and eighty-three such return shall only show the amount of gross receipts at such office between the date of the ratification of this act and the thirty-first day of May, one thousand eight hundred and eighty-three. For neglect or refusal of

Proviso.

any agent of such company to make such return or to pay the tax fixed thereon by the aldermen, both the agent so offending and the company he represents shall be liable to the same penalties as are fixed in this charter for neglect to return or to pay other taxes, and also to such other fine or penalties as the board of aldermen may decide, and the offending agent shall be deemed guilty of a misdemeanor and be liable to arrest and conviction before the mayor of the city.

7th. That the citizens of Asheville and others liable to taxes under this charter, shall, on the day prescribed for listing state and county taxes, render on oath to the clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, a list of such property taxable under this charter and which is not liable to state and county tax, under all 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 article for which he is liable to be taxed under this charter. The clerk shall procure from the register of deeds of Buncombe county a duly certified list of the assessments of the value of property, real and personal, which have been returned to him for taxation, situate within the corporate limits of the city of Asheville, and such other records pertaining to matters taxable by the city as may be kept in his office. The board of aldermen shall have all the powers given to the authorities of Buncombe county pertaining to revision of the tax list, except the power to alter valuation of real estate.

8th. That as soon as the tax list can be completed, and not later than the regular meeting of the aldermen in September, they shall proceed to levy the tax upon 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 with the collection, and shall complete the same by the first day of December

Tax lists.

Penalty for failure to list.

Duty of clerk.

Revision of tax list.

Aldermen to levy tax.

Collection.

Proviso. following: *Provided*, that the aldermen may extend the time for completion of such collection as they may think best, but not later than first March ensuing, and the tax collector shall pay over all moneys as collected, at least as often as once a week, to the treasurer and take his receipt therefor; and the tax collector shall receive as his fees for collection of taxes, not more than five per cent. on the amount collected, at the discretion of the aldermen. On the first of December (or at the time fixed by the aldermen, not later than first March,) there shall be one per cent. added to all taxes due, and on the first of each month thereafter, one per cent. additional until the taxes are paid.

Misdemeanor to fail to list poll or property.

9th. That all persons who are liable for a poll tax to said city, and shall wilfully fail to make return thereof, and all persons owning property and who wilfully fail to list the same as hereinbefore provided, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list state and county taxes, and on conviction therefor before the mayor of the city shall be fined not more than twenty-five dollars, or imprisoned not more than ten days; and it shall be the duty of the tax collector to prosecute offenders against this section: *Provided*, that any person prosecuted under this section may be discharged by the mayor upon the payment of double the amount of tax found to be due by him to the city, together with the costs of the prosecution.

Proviso.

Collection by distress.

10th. That if any person liable to payment of any tax shall fail to pay the same within the time prescribed for collection, the collector shall proceed to collect the same forthwith by distress and sale, after public advertisement for a space of ten days at the court house door in said city, if the property to be sold be personal.

Collection by sale of personal property.

11th. That when the tax due on any lot or other real estate, which is hereby declared to be a lien on the same, shall remain unpaid at the time prescribed by the aldermen for completing collection of taxes, the tax collector

shall either proceed to collect the same by distress and sale of personal property belonging to owner of such lot, if enough of such personal property can be found; or if enough of such personal property cannot be found, the tax collector shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon they shall direct the same to be sold at the court house door in the city of Asheville by the collector. The collector shall before selling the same make a full advertisement of said real estate at the court house door and at three or more public places in the city for twenty days, and shall also serve upon the owners thereof a written or printed notice of the taxes due and of the day of sale. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement for sale of real estate belonging to such owner shall be made for one week (during the twenty days above specified) in a newspaper published in the city of Asheville, and the collector shall divide said real estate into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as much of said real estate as may be required to pay said taxes and all penalties and expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole. The sale in either case to be made at public auction to the highest bidder for cash, and if no person will bid enough to pay taxes, penalties and expenses for the whole of said property offered, the collector shall bid on behalf of the city the amount of said taxes, penalties and expenses, and no other or higher bid being offered, the same shall be struck off to the city; and if not redeemed as hereinafter provided, shall belong to the city in fee. The collector shall return to the aldermen a statement of his proceedings specifying the portions into which real estate was divided and the purchaser or purchasers thereof, and the price of each, which shall be entered on the book of proceedings of the aldermen, and if

By sale of real estate.

there shall be a surplus after paying said taxes, penalties and expenses, the same shall be paid into the city treasury subject to demand of the owner.

Redemption of  
real estate.

12th. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent. in addition thereto.

Conveyance to  
purchaser.

13th. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the collector or his successor, under the direction of the mayor of the city, shall convey the same in fee to the purchaser or his assigns. In the event that the city is the purchaser, the collector or his successor shall convey to the corporation of the city of Asheville, and the recital in such conveyance, or in any other conveyance of real estate due the city, if the taxes were due and unpaid at date of sale, shall be *prima facie* evidence that the same was true.

License taxes.

SEC. 36. In addition to the subjects listed for taxation, the aldermen may levy and collect a tax on the following subjects, the amount of which tax, when paid, shall be collected by the city tax collector instantly; and if the same be not paid on demand, the same may be recovered by suit or by distress and sale of the articles on which tax is imposed, or of any other property of the owner which may be forthwith distrained and sold to satisfy said taxes:

Pedlars, etc.

1st. Upon all itinerant merchants or pedlars offering to vend in the city, a license tax not exceeding fifty dollars per year, in addition to a tax not exceeding one per cent. on his purchases. This clause is intended to include all itinerant vendors of patent medicines.

Shooting galleries,  
etc.

2nd. Upon every shooting gallery, billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table or place of 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 a house, or used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars.

3d. Upon every hotel, restaurant or eating house, a license tax not exceeding twenty-five dollars. Hotels, etc.

4th. Upon every license to retail spirituous or malt liquors, a tax not exceeding five hundred dollars. Retail liquor licenses.

5th. Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile outside of the corporate limits thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition; and upon every side show connected therewith, a license tax not exceeding twenty dollars for each performance. The tax herein specified to be paid before exhibition, or otherwise to be doubled. Circuses, etc.

6th. Upon every person or company exhibiting within the city or within one mile outside of the corporate limits thereof any stage or theatrical plays, sleight of hand performance, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibition. The tax to be paid before exhibiting, or otherwise to be double. Theatrical companies, etc.

7th. Upon every exhibition for reward of artificial curiosities, models of useful inventions excepted, within the city or within one mile of the corporate limits thereof, a tax not exceeding twenty-five dollars, to be paid before exhibition, or the same to be doubled. Artificial curiosities, etc.

8th. Upon each show or exhibition of any other kind, and on each concert for reward, upon every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same to be doubled. Concerts, etc.

9th. Upon each and every of the following objects and occupations the aldermen, may at discretion impose the following taxes, to wit: on auctioneers, not exceeding fifty dollars; on jewelers or silversmith itinerants offering for sale, not exceeding fifty dollars; on dentists, local or Auctioneers, etc.

itinerant, not exceeding ten dollars; on drug stores where liquors, spirituous or malt, are sold other than for medicinal purposes, not exceeding five hundred dollars; on photographers, not exceeding twenty-five dollars; on dealers in leaf tobacco, not exceeding ten dollars; on hucksters' stands, not exceeding twenty dollars; on itinerant dealers in lightning rods, not exceeding twenty-five dollars; on agent for sale of any patented article, not exceeding twenty dollars; on bank or bank agent, not exceeding one hundred dollars; upon note shaver or broker, not exceeding fifty dollars; upon tobacco manufacturer, not exceeding thirty dollars; upon tobacco warehouse, not exceeding thirty dollars; upon retail dealers in fresh meats, not exceeding thirty dollars; upon each boarding house, not exceeding ten dollars; upon each ice cream saloon, not exceeding ten dollars; upon dealer or agent for fertilizer, not exceeding one hundred dollars; upon dealers in lumber, each yard, not exceeding thirty dollars; upon soda fountains, not exceeding ten dollars; upon lawyers, not exceeding ten dollars; upon brewers manufacturing and wholesaling their own products, not exceeding twenty dollars; upon skating rink, not exceeding twenty dollars; upon dogs, not exceeding two dollars; upon every dealer in or agent for carriages, buggies, wagons, sewing machines, gins, tobacco, tin ware, cotton yarn (not the manufacture of Buncombe county), not exceeding twenty dollars; upon every person or firm or company selling pistols, bowie knives, dirks, slung shot, brass knuckles or other like deadly weapons, in addition to all other taxes, a license tax not exceeding fifty dollars.

Condemnation of  
land for streets,  
etc.

SEC. 37. That whenever in the opinion of the aldermen it is advisable to obtain land or the right of way in the city for the purpose of opening new streets, or widening or straightening streets already established, or for making of culverts or water ways for carrying water out of the streets, and the aldermen and the owners of property affected by such proposed improvement cannot agree

as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owners thereof, or to the owners of property in the close vicinity of such proposed improvement by reason of the proposed opening, widening or straightening of said street, or the building or otherwise establishing of such culvert or water-way, the mayor, upon order of the aldermen, shall issue his writ, under the seal of his office, commanding the marshal to summon a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said proposed improvement; and in said writ the proposed improvement shall be fully described and the persons mentioned who are supposed to be affected thereby. In obedience to said writ, the marshal shall summon the jury of six freeholders as aforesaid and appoint a day for them to assemble at the mayor's office; the day so appointed shall not be less than twenty nor more than thirty days from the date of the writ. The marshal shall also serve notice of the time of the meeting of the jury upon all the persons who are named in the writ as supposed to be affected by said proposed improvement, which notice shall be at least ten days before the date appointed for meeting of the jury: (*Provided*, that for purpose of such notice a verbal notice by the marshal to each person, or to his tenant or agent, shall be sufficient, and in case any of such persons, their tenant or agent, cannot be found within the city, then a poster at the court house door, stating in as few words as possible the proposed improvement and the date appointed for meeting of the jury, shall be sufficient notice.) On the day appointed for meeting of the jury, the marshal, if he has not already summoned them, shall proceed to do so, or to fill any vacancy which may have occurred from any cause in the number which he may have previously summoned; and shall cause them to assemble at the mayor's office, where each of them shall take an oath, to be administered by the

Proviso.

mayor or other competent person, that he will faithfully, truly and impartially assess the damages, if any, which may in his judgment be done to the property of each person named in the writ, or to any other person whose property may in his judgment be damaged by proposed improvement, and that he will also assess any special benefit or advantage or enhanced value which may be caused to the property of any person named in the writ or to any other property in the immediate vicinity of proposed improvement. Immediately after the jury shall have taken the oath as above prescribed, they shall proceed, accompanied by the marshal, to view the land of each person mentioned in the writ, and the land of any other person in the immediate vicinity of proposed improvement which they may consider to be directly affected thereby, and they shall assess the damages, if any, specifying the amount to which each and every one of the premises which they shall have viewed shall be entitled, and the jury shall at the same time take into consideration any special benefit, advantage or enhanced value which in their judgment may accrue to any premises which they may have viewed, by reason of said proposed improvement, and shall state the amount of such special benefit, advantage or enhanced value of each and every one of the owners of said premises. The jury shall forthwith return to the mayor in writing a statement to be signed by each of them, or of a majority of them in case they cannot agree, setting forth distinctly a full report of their proceedings and stating the amount of damage or advantage which they shall have assessed to each person: (*Provided*, that in case the jury shall be evenly divided and therefore unable to agree on the whole or on part of said report, they shall state that fact, setting such parts as a majority of them have agreed on, and also the names of the persons as to the damage or advantage of whom they are evenly divided, and thereupon the mayor shall order the marshal to summon at once a new jury of six free-

Proviso.

holders to take into consideration that part of the report of the first jury on which they were not able to agree, and shall continue this course until an agreement is arrived at, and if necessary, the mayor is authorized to extend the time of meeting of the jury from day to day to accomplish the objects of this section.) As soon as practicable after receiving the report of the jury, the mayor shall call a meeting of the board of aldermen and submit the report to them; and if the aldermen shall conclude that the damages assessed by the jury are excessive, they may decline to pay the same, and discontinue the proposed improvement. If the aldermen shall determine that the amount of damages assessed is not excessive, they shall order the report and finding of the jury approved, and the land so valued by said jury shall vest in the city so long as it may be used for the purpose of said improvement. So soon as the amount of damage so assessed shall have been paid or tendered to the owner or owners thereof, or in case of an appeal (as hereinafter provided for) has been lodged in hands of the clerk of the superior court of Buncombe county, if the jury shall find that the proposed improvements, the amount of such valuation shall vest in the city and become lien on the premises mentioned in report of the jury, and shall be due to the city on the completion of the proposed work, and payable in three equal annual instalments, and if not paid at maturity, the lot so assessed, or as much thereof as may be necessary to pay said instalment and the costs, shall be sold by the tax collector to pay the same, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of lands for unpaid taxes: *Provided, nevertheless,* that if any person who is reported in the jury's report to be affected by the proposed improvement be dissatisfied with the amount of damage, or of enhanced value with which he has been assessed, or if the aldermen be dissatisfied with any item in the report, then and in that case either party may ap-

Proviso.

peal on the item with which they are dissatisfied to the next term of the superior court of Buncombe county, by giving the adverse party or parties ten days' notice in writing. The appellate court, in either case, shall have power to increase or diminish the amount of damages or enhanced valuation, which has been assessed, that shall in no wise adjudicate the necessity of the improvement: *Provided, however*, that such appeal shall in no wise hinder or delay the aldermen in making the proposed improvements, but it shall be lawful for them or their agent to enter upon and use the property so condemned as soon as the amount of damages assessed by the jury shall have been paid or tendered to the parties to whom it is due, or in case of an appeal by either party, when the amount to which the appeal refers shall have been paid into the hands of the clerk of the superior court of Buncombe county, to be by him held subject to order of said court.

Proviso.

Condemnation of  
land for reser-  
voirs, etc.

SEC. 38. That when any land, water or water course, or right of way, either within or without the corporate limits of the city of Asheville shall, in the opinion of the aldermen, be required for the purpose of erecting or establishing reservoirs, laying conduit, main or supply pipes, or for obtaining a supply of water for the use of said city or the citizens thereof, or for any other purpose connected with the successful operation of waterworks in said city, and the owners of such property cannot agree with the aldermen as to the price to be paid therefor, the proceedings for condemnation shall be the same as is prescribed in foregoing section for condemnation of land for streets or other improvements. And for the purpose of successfully operating the waterworks contemplated by this section, the aldermen of the city of Asheville are fully authorized to extend the lines of waterworks beyond the city limits in any direction thought most advisable, with all the rights and privileges belonging to said aldermen within the city limits in addition to the authority herein granted: *Provided, however*, that in case of discon-

Proviso.

tinuance of the use of the land either for the purposes mentioned in this or the preceding section, and on its reverting to the owners the city shall have the right to remove any property or improvement under its authority erected thereon: *Provided further*, that the owner or owners of land, rights of way, water or water courses required for the purposes mentioned shall have at least twenty days' written notice, under the seal of the mayor's office, of the time and place of meeting and of the purposes of the jury. If a resident of the city of Asheville, said notice shall be served by the marshal, if in the city; if not, for the purposes of this act, it will be sufficient if the notice be left at his known place of residence. If a non-resident and his post office address is known, a registered letter, with postage prepaid, addressed to him and deposited in the post office at Asheville, and a return receipt for said letter, shall be deemed and taken as sufficient notice. If his address is not known, publication for two weeks shall be made in some newspaper published in Asheville of the time and place of the meeting of the jury and of the purposes thereof.

Proviso.

SEC. 39. That the 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 established, and lay out and open others as in section thirty-eight provided for, and may reduce the width of streets now established. They may establish parks for pleasure grounds for the citizens of the city and pass ordinances for protection of shade trees.

Streets.

Parks.

SEC. 40. That where there is no sidewalk and has never been any in existence in convenient walking order, along any lot in said city, the owner shall be required to pay such portion of the expense of making a sidewalk along such lot, as three disinterested assessors, freeholders of said city to be appointed by the aldermen, may estimate that the property is enhanced in value by such improvement: *Provided*, that the owner shall have the privilege

Sidewalks.

Proviso.

of building said sidewalk along his lot immediately and in the manner prescribed by the aldermen, instead of paying the amount with which he has been assessed; and if the owner of such lot shall neglect or refuse to put down said sidewalk when directed to do so by the aldermen and shall refuse or neglect to pay the amount so assessed against him to the treasurer of the city, said sidewalk shall be made by the city and the amount assessed against the owner of such lot shall be a lien on the same, and if not paid on demand, so much of such lot shall be sold as may be sufficient to pay said assessment and the costs, under the same rules and regulations, rights of redemption and savings as are prescribed in this charter for sale of land for unpaid taxes. Before making such assessment, the assessors shall appoint a time and place of meeting and shall give at least three days' notice thereof to all parties interested, stating the purposes of such meeting, and after being duly sworn by the mayor, or other competent person, they shall proceed to make the assessment and report the same to the mayor in writing: *Provided, however,* that either party may appeal to the superior court of Buncombe county, but the aldermen, notwithstanding the appeal, may proceed with the work.

Proviso.

SEC. 41. That any owner of a lot or person having as great an interest therein as a lease for three years, which shall front on a street on which a sidewalk has been established, shall repair or improve said sidewalk in such manner as the aldermen may direct, as far as it extends along such lot, and upon failure to do so immediately upon notice by the aldermen to such owner, or if he be a non-resident, to his agent, or if he has no agent, then after advertisement at the court house door and upon the said lot for five days, the aldermen may cause the same to be repaired in such manner and with such material as to them may seem right and proper, and the expenses shall be paid by the person in default; and said expenses shall be a lien upon said lot, and if not paid on demand, such

lot or so much thereof as is necessary, shall be sold by collector of taxes to pay said expenses and costs of sale, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes.

SEC. 42. That no mayor or alderman or other officer of the city government shall, directly or indirectly, become a contractor for work to be done by the city, and any person herein offending shall be guilty of a misdemeanor.

City official not to be a contractor for city work.

Misdemeanor.

SEC. 43. That the aldermen may require and compel the abatement of all nuisances within the city limits at the expense of the person causing the same, or the owner, or tenant of the grounds whereon the same shall be; they may also prevent the establishment within the city, and may regulate the same if allowed to be established, any slaughter house, or the exercise within the city of any dangerous, offensive or unhealthy trade, business or employment.

Nuisances.

SEC. 44. That the aldermen shall have power to prevent dogs, horses, cattle and other brutes from running at large in the city either in day or night time.

Live stock running at large.

SEC. 45. That the aldermen may prohibit and prevent by penalties the riding or driving of horses or other animals on the streets of the city at a furious or dangerous speed; and also the firing of guns, pistols, pop-crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere, and may by ordinance prevent the carrying concealed deadly weapons in the city.

Fast driving, etc.

SEC. 46. That the aldermen may establish and regulate the market, and for this purpose they may purchase real estate in some convenient place in the city and erect thereon buildings suitable for marketing purposes, or they may lease for a term of years a building suitable for a market house, and make or pass ordinances not inconsistent with the constitution and laws of North Carolina

Market.

as to them may seem right and proper for the government of the market house, may prescribe at what time and place within the corporation marketable articles shall be sold, in what manner, whether by weight or measure, may be sold grain, meal, flour, fodder, hay, straw, shucks; may erect scales to weigh the same, appoint a weigh-master and fix his fees, and direct by whom they shall be paid, appoint a keeper of the market and prescribe his dues and fees.

Public buildings. SEC. 47. The aldermen may establish all public buildings necessary and proper for the best interest of the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger by fire.

Grave yards. SEC. 48. That the aldermen may provide one or more graveyards in or near the city, and regulate the same; may appoint and pay a keeper and compel the keeping and returning bills of mortality, and they may prohibit interment in the city.

Fire companies. SEC. 49. That the aldermen may provide for the establishment, organization, equipment and government of one or more fire companies, and in all cases of a fire a majority of such of the aldermen as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one in damages.

Contagious diseases. SEC. 50. The 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 any person coming into the city from places believed to be infected with such disease; may establish and regulate hospitals within the city limits, or within three miles thereof; may cause any prison 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 and may destroy any furniture

or other article which shall be suspected of being tainted or infected with contagious or infectious disease, or cause the fumigation of any house or room in the city with such disinfectants as may be necessary to destroy the germ of any infectious or contagious disease suspected to remain in said house by reason of any such disease having been found therein, and of which there may be reasonable cause to apprehend that the house may cause the spread of the disease.

SEC. 51. That in case any person shall be removed to the hospital, the corporation may recover before the mayor, or any justice of the peace, of such person the expense of his removal, support, nursing and medical attendance, and burial expenses, in case of death.

Expense of removal to hospital, etc.

SEC. 52. 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.

Penalty for attempt to prevent removal to hospital.

SEC. 53. That in order to guard against the introduction and spread of small pox in the city, the aldermen may require all persons not sufficiently vaccinated to be forthwith vaccinated, and for the purpose of carrying out the provisions of this section, the board of aldermen may appoint a health officer for the city who shall be a physician skilled in the science of medicine. The aldermen may prescribe his duties and fix his compensation, and make such suitable provision and pass such ordinances, not inconsistent with the constitution and laws of North Carolina, as may be best calculated to carry into effect the spirit and meaning of this act.

Vaccination..

Health officer.

SEC. 54. That for the purpose of procuring land within the city of Asheville and erecting thereon suitable market houses and houses for other necessary city purposes, the aldermen may contract a debt not exceeding twenty

Authorized to contract \$20,000 debt for building market house, etc.

thousand dollars and make such provisions for the payment of the same as to them may seem best and proper.

Penalties, how recovered.

SEC. 55. That all penalties imposed by law or by this act, or by any ordinance of the city, shall be recovered in the name of the city of Asheville before the mayor, or any tribunal having jurisdiction thereof.

Penalties against minor, how recovered.

SEC. 56. That all penalties incurred by any minor for the breach of any provisions of this act, or of any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master, if the minor be an apprentice.

Appeal to superior court.

SEC. 57. That from any judgment of the mayor for any fine or penalty which is imposed or allowed to be imposed by this act, or for the violation of any ordinance or by-law of the city, the party dissatisfied may appeal to the next inferior or superior court of the county of Buncombe, in like manner and under the same rules and regulations as are prescribed for appeals from judgments of justices of the peace.

Fees of mayor.

SEC. 58. That the mayor shall be entitled to the following fees, in the cases herein enumerated, whereof he may have jurisdiction as mayor: for every warrant issued by him for recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar; 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 or for the violation of any ordinance or by-law by the aldermen of said city, one dollar, to be taxed on submission or conviction of the offender among the other costs; for every warrant to arrest an individual who may have fled from other states or counties, to be paid on removal of offender by such as may convey him away, two dollars; for the use of the city seal for other than for city purposes, for each impression, one dollar; for every certificate for other than city purposes, fifty cents.

SEC. 59. That arrests may be made by the marshal, or any policeman of the city, in the following cases: 1st. Whenever he shall have in his hands a warrant duly issued by the mayor of the city of Asheville, or a justice of the peace of the county of Buncombe. 2nd. Whenever any misdemeanor or violation of any ordinance shall be committed in his presence. 3rd. Whenever a misdemeanor or violation of any ordinance has been committed, and he has reasonable cause to believe that the suspected party may make his escape before a warrant can be obtained.

Arrests.]

SEC. 60. That in making arrests, the marshal or policeman shall be governed by the regulations provided for, and clothed with the powers conferred upon its officers by the state statute.

Duty of officer in making arrests.

SEC. 61. When arrests have been made, the prisoners shall be immediately carried before the mayor or some other competent officer for trial, except in the following cases: 1st. When the arrest is made between sunset on Saturday and eight o'clock Monday morning following. 2nd. When the arrest is made in the night. 3rd. When the person arrested is found to be in a state of inebriation. 4th. When, for the safe keeping of the party arrested imprisonment is necessary. In all of which cases the prisoner may be committed without *mittimus* to the city or county jail.

Trial of persons arrested.

SEC. 62. The marshal or chief of police shall, at the opening of the mayor's court every morning, report all commitments or arrests made since his last report, specifying name of prisoner, cause and time of commitment or arrest, and the prisoner shall be brought before the mayor for trial as early as practicable.

Duty of marshal or chief of police.

SEC. 63. Whenever any arrest is made by any city officer, it shall be lawful for him to summon any of the bystanders as witnesses, and such summons shall be as binding as though made by subpoena issued from competent authority.

Witnesses.

Penalty for re-  
sisting officer.

SEC. 64. If any person resist or obstruct an officer of the city in the discharge of his duties by force or threats, such person shall be subject to a fine of not less than five, nor more than fifty dollars.

When act to be in  
force.  
Proviso.

SEC. 65. That this act shall be in force from and after its ratification: *Provided*, that all laws heretofore constituting the charter of the town of Asheville and affecting the government thereof, in the grants heretofore made of its corporate franchise and powers, so far only as they may be inconsistent or come in conflict with the provisions of this act, and all laws of a public or general nature, inconsistent with this act, are hereby repealed, so far only as they may affect the city of Asheville: *Provided, however*, that such repeal shall not annul any ordinance, by-law or rule of the corporation, unless the same be inconsistent with this act, nor shall such repeal affect any act done, or any right accruing, or accrued, or established, or any suit had or commenced in any case before the time when such repeal shall take effect. Neither shall any right, estate, duty or obligation possessed by or due the corporation by its present name, from any corporation or person whatever, be lost or impaired, but the same shall remain in full force, and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the city of Asheville: nor shall any right, duty, obligation nor liability whatever, accrued, or owing to the state, or to any corporation or person, by such repeal be lost, affected or impaired, but the same shall remain in full force and may be possessed, enforced and enjoyed by the state and such corporation or person against the corporation by this act styled the city of Asheville.

Offences hereto-  
fore committed,  
etc.

SEC. 66. That no offence committed, and no penalties, fines or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or fine shall

have been mitigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at time of the repeal for any offence committed, or for any penalty, fine or forfeiture incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided further*, that no law heretofore repealed shall be revised by the repeal of any act repealing such law: *Provided*, that all persons who, at the time when said repeal shall take effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same with all the rights and privileges now attending said office according to the tenure thereof until their successors shall be elected and qualify under the provisions of this act.

In the general assembly read three times, and ratified this the 8th day of March, A. D. 1883.

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## CHAPTER 112.

An act for the relief of creditors of the former town of Fayetteville, and for other purposes.

WHEREAS, by virtue of chapter fifty-eight of the private laws passed by the general assembly of North Carolina at the session of one thousand eight hundred and eighty-one, ratified March twelfth, one thousand eight hundred and eighty-one, the charter of the town of Fayetteville, in Cumberland county, has been repealed and abrogated, leaving the creditors of said town without the means of collecting any part of their debts, and leaving the community without the necessary means of local government,

*The General Assembly of North Carolina do enact :*

Former town of Fayetteville created a taxing and police district.

SECTION 1. That the community and district embraced within the territorial limits of said former town of Fayetteville, as said limits were at the time of the abrogation of its charter, is hereby created a taxing and police district, and for the purpose of this act shall be known and designated as "Fayetteville;" and all persons and property of every kind that may, for any purpose, be within said district, shall be subject to the provisions and requirements of this act, in addition to the general or state law.

Name.

Property transferred to custody and control of commissioners.

SEC. 2 That all public buildings, streets, lanes, alleys, squares and ways of all kinds, and all fire engines, hose, hose carriages, hooks and ladders, buckets, trucks, tools and implements, lamps and all real and personal property of every kind that formerly belonged or appertained to said town, are hereby transferred to the custody and control of the commissioners hereinafter appointed; and the same shall remain as public property, for the uses to which said property has been heretofore applied: *Provided*, that if any of said property, real or personal, shall become unfit for use, or unnecessary for the purposes of government as prescribed in this act, the commissioners may, in their discretion, lease or rent out the same, on such terms as they may deem best, or after due and legal notice may make sale thereof.

Proviso.

Commissioners of Fayetteville.

SEC. 3. That for the better enforcement of this act, J. D. Williams, F. R. Rose, W. A. Guthrie, W. E. Kyle, H. R. Horne, A. A. McKethan, jr., T. M. McLaughlin, A. H. Slocomb, R. M. Orrell, Charles Haigh, J. L. Allen, W. J. McDonald, Neill W. Ray, E. P. Powers and W. S. Cook, are hereby appointed and constituted and authorized as a board of commissioners, and for the purposes of this act shall be known and styled and designated as "Commissioners of Fayetteville." Their term of office as such shall begin upon the ratification of this act, and shall continue for five years, and until their successors are

Term of office.

chosen, appointed and qualified. They shall have power to accept the resignation of one or more of the commissioners, and any vacancy occurring from any cause, whether from failure to qualify, resignation or otherwise, shall be filled by the board from the qualified voters of Fayetteville: *Provided*, that any qualified voter of Cross Creek township, Cumberland county, who under the requirements of this act shall pay an annual tax of as much as six hundred dollars, may become one of the commissioners, though not actually residing within the limits of the district; but there shall not be at any time more than two non-residents as commissioners under this proviso. Before entering upon the duties of their office each commissioner shall take an oath, before some officer qualified to administer oaths, that he will faithfully and honestly perform and execute the duties and powers vested in said commissioners by this act. They shall appoint one of their number as chairman, who shall preside at their meetings, and in his absence a chairman *pro tem.* shall be appointed, who, in the absence of the chairman, shall perform all the duties by this act imposed on the chairman. Their meetings shall be held in the hall in the market house, or such other suitable place as the commissioners may at any time select; they shall hold at least one regular meeting in each month, at such time as they may appoint. Special meetings may be held upon the call of the chairman and any three of the commissioners, but of every meeting each commissioner shall have due notice: seven members of the board shall be necessary to constitute a quorum for the transaction of business.

Vacancies.

Proviso.

Oath.

Chairman.

Meetings.

Special meetings.

Quorum.

Officers.

Removal.

SEC. 4. That the commissioners shall as soon as practicable after their qualification, and annually thereafter, appoint from the qualified voters residing in said district suitable persons as clerk, as marshal, as tax collector and as treasurer, who shall hold their offices for one year, and until their successors are appointed and qualified, subject, however, to removal at any time by the commissioners

on account of misbehavior, neglect of duty or unfitness of any kind, and in case of such removal, the commissioners may at once appoint others in the place. Bonds shall be given by each of said officers before entering upon the duties of their office, with two or more sureties, to be approved by the commissioners, which bonds shall be payable to the state of North Carolina, the clerk's and marshal's bond in the penal sum of five hundred dollars each, and the tax collector's and treasurer's bonds in the penal sum of ten thousand dollars each, all conditioned for the faithful performance of the duties of said respective offices as hereinafter prescribed. And any commissioner who shall knowingly and wilfully accept and approve any bond with insufficient security, or permit such officers to enter upon their said duties without giving bond, shall be personally liable for all losses that may be sustained by the default of such officer, and shall also be guilty of a misdemeanor.

Bonds.

Penalty for wilful acceptance by commissioner of insufficient bond, etc.

Duties of clerk.

SEC. 5. The clerk shall faithfully and truly record all the proceedings and doings of the commissioners as such, and shall preserve and keep such records, and all books and papers and articles that may be committed to his care during his continuance in office, and deliver the same to his successor, and generally shall perform such duties as the commissioners may lawfully require of him.

Poll tax.

SEC. 6. There shall be levied and collected annually, a poll tax of one dollar and fifty cents, from every person resident within said district of Fayetteville, that may be liable for poll tax under the state revenue law. And there shall be levied and collected annually a tax of one per centum, or one dollar on every hundred dollars of the value of all real and personal property and subjects of taxation of every kind, which under the state revenue laws would be required to be listed for taxation in the said district of Fayetteville, if it was a regular township of Cumberland county: *Provided*, that all persons and corporations, whose ordinary business avocations or pur-

Ad valorem tax.

Proviso.

suits may be carried on within said district, shall for the purposes of this section, so far as the business pursuits are concerned, be considered and taxed as if they were actual residents of said district of Fayetteville.

SEC. 7. All persons and corporations liable for taxes, as provided above, shall, on the days and times that are or may be prescribed for listing taxables for state and county taxation, render on oath to the clerk of Fayetteville, appointed as above provided, who is hereby constituted a commissioner of affidavits for that purpose, a list of all their property and subjects of taxation, liable to be taxed as above prescribed, under all the rules and penalties prescribed for listing state and county taxes. And in taking the lists the clerk shall be governed as near as practicable, by the valuations of property made by the county assessors and list takers, and shall make return of all unlisted property as provided in the state revenue law. And if any person or corporation shall fail to render such list of taxables within the time prescribed for state and county taxes, or shall omit from such list any subject of taxation, on which he is liable, he shall pay double the tax herein assessed on any subject of taxation so failed to be listed for taxation. And all persons and corporations who shall wilfully refuse or neglect to list their taxes as required and contemplated by this act shall be guilty of a misdemeanor.

Subjects of taxation to be listed before clerk.

Valuation.

Unlisted property.

Penalty for failure to list.

Misdemeanor.

SEC. 8. Upon the return of the lists above provided for, the commissioners shall cause to be made tax lists similar to those used for state and county taxes, and a computation of the tax or amount due by each tax payer. And in all things concerning the listing of taxes, revising the list and commutation of taxes, and delivery of the same to the tax collector, the commissioners and the clerk, as list taker shall be governed by the laws, rules and requirements that are or may be prescribed in the state revenue laws for county commissioners and the township list takers; and they shall also observe the times ap-

Tax lists.

How taxes to be listed, list revised, etc.

pointed in said revenue laws for the performance of the said duties.

Collection of taxes.

SEC. 9. When the list is completed as above contemplated, the commissioners shall deliver it to the tax collector, with an order endorsed, as is provided for lists delivered to sheriffs in like cases. And the lists so delivered shall have force and effect in the same manner as lists delivered to sheriffs in like cases for state and county taxes, as is or may be prescribed in the state revenue law. And the tax collector shall proceed to collect the taxes at the times and in the same manner, and with the same powers, restrictions, rules, duties and penalties as are or may be provided for sheriffs in like cases in the state revenue law; and the sums so collected shall be paid by the tax collector to the treasurer within the time prescribed in said revenue laws for settlement by sheriffs of county taxes: *Provided*, the tax collector may deduct and retain three per centum of the amount collected as and for his commissions.

To be paid to treasurer.

Commissions of tax collector.

Special tax to provide for expenditures prior to collection of regular tax.

SEC. 10. To provide for expenditures contemplated by this act, until the regular time for listing and collecting taxes under the revenue law, the commissioners shall, as soon as practicable after the ratification of this act, cause to be prepared tax lists embracing all taxable polls, property and subjects of taxation within said district on the first day of March, one thousand eight hundred and eighty-three, at the valuations put upon the same by the county assessors and list takers as of June first, one thousand eight hundred and eighty-two. And on the polls and taxables so to be listed, there is hereby levied a poll tax of seventy-five cents, and a property tax of fifty cents on the hundred dollars of valuation, for which taxes lists shall be prepared and delivered to the tax collector not sooner than the first day of April, one thousand eight hundred and eighty-three, and not later than the first day of May, one thousand eight hundred and eighty-three, and said lists shall be collected, settled and paid

into the treasury on or before the first day of September, one thousand eight hundred and eighty-three, in the manner as above prescribed in case of the annual lists.

SEC. 11. All persons and corporations doing and carrying on, or proposing to carry on within said district of Fayetteville, such business and such acts as are or may be taxed by the state, as prescribed in what is commonly known as schedule B of the revenue law, shall be liable to an annual tax to be paid to the use of said district, of like amount to the tax prescribed in said schedule B for the use of the state. And the tax collector shall collect said annual license tax in the same manner as sheriffs collect state license taxes, and pay the same into the treasury, less his commissions of three per centum. And any person or corporation who may carry on such business, or do such acts, without having first paid the annual tax hereby imposed, shall be guilty of a misdemeanor.

License tax

How collected.

Misdemeanor.

SEC. 12. The treasurer shall receive all moneys arising from collection of taxes of all sorts, from rents, from forfeitures and penalties, or that may be received from any source, and safely keep the same, and disburse it according to such directions and orders as may be properly drawn on him by the commissioners in accordance with this act. He shall keep in a well bound book, provided for that purpose, a fair and correct account of all receipts and disbursements, showing on what account received, and for what purpose disbursed; and shall submit said account to the commissioners whenever required to do so, and at the end of each fiscal year, say on the first day of September, he shall, under the direction of the commissioners, prepare and publish a true account of the receipts and expenditures of the preceding year. And said treasurer, for his services, shall receive a sum equal to one and one-half per centum of the receipts of his office, which he may retain annually.

Treasurer to receive and disburse moneys arising from taxes, etc.

Duties.

SEC. 13. From all the moneys that may go into the treasurer's hands for expenditure under this act, the com-

Current expenses not to exceed \$3,000.

missioners may expend annually for the necessary current expenses of said district as contemplated by this act, a sum which shall in no year exceed three thousand dollars, which may be appropriated for the different classes of current expenses, as the commissioners may deem best.

Surplus in treasurer's hand to be applied to payment of the debts of the town of Fayetteville.

SEC. 14. The remaining portion of the funds that may be in the treasurer's hands, after deducting the three thousand dollars for current expenses as above provided, shall be applied to the debt or debts which were valid against said town of Fayetteville, and which may, by the owners and holders thereof, be brought within the terms hereinafter prescribed; but no debt, bond, coupon, judgment note or claim shall be paid, nor any part thereof, until the owners and holders thereof shall agree to the terms hereinafter prescribed. Every holder and owner of debts, bonds, coupons, judgments, notes or claims, that were valid against said former town of Fayetteville, in order to entitle himself to have any part of the funds provided by this act appropriated to his debt, bond, coupon, judgment, note or claim, shall consent to accept fifty per cent. thereof as the same may become due, in full satisfaction. And such consent to compromise and accept fifty per cent. shall be evidenced by an agreement signed by the owner and holder of the debt, and by the chairman of the commissioners, substantially as follows: "In accordance with the provisions of an act of the general assembly of North Carolina, passed at the session of one thousand eight hundred and eighty-three, and entitled 'an act for the relief of creditors of the former town of Fayetteville, and for other purposes,' I, the undersigned, being the present owner and holder of bond No. ....., for the sum of \$....., issued by said town, and dated the ..... day of ....., 18..., with semi-annual coupons for interest at ..... per cent. attached, do hereby promise and agree with the authorities appointed by said act, to compromise my said debt, as in said act provided, and that I will accept fifty per cent. thereof, as it becomes

No debt to be paid except upon agreement of holder to accept fifty per cent. in full satisfaction.

Form of agreement.

due, in full satisfaction.' And to this agreement I bind myself, my executors, administrators and assigns. Witness my signature and seal, the ..... day of ....., 18...

..... [SEAL.]

Witness :

.....  
Chairman of Commissioners of Fayetteville."

And if the debt be evidenced by a judgment, note or otherwise, the above form may be changed to suit the case. And all such agreements to compromise shall be carefully kept by the clerk among the records. And there shall also be written in plain words, on the margin or face of each bond, judgment, note or other evidence of debt so compromised, the words: "Subject to terms of compromise at fifty per cent. Dated the ..... day of ....., 18...," which is to be signed by the owner and holder thereof. And on each coupon shall be plainly written the words: "Compromised: good only for half this sum." And every subsequent owner and holder of such compromised debt shall be bound by said compromise, and shall be deemed to have had due notice thereof.

Judgments.

Clerk to keep record.

Endorsement on evidence of debt.

SEC. 15. 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.

Executors, etc.

SEC. 16. The commissioners shall cause to be paid all such coupons, bonds and judgments, notes and claims, as may be compromised as above contemplated, as promptly after their maturity as may be practicable, with the funds herein provided for to be raised for that purpose. They shall not pay interest upon past due coupons, nor interest upon judgments, except upon the principal money thereof. All valid debts, bonds, coupons and judgments, and notes and claims, compromised as above contemplated, shall, at any time after the maturity thereof, be receivable in payment of the annual taxes levied by this

Commissioners to pay debts, etc.

Debts, etc., when compromised receivable for taxes.

Proviso.

act: *Provided*, that until the first day of September, one thousand eight hundred and eighty-four, each tax payer shall be required to pay at least one-half the amount of his taxes in money.

Bonds issued in favor of the Fayetteville and Florence Railroad.

SEC. 17. The commissioners shall not permit to be compromised, nor pay any part of the bonds issued in favor of the Fayetteville and Florence Railroad Company, except such as were *bona fide* sold by said company, and went into the hands of purchasers for value, prior to the date of the ratification of chapter fifteen of the acts of one thousand eight hundred and eighty-one, viz: January twenty-ninth, one thousand eight hundred and eighty-one.

Commissioners to issue no evidence of debt, etc., for work, etc., in excess of appropriation.

SEC. 18. The commissioners shall not issue any bonds, notes or other evidence of debt, nor contract for work, material or services in excess of the amount of the tax levied, and collected and appropriated for such expenditure for that year. And persons contracting with the commissioners on any account shall look alone to the tax levied, collected and appropriated for that purpose for the fiscal year in which such contract is made, and no subsequent tax, nor sum raised by subsequent tax, shall be levied or appropriated to meet any deficit in current expenses of any sort. And no money or property, real or personal, held by said commissioners or which shall come into their care and custody by virtue of this act, shall ever be subject to execution or attachment or seizure under any legal process for any debt created by said former town of Fayetteville that is not brought within the provisions of this act; and it shall be unlawful for any court to direct or order the same to be taken under any execution or attachment, or to be seized by any process; and it shall be unlawful for any court, by writ of mandamus or any other process, to direct or require the levying and collecting, by the local authorities and officers appointed by this act or under any of its provisions, of any tax from the property and tax payers residing within

Fund applicable to payment of persons contracting with commissioners.

Money, etc., in hands of commissioners not subject to execution, etc.

said district of Fayetteville other than the taxes levied and directed to be collected by this act; nor shall it be lawful for any court to direct the payment of any part of the funds raised under the provisions of this act to any person, debt or claim other than is intended by this act. And the commissioners and other officers provided for in this act are expressly prohibited from levying any taxes for any purpose, that power being reserved for the general assembly.

Commissioners prohibited from levying taxes.

SEC. 19. Any commissioner or other officer who may be appointed under the provisions of this act, who shall attempt to levy and collect taxes in said district other than such taxes as are hereby levied and directed to be collected, or who shall divert any of the funds from the purpose for which said funds may be raised as herein specified, or who shall wilfully violate any of the provisions of this act in regard to levying and collecting taxes, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the discretion of the court, not less than three hundred dollars, and imprisoned in the discretion of the court not less than forty days. The commissioners shall use all proper means of notifying the creditors of said former town of Fayetteville of the provisions and requirements of this act, and any creditor who refuses or fails to accept the terms, or any debt which is not brought within the terms of compromise herein provided for, on or before the first day of January, one thousand eight hundred and eighty-four, shall not be entitled to receive any benefit under this act, nor shall the commissioners provide for the payment of any part of said debt not so brought within the terms of compromise as above contemplated.

Misdemeanor for commissioners to levy taxes, etc.

Notice to creditors.

Debts not compromised by Jan. 1, 1884, excluded from benefit of this act.

SEC. 20. The commissioners may organize fire companies, and to that end the district of Fayetteville shall be divided into four wards; the first ward shall comprise all the territory lying south of Person street and east of Gillespie street; the second ward shall comprise all territory

Fire companies.

Wards.

west of Gillespie street and south of Hay street; the third ward shall comprise all territory north of Hay street and west of Green and Ramsay streets; and the fourth ward shall comprise all the territory north of Person street and east of Green and Ramsay streets. There shall be a chief fire warden for Fayetteville, and an assistant fire warden for each of the four wards, appointed by the commissioners annually, and fire companies may be organized to number not more than seventy-five men who shall, under the direction of the commissioners, be subject to the orders of the chief fire warden and the assistant fire wardens. And upon the due organization of such companies, and upon report by the fire warden that any person is an efficient member and a regular attendant at their meetings and drills, the commissioners may direct their clerk to give such person a certificate of exemption from poll taxes imposed by this act, and such exempted person is hereby declared exempted from all jury duty; but such exemptions from taxes and jury duty shall only continue while such person continues to be an efficient member of the fire company and regular in his attendance upon its meetings and drills.

Fire wardens.

Members of fire company exempt from poll tax and jury duty.

Persons owning houses to obey requirements of commissioners in regard to precautions against fire.

Misdemeanor.

Removal of buildings.

Unlawful to build other than fire-proof building within certain boundaries.

SEC. 21. Every person owning, occupying or having charge of houses or structures of any kind, shall obey all lawful requirements of the commissioners in regard to precautions against fire or the spread thereof; and any person who shall wilfully refuse so to do shall be guilty of a misdemeanor. And the commissioners shall have power to remove, or cause to be removed, any building or structure that may become dangerous on account of fire.

SEC. 22. It shall be unlawful for any person to build, or cause to be built, any structure of any kind that is not fire-proof, (that is to say, built of brick or stone and covered with incombustible material,) within the following boundaries in Fayetteville, viz: Beginning at the intersection of Green street and Old street, and running thence

with Bow street to Burgess street, thence with Burgess and Maxwell streets to Franklin street, then with Franklin street, and the course of it extended to Dick street, then with Dick street to Old street, so as to include Liberty Point, and then with Old street to the beginning.

SEC. 23. When a fire occurs, the marshal, fire wardens or other authorized person shall cause the market bell to ring the alarm, and shall at frequent intervals during the alarm indicate the number of the ward in which the fire is, by a corresponding number of distinct strokes on the bell. And it shall be the duty of the marshal and fire wardens to report to the chairman of the commissioners, if present, and under his direction use all means available for the suppression of the fire, the preservation of order and the protection of property. The chairman may appoint, *pro tem.*, any number of suitable persons as a fire patrol, or assistant marshals. And any person who shall wilfully resist or hinder the marshal, fire wardens, or any assistant marshal or fire patrol so appointed, shall be guilty of a misdemeanor.

Bell to be rung at fires.

Duty of marshal.

Fire patrol.

Misdemeanor to resist marshal, etc.

SEC. 24. It shall be unlawful for any person to discharge or fire off any gun, pistol or firearms of any kind in said district of Fayetteville, or to explode gunpowder, fire crackers or other explosive substance on any public street, lane, alley or square, or in dangerous proximity to any building: *Provided*, the commissioners may permit the firing of blank cartridges by regularly organized military companies on parade or drill on such days and at such places as they may deem fit.

Unlawful to discharge gun, etc.

Proviso.

SEC. 25. It shall be unlawful for any person to throw any dead carcass, or other offensive substance or rubbish of any kind, into any street, lane, alley or square in the district; and every person owning, occupying or having charge of houses, lots or premises of any kind, shall cause the same to be kept in a cleanly condition, and to be drained so that there shall be no stagnant pools or ponds of water, and the privies or sinks to be so cleansed and

Unlawful to throw dead carcass, etc., into street, etc.

arranged as not to be offensive to any of the citizens; and every such person shall obey all lawful instructions and requirements of the commissioners and of the board of health of Cumberland county in regard to his or her premises. Any person who shall wilfully refuse or neglect to comply with the requirements of this section shall be guilty of a misdemeanor.

Misdemeanor to offer for sale unsound fruit, etc.

SEC. 26. It shall be unlawful for any person to exhibit or offer for sale any unsound or unwholesome fruit, vegetables, meats or provisions of any kind; and any person who shall knowingly violate this section shall be guilty of a misdemeanor, and it shall be the duty of the marshal, under the direction of the commissioners and the health officer of Cumberland county, to have any such unsound or unwholesome article removed. And the commissioners may prevent any person from selling or exhibiting for sale, on or near any public street or square, any article of disagreeable or offensive odor, which they or the health officer may declare hurtful to the health or comfort of the citizens.

Duty of marshal.

Authority of commissioners.

Unlawful to race horses, etc.

SEC. 27. It shall be unlawful for any person to strain or race horses or animals of any kind in said district, or to drive through any of the public streets, lanes, alleys or squares faster than at the rate of seven miles per hour. And no person shall wantonly and without authority ring any public bell, or give or cause in any way a false alarm of any sort.

Unlawful to ring public bell without authority, etc.

Unlawful to obstruct, etc., street, etc.

SEC. 28. It shall be unlawful for any person to obstruct or injure any street, lane, alley or square, sidewalk, ditch, sewer, reservoir, bridge, lamp, lamp post, or public property of any kind, or to injure, or wilfully permit to be injured any shade tree on any street, lane, alley or square in said district. And any person who shall make, cause or wilfully permit any such obstruction or injury, and shall neglect or refuse to remove such obstruction or repair such damage when requested so to do, shall be guilty of a misdemeanor, and the marshal shall, under

Misdemeanor.

Duty of marshal.

the direction of the commissioners, remove such obstruction and repair such damage at the cost of the party whose duty it was to have it done: *Provided*, that in cases where buildings were in, or partially obstructed, streets, lanes, alleys or squares, at the time of the establishment of the same, the commissioners may permit such building to remain, until, in their opinion, the public convenience or needs may require its removal, and no such continuance of an obstruction shall be held to entitle any person to any right in the place occupied by the obstruction; and in all such cases, when the obstruction is destroyed or removed, it shall be unlawful for any person to rebuild it. But this proviso shall not be held to allow or permit any obstruction that has been knowingly placed in, or partially in, any street, lane, alley or square, since the laying out or establishment thereof.

Proviso.

SEC. 29. It shall be the duty of the commissioners to use all proper means within their power, as provided in this act, to keep in fit repair all streets, lanes, alleys, squares, reservoirs, sewers, ditches and drains, and to that end may provide labor to do the necessary work or may contract with some party to have it done.

Commissioners  
to keep streets,  
etc., in repair.

SEC. 30. The commissioners may provide and keep in fit repair a guard house or lock up, for the keeping and confinement of criminals and persons offending against provisions of this act, and they may also provide a suitable place or places for the impounding of hogs, dogs, goats and horses or other animals that may be found running at large within said district contrary to the provisions of this act.

Guard house.

Pound.

SEC. 31. It shall be unlawful for any person owning or having charge of any horse, mule, jack or jennet, or hog or goat, to permit the same to run at large within said district. And it shall be the duty of the marshal to take and put into the pound or other secure place, all horses, mules, jacks, jennets, hogs or goats found running at large in said district to whomsoever the same may be-

Unlawful for live  
stock to run at  
large.

Duty of marshal.

long ; and as soon as practicable, notify the owner thereof, if known or to be found ; and if the owner cannot be found, advertisement shall be made at the market house of the impounding of such animal, giving description and ear marks, or other distinguishing marks ; and if the owner call for the same within three days, and satisfy the marshal as to his or her ownership of said animal and pay for each animal so impounded the sum of fifty cents as a penalty for suffering it to run at large, and also the actual costs and expenses of keeping it impounded, which shall not be more than ten cents per day, the animal shall be delivered to such owner. And if there be no claimant within three days after notice as above provided, the animals shall be sold by the marshal by public auction on the fourth day about noon. The proceeds of sale, after paying the penalty and expenses of keeping, shall be paid to the treasurer, who shall keep the same for the proper owner of the animal so sold ; and all sums so paid into the treasury and not claimed in six months, shall be accounted for as other funds belonging to the treasury of the district. The marshal shall provide a competent supply of water and suitable feed for animals impounded, as above provided : *Provided*, that the young of any such impounded animal following the dam, and not more than two months old, shall not be counted in estimating the penalty ; and in cases where there are more than one animal in a herd or drove, the penalty shall be only twenty-five cents.

Proviso.

Tax on dogs.

SEC. 32. There is hereby levied an annual tax of one dollar on each and every dog within said district, and the commissioners shall cause the same to be collected in each year by the tax collector during the month of June. And when any such tax is paid, the tax collector shall furnish to the owner of the dog a collar or badge, showing that the tax for that year is paid. And it shall be the duty of the marshal at any time after the first of July in each year, and until the first of October, to impound

Duty of marshal.

any dog on which the tax has not been paid, and if practicable notify the owner; and unless such dog is called for and the tax paid, together with a fee of fifty cents for impounding, which the marshal is hereby authorized to charge, within two days after the impounding, such dog shall be destroyed by the marshal.

SEC. 33. The commissioners shall annually appoint some suitable person as sexton of the cemetery, whose duty it shall be to have charge over the cemetery or graveyard, and to see that all entrances thereto, the walls and fences around it, and the walks and avenues therein are kept in proper condition and repair. If the person appointed sexton shall be found to be negligent, or in any way unsuitable for his position, the commissioners may remove him and appoint another in his stead. And it shall be unlawful for any person to behave in a rude or boisterous manner, or be guilty of any indecent conduct of any kind in the cemetery, or to injure or deface or disturb in any way any wall, fence, grave, grave stone, monument, tomb or vault, or trees or shrubbery, and the sexton shall promptly report any violation of this act to the marshal and commissioners.

SEC. 34. The commissioners may endorse upon all orders that may be drawn on the treasurer for the payment of money to any one the words, "*not transferable till all taxes are paid,*" and then the treasurer shall not be authorized or required to pay the same until it shall be made to appear to his satisfaction that the payee therein named owes no taxes imposed by virtue of this act.

SEC. 35. It shall be the duty of the marshal to obey all proper orders and directions of the commissioners, and to use all available means to cause all offenders against the provisions of this act, and the criminal law of the state, to be carried before some justice of the peace, to be dealt with as the law directs. In all matters concerning the enforcement of laws made for the government of said district and the criminal laws of the state, he shall have

Sexton.

Removal.

Unlawful to behave in rude manner, etc., in cemetery.

Orders on treasurer.

Duties of marshal.

Powers.

within said district the same power and authority as are vested in sheriffs and township constables in like cases. And in all cases of violent and disorderly acts and threats, affrays, riots and breaches of the peace, and in cases of offences against decency and morality, as prescribed in the criminal law of the state, he may arrest the offender without warrant and safely keep such offender in the guard house, lock up, or if necessary, the jail, until he or she can be carried before some justice of the peace, to be tried and dealt with according to law, or until such offender shall give security for his or her appearance at trial, or for the discontinuance of the offence for which he or she may have been arrested. And the marshal may arrest all idle, suspicious persons who habitually saunter and lounge around the market house and streets of the district, neglecting to apply themselves to some honest occupation and without apparent means of support; and he shall immediately carry any person so arrested before some justice of the peace, to be dealt with as the law directs.

Misdemeanor to resist, etc., marshal.

SEC. 36. Every person who shall resist, hinder or oppose the marshal or any lawful officer in the discharge of their duty, and every person owning or occupying houses or lots, who shall refuse admittance or make resistance to any person lawfully coming on the premises to arrest offenders, abate nuisances or prevent disturbances, shall be guilty of a misdemeanor. And the marshal in the performance of his lawful duties for the suppression or prevention of crime, or arresting of criminals, may, when necessary, call to his assistance any able-bodied citizen, and any person so summoned who shall wilfully refuse to render assistance shall be guilty of a misdemeanor.

Misdemeanor to refuse assistance to marshal in preventing crime, etc.

Wagons to be licensed, etc.

SEC. 37. No wagon, cart or dray shall be used or employed in hauling for hire within the district until the owner or agent shall first obtain a license, and file with the clerk a bond with sufficient surety in the sum of two hundred dollars, conditioned to pay all damages that may be sustained by any person hiring the same by the neg-

ligence or improper management of the driver or person having charge thereof. There shall be paid to the tax collector for an annual license for a four or three-horse wagon, ten dollars; for a two-horse wagon, cart or dray, eight dollars; and for a one-horse wagon, cart or dray, six dollars; and each licensed wagon, cart or dray shall have at all times a durable label, showing the number of the license, affixed to some conspicuous part of the wagon, cart or dray. The commissioners may prescribe the rates which wagons, carts or drays may demand for hauling. The money received for license shall be paid to the treasurer as all other taxes.

License tax.

SEC. 38. The commissioners may employ at least one night watchman, and if necessity requires and the means herein provided admit, they may employ others. Such watchmen shall be under the control and direction of the commissioners, and may be discharged at any time upon sufficient cause. Whilst on duty they shall have within the district all the powers and duties that by the public law are given to township constables; and it shall be their duty to make report to the marshal or commissioners of all disorders and violations of any of the provisions of this act.

Night watchman.

SEC. 39. The commissioners may make by-laws for their own government, and may appoint sub-committees and divide the labors and duties imposed by this act in such manner as to them may seem best, and may, if they see fit, direct their chairman or any other member to attend specially to the enforcement of the provisions of this act, and to see that each officer herein provided for performs his duty faithfully. They may employ counsel to advise them concerning their duties under this act. The marshal shall receive the same fees as are or may be allowed township constables for like services by the state laws, and such additional compensation for services, for which no fees are prescribed, as the commissioners may allow. The clerk of the board, the policemen, the sexton of the

Powers of commissioners.

Fees of marshal.

Compensation of clerk, policemen, etc.

cemetery, and any assistant marshal or extra policemen that may be appointed under the provisions of this act, or any persons with whom the commissioners may contract for service, labor or material, shall receive such pay and compensation as the commissioners may prescribe, or as may be agreed upon.

Sidewalks.

SEC. 40. The commissioners may, in all cases, when in their opinion the public safety or convenience requires it, direct the construction, or repairing or improvement of the sidewalks, by the owners of buildings or lots fronting on or adjoining the sidewalks so to be constructed, repaired or improved. And if the owner of such property, or any person having so great an interest therein as a lease which has three years to run, shall wilfully fail or refuse for more than thirty days to make, construct, repair and improve such sidewalk along the whole front or extent of his or her building, or lot, or leased property, when so directed by the commissioners, he or she shall be guilty of a misdemeanor. And the commissioners, after notice to such owner or lessee, may cause the construction, repair or improvement of the sidewalk, as directed, and for the amount so expended, may docket a lien in the superior court of Cumberland county; and every lien so filed shall be of like force and effect as laborers and mechanics' liens, and may be enforced against such lot or building in the same manner as is or may be prescribed for mechanics and laborers' liens by the laws of North Carolina. And the commissioners shall also have power to direct in what places awnings may be allowed on any of the public streets, lanes, alleys, or squares, and what manner and of what material such awnings must be constructed; or the commissioners may prevent the building or construction of awnings entirely, or may cause them to be removed whenever, in their opinion, it may be dangerous on any account to permit the same.

Awnings.

SEC. 41. The commissioners may require and compel the abatement and removal of all nuisances within the district, whether on account of fire, health, decency or morality, at the expense of the person causing or wilfully permitting the same, or of the owner or tenant of the grounds whereon the same may be. And they may prevent the establishment of, or if established, may regulate any offensive or unhealthy trade, business or employment.

Nuisances.

SEC. 42. In case any person or persons shall fail to pay any fine or penalty adjudged against them for any crime committed within said district, or any violation of this act, it shall be lawful for the court, or justice of the peace that tried the offender, to direct the person so failing to perform the judgment, to be put to work on the streets, lanes, alleys, squares, ditches, sewers, reservoirs or other public work in the district, under the direction of the marshal and supervision of the commissioners who are hereby authorized to confine, control and manage such person or persons until the fine, penalty, forfeiture and cost of the trial shall be fully satisfied and paid, under such reasonable rates for labor and board as the commissioners may establish.

Persons failing to pay fines, etc., liable to work on streets.

SEC. 43. If the commissioners shall find that the public needs of the district, as herein contemplated, do not require the expenditure of all the three thousand dollars as above provided for current expenses, they may use the overplus in paying the debt that may be compromised and brought within the provisions of this act, as above provided. And any surplus of any fund remaining in the treasury after paying the annual amounts as above contemplated, may be used by the commissioners in buying in and retiring any part of the compromise debt.

If current expenses do not amount to \$3,000, surplus to be used in paying debt.

SEC. 44. All laws creating any other officers for the local government of said district of Fayetteville, and all laws providing for the levying and collecting of taxes for the support and maintenance of any local government for

Repealing clause.

said district, other than is herein prescribed ; and all laws providing for the levying and collecting of taxes of any sort from the persons and property within said district, other than the state and county taxes, and the taxes by this act levied and directed to be collected, are hereby repealed and abrogated, and the offices created by said laws so repealed are hereby abolished ; and it shall be unlawful for any person to exercise or attempt to exercise the duties of any office so abolished. And all laws and parts of laws inconsistent with the provisions of this act are hereby repealed ; and all the provisions of article seven of the constitution that are inconsistent with the provisions of this act, except those contained in sections seven, nine and thirteen, are hereby abrogated so far as they apply to said district of Fayetteville, and the provisions of this act are substituted in their place, for the government of said district of Fayetteville.

Penalty for offences against provisions of this act.

SEC. 45. All persons offending against any of the provisions of this act, shall on conviction, where no other punishment is prescribed in this act or in the public law, be punished in the discretion of the court or justice of the peace trying the case, not to exceed a fine of fifty dollars or imprisonment for thirty days: *Provided*, that in the case where judgments were obtained prior to October first, one thousand eight hundred and eighty-one, viz: the judgments in favor of I. B. Hawley, trustee of C. D. Fuller, J. T. Leach, M. T. Leach and J. R. Lane, the commissioners shall pay in full: *Provided further*, that if default be made in paying the interest of the debt compromised for six months, the said compromise shall be null and void, and the creditors at their election shall be remitted to their original rights.

Proviso.

Proviso.

SEC. 46. 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. 1883.

## CHAPTER 113.

An act to incorporate the trustees of Mt. St. Joseph Academy, situated at Hickory, in Catawba county, North Carolina.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That H. P. Northrop, M. S. Gross, William Wright and F. J. Oberley, and their associates and successors duly elected, are hereby created a body politic and corporate, in the name and style of the Trustees of Mt. St. Joseph Academy, and said trustees shall have succession, and may have and use a common seal, and be capable in law to sue and be sued, plead and be impleaded, in all the courts of this state, and may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which have been or which may be given them, by will or otherwise, for the use of said academy, in the town of Hickory, Catawba county, with power to make all needful rules and regulations for their own government and that of said academy, and shall have continued succession in such capacity for the instruction of youths in the various branches of science, literature and art.
- SEC. 2. That there shall not be less than four trustees of said corporation at any one time. That all vacancies occurring in the board of trustees shall be filled by the diocesan faculty, as set forth in the basis and plan of said academy. In case said faculty fails to fill such vacancies, that then the trustees shall have power to fill vacancies in their body.
- SEC. 3. That the president and professors of said academy, by and with the consent of the trustees of said academy, shall have the power of conferring the degrees and distinctions which are usually conferred by academies.
- SEC. 4. That said corporation may take and hold real and personal property, not exceeding one hundred and

Body politic.

Name.

Corporate powers.

Trustees.

Vacancies.

Authority to confer degrees.

Corporate rights.

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, etc.

SEC. 5. 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 academy aforesaid, and may sell, exchange or dispose of any of said property in furtherance of the interests of said academy, when not restrained by conditions in receiving said property.

Powers of trustees.

SEC. 6. That the said board of trustees shall have power 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, and to exercise supervision and control over the same when established and put in operation, according to the basis, plan and constitution of said academy, the aforesaid school.

Quorum.

SEC. 7. That three of the trustees shall constitute a quorum for the transaction of business, selecting one of their number to preside in the meetings.

Authority to borrow money.

SEC. 8. That the said trustees are hereby further empowered to borrow money to a sum not exceeding one thousand dollars: *Provided, however,* that the trustees shall not pay upon any sum so borrowed a higher rate of interest than six per centum per annum.

Liability of trustees.

SEC. 9. That the aforesaid trustees shall be liable only for the payment of such sums as they may borrow as trustees of Mt. St. Joseph Academy, 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 interests of said academy, but as security to persons lending them money the trustees, as such, are by the terms of this charter empowered to execute a lien upon the building and ground upon which said building stands; and as an additional security to persons lending to said

trustees and stockholders, the said academy building shall be insured in one or more insurance companies for an amount not less than fifteen hundred dollars.

SEC. 10. That the eighth 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.

Construction of section 8.

SEC. 11. 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. 1883.

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CHAPTER 114.

An act to incorporate the Lightwood Creek Canal Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Milton Selby, James R. Fisher, Sanford A. Long, Samuel M. Mann, Daniel M. Watson, their associates, successors and assigns, be and are hereby constituted a body politic and corporate under the name and style of the "Lightwood Creek Canal Company," for the purpose of cutting a canal from Turtle Shell bridge, near Wysocking, across Lightwood creek to Douglas bay leading into Pamlico sound, passing through the lands of S. M. Mann, D. M. Watson, Joseph Simmons, Wm. Rose, J. M. Watson, R. Murray, S. Windley, the heirs at law Guard D. Swindells, Louis Spencer, N. E. Simmons, B. E. Boomer and wife Mary, Caleb F. Brooks, Wm. Swindell and wife Sarah, Benjamin G. Gaskill, Jas. M. Gaskill, David Gaskill and George Guiford, and as such company shall have the power to sue and be sued, plead and be impleaded, and to have a corporate existence for ninety-nine years,

Body politic.

Name.

Route of canal.

Corporate powers.

and may have a common seal, which may be changed at pleasure, and to acquire and hold both real and personal property, to sell and convey the same, and the said company shall be invested with all the rights, privileges, immunities, franchises and powers which appertain to other like corporations, and shall be authorized to make all by-laws and regulations for its government not inconsistent with the constitution and laws of North Carolina and of the United States of America.

Capital stock.

SEC. 2. The capital stock of said company shall not be less than fifteen hundred dollars, with the privilege to increase the same to fifteen thousand dollars if the company deem it expedient for the final completion of the work, said stock to be divided into shares of twenty-five dollars each par value.

Place of business.

SEC. 3. The principal place of business of the said company shall be Lake Landing, Hyde county, North Carolina: *Provided*, that the stockholders may at any general or special meeting change the place of business.

Officers.

SEC. 4. The principal officers of the said company shall consist of a president and five directors and a treasurer, who shall be elected by the stockholders at their annual meetings on the first Tuesday of August in each and every year.

Secretary.

SEC. 5. The directors shall have the power to appoint a secretary for said company, who shall be a stockholder, who shall hold his office for one year, or until his successor is elected and duly qualified: *Provided*, that if in event they should fail to elect, or deem it expedient not to elect a secretary, then and in that event the treasurer of the company shall be the secretary thereof.

Prov. so.

By-laws.

SEC. 6. The directors shall have the power to make such by-laws, rules and regulations for the government of the company as they may deem proper and necessary, which may be amended, abrogated, modified or annulled by the stockholders in any of their annual meetings.

SEC. 7. The said company shall have full right, power and authority to dredge out or change the course of any creek, river, bay or sound with which the said canal may connect, and to erect, locate or station therein all such monuments, beacons or spars as may be necessary for the navigation of the said canal.

Authorized to change course of creeks, etc.

SEC. 8. The said company shall have the right and be fully authorized to levy demands and to receive reasonable fares, tolls, freights and charges for the use of the said canal or any part thereof, and shall establish, prescribe and publish rules and regulations therefor, and any person wilfully and knowingly violating the same shall be punishable as for a misdemeanor, on complaint of said company before any justice of the peace of the county of Hyde or in the superior court of said county.

Authorized to receive tolls, etc.

SEC. 9. That the board of directors of the said company shall issue notice to all parties whose lands the said canal shall pass through or cross over that the commissioners hereinafter appointed will proceed to lay off and condemn a right of way for said land, and to assess the value of the lands so condemned, and said notice shall state a day certain when the said commissioners will meet and enter upon the duties prescribed to them in condemning and assessing said lands and the place of meeting: *Provided*, that if the said commissioners shall be unable to condemn and assess the value of such lands in one day, they shall continue from day to day until they have completed the duties of condemning the lands and assessing the value of the same: *And provided further*, that the notice required to be given by this section shall not be less than thirty days.

Condemnation of land.

Proviso.

Proviso.

SEC. 10. That I. B. Watson, John M. Mann and James M. Benson, be and they are hereby appointed commissioners to lay off and condemn a right of way for said canal from Turtle Shell bridge, on the south side of said bridge near Wysocking, and running southwardly, as indicated by a canal already cut to Douglas bay, on Pam-

Commissioners.

To condemn right of way, etc.

lico sound, the right of way to be one hundred and ten (110) feet wide, and to assess the value of the lands thus condemned, and report their proceedings to the board of directors of said company within thirty (30) days.

Notice of amount assessed as value of land condemned.

SEC. 11. The board of directors of said company shall notify each of the parties the amount assessed by the said commissioners as the value of the lands condemned for said right of way, within thirty (30) days after the report of said commissioners has been received, and any person objecting to the valuation thus assessed must serve notice on the said company, setting forth their objection to the assessed valuation within sixty days from the date of the service of notice aforesaid, and all persons failing to serve the notice aforesaid, within the sixty days as aforesaid, shall be considered as having assented to the valuation thus assessed, and shall be barred from bringing any action for the purpose of recovering any additional or greater amount for said right of way than that thus assessed.

Failure to object.

Officers.

SEC. 12. That the business of said company shall be transacted, managed and controlled by the directors and the president of said company.

Stock vote.

SEC. 13. That each share of stock in said company shall be entitled to one vote, and a majority of all the votes cast shall be sufficient for the election of any officer, or the altering, amending or repealing of any of the by-laws of said company: *Provided*, no business shall be transacted at any meeting of the stockholders, unless a majority of all the stock is represented, either in person or by proxy, and no person shall be entitled to vote the proxy of another unless he be a stockholder.

Proviso.

Width of canal.

SEC. 14. That the said company shall have the power to cut, dig and construct a canal as aforesaid, which canal shall not be less than twelve feet in width nor more than thirty feet, nor less than eighteen (18) inches or more than six feet in depth: *Provided*, the stockholders at any

Proviso.

general or special meeting may increase the width or depth not to exceed sixty feet in width.

SEC. 15. That the sum or sums assessed as the value of the lands condemned by the said commissioners, shall be a lien on the said canal until the same is paid, and no title shall pass for such right of way until the same shall have been paid to the parties entitled to receive the same, or into the office of the clerk of the superior court of the said county of Hyde, for the use of the parties entitled to receive the same, and after the said sum or sums assessed shall have been paid as herein provided, the report of the commissioners shall be admitted to probate in the same manner as a deed of conveyance of real estate, and when recorded in said Hyde county, shall be sufficient to pass title and to establish the same in any of the courts of the state.

Lien on canal for assessments.

SEC. 16. The directors shall meet at such time and at such places as may be prescribed in the by-laws of said company, and special meetings of the stockholders may be called at such times and in such manner as the by-laws of the company may provide.

Meetings.

SEC. 17. That the officers of said company now in power shall continue in power and to exercise and control the management of said company until their successors are elected and qualified.

Terms of office.

SEC. 18. The directors shall require the officers of the said company to execute such bond as the by-laws of the company may direct, and whenever the stockholders in any general or special meeting shall order an increase of the capital stock, the directors shall provide for the opening of books of subscription thereto at such times and places as they may appoint.

Bonds.

Books of subscription.

SEC. 19. That any person who shall wilfully injure any of the embankments, tow paths, sluices, cuts, locks, landings, or other property of said canal company, or shall obstruct said canal or its appurtenances by felling trees therein or otherwise, shall be guilty of a misdemeanor.

Wilful injury to canal, etc., a misdemeanor.

SEC. 20. 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. 1883.

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## CHAPTER 115.

An act to change the corporate limits of the town of Jacksonville, in the county of Onslow, and for other purposes.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That the corporate limits and boundaries of the town of Jacksonville, in the county of Onslow, shall be as follows: Beginning at a live cedar tree on the eastern bank or shore of New river, marked for a beginning or corner, with a cherry tree pointer to the south of it, and running thence south seventy five ( $75^{\circ}$ ) degrees, east one hundred and sixty-four (164) poles to a small black-gum tree by a road leading to the Memby place, thence north forty-six (46) poles to a stake in R. W. Ward's field, thence north seventy-seven degrees ( $77^{\circ}$ ), west one hundred and forty eight (148) poles to a willow tree on New river shore, thence with the river shore to the beginning.

Taxation.

SEC. 2. That the commissioners of said town shall have power, for the purpose of defraying the necessary expenses thereof, to lay, levy and cause to be collected, the following taxes: on all real and personal property situated and being within the limits of said town; on such polls as are taxed by the general assembly for public purposes residing within said limits; on all such retailers or sellers of liquors or wines within said town as may be taxed by the general assembly (apothecaries and druggists excepted); on all such shows and exhibitions, within said town, for reward as are or may be taxed by the gen-

eral assembly; on all dogs; on all horses, cattle, sheep and goats running at large within said town; on all such merchants, apothecaries, druggists, lawyers, doctors, dentists, surgeons, innkeepers, boarding-house keepers, stable keepers; on all such dealers in fish, shellfish, fruits, confectioneries; on all others following any trade, business or profession, who may have or use an office, place of business or stand within said town; on all others who at any time may deal or sell or follow their calling or business within said town, whether transiently or otherwise, who are or may be allowed to be taxed by town governments under the laws of the state.

SEC. 3. That all taxes laid by the authorities of said town shall be uniform and *ad valorem* upon all property within the same, except property exempted from taxation by the constitution or laws of this state, and the constitutional equation between property and poll taxes shall be observed in all levies made by said authorities.

Taxation to be uniform, etc.

SEC. 4. That the commissioners, officers and authorities of the said town, in addition to the above, shall respectively have the powers and privileges, and be subject to the duties provided for by chapter one hundred and eleven of Battle's Revisal, or such part thereof as may be now in force, and all other general laws of this state affecting the same which may be now or hereafter enacted or in force.

Powers of commissioners, etc.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws 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 8th day of March, A. D. 1883.

## CHAPTER 116.

An act to amend the charter of Edenton.

*The General Assembly of North Carolina do enact :*

Constable.

SECTION 1. That the constable of the town of Edenton shall be elected by the board of councilmen of said town.

Election.

SEC. 2. That the said board of councilmen shall hold the said election at the first meeting held by them after their election, or if for any cause the election be not then held, then as soon thereafter as practicable.

Term of office of constable.

SEC. 3. That the said constable shall hold his office for one year from his election, and until his successor be elected and qualified.

Tax list.

SEC. 4. That the tax list, when placed in the hands of the tax collector of the said town, shall have the force and effect of an execution in his hands against the property of the persons assessed therein, and the said collector shall have the same powers, rights and remedies for the collection of the said taxes as are possessed by the sheriffs of the counties for collection of the lists in their hands.

Powers of collector.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its passage, and that all acts and parts of acts in conflict with the same be repealed.

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 8th day of March, A. D. 1883.

## CHAPTER 117.

An act to incorporate the village of Leonsburg, in Hyde county.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the village of Leonsburg, in Currituck

township, in Hyde county, be and the same is hereby incorporated by the name and style of the village of Leonsburg, and shall be entitled to the rights and privileges and be subject to the restrictions and liabilities as now provided by law for incorporated towns in this state.

Name.

SEC. 2. That the corporate limits of said village shall be as follows: one-fourth of a mile square each way, from Jesse B. Jordan's and W. F. Hooten's stores, being the centre of the said village.

Corporate limits.

SEC. 3. That the election for mayor and commissioners shall be held on the first Monday in May, one thousand eight hundred and eighty-three, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this state.

Election.

SEC. 4. 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. 1883.

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## CHAPTER 118.

An act to incorporate the town of Pates, in Robeson county, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Pates station on the Carolina Central Railroad, in the county of Robeson, be and the same is hereby incorporated by the name and style of Pates, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporated.

Name.

SEC. 2. That the corporate limits of said town shall be as follows, viz: Beginning at a stake in Livermore's line and runs north eighty degrees, east nineteen chains to a corner, thence north forty-two (42) chains to a corner,

Corporate limits.

thence north sixty (60) degrees, west twenty-two (22) chains to a corner, thence south sixty-four (64) degrees, west ten (10) chains to a corner, thence south thirty (30) degrees to a corner, thence west ten (10) chains to a corner, thence south twenty-one chains and twenty-five links to a corner, thence east nineteen chains (19) and forty-five (45) links to the beginning.

Officers.

SEC. 3. That the officers of said incorporation 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, Anno Domini one thousand eight hundred and eighty-three, or until their successors shall be duly elected and qualified, viz: for mayor, R. W. Livermore; commissioners, E. A. Pates, F. Falks and O. S. Hayes; and for marshal, J. F. Williams. The said commissioners shall have the power to appoint another marshal in case of vacancy.

Temporary officers.

Election.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, Anno Domini one thousand eight hundred and eighty-three, and each succeeding year, under the same restrictions that county and state elections are held, and all citizens of the state and county within said incorporation who have resided thirty days within the corporate limits shall be entitled to vote in said elections.

Powers of mayor and commissioners.

SEC. 5. That the said mayor and commissioners shall have power to pass all ordinances, rules and regulations necessary for the government of said town, not inconsistent with the laws of the state of North Carolina and of the United States, and levy and collect a tax on all subjects of state taxation not to exceed the one-half of the state tax, and to impose fines and penalties for the violation of ordinances, and collect the same, and it shall be the duty of said commissioners to expend the money so collected upon the improvements of the streets, and for other purposes for the benefit of said town, and all persons residing in said corporate limits may be exempted

by said commissioners from working the public roads of the county.

SEC. 6. That the said mayor and commissioners shall have the exclusive power to grant or refuse license to retail spirituous, vinous or malt liquors within the corporate limits of said town, pursuing therein the requirements of law as to the pre-payment of taxes due therefor, and all laws or clauses of laws which, by enumeration of distances from any given point, and which may embrace the limits of said town, be and the same are hereby repealed. That said town shall have and enjoy any and all privileges and powers that are now by law conferred upon any towns of the state. That the mayor of said town shall have all the jurisdiction of a justice of the peace within the corporate limits in criminal matters, and the marshal shall have all the power of constable and be entitled to the same fees.

Retail liquor licenses.

Corporate rights.

Jurisdiction of mayor.

Powers of marshal.

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

In the general assembly read three times, and ratified this the 9th day of March, A. D. 1883.

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## CHAPTER 119.

An act to amend the charter of the town of Winston.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Winston, as contained in chapter thirty-seven, acts of one thousand eight hundred and eighty-one, be so amended as to extend the provision of said act authorizing the holding of an election to vote upon the question of levying a tax and taking other steps necessary to carry into effect all the provisions of said act so as to enable and empower

Chap. 37, laws 1881, amended.

Election upon question of special tax for graded school.

the commissioners of said town to order an election on the first Monday of May, one thousand eight hundred and eighty-three, after thirty days' notice at the court house door, and in one or more of the newspapers of the town, and if a majority of the registered voters of said town shall vote in favor of levying a tax for graded school purposes, the said commissioners shall collect and pay it over to the treasurer of graded schools under the provisions and regulations as contained in chapter thirty-seven, acts of one thousand eight hundred and eighty-one.

Commissioners  
to levy tax on  
majority vote.

Ten pin alleys.

SEC. 2. That the commissioners of the town of Winston shall impose, levy and collect a corporation tax of not less than one hundred and fifty dollars, upon every person obtaining a license to erect, keeping or maintaining any ten pin alley in the corporate limits of said town.

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. 1883.

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## CHAPTER 120.

An act to amend chapter sixty of the private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, ratified March sixth, one thousand eight hundred and seventy-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter sixty, private laws of North Carolina, ratified March sixth, one thousand eight hundred and seventy-seven, be and the same is hereby amended by adding thereto after section six the following, to-wit: Robert Anderton, John Burgwyn McRae, R. O. Boone, Claiborne Faison and Charles Williams are hereby constituted and made a board of assessment for

Chap. 60, private  
laws 1876-7,  
amended.

Board of assess-  
ment for Occonee-  
chee Neck.

Occoneechee Neck. It shall be the duty of said board to keep in good repair and five feet high the fence beginning at the Roanoke river, near the line between F. S. Faison and J. W. Brittle, and running along the northern boundary of Occoneechee Neck to Wheeler's swamp, at the head of Bull Hill mill pond, and to erect and keep in repair at Mud Castle, near Parker's church, and at Bull Hill mill, gates which can be opened and shut by a person without leaving the vehicle he is driving. If they deem it necessary said board shall erect and keep in repair a fence along Wheeler's swamp, from the aforesaid mill to the Roanoke river. To enable them to perform the duties herein imposed, said board is hereby authorized and empowered to levy in the manner hereinafter provided an assessment on the real and personal property in Occoneechee Neck not exceeding per annum one-third of one per cent. on its assessed value. Said board shall make out a statement of such assessment, showing the persons against whom it is made and the amount each is to pay, and the purpose for which it is levied, and deliver the same to the sheriff of Northampton county, who shall within forty days collect the same in the same manner and under the same rules and regulations as the law now prescribes for the collection of the state taxes, and he shall hold said fund, less five per cent. retained as his commissions for collecting and paying it out, to defray the expenses of said board incurred in performing the duties herein imposed, and shall pay it out on the orders of the chairman of said board attested by the secretary. Each member of said board shall receive one dollar and fifty cents for each day he is actually engaged in carrying out the provisions of this act, to be paid by said sheriff out of said fund on presentation of an itemized account therefor, sworn to before the clerk of the superior or inferior court for said county. Said sheriff shall, on or before the first day of August of each year, make out an itemized statement of the money collected and paid out

Duties.

Authorized to  
levy special  
assessment.

Sheriff to collect.

Commissions.

Application of  
assessment.Compensation of  
board.Sheriff to file  
itemized state-  
ment.

under this act, and file the same with the clerk of the superior court of said county, who shall label and file the same, subject to be inspected by any one at any time.

Penalty. For a failure to perform any one of the duties imposed by this act, the sheriff shall forfeit and pay to any one suing for the same one hundred dollars. Any one leaving open any one of the gates erected under this act or leaving the aforesaid fence down shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. Said board of assessment shall elect one of their number chairman and another secretary. Said board shall hold their office for the term of two years and until their successors are appointed and qualified.

Misdemeanor to leave open gates.

Chairman of board.

Term of office.

Successors to board of assessment.

SEC. 2. That at their meeting on the first Monday in June, one thousand eight hundred and eighty-five, and every two years thereafter, the board of county commissioners for Northampton county shall appoint five or three persons (as they may deem best), living in said Occoneechee Neck, to succeed the board of assessment herein appointed.

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. 1883.

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## CHAPTER 121.

An act to amend the charter of the town of Matthews.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Matthews, being chapter sixty (60) of the laws of one thousand eight hundred and seventy-nine, be amended as follows,

to wit: The said town shall have all the powers, privileges and franchise that are conferred upon the town of Thomasville, by an act of the general assembly, entitled an act ....., ratified the ..... day of ....., eighteen hundred and seventy-seven; and by sections twenty-eight (28), twenty-nine (29), thirty-two (32) and thirty-three (33), contained in an act of the general assembly, entitled "an act to amend the laws in relation to the town of Tarboro," ratified ..... day of ....., eighteen hundred and seventy-seven.

Corporate powers.

SEC. 2. That the boundaries of the said town of Matthews shall be extended as follows, to wit: Beginning at the intersection of the present corporate line and railroad, thence with the railroad to the line of Messrs. Shelly and Abernathy, thence with their line to the corner of Pleasant Hill church, and thence with the line of the said church and Abernathy to the corner of said land, thence a direct line to the corner of the church land on T. A. Squire's line, including all of the church land and cemetery, thence a direct line to the corner of the present incorporation, known as the Maple corner, and the land embraced within said boundaries shall hereafter form a part of the town of Matthews.

Corporate limits.

SEC. 3. That nothing in this act shall be construed as repealing the law heretofore passed prohibiting the sale of intoxicating liquors within two miles of the said Pleasant Hill church.

Sale of liquor within two miles of Pleasant Hill church.

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. 1883.

## CHAPTER 122.

An act to incorporate the "Shiloh Lodge, number ninety, Independent Order of Odd Fellows," of Camden county, N. C.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That H. A. Bartlett, Marshall Sawyer, M. D. Gregory, F. W. Ritter and the *Noble Grand* and other officers and members of the Shiloh Lodge, number ninety, of the Independent Order of Odd Fellows, located in the county of Camden, N. C., be and they are hereby incorporated into a body politic and corporate, under the name and title of "Shiloh Lodge, number ninety, Independent Order of Odd Fellows," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record, or before any justice of the peace, in the state, contract and be contracted with, acquire, hold and dispose of real or personal property for the benefit of said lodge or its members, and the widows and orphans of its said members, and may have all such other rights and privileges as are incident to such corporations.

Name.

Corporate powers.

By-laws.

SEC. 2. The said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and by-laws of the state, or of the United States, or of the supreme jurisdiction of the order of which said lodge is a subordinate lodge.

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. 1883.

## CHAPTER 123.

An act to incorporate the Seaboard Manufacturing Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That William B. Rogers, Andrew S. Martin, E. M. Tilley, M. D. L. Newberry, George W. Rowland and Thomas B. Rowland, their associates, successors and assigns be and they are hereby created a body politic and corporate under the name and style of the "Seaboard Manufacturing Company," and by such name may sue and be sued, may plead and be impleaded, may adopt a common seal, and may make such rules, regulations and by-laws for its government as are not inconsistent with the laws of this state or of the United States, and shall have all the general powers, and be subject to the general restrictions prescribed by the laws of this state in regard to such bodies politic and corporate.

Body politic.

Name.

Corporate powers.

SEC. 2. That the said company shall have the right to manufacture lumber, shingles, railroad ties, telegraph poles, and all other things which may be made or manufactured from juniper or other timber, and also to buy and sell timber and lumber of all kinds and descriptions, and to that end the said company shall have the right to purchase and hold lands as real estate in this state, and to grant, sell, convey either in fee, in trust or by mortgage, to lease or otherwise dispose of the said lands, or any part thereof: *Provided, however,* that the said company shall not hold such timbered lands to exceed fifty thousand acres at any one time, and the said company shall have the right to purchase and hold standing timber, and to cut, manufacture or sell the same, and generally to do all such things as appertain to the manufacture and sale of timber and lumber, or to the timber and lumber business.

Corporate rights.

Proviso.

Capital stock. SEC. 3. That the capital stock of said company shall not be less than twenty-four thousand dollars, and may be increased from time to time by the said company to any amount, not to exceed, however, the sum of one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and at every meeting of the said company each stockholder shall be entitled to one vote for each and every share of stock owned or held by said stockholder.

Stock vote.

Organization. SEC. 4. That as soon as the said sum of twenty-four thousand dollars is subscribed to the capital stock of said company, the subscribers may organize the said company and elect a president, secretary and treasurer, a board of directors to consist of not less than three stockholders, and such other officers as may be desired, and may prescribe the duties of such officers.

Officers.

Principal office. SEC. 5. That the principal office of said company shall be in Columbia, Tyrrell county, North Carolina, but the said incorporators, or any three of them, shall have the right to open books of subscription to the capital stock of said company at such times and places, and upon such notice as to them may seem proper.

Books of subscription.

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 9th day of March, A. D. 1883.

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## CHAPTER 124.

An act to incorporate the Acme Manufacturing Company.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That William Lattimer, M. Cronly, C. G. Latimer, E. S. Latimer, Wilkes Morris, H. R. Latimer

and Henry Savage, of the city of Wilmington, state of North Carolina, and Charles V. Ware and L. H. Friedburg, of the city of New York, and J. G. Stephens and G. Warren, of the city of Brooklyn, 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 "Acme 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 and use a common seal, alterable and renewable at their pleasure, have perpetual succession, take, own and possess, by gift, grant, devise, purchase, settlement or by any and all other lawful methods, possess and acquire 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 canals, locks, dams, mills and buildings, for the manufacture of any goods; also for sawing, planing or otherwise working in timber, or stone or other thing, and place machinery therein, to operate the same either by steam or water power, or both, as said corporation may desire; engage in, conduct and carry on agricultural operations, improve mineral lands, mine and prepare for market fire and other clays and minerals, and sell and convey the same and products thereof to market, and to erect such other buildings and conveniencies as it may desire for the carrying on of its enterprises, or the uses, convenience or habitation of its employees, at Cronly, in the county of Columbus, and such other counties of the state as may hereafter be designated by the directors of said corporation, and in the states of New York and Florida.

SEC. 2. Said corporation hereby has power and right to manufacture materials, supplies and fabrics of any kind, prints, cloths, goods and wares and merchandise of any and every sort and kind out of and from cotton, wool,

Name.

Corporate powers.

Corporate rights.

jute, hemp, flax and other fibrous plants and materials, or any other material whatever, to carry on mining, chemical and agricultural operations, to grind grain, gin cotton, manufacture cotton seed oil and fertilizers, and any and all other things whatever, as they may see fit, out of iron, wood or other material or thing, the combination of any or all other material or thing; to carry on mining, boring and digging for, or otherwise obtaining from the earth petroleum, rock or carbon oils; and to buy and sell and deal in marls, phosphates, and any and all other fertilizers and materials for fertilizers, and in any or all of the matters and things herein mentioned, alluded to, or intended so to be.

Subscription to capital stock.

SEC. 3. The persons named in this act, or their legal representatives, may each receive subscriptions to the capital stock of this corporation, or appoint in writing some person or persons so to receive subscriptions, and the person or persons receiving such subscriptions may give certificates of subscription, and also give receipts for payment upon subscriptions, but no certificates of stock in said corporation shall be issued until after the organization of this corporation.

Meeting of stockholders.

SEC. 4. Within twenty days after the passage of this act, any three of the corporators of this corporation may call a general meeting of the stockholders in the city of Wilmington, and proceed to elect eight (8) directors. A majority of the stock then subscribed shall be represented and present in said meeting, and a majority of the votes present shall be necessary to elect such directors. The directors then chosen shall choose one of their own number as president of this corporation, and annually thereafter the stockholders of this corporation shall meet at the office of this corporation in the city of Wilmington for the purpose of electing eight (8) directors of and for this corporation in the manner above prescribed, which said directors shall choose the president in the manner above pointed out in this section. The directors and

Directors.

President.

Annual meetings.

Board of directors.

president so chosen 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 elected and qualified. A majority of the board of directors hereby have power and authority to transact all business of the corporation. The said board of 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 said corporation for and during the said term, and until their successors are lawfully elected and qualified; and shall have authority to require bonds from such officers as they may choose, payable to the corporation, and sue upon the same for any breach thereof, and shall fix the compensation to the president and other officers of the corporation.

Authority of board of directors.

SEC. 5. The capital stock of this corporation shall be one hundred and fifty-two thousand dollars (\$152,000,) divided into one thousand five hundred and twenty (1,520) shares of one hundred dollars each, and said board of directors may increase the capital stock of this corporation to the amount of one million dollars (\$1,000,000) by issuing scrip-dividend certificates of stock, or by other means as they may deem proper. The owners of stock in this corporation and the directors thereof shall not be individually liable for any contracts, indebtedness nor liabilities of any kind whatsoever of said corporation.

Capital stock.

Liability of stock holders.

SEC. 6. That for the purpose of raising the capital of this corporation, books of subscription may be opened, and as soon as fifty thousand dollars (\$50,000) of said capital stock shall have been subscribed, this corporation shall go into operation and elect its directors, and the directors, its president, as pointed out in section four hereof.

Books of subscription.

Organization.

SEC. 7. The stock of this corporation shall be owned, held and deemed in law and equity as personal estate.

Stock to be personal estate.

Subscriptions,  
how made.

SEC. 8. Subscriptions to the capital stock of this corporation may be payable and paid in real or personal estate, water powers, rights, franchises, privileges and patents, secured notes, material, merchandise, labor or any other form of property or choses in action; and the board of directors may receive said and such payments in such manner and in such portions, and on such terms, conditions and proportions as the said directors and subscribers may agree upon.

Dividends.

SEC. 9. The board of directors have power hereby to declare dividends upon the shares of stock in this corporation in such amounts, at such times and in scrip certificates of stock, or in cash, as to their discretion and judgment may seem proper and fit.

Corporate powers.

SEC. 10. This corporation may borrow money on such terms as its directors may determine, 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; it may dig canals and build and operate canal and other boats for carrying on the purposes and intents of this act, 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 (62) of Battle's Revisal, entitled "Internal Improvements."

Stockholders' meetings.

SEC. 11. The president may call a meeting of the stockholders whenever, in his judgment, the business of this corporation may require it. At all meetings of the stockholders a majority of all the shares represented, either in person or by proxy, shall be necessary to a quorum for the transaction of business. Each stockholder shall be entitled to one vote for each share of stock owned by him, and may vote in person or by proxy. All proxies shall be in writing, and shall set forth by the number

Quorum.

Proxies.

thereof the share or shares represented in and by said proxy.

SEC. 12. This corporation, through its board of directors, may make contracts, become bound by instruments, security or agreements in writing, signed by the president, or other person duly authorized by him, and one of the directors; and the said board may authorize the president, in general terms at any time, to bind this corporation, or make any contract, agreement, instrument or stipulation touching its affairs, without 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 only by instrument or conveyance, lease or writing, made under the signature of the president and one of the directors: *Provided*, that no mortgage or alienation of the real estate or franchise of the corporation shall be made without the consent of the stockholders.

Corporate powers.

Proviso.

SEC. 13. This corporation has the right to receive money, rights, credits, choses in action, trusts, real estate franchises, personal 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 cost, and may invest the property, funds and assets of the corporation in such securities or such other way and manner as the board of its directors may deem safe and profitable. It may deal in all mineral products, crude or manufactured, may discount commercial paper, and 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, sell and exchange all manner of goods, wares, merchandise and products: *Provided, however*, that nothing in this section

Corporate powers.

Proviso.

or in this act shall operate or be construed to permit said corporation to emit bills of credit, payable on demand, or to circulate or issue any paper as money.

Corporate existence.

SEC. 14. This corporation shall 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 term of ninety-nine (99) years from and after the passage of this act.

SEC. 15. 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. 1883.

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## CHAPTER 125.

An act for the improvement of the streets and sewers of the city of Greensboro.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to issue bonds not exceeding \$10,000.

Description of bonds.

SECTION 1. That for the purpose of laying off, grading, paving, macadamizing and otherwise improving the streets and sidewalks, and opening and constructing sewers and drains in the city of Greensboro, the board of commissioners of said city are hereby authorized and empowered to issue from time to time coupon bonds in the name of "the city of Greensboro," in such denominations and form, and payable at such place and time not exceeding thirty years from the date of their issue, which in all cases shall be the day each bond shall be sold and delivered, as said board shall determine, bearing interest at the rate of six per centum per annum, payable semi-annually to an amount not exceeding ten thousand dollars.

SEC. 2. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than par value, and then only in such amounts from time to time as shall be necessary to raise money to meet actual expenses as the same are incurred for permanent improvements of aforesaid nature, in the discretion of said board. That on each and all of said bonds there shall be coupons for the interest thereon, payable semi-annually from and after the date of the issue thereof, and also coupons for the payment of the principal, in annual instalments, as therein set out: *Provided*, the first instalment of principal on none of said bonds shall become due and payable until from and after ten years from and after the date of the issue thereof.

Not to be sold for less than par, etc.

Coupons.

Proviso.

SEC. 3. That said bonds shall be issued under and by the directions of said board, a record of which shall be made by the clerk thereof; that the said bonds and the coupons thereon shall be dated, numbered and signed by the mayor and sealed with the corporate seal and countersigned by the city treasurer, who shall receive the money resulting from the sale thereof; that it shall be the duty of the mayor and treasurer each to keep a book suitable for the purpose, wherein they shall enter the number of bonds sold, the amount and date thereof and to whom issued; and in addition to this, it shall be the duty of the treasurer to enter in the book kept by him, the amount of bonds and coupons received and canceled by him, the number and dates thereof, and from whom received, and to secure any and all money that may or ought to come into the hands of the treasurer; and for the faithful performance of his duties arising under this act, said treasurer shall give good and sufficient bond payable to the said city in manner and form provided for in the charter.

Bonds, how issued, etc.

Bond of treasurer.

SEC. 4. That said bonds and coupons shall not be subject to city taxes until after and as they become due, and the coupons on said bonds shall be receivable in payment

Bonds not subject to city tax until past due.

Coupons receivable for taxes.

of city taxes for any fiscal year in which they fall due or thereafter, and if the holder of any of said bonds and coupons shall fail to present the same to the city treasurer at the time and place therein named, he shall not be entitled to more than fifteen days' interest thereon for the time they have been outstanding after maturity, and then only on the past due coupons for the payment of the principal sum.

Failure to present bonds or coupons for payment.

Special tax.

SEC. 5. That for the purpose of paying off, taking up and cancelling all the coupons on any and all bonds issued by said city, as the same become due, it shall be the duty of the said board of commissioners, and they are hereby so empowered to levy and collect a sufficient special tax each and every year, upon all the subjects of taxation which may be now or hereafter embraced in the subjects of taxation under the charter of said city, and all the amendments thereto, which taxes so collected shall at all times be kept separate and distinct.

Act not to take effect until approved by majority vote.

Election.

SEC. 6. That before this act shall have any force or effect, it shall be submitted to and approved by a majority of the votes cast, at an election to be held on the first Monday in May next for the purpose of the approval or non-approval of the provisions of this act, by persons who have complied with the registration laws under the charter of said city, and all the amendments thereto: *Provided*, that in addition to the above, before it shall have any force or effect, it shall be further approved by a majority of the votes cast at said election, by the resident freeholders of said city who have complied with the aforesaid registration laws, and in addition thereto have been duly registered in a separate and distinct book, wherein shall be registered only the names of persons who are found to be qualified voters as aforesaid, and who can and shall take this additional oath before he shall be registered in said book, to-wit: "I, A. B., do solemnly swear (or affirm) that I am seized and possessed of a freehold estate situate and being within the corporate limits

Approval of majority of votes cast by freeholders also requisite.

of the city of Greensboro, so help me God," which shall be administered by the registrar.

SEC. 7. That the commissioners shall provide, in addition to the registration book now kept, which shall be termed the "general registration book," a separate and distinct book which shall be termed the "special registration book," wherein shall be registered the names of all persons applying to register, who are qualified and entitled to register under the provisions in the proviso in section six of this act; said commissioners shall further provide two boxes, numbered one and two, respectively, that the votes cast at said election by persons whose names are duly registered on the "general registration book," and who are qualified voters under the provisions of the charter of said city and amendments thereto, except that they shall not be required to have prepaid their taxes, shall be put in box number one: *Provided*, that all persons whose names are duly registered in the "special registration book" and are entitled to vote in box number one shall have a right to vote in box number two in addition to their right to vote in box number one; that the inspectors of election and registrar shall be appointed, the registration books kept open and like notice thereof given, and the election held and conducted under the same rules and regulations as are provided for the election of mayor and commissioners, except so far as the same may be modified by this act.

SEC. 8. That the commissioners shall provide printed tickets, some with the word "approved" thereon, and others with the words "not approved" thereon, and those persons who vote approving the issue of bonds shall vote "approved," and those not approving shall vote "not approved," and unless there shall be a separate and distinct majority of the votes cast in each of said boxes with the word "approved" printed or written thereon, this act shall have no force or effect.

SEC. 9. That should the question of approval or non-approval of this act for any cause not be submitted on

Special registration of freeholders.

Two ballot boxes.

Freeholders entitled to vote in both boxes.

Inspectors of election, etc.

Ballots.

Act not to take effect except upon majority vote in both boxes.

Additional election authorized.

the first Monday in May next, or if submitted, be not approved, then at any time thereafter, upon the written application of fifty or more persons entitled to vote for mayor and commissioners in said city, made to the said board of commissioners as many as twenty days before the day on which it is proposed to have ordered an election, it shall be the duty of said commissioners to submit the question of approval or non-approval to be voted on again under the same rules and regulations as herein provided, and if at any such election there shall be the requisite majorities of votes cast for approval, then this act shall have the same force and effect as if it had been approved at the election at which it was first submitted: *Provided*, that such elections shall not be held on any other day in the year than the first Monday in June.

Proviso.

Vote to be counted, etc.

SEC. 10. That at the close of any election at which this act shall have been voted on, the votes shall be counted by the inspectors in the presence of such electors as desire to be present and the result thereof by them declared, made known and certified in writing to the board of commissioners next in coming after such election, within two days after the qualification of said board; and it shall be the duty of the mayor, if the requisite majority of votes cast shall be for "approval," within five days after the filing of said certificate, to proclaim the result of said election, and thereafter, the result being declared and proclaimed for "approval," the board of commissioners of the city of Greensboro may issue bonds as herein provided for.

Duty of mayor.

SEC. 11. 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. 1883.

CHAPTER 126.

An act to amend chapter one hundred and seventy-five of the laws of one thousand eight hundred and seventy-six and seventy-seven, entitled "an act to incorporate the town of Littleton, in the counties of Halifax and Warren."

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two of said act be and is hereby amended so that the word six (6), in the second line of said section, be stricken out and the word twelve (12) be substituted instead thereof.

Chap. 175, sec. 2,  
laws 1876-7,  
amended.

Corporate limits.

SEC. 2. That the mayor of said town of Littleton shall have power, with the commissioners thereof, to levy an annual tax upon all property within the corporate limits of said town, under the rules and regulations prescribed in chapter one hundred and eleven, Battle's Revisal, for the levying of taxes on real estate.

Taxation.

SEC. 3. The mayor and commissioners of said town of Littleton shall have power to appoint annually one or more persons, the number not to exceed five, who shall be required to take a list of all the personal property in said town on the ..... day of ..... of that year, and value the same for the purpose of levying the tax provided for in section two (2) of this act: *Provided*, that all persons taxed under section two (2) of this act shall have a right to except to the valuation put upon their property by the persons listing the same, within ten days after approval of the same as above provided, and apply to the board of town commissioners for relief.

Mayor and com-  
missioners to ap-  
point persons to  
take list of per-  
sonal property.

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. 1883.

## CHAPTER 127.

An act to authorize the commissioners of Lenoir, in Caldwell county, to lay off streets, etc.

*The General Assembly of North Carolina do enact :*

Authorized to lay off, etc., streets.

SECTION 1. That the commissioners of the town of Lenoir, in Caldwell county, are authorized and empowered to lay off and condemn such additional streets and alleys as in their discretion may be necessary, within the limits of said town, such compensation to be allowed to the owners of said streets or alleys as may be agreed upon by the parties or settled by the provisions of law.

SEC. 2. 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. 1883.

## CHAPTER 128.

An act to incorporate the town of Rich Square, in the county of Northampton.

*The General Assembly of North Carolina do enact :*

Incorporated.

Name.

Corporate limits.

SECTION 1. That the town of Rich Square, in the county of Northampton, be and the same is hereby incorporated under the name of "Rich Square," and the limits of said town shall form a square mile, with its centre at a rock one hundred yards from the road bridge at Bingham's gin house and the road from Bryant's cross roads to said Rich Square, and the boundaries running from south to east, and from west to north, shall be as near parallel with the river road as is practicable.

SEC. 2. That the officers of the town shall be a mayor, five commissioners and a constable, to be elected in accordance with the general laws regulating the elections in cities and towns for the officers thereof.

Officers.

SEC. 3. That until the next election according to law, and until their successors shall be elected or appointed, the officers of said town shall be, for mayor, W. S. Norwood; for commissioners, Everett Bangham, John W. Buxton, L. J. Davis and Watkin Roberts; and for constable, James H. Carter.

Temporary officers.

SEC. 4. That said town and the officers thereof shall be governed by, and shall have and exercise all the jurisdiction, rights and powers conferred under the law as contained in chapter one hundred and eleven of the Revised Code of North Carolina, and in addition thereto the constable of said town shall have, outside of said town, the same jurisdiction and powers possessed and exercised by township constables in said county. And the commissioners of said town shall also have power and authority to levy a tax on personal property in like manner as on real estate.

Corporate powers.

Jurisdiction of constable.

Taxation.

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. 1883.

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## CHAPTER 129.

An act to incorporate Stanhope Academy, in Nash county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That H. O. Strickland, William Dickerson, Geo. W. Bains, Thomas Westray, George H. Harper, G. D. Ricks and H. R. Whitly, their associates and successors, are hereby created a body politic and corporate, un-

Body politic.

Name.	der the name and style of the Trustees of Stanhope Academy, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold in their corporate capacity property real and personal, such as may be necessary and suitable for maintaining a school of high grade at the place where said academy is now situated in Jackson township, county of Nash, 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.
Corporate powers.	
Vacancies.	SEC. 2. That in case of vacancy in said board of trustees by death, failure to act, resignation or otherwise, such vacancy shall be filled by appointment of the remaining members thereof.
	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. 1883.

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### CHAPTER 130.

An act to incorporate the town of Morven, in the county of Anson.

*The General Assembly of North Carolina do enact:*

Incorporated.	SECTION 1. That the town of Morven, on the Cheraw and Salisbury Railroad, in the county of Anson, be and the same is hereby incorporated by the name and style of the town of Morven, and shall be subject to all the provisions contained in chapter one hundred and eleven, Battle's Revisal, not inconsistent with the provisions of this act.
Name.	
Corporate limits	SEC. 2. That the corporate limits of said town shall be as follows: one mile square, the boundaries of which shall be of equal distance east, west, north and south from the

the centre of said square, which said central point or centre is hereby fixed at a stake in the centre of the railroad near the depot, at the point where the main street crosses said railroad.

SEC. 3. Until officers shall be elected, as hereinafter provided, the government of said town shall be vested in the following named persons, to-wit: mayor, P. H. Gardner; commissioners, C. C. Moore, T. F. Musenheimer, S. N. Liles.

Temporary officers.

SEC. 4. An election shall be held the first Monday in May, one thousand eight hundred and eighty-three, and upon the same day in each successive year, for mayor and three commissioners. All persons who are living within the corporate limits of said town and qualified to vote for members of the general assembly, shall vote in the election for officers of said town.

Election.

SEC. 5. For the good government of said town, the said officers, and their successors in office, shall have all the powers, rights and privileges, and shall be governed by all the rules, regulations and restrictions conferred upon, and to which mayors and commissioners of incorporated towns are subject by chapter one hundred and eleven of Battle's Revisal.

Corporate powers.

SEC. 6. 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. 1883.

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## CHAPTER 131.

An act to incorporate the Elmwood Cemetery Association, of the town of Enfield, in Halifax county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. J. Robertson, Henry Bond, D. B. Best, F. J. Dennis, George B. Curtis, J. A. Collins and N.

Incorporation authorized.

Dunn are hereby authorized and empowered to organize themselves into a corporation to be known as the Elmwood County [Cemetery] Association, of the town of Enfield, state of North Carolina, and by that name have perpetual succession.

Name.

Officers.

SEC. 2. That the affairs of said corporation shall be managed by a president and board of directors, seven in number, who shall be elected by the stockholders in said cemetery at their annual meetings; and the said board of directors shall have power to fill all vacancies in their own number in case of death or resignation.

Vacancies.

Corporate powers.

SEC. 3. Said president and board of directors shall have the power to buy and hold real estate for said cemetery, and also to make deeds to lots in said cemetery through the signatures of the president and secretary duly elected to fill said offices.

Corporate powers.

SEC. 4. That said president and directors of said cemetery shall have power to make all needful rules and regulations for maintaining and keeping in order said cemetery, and do any and all other acts for perpetually maintaining the same, not inconsistent with the constitution and laws of the state of North Carolina.

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. 1883.

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## CHAPTER 132.

An act to incorporate the town of Mebane, in Alamance county.

*The General Assembly of North Carolina do enact:*

Incorporated

Name.

SECTION 1. That the town of Mebane, in the county of Alamance, be and the same is hereby incorporated by the name of Mebane, and shall be subject to all the provisions

contained in chapter one hundred and eleven, Battle's Revisal, and all laws passed in amendment thereof, not inconsistent with the constitution and laws of the state of North Carolina and of the United States.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at Orange county line nineteen hundred and twenty feet (1920) north of railroad, thence north seventy degrees, west thirty-eight hundred and forty feet to a stake, thence south thirty-eight hundred and forty feet (3840) to a stake, thence south (70) seventy degrees, east thirty-eight hundred and forty feet to Orange county line, thence with said line to the beginning. Corporate limits.

SEC. 3. That an election shall be held each year on first Monday in May, according to Battle's Revisal, chapter one hundred and eleven, for mayor and three commissioners; that said commissioners shall have power to elect a constable, clerk and treasurer. Election.

SEC. 4. That the commissioners shall have power to lay out and open streets within the corporate limits of said town whenever by them deemed necessary, and shall have power at any and all times to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have full power to condemn, appropriate and use any land or lands necessary for any of the purposes named in this section, upon making a fair compensation to the owner or owners thereof, if demanded by owner or owners of said land. In case the owner or owners of said land and commissioners cannot agree, then the matter shall be referred to arbitrators, each choosing one, who shall be a freeholder and a citizen of the said town, and the two chosen, in case they cannot agree, 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 or owners in consequence thereof, and the award shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to Streets, etc.

use the land or lands for the purposes specified, and all the damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities, by taxation. That the commissioners may receive and hold all land or lands donated or purchased for a public square or for buildings within the corporate limits of said town.

Taxation.

SEC. 5. That commissioners shall have power to levy and collect taxes on all subjects of state taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars' worth of real and personal property, and to impose fines and penalties for the violations of town ordinances, and collect the same, which taxes, forfeitures, fines and penalties, when collected, shall go to the use of the streets and sidewalks, or in such other mode as said commissioners may deem best to promote the health, comfort, prosperity and advancement of the town.

Fines, etc.

Application of  
tax, etc.

Unlawful to sell  
liquors in corpo-  
rate limits.

Exception.

Penalty.

SEC. 6. That no spirituous or malt liquors of any kind shall be sold within the corporate limits of said town, except for medicinal or mechanical purposes and uses. That any person or persons violating any provision of this section shall, upon conviction, be fined for each and every offence not less than ten dollars, nor more than twenty-five dollars, and be imprisoned for not more than thirty days, in the discretion of the mayor.

Repealing clause.

SEC. 7. That chapter seven, private laws of one thousand eight hundred and eighty, and all laws and clauses of laws coming in conflict with this, act are hereby repealed.

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 9th day of March, A. D. 1883.

## CHAPTER 133.

An act to incorporate the Yanceyville Grand United Order of Benevolence, number ten.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. L. Johnson, M. Leith, W. H. Membrane, J. B. Graves, Frank Brandon, James Johnson and Marshall Louis Graves, and their associates and successors, are hereby created and constituted a body corporate under the name and style of the "Yanceyville Grand United Order of Benevolence, number ten," for the purpose of so dispensing a spirit of general benevolence that all the members of the order and those within its reach may receive and enjoy its benevolent objects—to secure relief for the sick and distressed, to provide for the widow and fatherless in their afflictions, to bury the dead and elevate the living, and to spread the true spirit of charity and love to all within its healing influence, and that by such name may sue and be sued, and contract and be contracted with.

SEC. 2. That said corporation may pass all such by-laws and regulations not inconsistent with the constitution and laws of this state nor of the United States, as may be necessary for their government; may purchase, lease, hold and convey all such real estate as is necessary for the carrying out of the objects and purposes of the Yanceyville Grand United Order of Benevolence, and for which they are incorporated.

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. 1883.

## CHAPTER 134.

An act to incorporate the town of Sassafras Fork, Granville county.

*The General Assembly of North Carolina do enact:*

- Incorporated. SECTION 1. That the town of Sassafras Fork, in Granville county, be and the same is hereby incorporated by the name and style of the Town of Sassafras Fork, 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 thousand yards east, west, north and south from the crossing of the Oxford and Taylor's ferry and Oak Hill and Williamsborough roads, and shall run with the four cardinal points of the compass.
- Officers. SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable, and the commissioners shall have power to appoint a secretary and treasurer.
- Election. SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-three, and every year thereafter, under the same restrictions that county and state elections are held: all male citizens over twenty-one years of age, 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.
- Corporate powers. SEC. 5. That the said commissioners shall have power to pass 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 to impose fines and penalties for the violation of town ordinances and collect the same.
- Application of fines. SEC. 6. That all fines collected for the violation of any town ordinances shall go into the town treasury for the benefit of the town.

SEC. 7. That until their successors are elected, on the first Monday in May, one thousand eight hundred and eighty-three, the following named persons shall fill said offices, viz.: mayor, W. H. Gregory; commissioners, Thomas W. Stovall, F. R. Gregory and Walter A. Pattillo; and for constable, James M. Higgins. Temporary officers.

SEC. 8. 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. 1883.

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## CHAPTER 135.

An act to incorporate the town of Palmyra, in Halifax county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Palmyra, in Halifax county, be and the same is hereby incorporated by the name and style of the "Town of Palmyra," and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated.  
Name.

SEC. 2. That the corporate limits of said town be as follows: Beginning at the corner of John T. House's large store, where the Hill's Ferry road intersects the main road leading from Scotland Neck to Hamilton, North Carolina, running five hundred yards north from said corner, three hundred yards south, three hundred yards east, and two hundred yards west, all starting from the corner of the store of John T. House as a central point. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and constable, and the commissioners shall have power to appoint a secretary and treasurer. Officers.

SEC. 4. That until their successors are elected on the first Monday in May, one thousand eight hundred and Temporary officers.

eighty-three, the following named persons shall fill said offices, viz.: mayor, R. B. Owens; for commissioners, H. H. Carnes, R. M. Burrough and E. W. Hyman; for constable, J. J. Medford.

Election.

SEC. 5. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-three, and every year thereafter, under the same restrictions that county and state elections are held. All male citizens twenty-one years of age, 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.

Corporate powers.

SEC. 6. That said commissioners shall have and exercise all such corporate powers and duties as are conferred upon commissioners of incorporated towns under the Revised Code, chapter one hundred and eleven, section thirteen, and the consolidated acts of the general assembly, ratified one thousand eight hundred and sixty-two, chapter fifty-one, as brought forward in chapter one hundred and eleven, Battle's Revisal, and in addition thereto they shall have power to pass 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 to impose fines and penalties for the violation of town ordinances and collect the same.

Application of fines.

SEC. 7. That all fines collected for the violation of any town ordinance, shall go to 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 9th day of March, A. D. 1883.

## CHAPTER 136.

An act to incorporate the town of Woodland, in the county of Northampton.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Woodland, in the county of Northampton, be and the same is hereby made a body politic and corporate under the name and style of Woodland, and shall have all the rights and powers conferred on incorporated cities and towns by chapter one hundred and eleven of the Revised Code, and such other general laws as may hereafter be passed touching the same subject.

Incorporated.

Name.

SEC. 2. That until their successors are elected and qualified, the following shall be the officers of said town, to-wit: Paul Harrell, mayor; J. B. Griffin, C. W. Harrell, W. H. Scott and J. E. Blanchard, commissioners, and L. A. Dutland, constable.

Temporary officers.

SEC. 3. The house formerly occupied by A. J. Harrell shall be the centre of said town, and its corporate limits shall constitute a circle with a radius of one-half mile in length.

Corporate limits.

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. 1883.

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 CHAPTER 137.

An act to extend the corporate limits and to amend the charter of the town of Greenville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the corporate limits of the town of Greenville be and the same is hereby enlarged and extended so as to be included and embraced in the follow-

Corporate limits.

ing boundaries, to-wit: Beginning on the branch on the eastern boundary of said town in a line with the eastern side of Reade street, and one hundred and sixty-four (164) feet south of the southern side of Fifth street, and running thence south thirteen and one-half ( $13\frac{1}{2}$ ) degrees, west sixteen hundred and eighty-two (1682) to the centre of the road leading from the town to Green's old mill, thence north seventy-six and one-half ( $76\frac{1}{2}$ ) degrees, west two thousand eight hundred and twenty-one (2,821) feet, thence north thirteen and one-half ( $13\frac{1}{2}$ ) degrees, east eighteen hundred and twenty-three (1,823) feet to the centre of the river road, thence the various courses of said road to the western boundary of Latham's and Skinner's survey of building sites, thence said line north thirteen and one-half ( $13\frac{1}{2}$ ) degrees, east two thousand and thirty (2,030) feet to Tar river, thence down various courses of said river to the eastern boundary of the town [to] a branch, thence up said branch to the beginning.

First ward.]

SEC. 2. That the portion of said town embraced in the following boundaries, beginning on Pitt street at the bridge across Tar river, and running south to the corner of Second street, thence with second street east to the corner of Reade street, thence with Reade street south to the corporate boundary, all east and south of this line shall constitute and be known as the First Ward.

Second ward.

SEC. 3. That portion of said town embraced in the following boundaries, beginning at the corner of Second and Washington streets, and running south with Washington street to the end thereof, and continuing in a straight line to the corporate boundaries, thence eastwardly with said corporate boundaries to the line of the First Ward, thence with the said line to the beginning, shall constitute and be known as the Second Ward.

Third ward.

SEC. 4. That portion of said town embraced in the following boundaries, beginning at the corners of Second and Washington streets and running south with Washington street to the end thereof, and continuing in a

straight line to the corporate boundaries of said town, thence westwardly around and with the corporate boundaries to the line of the First Ward, thence with said line to the beginning, shall constitute and be known as the Third Ward.

SEC. 5. That the municipal affairs of said town shall be controlled by a mayor and six councilmen, who shall be known as the Board of Councilmen of Greenville. Each of the three wards shall elect two councilmen, who shall hold their office for one year, or until their successors are qualified. The said officers shall be elected at an election on the first Monday in May, one thousand eight hundred and eighty-three, and on the same day every year thereafter. In case of vacancies occurring in said board of councilmen from any cause, the said board shall fill the same by an election among themselves.

Board of councilmen.

How elected.

Election.

Vacancies.

SEC. 6. That the six councilmen so to be elected shall, at their first meeting, elect from outside of their number a mayor, who shall hold his office for one year, and shall preside at the meetings of the board of councilmen, but shall not be entitled to vote except in case of a tie, when he shall give the casting vote. In the absence of the mayor, the board of councilmen shall elect one of their own number mayor *pro tempore*, who shall be allowed to vote as councilman, and also the casting vote in case of a tie.

Mayor.

Mayor pro tem.

SEC. 7. That the board of councilmen so to be elected shall elect from their number at their first meeting a treasurer, also from outside of their number a clerk and one or more policemen. The term of the treasurer shall be one year, and before entering upon the duties of his office, shall execute and deliver to the board of councilmen a satisfactory bond in a sum to be fixed by said board, which shall not be less than double the amount of taxes due said town for the preceding year; he shall receive all moneys belonging to the town, or which ought to be paid or delivered to him, and shall keep the same

Treasurer.

Bond.

Duties.

safely for the use of the town ; he shall disburse the funds according to such order as may be duly drawn on him by the board of councilmen, which orders shall be signed by the mayor and countersigned by the clerk.

Duties of clerk.

SEC. 8. The clerk shall keep regular and fair minutes of the proceedings of the board, preserve all books and papers committed to his care, and deliver them to his successor, and perform such other duties as may be prescribed by the board of councilmen.

Duties of policemen.

SEC. 9. It shall be the duty of the policeman or policemen to see that the laws, ordinances and orders of the board are enforced and report all breaches thereof to the mayor, to preserve the peace and good order of the town by suppressing disturbances and apprehending offenders, and for that purpose he should have all the power and authority vested in sheriffs and constables ; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers that sheriffs and constables have, he shall have the same fees on all processes executed and returned by him that are allowed to sheriffs in like cases, and such other compensations as the board of councilmen may allow.

Powers.

Fees.

Salaries.

SEC. 10. The board of councilmen shall have the power to fix the salaries of all officers elected by them, that of the mayor not to be less than fifty nor more than five hundred dollars per annum.

Present commissioners to hold until qualification of successors.

SEC. 11. The board of commissioners now in office in said town shall hold the same until the first Monday in May, one thousand eight hundred and eighty-three, and until the councilmen herein provided for are elected and qualified.

Electors.

SEC. 12. That at the election herein provided for, no one shall be allowed to vote unless he has resided in the state twelve months and in the ward in which he offers to vote ninety days immediately preceding the election.

SEC. 13. That the board of town commissioners now in office shall appoint one registrar and two inspectors for each ward, to hold and conduct in their respective wards an election on the first Monday in May, one thousand eight hundred and eighty-three. The registrars so appointed shall open registration books on Thursday, Friday and Saturday preceding the day of election in some convenient place in each ward, and shall keep the same open between eight a. m. and 5 p. m. on said days, when all persons legally entitled to register may do so, and no one who has not been registered shall be allowed to vote. The said election shall be conducted in accordance with the laws of the state, and in all future elections the board of councilmen shall appoint registrars and inspectors, who shall be governed as above prescribed.

Registrar and inspectors of election.

Duties of registrar.

Election, how held.

SEC. 14. That for the improvement of said town and for the payment of the current expenses thereof, the board of commissioners shall for the year one thousand eight hundred and eighty-three, and the board of councilmen annually thereafter at their last meeting in April, levy a tax on all real and personal property in said town not exempt under the laws of the state, not to exceed the rate of fifty cents on the one hundred dollars' value, and a poll tax not to exceed one dollar and a half, on every hundred dollars' value of goods, wares or merchandise purchased for resale by any merchant trading in the town, a tax not to exceed ten cents; on all retailers of spirituous, vinous or malt liquors, an annual tax not to exceed fifty dollars; on all resident lawyers practicing their profession in said town, a tax not to exceed ten dollars; on all drays, a tax not to exceed five dollars; on all dogs and goats kept in the town or may be kept for the space of one month during the year, a tax of one dollar each; on every person vending from a stand any drugs, nostrums or medicines of any kind, or any other itinerant vender of goods, wares or merchandise, a tax not to exceed ten dollars per day; on all gift enterprises and on

Taxation.

Ad valorem tax.

License taxes.

every person offering chances or gifts as an inducement to purchasers, a tax not to exceed twenty-five dollars per day; on circuses, a tax not to exceed twenty-five dollars per day; on each traveling theatrical troupe or company, a tax not to exceed ten dollars per day; on each billiard table or bowling alley, a tax not to exceed twenty dollars per annum; on each hotel or boarding house, a tax not to exceed ten dollars per annum; on every livery stable, a tax not to exceed ten dollars per annum; and upon every horse or mule drover, a tax not to exceed ten dollars per annum.

Listing and collection of taxes.

SEC. 15. The said boards shall have the power to prescribe the manner in which the taxes levied for the town shall be listed and collected not inconsistent with the laws of the state.

Corporate powers.

SEC. 16. That among the powers hereby conferred on the board of councilmen, they shall have power to provide water by digging and keeping in repair wells, provide for repairing and cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, appoint policemen and prescribe their duty.

Ordinances.

SEC. 17. That the councilmen 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 and consistent with the laws of the land.

Confinement of persons arrested.

SEC. 18. The town officer, policeman or watchman arresting any person for violating any ordinance of said town, may confine the same in the town prison until such person can be brought before the mayor or other court having jurisdiction for trial, but such person may give bail in the same manner as bail is given to sheriffs for his or their appearance before the mayor or other court.

Jurisdiction of mayor.

SEC. 19. That the mayor shall be a special court, and within the corporate limits shall have all the powers and

authorities of a justice of the peace to preserve and keep the peace, and may cause to be arrested and detained criminals who fly to the town from other states or counties, and shall cause to be arrested and bound for their appearance at the proper tribunal to answer for their offences. 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 councilmen, and he may issue processes without complaint when he is satisfied there has been a breach of the law.

SEC. 20. That the board of councilmen shall have power to prevent the building of frame buildings on Evans street.

Authority of commissioners over buildings.

SEC. 21. That any violation of such ordinances as may be enacted by the councilmen shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment in county jail or town prison not to exceed thirty days—with power to compel violators to work the streets in the mean time.

Violation of ordinances a misdemeanor.

SEC. 22. If any person liable to work on the streets shall wilfully refuse to work after being duly summoned for that purpose, or if any person so liable to work shall attend at the place and time designated in the summons or notice and refuse or neglect to work on said streets the person so offending shall for every such offence be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than two or more than ten dollars, and in default of payment of fine and costs shall be confined in the town prison not to exceed twenty days, and in the mean time compelled to work on the streets of the town.

Misdemeanor to refuse to work streets.

Penalty.

SEC. 23. The councilmen of said town shall have power to open any new street or streets whenever by them

Streets.

deemed necessary, and shall have full power and authority to condemn any land necessary for the purposes aforesaid: *Provided*, just and reasonable damages be paid to the party or parties injured, as ascertained by three freeholders selected, one by the mayor, one by the party injured and one by them, and their judgment to be final.

Proviso.

Pepealing conflicting laws.

SEC. 24. That all laws in conflict with the provisions of this act are hereby repealed.

Election upon question of ratification of this act.

SEC. 25. That it shall be the duty of the present board of commissioners of the town of Greenville to cause an election to be opened and held at the court house in the said town on the second Monday of April, one thousand eight hundred and eighty-three, at which election those in favor of this act will vote a ticket on which shall be written or printed "ratification," and those opposed "rejection." The commissioners shall, ten days before said election, appoint a registrar, whose duty it shall be to register the votes as in cases of other elections. They shall at the same time appoint two inspectors, who with the registrar shall conduct said election according to the laws of this state. The registrar and inspectors of said election shall make return under their hand and seal to the town commissioners, whose duty it shall be to meet on the next day to canvass said returns and spread them upon the records of the board. The commissioners shall post at the court house door the number of votes cast for ratification and the number cast for rejection, and in said notice they shall declare, if a majority be for "ratification," that this act is in full force and effect, but if a majority be for "rejection," they shall declare the act of no force and effect.

When act to take effect.

SEC. 26. This act shall be in force from and after its ratification by the legal voters of the town of Greenville, as now laid off at an election held for that purpose as prescribed in the preceding section.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

## CHAPTER 133.

An act to incorporate the town of Harrellsville, in Hertford county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Harrellsville, in the county of Hertford, be and the same is hereby incorporated.

Incorporated.

SEC. 2. That it shall be lawful for the citizens of said town of Harrellsville, at any time within two months after the ratification of this act, having ten days' public notice by advertisement of the day of election, to elect five commissioners of the town, who shall hold their offices until the first Monday in May, Anno Domini one thousand eight hundred and eighty-three. On the first Monday in May, Anno Domini one thousand eight hundred and eighty-three, and annually thereafter, the citizens of said town shall hold their regular election for five commissioners, who shall hold their offices until their successors are elected.

Special election of commissioners.

Annual election.

SEC. 3. The town of Harrellsville is hereby invested with all powers, rights, and privileges, and immunities, and subject to all the restrictions enumerated in chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

Corporate powers.

SEC. 4. The corporate limits of the town of Harrellsville shall be as follows: Beginning at the crossing of the roads near the centre of the town, thence north seven degrees, east sixty poles to a point on the boundary line of said town, thence east sixteen degrees, west seventy-two poles, then south seven degrees west sixty poles, thence south eleven degrees west eighty-six poles, thence south seventy-five degrees east seventy three poles, thence east seventy-two degrees east eighty-six poles, thence north eleven degrees east eighty-six poles, thence north seven degrees east sixty poles, thence north seventy-two degrees west eighty-six poles.

Corporate limits.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

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## CHAPTER 139.

### An act to promote the objects of the Roanoke Navigation and Water Power Company.

Preamble.

WHEREAS, R. T. Arrington, S. P. Arrington and Wm. Mahone, of Petersburg, Virginia, and J. D. Cameron, of the state of Pennsylvania, became the purchasers of the franchises, rights, privileges, works and property of the Roanoke Navigation Company between the towns of Gaston and Weldon, and at Weldon, at a sale made of the same under a decree of the superior court of the county of Halifax, in the state of North Carolina, and in pursuance of the act of the legislature of said state, ratified on the eighteenth day of March, one thousand eight hundred and seventy-five; and whereas, the said sale has been duly confirmed by said court, and conveyance of said property by Thos. N. Hill, receiver of said court, has been executed to the said purchasers under the corporate name of the "Roanoke Navigation and Water Power Company;" and the deed of conveyance of the said receiver duly entered of record in the said county of Halifax; and whereas, by the terms of said act of the general assembly of this state, and the said deed made in pursuance thereof, the said purchasers became a corporation by any name mentioned in said deed:

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the said purchasers, their associates,

successors and assigns so created and made in deed and in law a body corporate and politic by the name of the Roanoke Navigation and Water Power Company, are vested with every right to own, use and enjoy the franchises, rights, privileges, works and property of the said Roanoke Navigation Company as they existed at the time of the said sale, including the right to the use of the water of the Roanoke river to be drawn through the canal for navigation, manufacturing and other purposes, and are vested with every right to own, use and enjoy the water power of the said Roanoke Navigation Company, to rent or lease the same, to erect and operate manufacturing establishments, or to rent or lease the same, and the right to sell and alien any of its said property, and the said company is authorized and empowered to acquire by purchase, lease, donation or otherwise, other land or lands as may be needed, to perfect and enlarge the purposes and objects of the said Roanoke Navigation Company: *Provided*, such use of the water of the said river shall not materially interfere with or injure the legal or vested rights of persons owning and operating mills in Northampton county.

Name.

Corporate rights.

Proviso.

SEC. 2. The said company is authorized and empowered to create a capital stock of five hundred thousand dollars, divided into shares of one hundred dollars each, of which shall be deemed personal property, transferable as by the said company's by-laws may be prescribed, such shares to be issued only full paid, and shall not thereafter be assessable: *Provided*, the same may be so issued and used in payment for lands, material, services, labor, work, buildings, machinery and other property in the prosecution of the purposes and objects of its charter, and at such rate as the said company by its president and board of directors may see fit, and provided further and expressly that the said purchasers may allot among themselves such number of full paid shares as they may deem and take to be sufficient to indemnify them for the money

Capital stock.

Proviso.

- paid for said property and for other purposes: *And provided further*, that the said company may increase its said capital stock whenever and to such amount as the majority of the stockholders may determine.
- Proviso. *SEC. 3.* That the said company, by its president and board of directors, may issue bonds or other evidences of debt for such amount as the said board may determine, and secure the payment of the same, principal and interest, by mortgage or trust deed covering its franchises and property.
- Authorized to issue mortgage bonds. *SEC. 4.* That the said company may make a code of by-laws, and its president and board of directors such rules and regulations for the government of its affairs, and appoint such officers and agents for the conduct of its business, and prescribe their duties and fix their compensation as they may see fit, not incompatible with the laws of this state.
- By-laws, etc. *SEC. 5.* That the principal office may be in the city of Petersburg, Virginia, or at such other place outside of this state as the president and board of directors may designate: *Provided*, that the property of said company, including the entire stock therein, shall be annually listed for taxes in Halifax county, state of North Carolina, and the number of directors shall be five, to be elected by the stockholders for such terms as the by-laws may fix, one of the number to be chosen by the board president: *Provided*, the said purchasers specifically named with the certain other persons they elect shall compose such board of directors for the first year from the passage of this act: *And provided*, the president of the said company shall file with the secretary of the commonwealth of the state of North Carolina the name of the place at which said office has been established, and a list of the directors, with the name of the secretary and treasurer of said company, together with a copy of its by-laws.
- Officers. *SEC. 6.* All acts and parts of acts inconsistent with this act are hereby repealed.
- Principal office. *SEC. 6.* All acts and parts of acts inconsistent with this act are hereby repealed.
- Proviso. *SEC. 6.* All acts and parts of acts inconsistent with this act are hereby repealed.
- Directors. *SEC. 6.* All acts and parts of acts inconsistent with this act are hereby repealed.
- Proviso. *SEC. 6.* All acts and parts of acts inconsistent with this act are hereby repealed.
- Proviso. *SEC. 6.* All acts and parts of acts inconsistent with this act are hereby repealed.
- Conflicting acts repealed. *SEC. 6.* All acts and parts of acts inconsistent 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 9th day of March, A. D. 1883.

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## CHAPTER 140.

An act to incorporate the Greensborough Water Works Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Charles E. Robinson, of the city of Charlotte, state of North Carolina, William H. Howell, George M. Church and George M. Bacon, of the city of New York and 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 Greensborough Water Works Company," and by such name and title shall have perpetual succession for the purpose of obtaining and supplying the city of Greensborough and all other persons within the county of Guilford 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.

Body politic.

Name.

Corporate rights.

Corporate rights.

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 pipes or tapping the same, building aqueducts, or any other thing necessary to be done in the furtherance of the objects of this act, the said corporation, its agents or employees, and the officers thereof, may enter upon the land 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 interest 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 occur or be increased by reason of the condemnation of land, and it shall at all times have a right to enter upon said lands for the purpose of repairing, improving or replacing main pipes, ditches, &c.

Proviso.

Capital stock.

SEC. 3. A minimum capital stock shall be fifty thousand dollars (\$50,000), to be divided into shares not less than ten dollars (\$10) 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.

Officers.

SEC. 4. The principal office of the company shall be at Greensborough, 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

Directors.

the purpose of organization the corporation 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, secretary and treasurer, and such other officers as the board of directors shall name. All officers except those herein named may be abolished or combined, and the office of president, secretary and treasurer may be combined and filled by the president.

Officers.

SEC. 5. The subscription to the capital stock of said company shall and may be paid in such instalments, in such manner, 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 suspend 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 of the state of North Carolina, or the provisions of this act.

Subscription to capital stock.

Liability of stockholders, etc.

Proviso.

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 Greensborough 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.

Corporate powers.

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

Misdemeanor to injure mains, etc.

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 shall be fined or imprisoned, or both, at the discretion of the court: *Provided*, that the corporation created by this act shall not have the right to issue any bonds as herein provided, or contracts be contracted with until twenty per cent. of the minimum capital stock has been actually paid in the treasury.

Proviso.

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. 1883.

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## CHAPTER 141.

An act to incorporate "The Raleigh 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, William H. Hood, George M. Church and George M. Bacon, of the city of New York and 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 Raleigh Water Works Company," and by such name and title shall have perpetual succession, for the purpose of obtaining and supplying the city of Raleigh and all other persons within the county of Wake with water for public, domestic and

Name.

Corporate rights.

manufacturing purposes, and for building, erecting and owning machinery and fixtures for said purpose, and for buying, owning and 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.

SEC. 2. That 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 pipes 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 owners of the land, or the person entitled to the beneficial interest 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 for 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 said lands for the purpose of repairing, improving or replacing mains, pipes and ditches.

SEC. 3. A minimum capital stock shall be fifty thousand dollars (\$50,000,) to be divided into shares not less

than ten dollars (\$10) each, with a 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.

Offices.

SEC. 4. The principal office of the company shall be at Raleigh, North Carolina, with 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 incorporators herein named shall constitute the board of directors, and shall hold office until their successors are elected and qualified. The officers of the company shall be a president, 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 the office of president, secretary and treasurer may be combined and filled by the president.

Directors.

Officers.

Subscription to capital stock.

SEC. 5. The subscription to the capital stock of said company shall and may be paid in such instalments, in such manner and in such property, real or personal, as a majority of the corporation 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 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 of the state of North Carolina, or the provisions of this act.

Liability of stockholders.

Proviso.

Corporate powers.

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 Raleigh 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 for the loan of money, and generally to do all other matters and things necessary to the people 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, reservoirs, 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 shall be fined or imprisoned, or both, at the discretion of the court.

Misdemeanor to injure mains, etc.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

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CHAPTER 142.

An act to incorporate the town of Smithfield, in Johnston county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the inhabitants of the town of Smithfield shall be, and continue as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the "Town of Smithfield," and under such name and style is hereby invested with all property and rights of property which now belong

To continue a body politic.

Name.

Corporate powers.

to the corporation under any other corporate 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.

Corporate limits.

SEC. 2. That the corporate limits of the town of Smithfield shall be as follows, viz: Beginning at the mouth of Spring branch, where it empties into Neuse river, thence up the meanders of said Neuse river to the mouth of Buffalo creek, thence up said Buffalo creek to what was formerly Dr. J. B. Beckwith's (now the heirs of John Thomas) corner, thence in an eastwardly direction with the northern boundary of North street to a point on a line with big ditch back of the residence of the late R. S. McCullers, deceased, over which there is a culvert of the Midland Railroad, thence on a line with said big ditch in a southerly direction to Spring branch, thence down said Spring branch to the beginning.

Wards.

SEC. 3. That the town of Smithfield be and the same is hereby divided into three wards, denominated the first, second and third. The first ward bounded as follows: beginning at the south end of Second street at Spring branch, thence with said Spring branch to Neuse river, thence up said Neuse river to Buffaloe creek, thence with the northern boundary of said town to Second street, thence with Second street in a southern direction to Spring branch. The second ward bounded as follows: beginning at the end of Second street in the northern boundary of said town, and thence east with said boundary to Third street, and thence south with said street to the boundary line of said town at Spring branch, thence west with said Spring branch to Second street, thence north with said Second street to the beginning. The third ward bounded

First ward.

Second ward.

Third ward.

as follows: beginning at the end of Third street in the northern boundary of said town, thence with North street eastwardly to a point on a line with the big ditch, thence with said town boundary line to Spring branch, thence with said branch to Third street, thence with Third street northwardly to the beginning. That P. T. Massey, S. R. Morgan, G. H. Watson, Dr. L. E. Kirkman and William Brown are hereby constituted and appointed a board of commissioners for said town, and William Thain is hereby constituted and appointed mayor of said town, upon their taking the oaths of office required by this act, and they shall have full power to execute the by-laws and ordinances of said town until their successors shall be elected at the next general election for town officers under the provisions of this act.

Temporary commissioners and mayor.

SEC. 4. There shall annually on the first Monday in May of each year be elected five commissioners for said town, who shall hold their offices until their successors are qualified. The first ward shall have one commissioner. The second and third wards shall have two each, who shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of each ward.

Election.

SEC. 5. The board of commissioners of Johnston county shall appoint at or before their meeting in March, one thousand eight hundred and eighty-three, and annually thereafter, a registrar of voters of said town. Said registrar shall give ten days' notice at the court house door in said town of a registration of voters in and for said town, specifying time and place; in case of vacancy in the position of registrar from any cause, the chairman of the board of commissioners of Johnston county shall fill the vacancy.

County commissioners to appoint registrars, etc.

SEC. 6. Said registrar shall be furnished by said county commissioners with registration books at the expense of the town, and it shall be the duty of said registrar to open his books at the time and place designated by said county

Duty of registrar.

commissioners in said town, at least thirty 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.

County commis-  
sioners to ap-  
point inspectors  
of election.

Duties.

SEC. 7. The board of commissioners of Johnston county, at or before their meeting in April, one thousand eight hundred and eighty-three, and annually thereafter, shall appoint four judges or inspectors of election for said town, who with the registrar shall open the polls and superintend the same on the day of election herein specified, and the polls shall be opened at the court house in said town. The registrar and judges of election, whose appointments are herein provided for, shall have authority to administer oaths, and shall have all the powers of such officers under the general laws regulating elections.

Electors.

SEC. 8. All electors who shall have resided in the state twelve months, and in the town of Smithfield 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 legally qualified voters of said town of Smithfield shall, on the first Monday in May, one thousand eight hundred and eighty-three, and on each succeeding first Monday in May thereafter, by ballot, elect a mayor for said town of Smithfield, a majority of all the votes cast being necessary to elect said mayor. He shall preside at all meetings of the board of commissioners, and

have the right and powers and perform all the duties heretofore prescribed by law for said officers.

SEC. 10. That at all elections held by virtue of this act, the chief of police of said town shall attend the polls, and by himself and his assistants preserve order.

Chief of police to preserve order.

SEC. 11. That the mayor and commissioners shall hold their offices respectively until the next succeeding election, and until their respective successors are qualified.

Terms of office.

SEC. 12. That the mayor, immediately after his election, and before entering upon the duties of 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 town of Smithfield 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 town of Smithfield, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Oath of mayor.

SEC. 13. That on Thursday succeeding the day of election, the commissioners 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, [one hundred and eleven] Battle's Revisal, and when organized, shall succeed to and have all the rights, powers and duties prescribed by law.

Oath of commissioners.

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 commissioners shall choose some qualified person mayor for the term, or unexpired portion of the term, as the case may be, and all like occasions, and in like manner the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and all vacancies which may occur, and such persons only shall be chosen as are hereinbefore declared to be eligible.

Vacancies.

Special election.

SEC. 15. That in any case of failure to elect municipal officers on any said first Monday in May, the electors residing within said town of Smithfield 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 town, proceed to hold an election of municipal officers in the way and manner provided for in Battle's Revisal, chapter one hundred and eleven.

Jurisdiction of mayor.

SEC. 16. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town of Smithfield, have all the power, jurisdiction and authority of 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 ordinances and regulations of the town, 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 commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if 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 town lockup 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 town.

Precepts.

SEC. 17. That the mayor may issue his precepts to the chief of police or any policeman of the town, and to such other officers to whom a justice of the peace may direct his precepts.

SEC. 18. 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 Johnston 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 Johnston.

Mayor to keep record.

Judgments.

SEC. 19. That any violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days; and no preliminary affidavits shall be necessary to give the mayor final jurisdiction over the offences against the town ordinance.

Misdemeanor to violate town ordinance.

SEC. 20. That all fines collected under the provisions of this act for violation of the ordinances of said town shall go to the use of said town.

Application of fines.

SEC. 21. That the mayor when present shall preside at all meetings of the board of commissioners, and when there is any 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, they may appoint one of their number chairman *pro tempore* to exercise his duties at the board, and in the event of his absence or sickness, the board of commissioners may appoint one of their own number *pro tempore* to exercise his duties, (Battle's Revisal, chapter three, [one hundred and eleven] section eight).

Mayor to preside at meetings of commissioners.

Mayor pro tem.

SEC. 22. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners unless otherwise provided. Within five days after the election they shall convene for the transaction of business, and shall then fix stated days of the meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the commissioners may also be

Board of commissioners.

held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor, all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Penalty for failure to attend meetings.

SEC. 23. That if any commissioner shall fail to attend a general meeting of the board of commissioners, 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 town the sum of four dollars.

Powers of commissioners.

SEC. 24. That among the powers hereby conferred on the board of commissioners, 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 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 town police force, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, appoint constables to execute 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.

Town officers.

SEC. 25. That the commissioners 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 if necessary, one or more assistants, who shall respectively hold their offices during the official term of the commissioners, subject however to removal at any time, and others appointed in their stead, for misbe-

havior 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 town of Smithfield, in such sum as the commissioners shall determine.

SEC. 26. 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 commissioners. Clerk.

SEC. 27. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk. Journals, etc., open to inspection.

SEC. 28. 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 town, which ought to be paid or delivered into the treasury, and to safely keep 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 board of commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as town treasurer. Treasurer.

SEC. 29. 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 Orders on treasurer.

accounts, and also the sources whence are derived the moneys received by him.

Collection of  
taxes, etc.

SEC. 30. The tax collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the board of commissioners may direct within five days after the list 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 commissioners, he shall produce an abstract showing the sums received by him upon each subject of taxation, and the amount 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 town, and shall be at all times subject to the inspection and examination of the mayor and board of commissioners. The collector shall receive for his compensation such fees and commissions as may be allowed by the board of commissioners, 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 commissioners, 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 attorney.

SEC. 31. That the board of commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements of account of the town, for the general inspection of the citizens, and cause the same to be posted up at the court house door in said town ten days before the day of the annual election of commissioners.

Commissioners to make annual statement of receipts and disbursements.

SEC. 32. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town 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 commissioners may allow.

Duties of police.

SEC. 33. That for any breach of his official bond by the treasurer, clerk, tax collector, or any other town 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 town, at the suit of the town, or any person aggrieved

Actions upon official bonds.

by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Streets.

SEC. 34. That the board of commissioners shall have power to lay out and open any streets within the corporate limits of the town 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 town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof; but in case the owner of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, 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 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 lands 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 commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators or umpire shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

Proviso.

Persons failing to pay fines, etc., liable to work on streets.

SEC. 35. That the board of commissioners shall have authority to put to and keep at work upon the streets or public grounds of the town any person or persons who may fail to pay any fines, penalty or forfeitures which may have been imposed on such person or persons by the mayor of the town, and the said commissioners shall

have authority by the ordinances and by-laws of the town 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 commissioners may establish.

SEC. 36. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, viz: on all real estate and personal property within the corporate limits of the town; upon all money on hand, solvent credits; upon all polls and other subjects of taxation taxed by the general assembly for public purposes.

Taxation.

Subjects of taxation.

SEC. 37. That the annual tax on property enumerated in preceding section shall not exceed thirty-three and one-third cents on the one hundred dollars' valuation thereof, nor shall the poll tax annually exceed one dollar.

Limitation tax.

SEC. 38. That in addition to the subjects of taxation for state purposes, the commissioners 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 town limits, whether by ascending or descending bids; each express company, each telegraph office and each railroad company having a depot within the town 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 machine 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

License taxes.

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 town; every dealer in buggies, wagons or other vehicles not manufactured in this town; each and every surgeon, dentist, practicing physician, optician, practicing lawyer, civil engineer, real estate agent or broker, aurist, oculist and chiropodist.

Live stock running at large.

SEC. 39. That the board of commissioners shall have power to declare all horses, mules, cattle, swine, sheep, goats and dogs, running at large within the limits of the town, a nuisance and the commissioners 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 license taxes.

SEC. 40. That in addition to the subject of taxation enumerated in section thirty-eight, the commissioners 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, etc.

I. Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink, or any other game allowed by law, and on every victualing house or restaurant, established, used or kept in the town, a tax not exceeding fifty dollars a year.

Retail liquor licenses.

II. Upon every permission by the board of commissioners to retail spirituous liquors, a tax not exceeding one hundred dollars.

Circuses.

III. Upon every company of circus riders who shall exhibit within the town, a tax not exceeding thirty dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled.

IV. Upon every company of stage or theatrical performers, every sleight 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.

Theatrical companies, etc.

V. Upon each show or exhibition of any other kind, and upon each concert or lecture for reward, a fine of five dollars for each exhibition.

Concerts, etc.

SEC. 41. That the board of commissioners shall cause to be kept clean and in good repair the streets, side-walks and alleys; they may establish the width, and ascertain the location of those already provided, and lay out and open others; may reduce the width of all of these; they may also establish and regulate the public grounds and protect the shade trees of the town.

Commissioners to keep streets, etc., clean, etc.

SEC. 42. That the board of commissioners shall have power to establish ordinances to prevent and extinguish fires; to provide for the establishment or organization, equipment and government of fire companies; provide said companies with fire engines, fire hose and necessary appurtenances.

Ordinances to prevent fires, etc.

SEC. 43. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same, or the owner or tenants of the grounds whoever the same may be, and may regulate the same if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

Abatement of nuisances.

SEC. 44. That they may prohibit by the penalties the riding or driving of horses or other animals in a careless or danderous manner, or at a greater speed than seven miles per hour within the town limits, and also the firing of guns, pistols, gunpowder crackers, or other explosive,

Fast driving, etc.

combustible or dangerous materials in the streets, public grounds or elsewhere within the town.

Markets.

SEC. 45. That the commissioners may establish and regulate the markets, prescribe at what time and place within the town marketable articles shall be sold.

Buildings.

SEC. 46. That they may establish all public buildings necessary and proper for the town, and prevent the erection or establishment of wooden buildings in any part of the town where they may increase the danger of fire.

Police.

SEC. 47. That the board of commissioners are hereby authorized and empowered to appoint and employ the police force for said town, of persons residing either in or out of the corporate limits of said town.

Graveyards.

SEC. 48. That they may provide graveyards in or near 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 interment within the town.

Contagious diseases, etc.

SEC. 49. That the board of commissioners may take such measures as they deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for the purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger its health, [to be removed] to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious 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.

Misdemeanor to attempt to prevent removal to hospital.

SEC. 50. That if any person shall attempt by force or by threats of violence to prevent the removal to the hos-

pital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor.

SEC. 51. That the board of commissioners may govern and regulate the speed of railroad trains while running within the corporate limits of the town, and prohibit the ringing of bells, blowing of steam whistles either during the day or night within the town limits.

Railroad trains, etc.

SEC. 52. That it shall not be lawful for the commissioners of Johnston county to grant any license to retail spirituous liquors within the limits of the town, or within one mile thereof, without permission first obtained from the board of commissioners for the town, it 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 commissioners 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 town the sum of twenty dollars.

Unlawful for county commissioners to grant retail liquor license within corporate limits without permission, etc.

SEC. 53. That all penalties imposed by law relating to the town of Smithfield, or by this act by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Smithfield before the mayor or any tribunal having jurisdiction thereof.

Penalties, how recovered.

SEC. 54. That the board of commissioners 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.

Penalties.

Appeal.

Salaries.

SEC. 55. That the board of commissioners shall have power to fix the salary of the mayor, treasurer, clerk, tax collector and any other officer of the town, or increase or diminish the same from time to time as they may elect.

Corporate powers.

SEC. 56. That the town of Smithfield 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.

Conflicting laws repealed.

SEC. 57. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 58. 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. 1883.

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## CHAPTER 143.

### An act to incorporate the Carolina Wharf, Warehouse and Compress Company.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That H. O. Hyatt, A. R. Miller, S. H. Hyatt and C. L. Miller, and all persons who may hereafter be appointed with them, and their successors and assigns, are hereby created and declared to be a body politic and corporate under the name and style of the Carolina Wharf, Warehouse and Compress Company, and as such shall have a corporate existence for ninety-nine years.

Name.

Corporate existence.

Capital stock.

SEC. 2. That the capital stock of the said "The Carolina Wharf, Warehouse and Compress Company" shall be twenty-five thousand dollars, which may be increased by the said company at any general or special meeting of stockholders to any sum not exceeding three hundred

thousand dollars. The said capital stock may be created by subscription on the part of individuals, banks, railroad companies and other corporations, shall be divided into shares of one hundred dollars each, shall be deemed personal property, shall be transferable as may be prescribed by the by-laws of the company, and each share shall be entitled to one vote in all meetings of the stockholders, which vote may be either in person or by proxy.

SEC. 3. That so soon as the capital stock shall have been subscribed and twenty per cent. thereof paid in cash, it shall be lawful for said company to organize and commence business. To effect the organization the subscribers to said capital stock shall assemble at such time and place as may be agreed on and elect from their number not less than three nor more than five directors, who shall hold their office for one year or until their successors shall be elected; and the said directors shall elect one of their number president of the company and may fill all vacancies which may occur in their board.

SEC. 4. That said company shall have all the general powers conferred on corporations by the laws of North Carolina, and the stockholders at their first, or any subsequent meeting, shall make and establish such by-laws, rules and regulations, not inconsistent with the laws of the state of North Carolina or of the United States, as they may deem proper for the management and control of their affairs, and business and government of their officers, clerks, agents and other employees, which shall be binding on the company, and all persons in the employ of the same.

SEC. 5. That the said company shall have power and authority to carry on a general wharf, compress, warehouse, storage, and commercial business, to purchase and hold real estate, water power, and water privileges, in the counties of Lenoir, Craven and Carteret, at, in, or near the town of Kinston, city of Newbern, or Morehead, and carry on its business at either, or all of the said places.

Organization.

Directors.

President.

Vacancies.

Corporate powers.

By-laws, etc.

Corporate powers.

It may purchase, or erect and establish wharves, and use and charge for the use of the same, and may lease, purchase, hold and convey all such real and personal estate as it may deem necessary, and construct wharves, compress, warehouse, and all other buildings, and employ such other appliances as it may deem necessary.

Corporate powers.

SEC. 6. The said company shall have power and authority to own and operate machines and machinery for manufacturing purposes, and for compressing cotton and other substances and materials; to receive, warehouse, compress, buy, ship and sell cotton and other produce; to purchase and hold, sell and convey real and personal property; to receive on storage, or deposit, all kinds of personal property, stocks, bonds and other securities and evidences of debt; to make advances in money on any articles or thing received as aforesaid, on storage or deposit; and to transact and carry on all kind of business usually transacted by warehouse and trust companies; to charge, collect, recover and receive interest, commissions, brokerage and compensation for compressing cotton and other substances and materials, and for storage, and for deposits, and for all labor, outlay and expenses incident to the receipt, handling, delivery, shipment, insurance and custody of all property received on storage or deposit, which said charges and compensation may be at such rates and upon such terms as may be fixed as agreed upon by the parties, or at such general rates, and upon such general terms as may be from time to time adopted by said company; and all advances made by said company on any property or article received on storage or deposit, and all charges and expenses on such property or article, or for compressing cotton and other substances and materials, or for any work, labor or services performed as rendered by said company upon or in connection with any property or article whatsoever in pursuance of its business as herein defined, shall be a preferred lien on such cotton, or other substances and material property and articles,

so long as the same shall be and remain in the possession and custody of said company, and shall be paid and satisfied before the said company can be required or compelled to deliver the same.

SEC. 7. For all property received by said company on storage or deposit, the said company shall, if required, give a receipt or certificate certifying that it will deliver the same to the party in whose favor such receipt or certificate is given, or to his endorsers or assigns, upon the return and surrender of such receipt or certificate, and the payment of all charges, dues, costs, advances and expenses owing to said company, in, upon and about the said property, or for which it shall be in any manner liable. Such receipts or certificates shall be negotiable by endorsement or assignment and delivery thereof, and the title to the property therein mentioned shall be thereby transferred to and vested in the bona fide holder of such receipt or certificate so negotiated. All advances made by said company on any property held by it on storage or deposit shall be duly endorsed or otherwise written upon the receipt or certificate which may be given by it for the same.

Property received  
on storage, etc.

SEC. 8. Whenever any property or storage or deposit with said corporation shall so depreciate in value as, in the opinion of said corporation, to render the preferred lien herein provided for on such property an insufficient or doubtful security for any advances, charges, dues or moneys owing to said corporation upon or about such property, or whenever any advances, charges, expenses or other dues, upon or about any property left or placed with said corporation upon storage or deposit, have not been paid when due and payable, then in any such event, the said corporation may give personal or written notice by mail to the person or persons owning such property, or to his agent, requiring payment of such advances, charges, expenses and dues, to the said corporation within fifteen days after such personal notice, and within twenty

Sale of property  
received on stor-  
age, etc.

days after mailing such written notice; and if such advances, charges, expenses and dues are not paid within the said periods, then it shall be lawful for the said corporation to sell such property by public auction for cash, after five days' notice of the time and place of sale, by advertisement in some newspaper published in the said city of Newbern and Kinston, and out of the proceeds of such sale to retain and satisfy unto itself the full amount of all charges, advances, dues and moneys owing to said corporation, together with the costs and expenses of making and advertising such sale, and then to pay over the residue of such proceeds to the person or persons entitled thereto, upon presentment and surrender of the receipt or certificate given by or for such property: *Provided, however,* that the said corporation shall be at liberty and have full power to sell and dispose of any such property after such notice, and upon such terms and in such manner as may be agreed upon and expressed in any written contract or agreement made with any person or persons.

Proviso.

SEC. 9. It shall be lawful for the said corporation to borrow money for any purpose connected with its business as herein provided, to make, have discounted, negotiate and dispose of its promissory notes, drafts or bonds, given for the money so borrowed, or given in liquidation of any debts due or owing from said corporation, or made for the purpose of raising money, and to secure the payment of any such obligations by a mortgage or pledge of any property belonging to said corporation, including its franchises.

SEC. 10. 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. 1883.

## CHAPTER 144.

An act to amend the charter of the town of Laurinburg, county of Richmond, state of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners shall have power to levy a tax of not less than fifty dollars, nor more than one hundred and fifty dollars per annum, on all retail dealers of spirituous or malt liquors in the corporate limits of the town, and the county commissioners of the county of Richmond shall not grant license to any person or persons to sell any spirituous or malt liquors within the limits of the said town, nor within one mile of the corporate limits of the said town of Laurinburg, unless the parties applying for license shall have a recommendation from the town commissioners, or a majority of them, attested by the mayor of said town.

Retail liquor license tax.

County commissioners not to grant license except on recommendation of town commissioners.

SEC. 2. That any person violating any ordinance of the town shall be deemed guilty of a misdemeanor, and shall be punished therefor not to exceed a fine of fifty dollars and costs, and imprisonment at labor on the streets for (30) thirty days.

Misdemeanor to violate town ordinance.

SEC. 3. That the mayor shall have power to commit any person convicted of a violation of any town ordinance to the county or town prison until the fine and costs are paid, or require such person so imprisoned to work on the streets until the fines and costs and prison fees are paid, and such persons can only be released as is provided in like cases in other courts.

Imprisonment for non-payment of fines, etc.

SEC. 4. That the commissioners, for the purpose of raising revenue to defray the expenses of the town government shall have power to annually levy a tax on all real and personal property within the corporate limits of the town, and on all polls.

Taxation.

Limitation of tax.

SEC. 5. That the tax on property enumerated in the preceding section shall not exceed (20) twenty cents on the one hundred dollars' valuation thereof, nor shall the poll tax annually exceed (60) sixty cents.

Live stock running at large.

SEC. 6. That the commissioners shall have power to declare it unlawful for any horses, mules, cattle, hogs, sheep, goats and dogs to run at large within the corporate limits of the town, and may, at their option, impose a fine upon the owner or owners of said animal running at large.

Streets.

SEC. 7. That the commissioners shall have power to lay out and open new streets within the corporate limits of the town whenever by them deemed necessary, and have power at any time to widen, enlarge, change or extend any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners of the land; but in case the owners of the land and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner or owners of the land refuse to choose such arbitration, then the sheriff of the county shall, in his or her stead, select one for him or her, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land so 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 commissioners the right to use the lands for the purposes specified, and all damages agreed upon by the commissioners, or awarded by the arbitrators or umpire, shall be paid as other town lia-

bilities by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

SEC. 8. That the commissioners, together with (4) four freeholders selected annually by the town commissioners, shall have power to establish all public buildings necessary and proper for the town, and prevent the erection or establishment of any wooden buildings in any part of the town where they may not increase the danger of fire. Buildings.

SEC. 9. That the commissioners shall have power to prohibit by penalties the riding or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than five miles per hour within the corporate limits of the town; also the firing of guns or pistols, gun powder or firecrackers, or other explosive, combustible or dangerous material in the streets, public grounds or elsewhere within the corporate limits of the town. Fast riding, etc

SEC. 10. That the name of the town of Laurinburg in chapter one hundred and thirty-seven of the acts of the general assembly for eighteen hundred and seventy-three and eighteen hundred and seventy-four, in sections one and two, be stricken out, and that chapter one hundred and eighty-eight, sections one and two, of the acts of the general assembly for eighteen hundred and seventy-four and eighteen hundred and seventy-five, be and the same is hereby repealed. Repealing clause.

SEC. 11. That the town of Laurinburg is hereby vested with all the powers, rights, privileges and immunities pertaining to or exercised by incorporated towns, as enumerated in chapter one hundred and eleven and elsewhere in Battle's Revisal, not inconsistent with any of the provisions of this act. Corporate powers.

SEC. 12. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Conflicting laws 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 12th day of March, A. D. 1883.

## CHAPTER 145.

## An act to incorporate the Bank of Oxford.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That H. C. Herndon, R. I. Devin, A. H. A. Williams, S. H. Cannady, W. A. Davis, B. F. Hester, R. H. McGuire, R. V. Minor, N. M. Ferebee, Addieus Morris and J. L. Carroll, and all other persons who may hereafter become associated with them, are hereby constituted a body politic and corporate under the name and style of "The Bank of Oxford," and as such shall have succession for the term of thirty years, and by that name may sue and be sued, appear, prosecute and defend in any court of record or other court or places whatsoever, and may have and use a common seal, and may hereafter break and renew the same at will, and may make, establish and put in execution such by-laws, not being contrary to the laws of this state or of the United States, as may be necessary for the regulation and management of its affairs, and do all such acts and things as may be necessary to carry into effect the provisions of this act.

Name.

Corporate powers.

Directors.

SEC. 2. That the affairs of this corporation shall be governed and managed by a board of five directors, to be elected by the stockholders annually in such manner as the by-laws may prescribe, one of whom shall be chosen by the board of directors as president of the corporation, and until a meeting of the stockholders shall have been held and an election for directors held, the first five persons named in the first section of this act shall be the directors of this corporation. Vacancies in the board of directors occasioned by death or otherwise shall be filled by the other members of the board, who shall serve until the next annual meeting of the stockholders.

President.

Vacancies.

Capital stock.

SEC. 3. The capital stock of the Bank of Oxford shall not be less than twenty-five thousand dollars of full paid

stock, but it may be increased from time to time as the board of directors may determine by the issue of full paid stock to any sum not exceeding one hundred thousand dollars. The stock shall be divided into shares of one hundred dollars each, and at all meetings of the stockholders each share shall be entitled to one vote.

SEC. 4. The Bank of Oxford shall have authority to conduct the general business of banking in the town of Oxford, Granville county, to receive money on deposit, to discount bonds, notes and bills of exchange, receiving the interest in advance, to lend money on real or personal security, to make advances on warehouse receipts, bills of lading, certificates of stock, certificates of deposit and other negotiable instruments, and on agricultural products and merchandise, and to use its funds and property in any manner incident to the business of banking.

Corporate powers.

SEC. 5. The Bank of Oxford shall have authority to acquire and hold such real estate as its directors may decide to be necessary for the transaction and management of its business, and also such real estate as it may acquire or come into possession of as the result of its business of banking, and to convey the same by deed or mortgage as they may consider to the advantage of the corporation and its stockholders.

Authorized to hold real estate, etc.

SEC. 6. The board of commissioners shall have authority from time to time to declare dividends to the stockholders out of the net profits earned by the bank after deducting all expenses and losses, and setting aside annually not less than ten per cent. of the net profits as a surplus fund to be continued until the same fund shall have reached twenty per cent. of the paid up capital stock of the company, when no further additions to the surplus fund shall be obligatory upon the board of directors.

Dividends.

SEC. 7. The board of directors shall have authority to elect such officers and agents as they may deem necessary to transact the business of the Bank of Oxford; to fix the

Authority of board of directors.

salaries of the same, including the salary of the president; to prescribe the duties of each, and to make such examination of its affairs from time to time as they may consider necessary and proper.

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 12th day of March, A. D. 1883.

## CHAPTER 146.

An act to amend the charter of the town of Bethel, in the county of Pitt.

*The General Assembly of North Carolina do enact :*

Corporate limits.

SECTION 1. That the corporate limits of the town of Bethel, in the county of Pitt, be extended and enlarged as follows: "Beginning at the southeast corner of the present corporate limits and from thence run east one hundred yards, thence north across the railroad to J. R. Nelson's and William Staton's line, thence west four hundred and seventy-five yards, then south to the beginning."

To constitute part of town.

SEC. 2. That the territory embraced within the lines prescribed and set out in the first section of this act shall be and constitute a part of the said town of Bethel.

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. 1883.

## CHAPTER 147.

## An act to incorporate the North Carolina Savings Bank.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John S. Henderson, Julian S. Carr, D. W. C. Benbow, Samuel H. Wiley, D. G. Worth, William Beal and George Allen, citizens of North Carolina; John R. Lewis, of Atlanta, Georgia; Henry C. Pardee, Charles A. Baldwin and Herbert E. Benton, citizens of Connecticut; F. W. Griffin, Frank E. Howe, C. E. Suffern and F. W. Rollins, citizens of Massachusetts, be and they hereby are incorporated by the name, style and title of the North Carolina Savings Bank, and that they and such others as shall hereafter become members of the said corporation shall be and remain a body politic and corporate by the same name, style and title forever.

Incorporated.

Name.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, in shares of one hundred dollars each.

Capital stock.

SEC. 3. The corporators in the first section named, or 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, until the same be wholly subscribed.

Books of subscription.

SEC. 4. Whenever the whole number of shares of the capital stock shall have been subscribed, the before named corporators, or any three of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed.

Organization.

Directors.

SEC. 5. After the first meeting (to be held as hereinbefore directed) there shall be held an annual meeting, in the city of Raleigh, of the stockholders of said corpo-

Stockholders' meetings.

ration, in the month of January annually, or at such other time as they may judge expedient, and any five members of said corporation, the president, a vice-president, treasurer or secretary being one, shall be a quorum; and the said corporation at their annual meeting shall have power to elect and choose such number of directors as they may deem sufficient, which directors so chosen shall continue in office one year and until others are chosen in their stead.

Quorum.

Authority of directors.

SEC. 6. The directors of said corporation shall at their first meeting, after the annual meeting at which they were chosen, elect from among their own number a president, two vice-presidents, a secretary and a treasurer, who shall serve for one year or until their successors are elected; they shall make and appoint all necessary officers and agents, and fix their compensation, and prescribe and take security for the faithful discharge of their duties; shall determine the manner of paying for stock and for the transfer thereof; shall regulate the manner of receiving deposits and the form of certificate to be issued to depositors; shall provide for paying all necessary expenses, and generally shall make all such by-laws as shall be necessary to the exercise of the said powers, and of all other powers vested in said corporation by their charter: *Provided*, that all such by-laws as shall be made by the directors may be altered or repealed by vote of a majority of the stockholders of the corporation when assembled at any annual meeting, or at any general meeting called in compliance with any by-law made for that purpose.

Proviso.

By-laws.

SEC. 7. The said corporation hereby is and forever shall be vested with the power of making by-laws for the more orderly managing of the business of the corporation: *Provided*, the same are in harmony with the constitution and laws of this state and of the United States.

Proviso.

Common seal.

SEC. 8. The said corporation may have a common seal which they may change and renew at pleasure, and all

deeds, conveyances and grants, covenants and agreements made by their authority and direction, by their treasurer or any other person or persons, shall be good and valid; and the said corporation shall at all times have power to sue and may be sued, may defend and shall be held to answer by the name, style and title aforesaid.

SEC. 9. Said corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said bank, any deposit or deposits of money, and to use and improve the same for the purposes and according to the directions herein provided.

Authority to receive deposits.

SEC. 10. The deposits of money shall be used and improved to the best advantage by employing not exceeding one-half the same in making loans on personal security in a manner not inconsistent with the laws of this state, or investing the same by purchase in the stocks of this state or of the United States, or in the public debt, stocks or bonds of any county or city in this state which shall have been authorized by the legislature of this state to issue such stocks or bonds, or in any other stocks or securities, for the redemption or payment of which the faith of any state in the Union shall be pledged, or in the stock of any national bank, or in the authorized bonds of any incorporated city in the New England states, or of the cities of New York, Brooklyn, Albany, Syracuse, Utica, Troy, Rochester, and Buffalo, in the state of New York, Philadelphia in the state of Pennsylvania, Detroit in the state of Michigan, Cleveland, Columbus, Cincinnati and Dayton, in the state of Ohio, Chicago in the state of Illinois, Milwaukee in the state of Wisconsin, and St. Louis in the state of Missouri, and all other loans shall be secured by mortgage of unincumbered real estate in this state worth double the amount secured thereon, with power of sale inserted in default of payment; and said corporation shall have power to dispose of said public stocks and bonds held as investments as the interests of said corporation may require. The receiving of money

Deposits, how invested, etc.

on deposit, the investment of the same in public securities, and the loaning thereof on personal or real estate securities, shall be in the manner provided for in the by-laws, and every member of this corporation shall be liable to the extent of his ownership in the stock of the North Carolina Savings Bank, and nothing more, for any debts, contracts or engagements of said corporation.

SEC. 11. Deposits may be received of one dollar, or any sum not exceeding five thousand dollars from the same depositor in any one year, and every sum deposited shall be put to interest from the succeeding quarter day, which, for this purpose, shall be the first days of January, April, July and October. The income and profit of all loans and investments received from such deposits shall be applied and divided among the persons making the same, their executors or administrators in just proportion, with such reasonable deduction as may be chargeable thereon for the care and management of the same; and the principal of such deposit or deposits may be withdrawn by the owner or owners thereof, or by any other person or persons duly authorized for said purpose, on giving notice of such intention in writing and lodging the same with the treasurer of said corporation, or at the office of said corporation in the city of Raleigh, at least four months previous to withdrawing such deposit or deposits.

SEC. 12. The principal office of said bank shall be in the city of Raleigh, North Carolina, but said corporation shall have power to establish branch banks or agencies wherever they may be needed for the reception of deposits, the payment of dividends, the negotiation of loans, and the collection of interest, and may purchase and hold real estate for their own use, to cost not exceeding ten thousand dollars in addition to such real estate as may be conveyed to said corporation for security or in payment of debts: *Provided*, that no branch bank and no agency shall be started temporarily, or established per-

Liability of stock-  
holders.

Interest on de-  
posits, etc.

Principal office.

Branch banks,  
etc.

Proviso.

manently, unless so ordered by vote of three-fourths of the entire body of directors.

SEC. 13. Said corporation may demand and receive as interest on money loaned the value of eight dollars for the forbearance of one hundred dollars a year, and at that rate for a greater or less sum, or for a longer or shorter period; and may also demand and take interest in advance for a period not to exceed six months; and whenever said corporation shall have paid money for insurance, for taxes, for repairs, or for any other necessary purpose on property mortgaged to them as security for a loan, said corporation shall have the right to be reimbursed for said expenditures, together with interest at the rate of eight per cent. per annum on the sum total thereof, and the sum total of such advances with the interest thereon shall be in every case a lawful lien upon the real estate on account of which said expenditures were made.

Interest on loans.

SEC. 14. Power is hereby given to the directors of said corporation, in declaring dividends, to discriminate between deposits of two thousand dollars and less and those over that sum; but such discrimination shall not exceed one per cent. per annum, and such discrimination shall always be made in favor of those deposits the amount of which are less than two thousand dollars.

Discrimination  
in declaring divi-  
dends.

SEC. 15. The directors of said corporation shall annually appoint not less than two auditors, who shall have no other official connection with the corporation. Said auditors shall examine the books, accounts and securities belonging to said bank, and make a sworn statement showing the true condition thereof on the first day of December in each year, which statement shall be kept on file in the office of said bank, and an attested copy shall be lodged with the secretary of state of North Carolina at his office in the city of Raleigh, on or before the thirtieth day of the same month and year.

Auditors.

Duties.

SEC. 16. 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. 1883.

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## CHAPTER 148.

An act to amend chapter sixteen of the private laws of one thousand eight hundred and seventy and seventy-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter sixteen (16), private laws of one thousand eight hundred and seventy and seventy-one, be amended by adding the names, John W. Brabble, James W. Dawson, James C. Ormond, in lieu of the names of Willibee Ferrebee, Joseph M. Caho and John J. Brabble.

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. 1883.

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## CHAPTER 149.

An act to incorporate Union School, in the county of Yadkin.

*The General Assembly of North Carolina do enact :*

SECTION 1. That G. W. Transon, J. H. Gilmer, jr., George Wright, J. A. Martin, A. B. Long, Richard Lawson, Alexander Long, and their successors, be and they are hereby created a body corporate and politic under the

Chap. 16, private laws 1870-71, amended.

Trustees Mt. Vernon Academy, Craven county.

Body corporate.

name and style of "Farbush Union School," in the county of Yadkin, for the education of colored people, and as such they shall have all 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.

Name.

Corporate powers.

SEC. 2. That the said trustees shall be entitled to all the powers, rights, privileges and immunities conferred on corporations by chapter twenty-six (26) of Battle's Revisal, entitled corporations.

Corporate powers.

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. 1883.

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## CHAPTER 150.

An act to change the name of the Fayetteville Mill Manufacturing Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven of the private laws of the extra session of one thousand eight hundred and sixty-three and one thousand eight hundred and sixty-four, shall be and the same is hereby amended by striking out the word "Mill" wherever it shall occur in the name of said corporation, either in the caption or in the body of the act, so that the name of said corporation be changed from "The Fayetteville Mill Manufacturing Company" to "The Fayetteville Manufacturing Company."

Chap. 7, private laws 1863-'4, amended.

Name changed.

SEC. 2. That said change of name shall in no wise affect any of the rights, privileges or powers of said corporation or any of its liabilities, but they shall be and

Corporate rights.

remain the same in every respect and particular under the new as under the old name.

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. 1883.

## CHAPTER 151.

An act to amend an act of the general assembly of one thousand eight hundred and forty-six and forty-seven, relating to the Richmond Academy at Rockingham.

*The General Assembly of North Carolina do enact:*

Chap. 110, laws  
1846-7, amended.

Powers of trust-  
trees.

SECTION 1. That the act of the general assembly of one thousand eight hundred and forty-six and forty-seven, reviving the Richmond Academy, be so amended as to confer upon the board of trustees the power to purchase, hold and sell such real estate as they may own for the purpose of better enabling them to advance the purposes of the academy under their charge; and all sums received by them from such sales as they may make shall be held and used by them to promote the advancement of learning by the purchase and improvement of other property, to be devoted by them to the uses of education.

Trustees not re-  
quired to give  
bond.

SEC. 2. That so much of the act of one thousand seven hundred and eighty-eight as requires the board of trustees to enter into bond for the faithful discharge of their duties be and the same is hereby repealed.

SEC. 3. 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 12th day of March, A. D. 1883.

## CHAPTER 152.

An act to amend chapter ten, laws of one thousand eight hundred and seventy and seventy-one, amending the charter of the town of Stonewall.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two, chapter ten, of the private laws of one thousand eight hundred and seventy and seventy-one, ratified the second day of February, Anno Domini one thousand eight hundred and seventy-one, be amended by striking out all after the words "to-wit" in line two of said section, and substituting the following in lieu thereof: "Beginning at the corner of the Thomas Marr and W. C. Bryan line on Bay river, and running with said line southwardly direct to the line between the said Bryan line and James S. Lane's line, thence an eastwardly direction with said Lane and Bryan line to the Caho and Fowler line, thence a northeastwardly direction to an angle in the road leading from Stonewall to Alligator creek, thence a direct line from said road to the cotton house in C. H. Fowler's field, thence from said house a direct line to the Cratch place on Bay river, thence up and said river to the beginning."

Chap. 10, sec. 2,  
private laws  
1870-'71, amended.

Corporate limits.

SEC. 2. That section three be amended by adding after the word "mouth" in the last line: "*Provided*, all elections for any purpose held by order of the board of town commissioners shall be valid and of full force and effect."

Sec. 3 amended.

Elections.

SEC. 3. That section five shall be stricken out.

Sec. 5 stricken  
out.

Streets.

SEC. 4. That the following shall be added at section five, to-wit: "That the town commissioners shall have power to open the streets in said town, and to levy a tax upon the real and personal property therein, not to exceed ten cents on every one hundred dollars' valuation of said property for the purposes of improving the said streets and defraying the expenses of the town."

Taxation.

Collection of  
taxes.

SEC. 5. That the following shall be added as section six, to-wit: "That the taxes levied by said town authorities shall be collected by the town constable of said town, who is hereby empowered to collect the same in the same manner and form as other taxes are collected by the sheriff of the county, and that all fines and penalties collected by the authorities of said town shall be expended in defraying the expenses and improving the streets of said town."

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 12th day of March, A. D. 1883.

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## CHAPTER 153.

An act to amend the charter of the town of Troy, Montgomery county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Troy shall continue as heretofore a body corporate under the name and style of "The Town of Troy," 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 Troy, 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.

SEC. 2. The officers of the town of Troy 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

Incorporation  
continued.

Name.

Corporate pow-  
ers.Officers.  
Election.

law of the state for municipal elections; also a town constable, to be elected at the time and in the manner as above stated; also a 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 or appointed; 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 Montgomery county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold said election.

Constable.

Secretary and treasurer.

Notice of election.

SEC. 3. That any qualified voter of this state shall be eligible as mayor or commissioner, and entitled to vote in the municipal election of said town: *Provided*, he shall have resided within the corporation for ninety days next preceding the election.

Who eligible for mayor.

Proviso.

SEC. 4. 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.

Duties of inspectors of election.

SEC. 5. 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.

Returns of election.

SEC. 6. That the mayor, as a peace officer, shall have within the corporate limits of said town all the powers and authority of a justice of the peace, and as a judicial officer within the same, all the powers, 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

Jurisdiction of mayor.

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 Montgomery county, upon recognizance and security for his appearance at the next term thereof.

Jurisdiction of mayor.

SEC. 7. That the mayor of said town shall have jurisdiction to hear and determine all violations of the ordinances of said town without requiring a complaint on oath in writing from the party injured, but may exercise said jurisdiction on the complaint of any other person, or where the offence is committed within his own knowledge, view or presence.

Imprisonment for non-payment of fines, etc.

SEC. 8. That the mayor shall have power to commit any person convicted of a violation of said ordinances to prison until the fines and costs are paid, and such person can only be released as is provided in like cases in other courts.

Violation of town ordinance a misdemeanor.

SEC. 9. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars, or imprisonment for not more than thirty days.

Application of fines.

SEC. 10. That all fines collected under the provisions of this act for violations of town ordinances shall go to the use of the town.

Fees of mayor.

SEC. 11. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and may be allowed by the board of commissioners an additional salary not to exceed one hundred dollars a year.

Salary.

Ordinances, etc.

SEC. 12. 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, not inconsistent with the constitution of the state and the laws of the land.

Powers of commissioners.

SEC. 13. The commissioners shall have power and it shall be their duty to provide for and secure the 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 other irregularities tending to disturb the peace of the citizens; they shall provide for repairing the streets, sidewalks and alleys, and cause the same to be kept clean and in good order, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prohibit any indecent exposure of person by imposing such fines and imprisonment in all cases within the jurisdiction of a justice of a peace, as they shall deem adequate.

SEC. 14. They may prohibit the firing of any gun, pistol or other dangerous or combustible substance in the streets of said town or elsewhere therein.

Firing of guns,  
etc.

SEC. 15. The commissioners shall have power to lay out and open any new street 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 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 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 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 claim-

Streets.

ing 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 dis-satisfied with the report of the freeholders, then they may appeal to the superior court of Montgomery 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.

Proviso.

Duties of constable.

SEC. 16. That it shall be the duty of the town constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced; 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.

Precepts of mayor.

SEC. 17. That the mayor of said town may issue his precepts to the constable, who may execute the same anywhere in Montgomery county, and to that end the said constable may summon any citizen of said county to his assistance, who, upon refusal to act, shall be considered guilty of a misdemeanor, and upon complaint of said officer to the mayor or some justice of the peace, he shall be tried and punished in the discretion of the court within the limits prescribed in the jurisdiction of a justice of the peace.

Misdemeanor.

Powers of constable.

SEC. 18. That the town constable may arrest parties offending against town ordinances in his presence or view, or when 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 or county jail until they become sufficiently sober to appear before the mayor for trial; said town constable may also arrest without warrant any person violating the

ordinances of the town in the night time, and may commit such offender to the guard house or county jail, and the sheriff or jailer of Montgomery county is hereby required, without a *millimus*, to receive into the jail of the county the person thus surrendered as his prisoner, and the person thus taken up in the night time shall be brought before the mayor on the morning following and be dealt with according to law.

Duty of sheriff.

SEC. 19. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, rules or regulations of said town; and the said commissioners shall have power to control and work the offenders above named until said fines, penalty or forfeitures, together with all costs, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

Persons failing to pay fines, etc., liable to work on streets.

SEC. 20. That all officers of said town of Troy who shall on demand fail to turn over to their successors in office any property, moneys, books or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of Montgomery county shall be fined or imprisoned at the discretion of the court.

Official failing to turn over property to successor guilty of misdemeanor.

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 12th day of March, A. D. 1883.

## CHAPTER 154.

An act to authorize the town of Concord to subscribe five thousand dollars to macadamize the streets of the town.

*The General Assembly of North Carolina do enact :*

Election upon question of subscription for macadamizing streets.

SECTION 1. That the commissioners of the town of Concord are hereby authorized to cause an election to be held by the qualified voters of said town (who have resided therein for ninety days preceding said election), after due advertisement for thirty days, and submit to said voters the question of subscribing five thousand dollars for the purpose of macadamizing the streets of said town. Those voting in favor of the proposition shall deposit their ballots "for subscription," and those opposed shall deposit their ballots "against subscription."

Ballots.

Commissioners authorized to issue bonds not exceeding \$5,000 on majority vote.

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

Sale of bonds.

SEC. 3. The said bonds, when placed on the market for sale, shall not be sold for less than ninety-five per cent. of the face value thereof.

Coupons receivable for taxes.

SEC. 4. The said coupons shall be received in payment of all taxes, fines and debts due the corporation of the town of Concord.

SEC. 5. 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. 1883.

## CHAPTER 155.

An act to incorporate the Independent Order of Good Sons and Daughters of the East.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Cicero Green, Edward Williams, Henry Moye, Hardy Moore, W. H. Neate, Harry Fisher, Charles Mann, Elbert Johnston, Young Thomas, George Edwards, Sylvester Saunders, Lawrence Reed, Cæsar Hines, Wm. Slade, J. W. Wood and Wm. Gibbs, their associates and successors, be and are hereby created a body politic and corporate by the name and style of the "Independent Order of Good Sons and Daughters of the East," and by that name shall have perpetual succession and a common seal, plead and be impleaded, sue and be sued, and in general exercise and enjoy all such rights and privileges as are usually incident and belong to corporate bodies of the same nature.

Body politic.

Name.

Corporate powers.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for their own government not inconsistent with the laws and constitution of the state of North Carolina and the laws and constitution of the United States of America, and to create such officers as they may deem best for the government of said society.

By-laws, etc.

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. 1883.

## CHAPTER 156.

An act to incorporate the Israel and Priscilla Tent, of Wilmington, New Hanover county.

*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That Jesse M. Johnson, Lavinia Burgwin, Lydia Jocelyn, Caroline Swett, Alice J. Kelly, Elsie Kane, Harriet Jones, 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 Israel and Priscilla Tent, 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 in all and every manner of actions, suits, complaints and causes whatever, and by the corporate name aforesaid shall and may be capable of purchasing, holding and conveying each and every estate, real and personal, necessary to a safe and useful investment of the funds belonging to said society and the proper transaction of business in giving aid to its distressed members or in their burial.

Name.

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 12th day of March, A. D. 1883.

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 CHAPTER 157.

An act to incorporate the town of Pollocksville.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Pollocksville, in the county

of Jones, be and the same is hereby incorporated under the name and style of the Town of Pollocksville, and shall be subject to all the provisions contained in the one hundred and eleventh (111) chapter of Battle's Revisal.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the foot of the Pollocksville bridge over Trent river, and running easterly with said river to the mouth of Mill creek, thence up and with said creek to the Mill creek bridge on Beaufort road, thence with said road in an easterly direction to the Wilmington road, and thence crossing said road with the dividing line between the lands of R. N. and Haywood White's land, thence with Haywood White's line running in a northerly direction to the corner of Mrs. A. G. Barrer's land, continuing thence in a northerly direction and with the line of Mrs. A. G. Barrer's land to Trent river, thence in an easterly direction and with said river to the foot of the Pollocksville bridge to the beginning.

SEC. 3. That the officers of said town shall consist of three commissioners, a mayor and a town constable. The commissioners and constable to be elected by the people and the mayor by the commissioners.

SEC. 4. That the commissioners of said town shall have power to levy a tax annually on the property and poll of said town not to exceed two hundred dollars.

SEC. 5. That an election shall be held in said town, at Hurtt's store, on the first Monday in April, one thousand eight hundred and eighty-three, for the election of said commissioners and constable, which election shall be advertised in the Newbern Journal and at two public places in said town thirty days before said election.

SEC. 6. That Samuel Hudson be appointed registrar for said election and that said election be held. G. J. H. Bell and A. G. Barrer are hereby appointed commissioners to hold said election.

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. 1883.

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## CHAPTER 158.

An act to incorporate the town of Shiloh, in Camden county, North Carolina.

*The General Assembly of North Carolina do enact:*

- Incorporated.** SECTION 1. That the town of Shiloh, in the county of Camden, be and the same is hereby incorporated by the name and style of the "Town of Shiloh," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the constitution and laws of this state or of the United States, also subject to the provisions of the general law in relation to incorporations.
- Name.**
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the centre of the bridge across Potahonck creek, thence running a northerly course up the creek to the bridge near the Baptist church, thence same course through the swamp to Keaton's hill, thence binding Keaton's hill to the main crooked Oak road, thence a straight line through the branch to a point opposite the mouth of the "Mill Town road," thence a southerly course to the Mill Town road, thence up the said road three hundred yards, thence an easterly course to a point on Potahonck creek three hundred yards from the bridge first mentioned, thence northerly up the said creek to the first station.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a constable, treasurer and secretary.

SEC. 4. That the first regular election for mayor, commissioners and constable shall be held on the first Thursday in May, Anno Domini one thousand eight hundred and eighty-three, and every year thereafter. And it shall be the duty of the sheriff of Camden county, or some justice of the peace in said county, after giving ten days' notice by advertising at three or more places in said corporation prior to the said first Thursday in May, Anno Domini one thousand eight hundred and eighty-three, to open the polls and conduct the election herein provided for, under the same restrictions and regulations that other county and state elections are held: *Provided*, that the elections held hereafter under the provisions of this charter shall be subject to the control of the commissioners of said town: *Provided further*, that the following officers, nominated and appointed under this act, shall duly exercise the duties of the said offices from the ratification hereof until the said election shall have been held, to-wit: for mayor, N. G. Grandy; for town commissioners, J. H. Morrisett, E. S. Mercer, and Henry Humphries, and for constable, P. H. Williams.

Election.

Proviso.

Temporary officers.

SEC. 5. That all qualified voters within said corporation that have resided therein ninety days previous to the election shall be entitled to vote at said election, and the commissioners elected shall meet together, organize and take the oath of office.

Electors.

SEC. 6. That the commissioners shall have power to levy a tax not to exceed sixty cents on the poll, and on all property in said town an amount not to exceed twenty cents on the one hundred dollars' valuation.

Taxation.

SEC. 7. That the commissioners shall have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them, but this shall not be construed to authorize them to take up and impound any live stock belonging to any person outside of the corporate limits of the said town, and also to prescribe any rules, regulations and ordinances for the good gov-

Powers of commissioners.

ernment of the town, not inconsistent with the laws of the state or of the United States.

Secretary.

SEC. 8. The commissioners when organized shall have power to appoint a secretary whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer who shall enter into bond approved by the commissioners, and that they shall require the constable to enter into bond payable to the state of North Carolina, approved by the said commissioners.

Treasurer.

Bond of constable.

Streets.

SEC. 9. That the commissioners shall have power to apply the taxes collected under this act, together with all fines and forfeitures for violation of the town ordinances, to the improvement of the public streets or roads in said town as they may find necessary: *Provided*, no tax shall be levied to improve the streets or roads in said town, unless such improvements shall extend to all streets or roads adjacent to the lands of all persons within said town who are taxed for such improvements.

Proviso.

SEC. 10. 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. 1883.

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## CHAPTER 159.

An act to extend the corporate limits of the town of Windsor.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That the corporate limits of the town of Windsor, in the county of Bertie, shall be and the same are hereby changed as follows, viz: Beginning at the Cashie river at the line dividing the town of Windsor from the lands of George Gray, thence east along said line to the old road in the rear of M. V. Perry's dwelling

thence up the various courses of said old road to a point beyond said Perry's dwelling, thence across the road to Gurley's corner, thence along the right side of the Halifax road to Matthew's lane, thence down that lane to the Coleraine road, thence down an easterly direction to the Cashie river, thence down said river to the point first described: *Provided*, that the extended limits shall not include the real estate of P. H. Winston, sr. Previso.

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. 1883.

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## CHAPTER 160.

An act to incorporate the Asheville Tobacco Warehouse Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That E. T. Clemmons, M. E. Carter, R. K. Rawls, M. McLoud, R. W. Pulliam, J. E. Rankin and A. Rankin, their successors, associates and assigns, be and they are hereby created a body politic and corporate under the name and style of the Asheville Tobacco Warehouse Company, and in that name they shall be capable to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts or elsewhere; to have a common seal which they may alter at pleasure; to elect in such manner as they shall determine to be proper all necessary officers and to fix their compensation and define their duties and obligations, and to make by-laws and regulations consistent with the laws of the state, for their government and for the due and orderly

Body politic.  
Name.  
Corporate rights.

conducting of their property, and the said corporation shall have perpetual succession.

Corporate powers.

SEC. 2. Said corporation shall have power to acquire and hold land in fee simple and to convey the same. They may also erect thereon warehouses, factories, hotels, stables and any other buildings and use or let the same for manufacturing or any other lawful purpose for which they may be suitable.

Authorized to borrow money, etc.

SEC. 3. That said corporation, with the consent of a majority of the stockholders in interest and number, such consent to be ascertained by a vote at any stockholders' meeting, shall have power at any time to borrow money in such manner and on such terms as the board of directors may by resolution prescribe, and to secure the same they may execute bonds, notes, mortgages, deeds of trust or other legal assurances as may be agreed on between the parties.

Capital stock.

SEC. 4. The capital stock of said corporation shall be eleven thousand and five hundred dollars, divided into shares of one hundred dollars each, and the said shares shall be full paid and not liable to assessments: *Provided*, that the said corporation shall have power to increase its capital stock, under such rules and regulations as the by-laws may prescribe, to an amount not exceeding in the aggregate the sum of twenty-five thousand dollars. Certificates of stock may be issued in such form and be transferable in such manner as the by-laws shall provide. The stockholders shall not be individually liable for the debts of the corporation.

Proviso.

SEC. 5. Whereas, on the ninth day of June, one thousand eight hundred and eighty-two, the persons named in the first section of this act, with the view of becoming a body corporate under chapter one hundred and ninety-nine of the laws of one thousand eight hundred and seventy-one and seventy-two, prepared and subscribed a written plan of incorporation of themselves into such body corporate in the name of the Asheville Tobacco

Irregular proceedings heretofore by incorporators to become incorporated under chapter 199, laws 1871-'2.

Warehouse Company, and also took other steps looking to the formation of said corporation; and whereas, it is represented that said persons, supposing they might lawfully do so, opened books of subscription and actually subscribed and paid up eleven thousand and five hundred dollars to their capital stock, organized under their supposed authority by electing a board of directors, a president and other officers, purchased and had conveyed to the said Asheville Tobacco Warehouse Company in fee simple a lot of land on Main street, in Asheville, near the Swannanoa Hotel, and they have erected on said lot a large warehouse and other buildings, which they have leased in their said corporate name for a long term of years; and whereas, said plan of incorporation and other proceedings under said chapter one hundred and ninety-nine were not filed in the clerk's office as required by law, and the same were in other respects irregular, and the said persons now desire to abandon the same and procure and organize their said corporation under a special charter from the legislature, without prejudice to any rights obtained by them heretofore or conferred on others in their said corporate name, it is therefore further enacted:

SEC. 6. That upon the acceptance by the said persons of this act as their charter, they shall become a body corporate by the name of the Asheville Tobacco Warehouse Company, with all the rights, privileges and immunities conferred and subject to all the liabilities and obligations, but no others imposed by this act, and thereupon any and all authority to act as a corporation that they may have acquired by virtue of their said irregular proceedings shall be absolutely at an end, and this act shall be the only authority by which they may act or be proceeded against as a corporation. But all rights of property and other rights heretofore attempted to be conferred on them in their said corporate name shall vest in said corporation to be organized under this act, and all leases

Incorporated  
upon acceptance  
of this act.

Corporate rights.

and other acts and doings by them heretofore shall be as valid and binding as if said persons had been fully empowered to act as a corporation.

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

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

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## CHAPTER 161.

An act to incorporate the Southern Bonanza Gold Mining Company of North Carolina.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That Francis W. Hughes, of the state of Pennsylvania, John Hughes, James B. Hughes, of the state of North Carolina, and John H. Dewees, of Pennsylvania, and their associates, successors and assigns, or any three of them, be and are hereby created and made a body politic and corporate, by the name, style and title of the "Southern Bonanza Mining Company of North Carolina," and by such name and title shall have continual succession for the purpose of purchasing, working, mining, manufacturing, milling, smelting, assaying, reducing or otherwise treating or working ores, minerals, metals and earths; and for erecting and owning machinery and fixtures for any of said purposes, or for sale or exchange, and for holding, owning, mortgaging, leasing or selling such real or personal estate as they may deem necessary or expedient in connection with the other privileges herein granted, and to erect houses, mills and other buildings upon and otherwise improve any lands leased or held by them, and for making, buying and selling such matters and things as appertain to their business,

Name.

Corporate rights.

and shall be capable of suing and being sued, impleading and being impleaded, and of having and using a common or corporate seal, and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name, property real, personal and mixed.

SEC. 2. The minimum capital stock shall be two hundred and fifty thousand dollars, to be divided into shares of 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. And the said company may issue its capital stock in payment for lands purchased by it as may be mutually agreed between seller and purchaser.

Capital stock.

SEC. 3. The principal office of the company shall be in Cabarrus county, with such branch offices located wherever they may deem proper, as may be necessary for the transaction of 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 and choose, a quorum of whom may be such number as the stockholders may name. The officers of the company shall be a president, chosen by the directors from their own [number] and such other officers as the directors shall name. The board of directors shall have power to make by-laws for their government. For the purpose of organization, the corporators herein named shall constitute the board of directors, and shall hold office until their successors are elected.

Offices.

Directors.

Quorum.

Officers.

By-laws.

Temporary directors.

SEC. 4. 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 or damage or responsibility beyond the assets of said company. Any by-laws the board of directors may make or amend shall not be inconsistent with the

Subscription to capital stock.

Liability of stock holders.

constitution of the United States or of this state, or the provisions of this act.

Corporate powers.

SEC. 5. The said company may issue certificates of stock in such form and subject to such regulations as they may from time to time present, with power to issue bonds and coupons attached or other evidences of debt, borrow money and buy and sell patent rights, and dispose of privileges to work under and use said patents, or portions thereof, reserving royalties or payments under the same in such way and manner as they may agree, and regulate and direct in what manner their contracts and obligations shall be made and executed, and generally do all other matters and things necessary and proper for the successful transaction of the business for which it is organized.

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 12th day of March, A. D. 1883.

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STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE,  
RALEIGH, May 24th, 1883.

Certificate of secretary of state.

I, W. L. SAUNDERS, secretary of state, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

W. L. SAUNDERS,  
*Secretary of State.*

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TO

LAWS AND RESOLUTIONS.



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 PUBLIC AND PRIVATE LAWS, AND RESOLUTIONS,  
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