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LAWS AND RESOLUTIONS

OF THE

State of North Carolina,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1885,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1885,

TO WHICH ARE PREFIXED

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

PUBLISHED BY AUTHORITY.

RALEIGH:
P. M. HALE, STATE PRINTER AND BINDER,
1885.

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1885

Presses of
EDWARDS, BROUGHTON & Co.,
Raleigh, N. C.

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OFFICIAL REGISTER

FOR THE

YEAR 1885.

STATE GOVERNMENT.

ALFRED M. SCALES,.....Guilford county,.....Governor.
CHARLES M. STEDMAN,....New Hanover county,..Lieut-Governor.
WILLIAM L. SAUNDERS,..Wake county,.....Secretary of State.
W. P. ROBERTS,.. ..Gates county,.....Auditor.
DONALD W. BAIN,.....Wake county,..... ..Treasurer.
SIDNEY M. FINGER,.....Catawba county,.....Supt. Pub. Instruct'n.
THEODORE F. DAVIDSON,..Buncombe county,.....Attorney General.
JOHNSTONE JONES,.....Buncombe county,.....Adjutant General.
C. M. ROBERTS,Vance county,.....Keeper of Capitol.
RANDOLPH A. SHOTWELL,Wake county,.....State Librarian.
C. H. ARMPFIELD,..... ..Iredell county,.....Private Sec. to Gov.
W. N. SCALES,..... ..Guilford county,.....Executive Clerk.
W. P. BATCHELOR,.....Wake county,..... ..Clerk to Sec. State.
C. E. CROSS,.....Gates county,Chief Cl'k to Auditor.
H. M. COWAN,.....Chatham county,.....Chief Cl'k to Treas'r.
JAMES S. MCALISTER,....Randolph county,.....Teller.
THOMAS A. PARTIN,.....Wake county,.....Clerk for Institutions.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
WILLIAM N. H. SMITH, Chief Justice,.....	Raleigh, N. C.
THOMAS S. ASHE, Associate Justice,.....	Wadesboro, “
A. S. MERRIMON, Associate Justice,.....	Raleigh, “
THEODORE F. DAVIDSON, Reporter,.....	Asheville, “
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. PHILIPS,.....	2d,	Edgecombe, “
H. G. CONNOR,	3rd,	Wilson, “
WALTER CLARK,.....	4th,.....	Wake, “
JOHN A. GILMER,.....	5th,.....	Guilford, “
A. A. MCKOY,.....	6th,.....	Sampson, “
JAMES C. MACRAE,.....	7th,.....	Cumberland, “
W. J. MONTGOMERY,.....	8th,.....	Cabarrus, “
JESSE F. GRAVES,.....	9th,.....	Surry, “
ALPHONSO C. AVERY,	10th,.....	Burke, “
WILLIAM M. SHIPP,.....	11th,.....	Mecklenburg, “
J. C. L. GUDGER,.....	12th,.....	Haywood, “

SOLICITORS.

NAMES.	DISTRICTS.	RESIDENCES.
JOHN H. BLOUNT,.....	1st,..	Perquimans, N. C.
JOHN H. COLLINS,	2nd,.....	Halifax, “
D. WORTHINGTON,	3rd,.....	Martin, “
SWIFT GALLOWAY,.....	4th,.....	Wayne, “
FRED. N. STRUDWICK,.....	5th,.....	Orange, “
O. H. ALLEN,.....	6th,.....	Duplin, “
JAMES D. McIVER,.....	7th,.....	Moore, “
JOSEPH S. ADAMS,.....	8th,.....	Iredell, “
JOSEPH DOBSON,	9th,.....	Forsyth, “
W. H. BOWER,.....	10th,.....	Caldwell, “
FRANK I. OSBORNE,.....	11th,.....	Mecklenburg, “
GARLAND S. FERGUSON,.....	12th, .	Haywood, “

 CRIMINAL COURT JUDGE.

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

SOLICITORS.

BENJAMIN R. MOORE,Wilmington, N. C.
 GEO. E. WILSON,.....Charlotte, “

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATE.

CHARLES M. STEDMAN, Lieutenant-Governor, President.

DISTS.	NAMES OF SENATORS.	POST OFFICES.	COUNTIES.
29	Alexander, S. B.	Charlotte,	Mecklenburg,
38	Bason, G. F.	Dallas,	Gaston,
1	Bond, W. M.	Edenton,	Chowan,
36	Bower, W. H.	Yadkin Valley,	Caldwell,
14	Boydin, E. T.	Clinton,	Sampson,
36	Brown, John S.	Marion,	McDowell,
32	Buxton, J. C.	Winston,	Forsyth,
12	Chadbourne, W. H.	Wilmington,	New Hanover,
7	Connor, H. G.	Wilson,	Wilson,
42	Cooper, J. W.	Murphy,	Cherokee,
15	Cowan, D. S.	Robeson,	Columbus,
34	Dotson, J. F.	Oak Forest,	Iredell,
26	Everett, W. I.	Rockingham,	Richmond,
33	Franklin, J. A.	Elkin,	Surry,
18	Gatling, John	Raleigh,	Wake,
20	Graham, A. W.	Hillsboro,	Orange,
40	Gudger, H. A.	Asheville,	Buncombe,

SENATE—(Continued).

DISTS.	NAMES OF SENATORS.	POST OFFICES.	COUNTIES.
34	Hackett, R. F.	Wilkesboro,	Wilkes,
10	Hill, E. J.	Kenansville,	Duplin,
20	Holeman, James.	Hurdle's Mills,	Person,
17	Horne, Ashley.	Clayton,	Johnston,
23	Johnston, J. S.	Ruffin,	Rockingham,
10	Kennedy, J. T.	Goldsboro,	Wayne,
24	King, J. L.	Greensboro,	Guilford,
27	Leak, J. A.	Wadesboro,	Anson,
15	Lewis, R. F.	Lumberton,	Robeson,
3	Mason, Thomas W.	Garysburg,	Northampton,
28	Means, P. B.	Concord,	Cabarrus,
19	Montgomery, J. H.	Warrenton,	Warren,
4	Mullen, J. M.	Halifax,	Halifax,
1	Parker, James.	Gatesville,	Gates,
7	Perry, Joshua.	Louisburg,	Franklin,
2	Poole, Theo. W.	Williamston,	Martin,
25	Robins, M. S.	Ashboro,	Randolph,
11	Rountree, F. M.	Kinston,	Lenoir,
22	Scott, J. L.	Graham,	Alamance,
37	Sherrill, M. O.	Newton,	Catawba,
2	Simmons, P. H.	Fairfield,	Hyde,
13	Swain, S. P.	Smithville,	Brunswick,
41	Tate, W. L.	Waynesville,	Haywood,
5	Taylor, R. S.	Tarboro,	Edgecombe,

N. C.

31	Thomas, P. C.	Thomasville,	Davidson,	N. C.
9	Thompson, Dr. C.	Richland,	Onslow,	"
35	Todd, J. W.	Jefferson,	Ashe,	"
16	Troy, W. C.	Fayetteville,	Cumberland,	"
39	Twitty, T. B.	Rutherfordton,	Rutherford,	"
8	White, Geo. H.	New Berne,	Craven,	"
6	Williams, W. R.	Greenville,	Pitt,	"
21	Winston, R. W.	Oxford,	Granville,	"
30	Wiseman, J. W.	Farmington,	Davie,	"

HOUSE OF REPRESENTATIVES

THOS. M. HOLT, Alamance county, Speaker.

NAMES OF MEMBERS.	POST OFFICES.	COUNTIES.
Adams, H. B.....	Monroe,.....	Union.
Allen, J. D.	Neuse,.....	Wake.
Alston, J. A.	Pittsboro,	Chatham.
Ardrey, W. E.....	Pineville,	Mecklenburg.
Aycock, F. M.....	Fremont,.....	Wayne.
Barringer, J. A.....	Greensboro,	Guilford.
Beaman, J. O.....	Beaman's Cross Roads.	Sampson.
Bell, David.....	Enfield,.....	Halifax.
Bellamy, N. B.....	Tarboro,.....	Edgecombe.
Bennett, D. N.....	Norwood,.....	Stanly.
Bland, J. T.....	Burgaw,	Pender.
Brim, I. G.....	Mount Airy,.....	Surry.
Brown, R. H.....	Cullowhee,.....	Jackson.
Bulla, George M	Lexington,	Davidson.
Burton, A. J.....	Weldon,	Halifax.
Busbee, Charles M	Raleigh,.....	Wake.
Cale, Hugh... ..	Elizabeth City,.....	Pasquotank.
Caviness, I. F.....	Buffalo Ford,.....	Randolph.
Chadwick, A. H.....	Straits,.....	Carteret.
Chappell, E. O.....	Belvidere,	Perquimans.
Clifton, J. F.....	Youngsville,.....	Franklin.
Cowell, W. H.....	Bailey,.....	Currituck.
Crawford, W. T.....	Waynesville,	Haywood.
Crouse, W. L.....	Crouse,.....	Lincoln.
Crowder, J. F.....	Wadeville,	Montgomery.
Darden, W. A.....	Speight's Bridge,.....	Greene.
Dixon, Thomas.....	Shelby,	Cleveland.
Dunlap, J. J.....	Paris,.....	Ansou.
Edwards, Berry.....	Sparta,.....	Alleghany.
Edwards, J. H.....	Kirby,.....	Northampton.
Eaton, H. B.... ..	Warrenton,.....	Vance.
Exum, J. H	Whitakers,	Nash.
Felton, R. P.....	Columbia,.....	Tyrrell.
Galloway, John M.....	Madison,.....	Rockingham.
Garden, G. H.....	Marion,	McDowell.
Glenn, J. D.....	Leaksville	Rockingham.
Grady, Luke.....	Wilmington,	New Hanover.
Grainger, J. W.	Kinston,	Lenoir.
Grant, J. W.....	Garysburg,	Northampton.

HOUSE OF REPRESENTATIVES.—*Continued.*

NAMES.	POST OFFICES.	COUNTIES.
Green, C. B.....	Durham,.....	Durham.
Green, T. C.....	Bakersville,	Mitchell.
Gulley, N. Y.....	Franklinton,	Franklin.
Harrell, J. B.....	Oak Spring,	Rutherford.
Harrison, N. H.....	Plymouth,	Washington.
Hatch, J. W.....	Mt Olive,.....	Wayne.
Hayes, A. H.....	Charleston,.....	Swain.
Henderson, J. R.....	Wilkesboro,	Wilkes.
Hobgood, R. W.....	Oxford,.....	Granville.
Holman, J. B.....	Cool Springs,.....	Iredell.
Hussey, J. E.....	Newbern,.....	Craven.
Jones, E. B.....	Taylorsville,	Alexander.
Jones, Johnstone.....	Asheville,	Buncombe.
Johnson, C. W.....	Robeson's,	Orange.
King, H. E.....	Peanut,.....	Onslow.
Kitchen, T. C.....	Haysville,	Clay.
Lanning, J. H.....	Brevard,	Transylvania.
Leazar, A.....	Mooresville,	Iredell.
Lockey, C. P.....	Wilmington,	New Hanover.
Long, J. A.....	Roxboro,.....	Person.
Lovell, E. F.....	Boone,	Watauga.
Martin, J. B.....	Beard's Creek,.....	Pamlico.
Mayo, R. E.....	Falkland,	Pitt.
Miller, T. D.....	Coddle Creek,.....	Cabarrus.
Morgan, H. C.....	Columbus,.....	Polk.
Myatt, J. Walter.....	Myatt's Mills,.....	Wake.
Murchison, I. A.....	Manchester,	Cumberland.
McClelland, C. C.....	Rhodes,	Cumberland.
McGee, J. F.....	Hot House,.....	Cherokee.
McMillan, H.....	Red Springs,	Robeson.
McNeill, D. B.....	Shallotte,	Brunswick.
McRae, M.....	Shoe Heel,	Robeson.
Norris, H. E.....	Apex,.....	Wake.
Overman, Lee S.....	Salisbury,	Rowan.
Patrick, W. H.....	Chockowinity,	Beaufort.
Plummer, J. C.....	Weaver's Ford,.....	Ashe.
Pearsall, P. M.....	Trenton,.....	Jones.
Pearson, Richmond.....	Asheville,.....	Buncombe.
Perry, J. W.....	Princeton,.....	Johnston.
Phillips, J. Y.....	Dalton,	Stokes.

HOUSE OF REPRESENTATIVES—*Concluded.*

NAMES OF MEMBERS.	POST OFFICES.	COUNTIES.
Pinnix, J. C.....	Longtown	Yadkin.
Pou, J. H.....	Smithfield	Johnston.
Pritchard, J. C.....	Ray	Madison.
Reid, J. W.....	Lowell.....	Gaston.
Riggs, E. H.....	Buxton.....	Dare.
Robertson, H. E.....	Advance.....	Davie.
Robinson, J. L.....	Franklin.....	Macon.
Robinson, J. W. S.....	Delta.....	Sampson.
Roullac, L.....	Windsor.....	Bertie.
Scott, H. W.....	Camden C. H.....	Camden.
Shepperd, W. H.....	Salem.....	Forsyth.
Shuford, A. A.....	Hickory	Catawba.
Slaughter, M. M. E.....	Robbinsville	Graham.
Sneed, J. W.....	Laurel Hill	Richmond.
Stanford, John D.....	Kenansville.....	Duplin.
Steed, B. W.....	Hill's Store.....	Randolph.
Stewart, D.....	Stewart's Academy.....	Harnett.
Stowe, H. P.....	Charlotte	Mecklenburg.
Sutton, W. J.....	Little Sugar Loaf.....	Bladen.
Tate, S. McD.....	Morganton	Burke.
Thompson, George N.....	Leasburg	Caswell.
Thorpe, B. W.....	Tarboro	Edgecombe.
Turner, J. A.....	High Point.....	Guilford.
Venters, G. W.....	Calico	Pitt.
Wakefield, R. R.....	Lenoir	Caldwell.
Waff, E. F.....	Edenton.....	Chowan.
Wall, I. W.....	Abbott's Creek.....	Davidson.
Ward, B. C.....	Warrenton	Warren.
Waring, R. P.....	Charlotte	Mecklenburg.
Watson, J. B.....	Engelhard	Hyde.
Whitted, Dr. W. D.....	Hendersonville	Henderson.
Whittington, L.....	Burnsville	Yancey.
Wilcox, George.....	Carbonton	Moore.
Williams, H. Clay.....	Buckland.....	Gates.
Williams, A. H. A.....	Oxford.....	Granville.
Williamson, H. D.....	Cerro Gordo.....	Columbus.
Winborne, R. W.....	Murfreesboro	Hertford.
Womack, T. B.....	Pittsboro.....	Chatham.
Woodard, J. E.....	Wilson	Wilson.
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 QUALIFICATION.
California	Edward E. Chatten.....	San Francisco.....	17 Jan., 1884,	17 Jan., 1886.
"	James S. King.....	"	27 Jan., 1885,	27 Jan., 1886.
Colorado	David Mitchell.....	Denver	8 Aug., 1883,	8 Aug., 1885.
Connecticut	Henry E. Taintor.....	Hartford.....	28 Nov., 1883,	28 Nov., 1885.
Dist. of Columbia.....	Sam'l C. Mills.....	Washington	18 Jan., 1884,	18 Jan., 1886.
"	John E. Beall.....	"	31 May, 1884,	31 May, 1886.
Georgia	Harry Krouse	Atlanta	28 Jan., 1884,	28 Jan., 1886
"	Wm. B. Adams.....	Savannah.....	23 Sept., 1884,	23 Sept., 1886.
Illinois	Simeon W. King.....	Chicago.....	4 June, 1883,	4 June, 1885.
"	J. S. Willard.....	"	15 Jan., 1884,	15 Jan., 1886.
"	Philip A. Hayne.....	"	10 Nov., 1884,	10 Nov., 1886.
Kentucky	Wm. Pimicke.....	Louisville	26 May, 1884,	26 May, 1886.

COMMISSIONERS OF AFFIDAVITS—Continued.

STATE.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Louisiana	M. C. Somiat.....	New Orleans	8 April, 1884,.....	8 April, 1886.
"	Geo. A. Hero	"	9 April, 1884,.....	9 April, 1886.
Maryland	G. Erett Reardon.....	Baltimore	31 Dec, 1883,	31 Dec, 1885.
"	Ph. H. Hoffman.....	"	18 Dec, 1883,	18 Dec, 1885.
"	Frank H. Grupy.. ..	"	25 Jan, 1884,.....	25 Jan, 1886
"	Murray Hanson.....	"	3 Aug., 1884,.....	3 Aug., 1886.
"	Bolling Selden.....	"	18 Dec, 1884,.....	18 Dec., 1886.
Massachusetts	Edward J. Jones.	Boston	18 March, 1884.....	18 March, 1886.
"	Chas. Hall Adams.....	"	4 Feb., 1885,.....	4 Feb., 1887.
Missouri	Morrison Renshaw.....	St. Louis	17 Aug., 1883,.....	17 Aug., 1885.
New Jersey	Arthur Devine	Newark	31 May, 1883,.....	31 May, 1885.
New York	Chas. Edgar Mills.....	New York	3 May, 1883,.....	3 May, 1885.
"	Wm. H. Clarkson.....	"	24 July, 1883.....	24 July, 1885.
"	Geo. W. Collis.....	"	28 July, 1883,.....	28 July, 1885.
"	Wm. F. Lett	Brooklyn	1 Oct., 1883,.....	1 Oct., 1885.
"	Henry (J. Bank.....	New York	17 Dec, 1883,	17 Dec., 1885.
"	Fred. A. Burnham.....	"	18 Jan., 1884,.....	18 Jan., 1886.
"	A. H. Nones.....	"	16 Jan., 1884,.....	16 Jan., 1886.
"	Louis Beckhardt.....	"	19 Jan., 1884,.....	19 Jan., 1886.
"	Thos. W. Folsom.....	"	15 April, 1884,.....	15 April, 1886.
"	S. A. Emmanuel.....	"	5 May, 1884,.....	5 May, 1886.
"	A. H. Osborn.....	Brooklyn	13 Oct., 1884,	13 Oct., 1886.
"	Thos. Kilvert.....	New York	4 Dec., 1884,.....	4 Dec., 1886.

New York	Charles T. Luut,	New York,	10 Dec., 1884,	13 Dec., 1886.
"	Charles Nettleton,	"	8 Jan., 1885,	8 Jan., 1887.
"	Spencer C. Doty,	"	2 Feb., 1885,	2 Feb., 1887.
"	E. D. Grant,	"	2 Feb., 1885,	2 Feb., 1887.
"	Vincent Rosemon,	"	2 April, 1885,	2 April, 1887.
"	John A. Hillery,	"	6 April, 1885,	6 April, 1887.
"	Edwin F. Corey,	"	6 April, 1885,	6 April, 1887.
"	Joseph B. Braman,	"	16 April, 1885,	16 April, 1887.
"	Eleazar Jackson,	"	8 April, 1885,	8 April, 1887.
Ohio,	Samuel S. Carpenter,	Cincinnati,	29 Dec., 1884,	29 Dec., 1886.
Oregon,	Eugene D. White,	Portland,	21 May, 1884,	21 May, 1886.
Pennsylvania,	Thomas J. Hunt,	Philadelphia,	5 Nov., 1883,	5 Nov., 1885.
"	W. Knight Sbyrock,	"	7 Nov., 1883,	7 Nov., 1885.
"	H. E. Garsed,	"	29 Dec., 1883,	29 Dec., 1885.
"	Otis Egan,	"	28 Jan., 1884,	28 Jan., 1886.
"	John Sparhawk,	"	21 July, 1884,	21 July, 1886.
"	Edward H. Cloud,	"	10 Oct., 1884,	10 Oct., 1886.
"	Theodore D. Kand,	"	28 Nov., 1884,	28 Nov., 1886.
"	Edward Shippen,	"	6 Dec., 1884,	6 Dec., 1886.
"	Kinley J. Tener,	"	2 Dec., 1884,	2 Dec., 1886.
"	Alexander Ramsey,	"	10 Jan., 1885,	10 Jan., 1887.
"	Joseph Frankish, Jr.,	"	19 Feb., 1885,	19 Feb., 1887.
"	Charles Chauncey,	"	24 March, 1885,	24 March, 1887.
Rhode Island,	Gilman E. Yopp,	Providence,	19 Oct., 1883,	19 Oct., 1885.
South Carolina,	George W. S. Hart,	Yorkville,	2 Feb., 1885,	2 Feb., 1887.
"	L. B. O'Bryan,	Allendale,	7 Feb., 1885,	7 Feb., 1887.
Virginia,	David A. Lyon,	Petersburg,	15 Sept., 1883,	15 Sept., 1885.
"	R. S. Woodfolk,	Danville,	12 Dec., 1883,	12 Dec., 1885.
"	W. T. Clark,	"	17 Dec., 1883,	17 Dec., 1885.
"	John H. Wright,	Suffolk,	15 Jan., 1884,	15 Jan., 1886.

LIST OF COMMISSIONERS OF AFFIDAVITS — *Continued.*

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Virginia	James M. Donnan,.....	Richmond,.....	29 March, 1884, ...	29 March, 1886.
"	W. B. Martin,.....	Norfolk,	9 Dec., 1884,	9 Dec., 1886.
"	Alexander Donnan, ..	Petersburg,.....	2 Jan., 1885,	2 Jan., 1887.
"	L. D. Starke,	Norfolk,	6 Jan., 1885,	6 Jan., 1887.
"	John C. Baker,	"	6 Jan., 1885,	6 Jan., 1887.
"	W. G. Elliott,	"	17 Jan., 1885,	17 Jan., 1887.
England	Alfred Heales.....	London,	29 Aug., 1883,.....	29 Aug., 1885.

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE, Raleigh, May 15, 1885
 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 dates of their appointment and places of residence, as recorded in this office.

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

CAPTIONS

OF THE

PUBLIC LAWS,

SESSION 1885.

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4. An act for the relief of W. J. Maddrey, late tax collector of Northampton county,	54
5. An act to give the county of Madison an additional week of court,	55
6. An act to amend section twenty-seven hundred and twenty-seven of The Code,	55
7. An act to establish the Edenton Graded School,	56
8. An act authorizing the recording of certain wills in the county of Haywood,	59
9. An act to allow James R. Blacknall, late sheriff of Durham county, to collect arrears of taxes,	60
10. An act for the relief of A. J. Price, sheriff of Union county,	61
11. An act to amend section twelve hundred and sixty-two of The Code of North Carolina,	62
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13. An act to authorize the commissioners of Halifax county to fund and pay the debt of said county which has not been funded,	64
14. An act to amend an act entitled "An act to authorize the commissioners of Halifax county to fund and pay the debt of said county," ratified twelfth day of March, one thousand eight hundred and eighty-three,	66
15. An act to amend chapter two hundred and sixty-three of the laws of one thousand eight hundred and eighty-two, in relation to the drainage of streams in Forsyth county,	67
16. An act to repeal chapter three hundred and thirty-seven, laws of one thousand eight hundred and eighty-three, repealing the act allowing the commissioners of Rockingham county to levy a special tax,	68
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✓ 18. An act to amend section thirty-four hundred and eight of The Code,	69
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23. An act to amend chapter one hundred and thirty-seven, section one, of the acts of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four,	73
24. An act to prohibit fast driving or riding over the iron bridge in Lenoir county,	73
25. An act to amend chapter one hundred and forty, laws of one thousand eight hundred and eighty-three, relating to the killing of wolves in certain counties,	74
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CONSTITUTION
OF THE
STATE OF NORTH CAROLINA.

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

- 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.

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 of 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 in such manner as to prevent perpetuities. Entails.

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

SEC. 17. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal. Protest.

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

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

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

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

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

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

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United Oath of members

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 officers, and shall take care that the laws be faithfully executed.

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

Commander-in-Chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

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

Duties of the Lieutenant Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever

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

the Lieutenant Governor shall, for any reason be prevented from discharging the duties of such office as above provided, and he shall continue as-acting Governor until the disabilities are removed, or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Duties of other
Executive officers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

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

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 coördinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Jurisdiction of Courts inferior to Supreme Court.

In case of waiver of trial by jury.

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

Special courts in cities.

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

Clerk of Supreme Court.

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

Election of Superior Court Clerk.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

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

Fees, salaries and emoluments.

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

What laws are and shall be in force.

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

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

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

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 a 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 of 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 offices 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.

ARTICLE V.

REVENUE AND TAXATION.

Capitation tax.

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

Exemptions.

Application of proceeds of State and county capitation tax.

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

Taxation shall be by uniform rule and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-

stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

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

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

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

Property exemptions from taxation.

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

Taxes levied by County Commissioners.

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

Acts levying taxes shall state object, &c.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

Qualifications of
an elector.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open Court, shall be adjudged guilty of felony, or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Registration of
electors.

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

Elections by peo-
ple and General
Assembly.

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

Oath of office.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of 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 of mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

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

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

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 prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX.

EDUCATION.

Education shall be encouraged.

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

General Assembly shall provide for schools.

SEC. 2. The General Assembly, at the first session under this Constitution, shall provide by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years.

Separation of the races.

And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race.

Counties to be divided into districts.

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

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

What property shall be devoted to educational purposes.

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

County School fund.

Proviso.

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

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

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

Benefits of the University.

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

Board of Education.

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

President and Secretary.

SEC. 9. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

Power of Board.

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

First session of Board.

SEC. 11. The first session of the Board of Education shall be held at the capital 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.

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.

Laborer's lien.

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

Benefit of widow.

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

Property of a married female secured to her.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

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

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

How deed for homestead may be made.

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

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be known to the laws of this State, viz: death, imprisonment, with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where, and in such manner as may be provided by law ; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson : *Provided*, that no convict whose labor may be farmed out, shall be punished for any failure of duty as a laborer, except by a responsible officer of the State, but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of this State.

Punishments.

Convict labor.

Proviso.

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

Death punishment.

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

Penitentiary.

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

Houses of correction.

- Houses of Refuge. SEC. 5. A House, or Houses of Refuge may be established whenever the public interest may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated. SEC. 6. It shall be required by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.
- Provision for the poor and orphans. SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.
- Orphan houses. SEC. 8. There shall also, as soon as practicable, be measures devised by the State, for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated, and taught some business or trade.
- Inebriates and idiots. SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf mutes, blind and insane. SEC. 10. The General Assembly may provide that the indigent deaf mutes, blind and insane of the State shall be cared for at the charge of the State.
- Self-supporting. SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

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

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

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

ARTICLE XIV.

MISCELLANEOUS.

Indictments.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offense 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 positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Governor to make appointments.

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

Seat of government.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other State, or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or commissioners for special purposes.

Holding office.

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

Intermarriage of whites and negroes prohibited.

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
1885.

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1885.

CHAPTER 1.

An act for the relief of the sureties of William R. Young, late sheriff of Buncombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That J. R. Jones, one of the sureties on the official bond of William R. Young, late sheriff and tax-collector of Buncombe county, be and is hereby authorized to collect, for the benefit of himself and the other sureties on the official tax bonds of said William R. Young for 1882 and 1883, the arrears of taxes due the said William R. Young for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, under such rules and regulations as are or may be prescribed by law for the collections of taxes, with all the powers of a tax-collector.

J. R. Jones authorized to collect for benefit of himself and other sureties arrears for years 1881, 1882, and 1883.

SEC. 2. That this act shall not authorize the collection of any insolvent taxes when the same shall have been credited to said William R. Young.

Insolvents credited to Sheriff not to be collected.

SEC. 3. That no person shall be compelled to pay any tax under the provisions of this act, who will make an oath before any one by law authorized to administer oaths, and in the presence of said J. R. Jones, that he or she has paid the same as by law required; nor shall any

Parties making affidavit of former payment not compelled to pay.

Executors, &c., not compelled to pay.

executor, administrator or guardian be compelled to pay any arrears of taxes under this act.

Authority to
cease on 31st of
December, 1886.

SEC. 4. 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-six.

In case of death
of Jones, other
sureties to ap-
point successor.

SEC. 5. That in the event of the death or other incapacity of the said J. R. Jones to collect said arrears of taxes before the same shall all have been collected, and before the expiration of the time in this act limited for the collection of the same, the said sureties of the said William R. Young, or the major number of them, may appoint in writing under their hands another person of their number to collect such arrears of taxes in the place of said J. R. Jones, with the same powers and subject to the same restrictions and limitations.

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 January, A. D. 1885.

CHAPTER 2.

An act to stop a special election in school district number eleven in Cabarrus county.

Preamble.

WHEREAS, the board of county commissioners of Cabarrus, under a petition for that purpose, has ordered an election, in accordance with section 2594 of the Code of North Carolina, to be held in school district number eleven of said county on the third Tuesday of January, eighteen hundred and eighty-five, for levying a special tax to supplement the common school fund of the whites in said district;

AND WHEREAS, the citizens of said school district have

agreed and determined in meeting for that purpose, to dispense with said election and to have in lieu thereof their representative and senator to ask this general assembly to pass an act to establish a graded school in Concord for said school district; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Cabarrus county, or R. W. Allison, the chairman of said board, is authorized and empowered to stop and prevent said election, and to take such steps and measures therefor as said board or chairman may deem proper.

Board of commis-
sioners or chair-
man authorized
to stop election.

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 January, A. D. 1885.

CHAPTER 3.

An act to repeal section 3424 of the Code relating to fishing in the waters of White Oak and New rivers.

The General Assembly of North Carolina do enact :

SECTION 1. That section 3424 of the Code be and the same is hereby repealed.

Section 3424 re-
pealed.

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 January, A. D. 1885.

CHAPTER 4.

An act for the relief of W. J. Maddrey, late tax collector of Northampton county.

The General Assembly of North Carolina do enact:

Authorized to collect arrears for years 1879 and 1880.

SECTION 1. That W. J. Maddrey, late tax-collector of Northampton county, his bondsmen and legal representatives, are hereby authorized and empowered to collect arrears of taxes in the county of Northampton, for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, under such rules and regulations as are or may be prescribed by law for the collection of taxes: *Provided*, the said W. J. Maddrey, his bondsmen and legal representatives shall not collect any insolvent taxes when the same have been credited to him, but the county commissioners shall have power to place such insolvent tax-list in the hands of any sheriff or tax-collector who may now or hereafter be in office.

Proviso.

Persons making affidavit of former payment not compelled to pay.

SEC. 2. 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.

Authority to cease on 31st December, 1885.

SEC. 3. 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-five.

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 January, A. D. 1885.

CHAPTER 5.

An act to give the county of Madison an additional week of court.

The General Assembly of North Carolina do enact :

SECTION 1. That the superior court of Madison county shall meet on the first Monday before the first Monday in March and August of each year, and continue for three weeks.

Three weeks court. 1st Monday in March and August.

SEC. 2. That jurors, witnesses, and persons recognized or bound to the first and second weeks of said court as heretofore constituted, shall appear on the first and second weeks respectively of the court, as herein set forth, and the county commissioners at their February meeting shall draw jurors for the third week of this court.

Jurors and witnesses to appear.

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

In the general assembly read three times, and ratified this the 17th day January, A. D. 1885.

CHAPTER 6.

An act to amend section 2727 of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section 2727 of the Code be amended by adding at the end of said section the following: *Provided*, that in all cases of special elections ordered by the governor to fill vacancies in the representation of the state in congress, the board of state canvassers may meet as soon as the secretary of state may notify the members of the board that the returns from all the counties entitled to vote in said special elections have been received

When board of state canvassers to canvass votes in special elections to fill vacancies in congressional delegation.

by him ; and it shall be the duty of the secretary of state to fix the day of meeting, which day shall not be later than ten days after such elections ; and it shall be the duty of all returning officers to make their returns promptly, so that the same may be received within the ten 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 17th day of January, A. D. 1885.

CHAPTER 7.

An Act to establish the Edenton Graded School.

The General Assembly of North Carolina do enact :

Edenton graded school incorporated.

Corporators.

For white children.

Organization. Officers.

Treasurer's bond and compensation. Duties.

SECTION 1. That a graded school is hereby incorporated to be known as the Edenton Graded School for school district number three of Chowan county, for the white race, and that B. F. Elliott, T. C. Bradham, G. H. Coke, J. A. Harrell, H. De B. Hooper, W. Y. Warren and T. White, A. are hereby constituted a board of trustees for the same until July first, one thousand eight hundred and eighty-five, and until their successors are elected and qualified as hereinafter stated, and said school shall be free to all the white children between six and twenty-one years of age, who are residents of said school district, and shall be the public school of said district.

SEC. 2. That said board shall organize each year by the election of a president, a secretary and a treasurer, who shall hold their places at the option of said board, and the treasurer shall give bond, to be approved by said board, for the faithful discharge of his duties, and his compensation shall be two and a-half per cent. of funds received by him, and he shall have charge of the tuition

paid for non-resident pupils, and of all donations, gifts and contributions of every kind, made for the benefit of said school or for the white race of said school district, except the public funds in the custody of the county treasurer.

SEC. 3. That a majority of said trustees, convened by public notice, shall constitute a quorum for the transaction of business, and said board shall be a body corporate with power to sue and be sued, and shall have one regular meeting at a public place each month, and shall have power to adopt rules for its own government; also, to fill any vacancies caused by death, resignation or removal from said district, to employ and pay teachers with or without certificates required by the public school law, and to do all such acts as may be necessary to carry on said school and to secure its good order, and all powers and duties, formerly vested in the school committee for the white race of said district are vested in said board.

Powers of trustees.
Quorum.

Vacancies, how filled.

SEC. 4. That said board shall be custodian of all public school property for the white race of said district, and all unexpended public school money which has been apportioned or collected for the white race of said school district under the general laws of the state not applicable to contracts heretofore legally made, and all of which shall hereafter from time to time be so collected or apportioned, shall be applied for keeping up said graded school under the orders and directions of said board, and the treasurer of Chowan county shall pay out the same on the orders of said board, approved and signed by its president and secretary; but no order shall be given on the county treasurer until the service or property for which it is given has been furnished in full, and the public school funds appropriated to said school shall be drawn from the county treasury at the rate of one-tenth thereof for each month the school may have been in operation.

Powers of board over school property.

Apportionment of school money.

Duties of county treasurer.

SEC. 5. That said board is authorized to receive con-

Board may receive donations, &c.

tributions, donations and subscriptions, and to draw from the county treasury the public school funds as herein provided for the use of said school, and it shall be the duty of said board to solicit subscriptions and donations as aforesaid, and as nearly as may be possible, to carry on said school forty weeks each year, with teachers and accommodations sufficient for all who may enter.

Forty weeks school if possible.

Qualification of trustees.

SEC. 6. That every trustee named in, or elected under this act, shall, before attending any future meeting of said board, take an oath or make affirmation to perform faithfully his duties under this act, and no trustee may hereafter act as such until he is so qualified, nor shall any trustee while a member of said board be a teacher in said school.

Meeting of patrons of the school.

SEC. 7. That a meeting of the patrons of said school shall be held on the last Thursday in June each year at noon at the school building, of which ten days' notice shall be given by the president of said board, at which meeting seven men shall be elected by a majority of ballots, who shall be patrons and residents of said school district, to act for the next ensuing year and until their successors are elected and qualified as the trustees of said school, and they shall organize as herein provided. Patrons within the meaning of this act shall include all resident male parents and guardians whose children have attended said school at any time during the year and such resident male persons as have contributed one per cent. or more of the entire subscription fund for the year; but not less than fifteen patrons shall constitute a quorum for the election of trustees.

To elect trustees for ensuing year.

Proceedings to be certified to board of trustees.

SEC. 8. That the proceedings of said meeting of patrons shall contain the number of patrons present and the names of trustees elected, and shall be certified to said board of trustees by the chairman and secretary of said meeting, and shall be transcribed on the book of records of said board.

Act of 1883 in conflict herewith repealed.

SEC. 9. That the act of the general assembly ratified

March third, one thousand eight hundred and eighty-three, entitled "An act to establish graded schools at Edenton, Chowan county, North Carolina", and all other laws in conflict with this act be hereby repealed, and this act shall take the place for said school district of the public school law now existing or passed at this session of the general assembly.

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

In the general assembly read three times, and ratified this the 19th day of January, A. D. 1885.

CHAPTER 8.

An act authorizing the recording of certain wills in the county of Haywood.

WHEREAS, A number of wills have heretofore been probated under the then existing laws of the state in county of Haywood; and whereas, said record of wills has been lost or destroyed, so that the same cannot now be found; and whereas, said wills are now on file in the superior court clerk's office of said county; therefore,

Preamble.

Record of certain wills lost or destroyed. Wills not lost.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful, and is hereby made the duty of the clerk of the superior court of Haywood county to record all such wills, together with the evidence of the former probate, in a well-bound book of record of wills, and shall certify under his hand the date of such recording and that said will was on file in his office at the time of the ratification of this act.

Clerk to record all such wills and evidence of probate, &c.

SEC. 2. That all wills so found and recorded by the clerk shall be deemed and held to have been duly probated and recorded, subject for any person interested to

Such wills deemed duly probated, &c.

show by competent proof that said will has in fact never been proved and recorded.

Compensation of clerk.

SEC. 3. That the clerk of Haywood superior court shall be allowed compensation at the rate of ten cents per copy sheet for such work, to be paid by the county of Haywood.

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 January, A. D. 1885.

CHAPTER 9.

An act to allow James R. Blacknall, late sheriff of Durham county, to collect arrears of taxes.

The General Assembly of North Carolina do enact :

J. R. Blacknall allowed to collect arrears of taxes, 1881-1883.

SECTION 1. That James R. Blacknall, late sheriff of Durham county, is hereby empowered to collect all taxes due for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, except insolvents, which may have been allowed him in settlement by the county authorities or the auditor of state.

Same rights as all sheriffs.

SEC. 2. That said James R. Blacknall shall have the same rights and powers, and be entitled to the same fees and compensation in the collection of taxes for said years as are now allowed sheriffs by law: *Provided*, that no person shall be compelled to pay any tax under the provisions of this act, who shall make oath before any one authorized by law to administer oaths, that he or she has paid the same, or believes the same to have been paid; nor shall any executor or administrator be compelled to pay any tax under this act: *Provided further*, that this act shall not

Proviso.

Certain persons exempt who make affidavits.

be construed to relieve the said sheriff or his bondsmen from liability on account of failure to perform the conditions of his bond; and the power and authority hereby granted to said sheriff shall cease and be at an end on the first day of December, A. D. 1885.

Bond not relieved.

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 January, A. D. 1885.

CHAPTER 10.

An act for the relief of A. J. Price, sheriff of Union county.

The General Assembly of North Carolina do enact :

SECTION 1. That A. J. Price, late sheriff of Union county, be authorized to collect the arrears of the state and county taxes in Union county, for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, except such as may have been allowed him as insolvents by the county authorities or the auditor of state, under the same laws and regulations as govern the collection of taxes for the year one thousand eight hundred and eighty-four, and that the time for such collection be extended until the first day of December, one thousand eight hundred and eighty-five.

Price, sheriff of Union, may collect arrears of taxes from 1881.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who has been returned and credited to said sheriff as insolvent, or who shall make oath to any one authorized by law to administer oaths, that he or she has paid the same, or believe the

Person who make affidavit of payment exempt.

same to have been paid ; nor shall any executor or administrator be compelled to pay any taxes under this act.

Bond not
relieved.

SEC. 3. That this act shall not be construed to relieve the said sheriff or his bondsmen from liability on account of failure to perform the conditions of his bonds.

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 January, A. D. 1885.

CHAPTER 11.

An act to amend section 1262 of the Code of North Carolina.

The General Assembly of North Carolina do enact :

Registration of
conveyances
when probate
made before any
"court of record,"
of another state,
declared valid.

SECTION 1. That section twelve hundred and sixty-two of the Code of North Carolina be and the same is hereby amended by striking out in line four the words "superior court," and inserting in lieu thereof the words, viz: "A court of record," and by striking out in line seven the words "superior court," and inserting in lieu thereof the words "court of record."

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

In the general assembly read three times, and ratified this the 23rd day of January, A. D. 1885.

CHAPTER 12.

An act to change the time of holding the superior court of Davie county and providing one additional week for each term thereof.

The General Assembly of North Carolina do enact :

SECTION 1. That the spring term of the superior court of Davie county shall commence on the last Monday in February and continue two weeks if necessary at spring term ; that the fall term of the superior court of Davie county shall commence on the last Monday in August, and continue one week ; that the spring term of the superior court of Yadkin county shall commence on the second Monday in March and continue one week ; that the fall term of the superior court of Yadkin county shall commence on the first Monday in September and continue, if necessary, two weeks at said term.

Courts of Davie and Yadkin changed and lengthened

SEC. 2. 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 court of said counties, as heretofore provided by law, shall be returned to the next term of the said court as fixed by this act ; and all persons who have been recognized, bound or summoned to appear, or who shall hereafter be recognized, bound or summoned to appear at the next term of said court, as heretofore provided by law, are required to appear at the term provided in this act.

Process, how and when returnable.

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 go into effect from and after its ratification.

In the general assembly read three times, and ratified this the 23rd of January, A. D. 1885.

CHAPTER 13.

An act to authorize the commissioners of Halifax county to fund and pay the debt of said county which has not been funded.

The General Assembly of North Carolina do enact ;

Commissioners
Halifax county
may fund debt in
bonds.

SECTION 1. That in order to fund that portion of the debt of Halifax county which has been reduced to judgment or audited under the direction of the board of said county, and which has not been funded in pursuance of chapter three hundred and forty-three of the act of one thousand eight hundred and eighty-three, the commissioners of said county are hereby authorized to issue coupon bonds not to exceed six thousand dollars, 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 shall be due and payable annually on the first Monday in March of each year.

Date; from;
when payable.

SEC. 2. That said bonds shall be dated as of the second day of March, one thousand eight hundred and eighty-five, and shall be due and payable as follows: One-fourth thereof on the second day of March, one thousand eight hundred and eighty-six; one-fourth thereof on the second day of March, one thousand eight hundred and eighty-seven; one-fourth thereof on the second day of March, one thousand eight hundred and eighty-eight, and one-fourth thereof on the second day of March, one thousand eight hundred and eighty-nine; 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.

Record to be
kept.

Sinking fund.

SEC. 3. In order to pay the interest on said bonds and to raise a sinking fund for the payment of the principal, the commissioners and justices of said county at their joint meeting to be held on the first Monday of June of

each of the years one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, shall levy annually a special tax on the taxable property in said county, both real and personal, equal to six cents on each hundred dollars' worth of property, and eighteen cents on each taxable poll.

Special tax.

SEC. 4. The coupons on said bonds shall be receivable in payment of all county taxes.

Coupons receivable for taxes.

SEC. 5. The commissioners of said county may sell a portion of said bonds, not exceeding fifteen hundred dollars, in order to pay off small claims and interest on said bonds: *Provided*, that they shall not sell any of said bonds for less than ninety cents on the dollar.

Bonds may be sold to pay off small claims.

SEC. 6. Guardians and other fiduciaries are hereby authorized to invest in any of said bonds the funds of their beneficiaries.

Guardians, &c., may invest in bonds.

SEC. 7. 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 so far as they can.

Bonds to be ratably divided as to time of payment.

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.

Commissioners may compromise debt.

SEC. 9. If the tax raised in any year, under this act, be more than sufficient to pay off the interest and principal of the bonds hereinbefore described, which shall become due in March of the year next ensuing the levy, such excess shall be applied by the commissioners ratably to such of said bonds as remain unpaid, whether due or not, said payment to be made on the bonds in the order in which they shall thereafter fall due.

Excess of special tax, if any, applied *pro rata* to all bonds in order of time.

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 26th day of January, A. D. 1885.

CHAPTER 14.

An act to amend an act entitled “An act to authorize the commissioners of Halifax county to fund and pay the debt of said county,” ratified twelfth day of March, one thousand eight hundred and eighty-three.

The General Assembly of North Carolina do enact:

Act of 1883 amended by levying tax in June instead of August.

SECTION 1. That the third section of an act entitled “An act to authorize the commissioners of Halifax county to fund and pay the debt of said county,” ratified on the twelfth day of March, one thousand eight hundred and eighty-three, be amended by striking therefrom the word “August,” and inserting in lieu thereof the word “June.”

Action of commissioners in June, 1883, made valid.

SEC. 2. That all acts done by the commissioners and justices of Halifax county, in pursuance of said act, on the first Monday of June, one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, be and the same are hereby ratified and declared to be legal.

Excess of tax applied to outstanding bonds.

SEC. 3. That so much of the fund raised by the special tax levied under the said act, in the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, as is and shall be in excess of the principal and interest of the bonds therein described as falling due in March, one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, and so much as shall hereafter be raised under said act in excess of the amount required to be paid in March of the year next ensuing the levy in any one year, shall be applied by the commissioners ratably to the bonds outstanding and unpaid, issued under said act, whether due or not, payment thereon to be made in the order in which said bonds shall mature and become due.

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. 1885.

CHAPTER 15.

An act to amend chapter two hundred and sixty-three of the laws of one thousand eight hundred and eighty-two, in relation to the drainage of streams in Forsyth county.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and sixty-three of the laws of one thousand eight hundred and eighty-three, be stricken out, and the following substituted as section one: "Section 1. Whenever one-fifth of the land-owners, on any of the streams of Forsyth county, shall petition the commissioners of said county, it shall be their duty to appoint five commissioners from among the land-owners on said stream, whose duty it shall be, as soon as practicable, to lay off said streams in 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 land-owner in the section for which he is appointed."

Five commissioners to be appointed to lay off stream for drainage and appoint overseers in Forsyth county.

SEC. 2. That section three be stricken out and the following substituted as section three: "That said commissioners shall estimate the number of acres of bottom land sobbed or overflowed, and the entire number of acres of each individual of Forsyth on the stream so laid off, and lying in sections 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 and twenty acres in the meaning of this act, and on failing to do so, shall forfeit and pay one dollar per day for failure on each hand, which may be recovered by said overseer, by warrant, as in case of failure to work on the public roads."

Estimate of land overflowed, &c.

Hand to be furnished.

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 January, A. D. 1885.

CHAPTER 16.

An act to repeal chapter three hundred and thirty-seven, laws of one thousand eight hundred and eighty-three, repealing the act allowing the commissioners of Rockingham county to levy a special tax.

The General Assembly of North Carolina do enact :

Act to levy special tax in Rockingham repealed.

SECTION 1. That chapter three hundred and thirty-seven, laws of one thousand eight hundred and eighty-three, 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 27th day of January, A. D. 1885.

CHAPTER 17.

An act to provide for jurors for the superior courts of New Hanover county.

The General Assembly of North Carolina do enact :

Special venire for superior courts of New Hanover.

SECTION 1. That in addition to the regular *venire* provided for in section 1727 of the Code, there shall be a special *venire* for the superior courts of New Hanover county, the number of which shall be designated by the presiding judge, and which shall be drawn from day to day of each term

of said court under the supervision of some member of the board of county commissioners and the clerk of said court, by a boy of not more than ten years of age, from a box containing the names of the qualified jurors of said county, to be furnished by said board; and the special *venire* shall be drawn and the list given to the sheriff to be summoned not later than the day before that on which such jurors are required to serve. And in case both the regular *venire* and the special *venire* for any day shall be exhausted, the judge may order a sufficient number of talesmen to be summoned by the sheriff. All jurors drawn under the provisions of this act shall receive the same pay as tales jurors.

How drawn.

Sheriff to summon.

Pay of jurors.

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 January, A. D. 1885.

CHAPTER 18.

An act to amend section 3408 of the Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3408 of the Code, volume two, chapter forty-three, be and the same is hereby amended, by adding at the end of said section the words, "and the setting of gill nets."

Gill nets permitted in Scuppernon river, Tyrrell 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 27th day of January, A. D. 1885.

CHAPTER 19.

An act to amend section 677 of the Code of North Carolina.

The General Assembly of North Carolina do enact :

How certain corporation may be formed.

Except R. R., &c.

Articles of agreement, what to contain.

No tax on benevolent, religious, scientific or literary association.

Clerk's power to amend articles upon notice.

SECTION 1. That section 677 of the Code of North Carolina shall be amended as follows, to wit: Any number of persons not less than three who may be desirous of engaging in any business, or of forming any company, society or association whatever, not unlawful, except building railroads, or banking, or insurance, at any place within the state, shall be incorporated in the manner following, and in no other way, unless it be made to appear that the object of the corporation cannot be attained under the general law, that is to say, such persons shall, by articles of agreement under their hands and seals, set forth before the clerk of the superior court of the county when such business is to be carried on or where the application shall be made, or the meeting of the corporation may be held, the following :

- (1). The corporation name ;
- (2). The business proposed ;
- (3). The place where it is proposed to be carried on ;
- (4). The length of time desired ;
- (5). The names of persons who have subscribed ;
- (6). The amount of the capital, the number of shares and amount of each.

SEC. 2. That section 678 of the Code be amended by inserting in line eleven, after the word "county," the following : "That this shall not be construed to apply to benevolent, charitable, religious, scientific or literary associations, nor to companies to build turnpike roads or bridges over non-navigable streams."

SEC. 3. That the clerk of the superior court shall at all times, upon application, have power to amend or

change the act of incorporation, after thirty days' notice, by publication to be made on the part of the applicant: *Provided*, there be no change of the business incorporated.

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 27th day of January, A. D. 1885.

CHAPTER 20.

An act to allow the Louisburg Railroad Company to settle with the board of directors of the penitentiary for work done for said company by convicts, with coupon bonds of Louisburg township or of the town of Louisburg.

The General Assembly of North Carolina do enact:

SECTION 1. That the Louisburg Railroad Company may settle with the board of directors of the penitentiary for work done and to be done by convicts for said railroad company with six per cent. coupon bonds of the town of Louisburg or of Louisburg township, at par; and the board of directors of the penitentiary are authorized and directed to accept said coupon bonds at their face value in settlement and discharge of any contract they have made or may make with said railroad company.

Louisburg R. R. Co. may pay for convict hire in coupon bonds.

Penitentiary to receive bonds.

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 29th day of January, A. D. 1885.

CHAPTER 21.

An act to repeal section 2832 of the Code, in reference to the hunting and killing of deer in the counties of Tyrrell, Washington, and other counties in this state.

The General Assembly of North Carolina do enact :

Act to prohibit killing of deer from Feb. 15 to Aug. 15 not to apply to counties east of W. & W. R. R.

SECTION 1. That section 2832 of the Code shall not apply to any county lying either wholly or in part east of the Wilmington and Weldon Railroad.

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 29th day of January, A. D. 1885.

CHAPTER 22.

An act to prohibit the sale of spirituous liquors within two miles of Lebanon church in Franklin township, Sampson County.

The General Assembly of North Carolina do enact :

Unlawful to sell liquor in two miles of Lebanon church.

SECTION 1. That it shall be unlawful for any person to sell, give away, or dispose of spirituous or malt liquors at or within two miles of Lebanon church and the lot of ground on which said church is situated in Franklin township, Sampson county, and any person violating the provisions of this act 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 exceeding twenty days: *Provided*, that nothing herein contained shall be construed to forbid the selling of wine or cider manufactured from

Penalty.

Cider and home made wine excepted.

fruit grown upon the premises of the vender, in accordance with the general law regulating the sale of the same.

SEC. 2. That this act shall be in force from and after the first day of May, 1885.

In the general assembly read three times, and ratified this the 30th day of January, A. D. 1885.

CHAPTER 23.

An act to amend chapter one hundred and thirty-seven, section one, of the 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 :

SECTION 1. That section one of chapter one hundred and thirty-seven of the acts of eighteen hundred and seventy-three and eighteen hundred and seventy-four, be amended by striking out "four miles," and inserting in lieu thereof "one mile," so far as said act applies to Friendship church in Harnett county.

Prohibitory limits as to Friendship church in Harnett, reduced from four miles to one mile.

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. 1885.

CHAPTER 24.

An act to prohibit fast driving or riding over the iron bridge in Lenoir county.

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 iron bridge over Neuse river in a gait faster than a walk.

Misdemeanor to ride or drive over iron bridge in Lenoir county faster than a walk.

Penalty.

SEC. 2. That any person violating the provisions 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. That a notice of the passage of this act shall be kept posted at each end of the bridge.

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. 1885.

CHAPTER 25.

An act to amend chapter one hundred and forty, laws of one thousand eight hundred and eighty-three, relating to the killing of wolves in certain counties.

The General Assembly of North Carolina do enact :

Reward for killing wolves in Madison, Haywood, Transylvania, Swain and Jackson raised to ten dollars.

SECTION 1. That section one, chapter one hundred and forty, laws of one thousand eight hundred and eighty-three, be amended as follows: Strike out the words "not exceeding five" in line four and insert the words "of ten" 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 31st day of January, A. D. 1885.

CHAPTER 26.

An act to amend section 3850 of the Code.

The General Assembly of North Carolina do enact :

Weights and measures fixed. corn, &c.

SECTION 1. That a bushel of wheat shall be sixty pounds; of Indian corn, fifty-six pounds; of corn meal,

forty-eight pounds; of bolted corn meal, forty-six pounds; of rye, fifty-six pounds; of barley, forty-eight pounds; of oats, thirty-two pounds; of flax seed, fifty-five pounds; of clover seed, sixty pounds; of peas, sixty pounds; of rough rice, forty-four pounds; of buckwheat, fifty pounds; of peanuts, twenty-two pounds; and if any person shall take any greater weight for one bushel of the several articles than is herein mentioned, he shall forfeit and pay the sum of twenty dollars for each separate case to any person who may sue for the same.

Penalty for violation.

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. 1885.

CHAPTER 27.

An act to establish the township of North Catawba in Caldwell county.

The General Assembly of North Carolina do enact:

SECTION 1. That a township be established in Caldwell county called North Catawba township.

North Catawba township in Caldwell county established.

SEC. 2. That the boundaries of said township shall be as follows: Beginning at Lovelady ford on the Catawba river and running with the Burke and Caldwell line to Sudderth's ferry road, west of Austin Smith's, then with said road to Corpening's mill, then with Lenoir township line to the Horseford road at H. P. Connelly's, then with said road to the ford of Gunpowder creek at Wood's shop, then a straight line crossing the east end of Cager's mountain to the head of the main prong of Freemason creek, west of the Turnmire place, then with said creek to the Catawba river, then up the Catawba river to the beginning.

Boundaries.

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. 1885.

CHAPTER 28.

An act to repeal all laws prohibiting the taking of fish from the Catawba river.

The General Assembly of North Carolina do enact:

Repeal of all fish laws concerning Catawba river.

SECTION 1. That all laws making it indictable to take fish from the Catawba river, in any manner whatsoever and at any season of the year, be and the same are hereby repealed: *Provided*, nothing herein contained shall be so construed as to repeal section 3405, volume two, of the Code of North Carolina.

Except use of dynamite.

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. 1885.

CHAPTER 29.

An act to authorize the commissioners of Swain county to pay certain school claims.

The General Assembly of North Carolina do enact:

Commissioners of Swain to pay certain school claims.

SECTION 1. That the county commissioners of Swain county be and they are hereby authorized in their discretion to pay to L. M. Medlin, out of funds not other-

wise appropriated, the sum of fourteen dollars and forty-five cents for services as a teacher of public schools in the year one thousand eight hundred and eighty-one.

In the general assembly read three times, and ratified this the 2d day of February, A. D. 1885.

CHAPTER 30.

An act to amend chapter twenty-one, section 2837, volume two of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter twenty-one, section 2837, volume two of the Code, be amended by adding at the end of said section the following: *Provided*, this section shall not apply to the hunting or killing of crows and hawks at night on any night other than Sunday night.

Crows and hawks
may be hunted
at night.

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. 1885.

CHAPTER 31.

An act to increase the revenue of the state and of counties.

WHEREAS, in several counties of this state, it has occurred in the operation of the United States internal revenue laws, that real estate has been exposed to sale and bid off by revenue officials, and exemption from state and county taxation claimed on the ground that the property

Preamble.

Property laid off
in name of Uni-
ted States im-
properly exempt
from taxation.

belonged to the United States, the property in the mean time remaining in the hands of the original owners, paying no taxes to state or county and no rents to the United States; now, therefore, to remedy this evil,

The General Assembly of North Carolina do enact :

Property of United States, &c., only exempt from taxation when used for public purposes.

SECTION 1. That section twelve of the machinery act of one thousand eight hundred and eighty-three be amended by the addition of the words, "and used for public purposes."

County commissioners to enforce this law.

SEC. 2. That it be made an especial charge to the county commissioners to rigidly enforce section 3679 of the Code of North Carolina in regard to all such property.

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

In the general assembly read three times, and ratified this the 5th day of February, A. D. 1885.

CHAPTER 32.

An act to amend section 2327 of the Code, so as to include Northampton and McDowell counties within the provisions of said section, to obtain redress for stock killed or injured by railroads.

The General Assembly of North Carolina do enact :

Certain counties added to law making killing of live stock by R. R. an indictable act on part of president, engineer, &c.

SECTION 1. That section 2327 of the Code be amended by adding after the word "Burke," in the fifth line of said section, the words Northampton, McDowell, Wayne, Duplin, Caldwell, Rockingham, Alamance, Chatham, Johnston, Craven and Edgecombe, so as to include the same within the provisions 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 5th day of February, A. D. 1885.

CHAPTER 33.

An act to amend section 2004, chapter forty-nine of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That in section 2004, chapter forty-nine of the Code, the words from " or " in the first line to " company " in the third line inclusive be stricken out, and that in the sixth line, the words " two hundred and fifty " be stricken out and in lieu thereof insert " twenty-five. "

Tax for charter or amendment of R. R. reduced to twenty-five dollars.

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

Repealing clause

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

In the general assembly read three times, and ratified this the 5th day of February, A. D. 1885.

CHAPTER 34.

An act to prevent stock from running at large and to repeal all laws requiring fences within a part of Alamance county.

The General Assembly of North Carolina do enact :

SECTION 1. That all laws requiring fences, or restricting their removal by the owners, be and the same are hereby repealed.

Law requiring fences in certain townships in Alamance county repealed.

SEC. 2. That it shall be unlawful for any stock to run at large, and the owner or other person, who wilfully permits it, shall be guilty of a misdemeanor.

Misdemeanor for stock to run at large.

SEC. 3. That the word stock in this act shall be held to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats, and all such cattle and swine.

" Stock " to include horses, cattle, &c., &c.

Stock may be taken up and impounded.

Charges.

SEC. 4. That it shall be lawful for any person to take up any stock found at large, and impound the same, and for so doing he may charge twenty-five cents for each animal taken up, and twenty five cents a head for each day said stock is kept after registration, and he may retain said stock till said charges are paid.

To file a description of stock with nearest magistrate.

SEC. 5. That any person taking up any stock at large shall file a description of the same with the nearest magistrate in his township within the ten days next after, and if said stock is not redeemed within ten days after said description is filed, then the said magistrate shall advertise said stock for sale at a time and place certain, not less than ten days and within his township, by written or printed notices posted at three or more public places within his township, and shall sell the same for cash, and from the proceeds of sale he shall first pay the charges hereinbefore allowed, then he may retain fifty cents for his services, and the balance he shall pay to the owner of said stock if known; and if the owner of said stock is unknown, then said magistrate shall keep said balance for sixty days, subject to the claim of said owner, at the expiration of which time, if unclaimed, he shall pay the same, less five per cent. which he may retain, to the treasurer of his county to be accounted for as a part of the school fund.

Advertisement and sale.

Proceeds, how disposed of.

Redemption of stock; how.

SEC. 6. The owner of any stock taken up and impounded, may redeem the same at any time before sale by paying the charges for taking up and keeping the same, and twenty-five cents to the magistrate for advertising sale.

Person damaging stock indictable.

SEC. 7. That any person taking up or impounding stock, who shall cause damage thereto by inattention, neglect or abuse, or who shall wilfully abuse any stock while at large, shall be guilty of a misdemeanor.

To what townships applicable.

SEC. 8. That this act shall apply only to Boon Station, Morton's, Faucett's, Pleasant Grove, Melville, Thompson's and Graham townships in Alamance county.

SEC. 9. The commissioners of said county may levy a tax to build any necessary fence. Tax for building fence.

SEC. 10. That this act shall be in force from and after the first day of March, A. D. 1886.

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1885.

CHAPTER 35.

An act concerning public schools of Fayetteville.

The General Assembly of North Carolina do enact :

SECTION 1. That the school committee for district number one, colored, in Cross Creek township, Cumberland county, are hereby authorized, at their discretion, to transfer to the trustees of the Fayetteville graded school for whites in the said township, any surplus school funds that may have accumulated, or may hereafter accumulate, to the credit of said district, after defraying all expenses incident to a ten months' school in the same annually. Funds from district number one, colored, to be transferred to graded school trustees.

SEC. 2. The county treasurer for said county is authorized to make the transfer provided in the preceding section, on application of said committee. After paying all expenses.

SEC. 3. This act shall be in force from and after its ratification. County treasurer to make transfer.

In the general assembly read three times, and ratified this the 6th day of February, A. D. 1885.

CHAPTER 36.

An act to amend section 696 of the Code of North Carolina.

The General Assembly of North Carolina do enact :

Where act amending charter does not change the business, no tax of twenty-five dollars.

SECTION 1. That the following words be inserted after the word "to" and before the word "benevolent" in line six of section 696, viz: "Bills to amend an act where the business is unchanged, nor to."

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 February, A. D. 1885.

CHAPTER 37.

An act to change the time of holding the superior courts in the counties of Carteret and Pender.

The General Assembly of North Carolina do enact :

Carteret court to be held fifteenth Monday after first Monday in March and September; Pender court eighth Monday after first Monday in March and September.

SECTION 1. That to the end that the superior court of Carteret county shall be held at the time now designated for the holding of the superior court of Pender county, and *vice versa*, section nine hundred and ten of the Code, be amended by striking out "Carteret" where it appears under the paragraph headed "third judicial district" and inserting "Pender," and by striking out "Pender" where it appears under said paragraph and inserting "Carteret."

All process, &c., returnable to term as changed above.

SEC. 2. That all process, mesne or final, civil or criminal, issued and returnable or which may be issued and returnable to the spring terms of the superior courts in the said counties, shall be returnable to the next terms of said

courts as regulated by this act, and all persons who have been recognized, bound or summoned to appear at the next superior courts in said counties are hereby required to appear at the times prescribed by this act.

Persons recognized to appear at terms as changed.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Repealing clause.

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 February, A. D. 1885.

CHAPTER 38.

An act to amend section four hundred and fifty-six of the Code concerning sales of real property under execution.

The General Assembly of North Carolina do enact :

SECTION 1. Amend section four hundred and fifty-six of the Code by striking out the same and insert the following: No real property shall be sold under execution until notice of said sale shall be posted at the court house door and three other public places in said county for thirty days immediately preceding such sale, and also publishing for four weeks in some newspaper published in said county if a paper is published in said county: *Provided*, the cost of such newspaper publication shall not exceed three dollars, to be taxed as cost in the proceedings or action.

Notice of sale of real estate under execution to be posted at four places and advertise in county paper.

Cost not to exceed three dollars for advertisement.

In the general assembly read three times, and ratified this the 7th day of February, A. D. 1885.

CHAPTER 39.

An act to prevent the riding or driving over the grading of the Taylorsville extension of the Atlantic, Tennessee and Ohio railroad.

The General Assembly of North Carolina do enact:

Unlawful to drive or ride over line of R. R. graded from Statesville to Taylorsville.

SECTION 1. That it shall be unlawful for any person or persons to ride or drive any wagon, cart or other vehicle over the railroad grade between the town of Statesville in the county of Iredell, and the town of Taylorsville in the county of Alexander.

Misdemeanor.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor and fined not less than five nor more than fifty dollars, or be imprisoned in the county jail not exceeding thirty days: *Provided*, this act shall not apply to any person or persons crossing said railroad grade at the various crossings of the public and private ways intersecting said railroad grading.

Penalty.

Proviso as to crossings.

A. T. & O. R. R. Co. to post notices of this act along line of railroad.

SEC. 3. That said Atlantic, Tennessee and Ohio railroad company or their agents shall cause to be posted six written or printed notices of the provisions of this act along the grade of said railroad between the towns of Statesville and Taylorsville, giving notice of the provisions of this act.

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

In the general assembly read three times, and ratified this the 7th day of February, A. D. 1885.

CHAPTER 40.

An act to authorize the board of county commissioners of Swain county to pay certain school teachers the amounts due them.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Swain county are hereby authorized to pay out of any money in the treasury of Swain county not otherwise appropriated, the amounts due teachers of public schools for services rendered as teachers of public schools for the years one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five.

County commissioners of Swain to pay teachers for services in schools.

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. 1885.

CHAPTER 41.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter twenty-five, laws of one thousand eight hundred and eighty-one, be amended by striking out the names, "A. G. Logan, J. L. Hampton, Sr., R. W. Logan, William Martin and Andrew Hudlow," and insert in lieu thereof, A. B. Long, Jr., W. J. Alexander, J. L. Hampton, Cameron Baber and J. W. Davis.

Commissioners to drain Second Broad river, Rutherford county.

Names altered.

SEC. 2. That section five be amended by inserting after the word "thereof" in line six, and before the word

Hands to be worked in straightening bends, &c.

“Provided” in line seven, the following: “by straightening the very short bends in said stream and cleaning of timber from the banks as far as is necessary for successfully carrying out the provisions of this chapter.”

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 February, A. D. 1885.

CHAPTER 42.

An act to amend sub-division five of section nine hundred and eighty-five of the Code.

The General Assembly of North Carolina do enact:

Burning grass or sedge on land indictable.

SECTION 1. That sub-division five of section nine hundred and eighty-five of the Code be amended by inserting after the word “doors,” the words, “grass or sedge standing on the land.”

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. 1885.

CHAPTER 43.

An act to prevent fast riding across bridges in Chatham county.

The General Assembly of North Carolina do enact:

Fast riding or driving over certain bridges in Chatham county indictable.

SECTION 1. That any person riding or driving across any bridge which crosses Haw river, Deep river, Rocky

river, or New Hope, in Chatham county, faster than a walk, shall be guilty of a misdemeanor, and punished by a fine of five dollars.

SEC. 2. It shall be the duty of every overseer of a highway which leads to any of the bridges referred to in section one of this act, to keep a copy of this act posted in a prominent place on the bridge to which said highway, of which he is overseer, leads.

Copy to be kept posted at bridges.

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. 1885.

CHAPTER 44.

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

WHEREAS, it appears that the special tax of one-twentieth of one per cent. on all subjects of taxation, and fifteen cents on each taxable poll, authorized to be levied by the general assembly under chapter three hundred and twenty-six, laws of one thousand eight hundred and eighty-three, ratified the ninth day of March of that year, during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, is not sufficient for the special purpose of remodeling and repairing the jail of said county; therefore

Whereas, levy of special tax by act 4884, chapter 326, not sufficient.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Wake county be and it is hereby authorized and empowered to continue to levy the special tax as aforesaid, during the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, for the special purpose of liquidating the debt contracted for re-

County commissioners of Wake to levy special tax for years 1885 and 1886.

modeling 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 officers in the same manner and under the same penalties and within the same time as the other taxes levied in said county.

To be applied to
certain purposes.
Proviso

SEC. 2. That the taxes collected by virtue of this act shall be applied to the above purpose and no other: *Provided*, that should there be a surplus after liquidating the jail debt, such surplus shall be applied toward the extinction of the debt incurred by said county of Wake under chapter two hundred and fifteen, laws of one thousand eight hundred and eighty-one, for repairing and remodeling the court house and other public buildings in said county; 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. 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. 1885.

CHAPTER 45.

An act to amend section two thousand and fifty-eight of the Code.

The General Assembly of North Carolina do enact:

Injuring gate law-
fully erected
across highway
made indictable
if maliciously.

Penalty.

SECTION 1. That section two thousand and fifty-eight be amended by adding the following: And if any person shall leave open, break down or otherwise injure such gates, he shall forfeit and pay for every such offense ten dollars to the person erecting the same or his assigns of the land, and if the offense shall be maliciously done, he shall be guilty of a 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 10th day of February, A. D. 1885.

CHAPTER 46.

An act to prohibit fast riding or driving on Charleston bridge across Tuckaseegee river in Swain county.

The General Assembly of North Carolina do enact :

SECTION 1. That if any person shall wilfully ride or drive any horse, mule or other animal faster than a walk over the bridge across the Tuckaseegee river at Charleston, Swain county, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars or imprisoned not more than thirty days: *Provided*, that no person shall be prosecuted nor indicted under the provisions of this act until posters have been put up at each end of said bridge for at least thirty days before the act complained of, for which such indictment is had, embracing the following words, which words shall be written or printed in large and plain letters, to-wit: "All persons are hereby forbidden to ride or drive over this bridge faster than a walk."

Fast riding or driving over bridge at Charleston, over Tuckaseegee, made indictable.

Notice to be posted.

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. 1885.

CHAPTER 47.

An act to extend the provisions of section one thousand nine hundred and eighty of the Code relating to the time when railroad corporations shall begin construction of its road.

The General Assembly of North Carolina do enact :

Time of certain R. R. companies extended two years within which to commence rail road.

SECTION 1. That the limit of time provided in section one thousand nine hundred and eighty of the Code for any railroad company to begin the construction of its road after its articles of association are filed in the office of secretary of state, or the passage of its charter, be and the same is hereby extended for two years to the Carolina and Chesapeake railroad, the Rutherfordton, Marion and Tennessee railway, and the Cumberland and Catawba railroad company, to commence operations.

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. 1885.

CHAPTER 48.

An act to amend section two thousand eight hundred and thirty-two of the Code.

The General Assembly of North Carolina do enact :

Johnston county excepted from law against killing deer in certain months.

SECTION 1. That section two thousand eight hundred and thirty-two be and is hereby amended in the following manner, by adding to the end of said section the following: *Provided*, that this section shall not apply to Johnston 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 10th day of February, A. D. 1885.

CHAPTER 49.

An act to authorize the commissioners of Davie county to pay certain school claims.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Davie county are hereby authorized to examine the claims of the following-named persons and for the services indicated during the years one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three, viz: Amos Daniel, for teaching district school number thirty-one, Jerusalem township; R. P. Booe, for teaching district school number, Clarksville township; Maggie McMahan, for teaching district school number, Mocksville township; J. F. Bower in district number fifteen, and Harriet J. Cash in school district number twenty-four: and if, in their judgment, said claims are just, they are further authorized to pay the same out of any school money now or hereafter belonging to the said districts.

Commissioners of Davie county to pay certain school claims.

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

In the general assembly read three times, and ratified this the 10th day of February, A. D. 1885.

CHAPTER 50.

An act to amend sections three hundred and twenty-four and three hundred and twenty-six of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section three hundred and twenty-four of the Code be amended by striking out all after the word

Form of undertaking in claim and delivery by plaintiff.

“defendant” in line seven, down to and including the word “plaintiff” in line nine, and inserting in lieu thereof the words “with damages for its deterioration and detention if return can be had, and if for any cause return cannot be had, for the payment to him of such sum as may be recovered against the plaintiff for the value of the property at the time of the seizure with interest thereon as damages for such seizure and detention.

Form of defendant's undertaking in claim and delivery.

SEC. 2. That section three hundred and twenty-six of the Code be amended by striking out all of the first sentence after the word “plaintiff” in line eight, and inserting in place thereof the words, with damages for its deterioration and its detention, if delivery can be had, and if such delivery cannot for any cause be had, for the payment to him of such sum as may be recovered against the defendant for the value of the property at the time of the wrongful taking or detention with interest thereon, as damages for such taking and detention.

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. 1885.

CHAPTER 51.

An to provide for separate schools for Croatan Indians in Robeson county.

WHEREAS, the Indians now living in Robeson county claim to be descendants of a friendly tribe who once resided in eastern North Carolina on the Roanoke river, known as the Croatan Indians; therefore,

The General Assembly of North Carolina do enact:

Certain Indians in Robeson county designated as Croatan Indians.

SECTION 1. That the said Indians and their descendants shall hereafter be designated and known as the Croatan Indians.

SEC. 2. That said Indians and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law.

Such Indians to have separate schools and to select teachers.

SEC. 3. It shall be the duty of the county board of education to see that this act is carried into effect, and shall for that purpose have the census of all the children of said Indians and their descendants between the ages of six and twenty-one taken, and proceed to establish such suitable school districts as shall be necessary for their convenience, and take all such other and further steps as may be necessary for the purpose of carrying this act into effect without delay.

Duty of county board of education.

SEC. 4. The treasurer and other proper authorities, whose duties it is to collect, keep and apportion the school fund, shall procure from the county board of education the number of children in said county between the ages of six and twenty-one, belonging to said Indian race, and shall set apart and keep separate their *pro rata* share of said school funds, which shall be paid out upon the same rules in every respect as are provided in general school law: *Provided*, that where any children, descendants of Indians as aforesaid, shall reside in any district in which there are no schools, as provided in this chapter, the same shall have the right to attend any of the public schools in said county provided for their race, and shall be allowed to draw their share of public school fund upon the certificate of the school committee in the district in which they reside, stating that they have thus removed and are entitled to attend public schools.

Treasurer to apportion the school fund.

When no separate school, may attend Indian school in any district.

SEC. 5. The general school law shall be applicable in all respects to this chapter, where the same is not repugnant to or inconsistent with this act. This act shall only apply to Robeson county. All laws and clauses of laws in conflict with this act are hereby repealed.

General school law to be applicable.

Repealing clause

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. 1885.

CHAPTER 52.

An act to repeal chapter one hundred and twenty-six, laws of one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact:

Amendments to road law in Alleghany, Ashe, Watauga and Rutherford repealed.

SECTION 1. That chapter one hundred and twenty-six, laws of one thousand eight hundred and seventy-nine, 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 10th day of February, A. D., 1885.

CHAPTER 53.

An act to amend section one thousand and eighty-two of the Code respecting malicious injury to personal property.

The General Assembly of North Carolina do enact:

Wanton injury to personal property indictable, even without "malice."

SECTION 1. That section one thousand and eighty-two of the Code be amended by inserting in the first line thereof between the words "shall" and "wilfully" the words "wantonly and," and by striking out in the second line thereof the words "through malice to the owner."

SEC. 2. That 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. 1885.

CHAPTER 54.

An act to establish the township of Obids in Ashe county.

The General Assembly of North Carolina do enact :

SECTION 1. That a township be established in Ashe Obids township, Ashe county, established. county by the name of Obids, and bounded as follows: Boundaries. Beginning in the Wilkes county line at Rufus Halderway's, and running thence northward to the Canon Gap, and thence to the mouth of Beaver creek, thence up Beaver creek to Benj. Faw's mill, thence eastward to Jackson Severt's mill, and thence to the top of the ridge between Bear creek and Roan's creek near to where Wiley T. Colvard now lives, and thence with the height of said ridge to the top of the Blue ridge, and thence with the ridge running southward with the top of the ridge east of Daniel Miller's to the Wilkes line, and thence with the Wilkes line to the beginning.

SEC. 2. That the voting place in said township shall Voting place. be at Mac Absher's store, where the post office of Obids now is.

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

In general assembly read three times, and ratified this the 11th day of February, A. D. 1885.

CHAPTER 55.

An act to constitute Meadow Fork township, number thirteen, in Madison county.

WHEREAS, the board of county commissioners of Mad- Whereas, Meadow Fork township, Madison county, laid off. erson county, at a regular meeting, upon proper application, ordered a new township to be laid off out of num-

ber eight township; and whereas, in obedience to said order the township was divided and a new township constituted by the name of Meadow Fork township, number thirteen; and, whereas, said report was ratified by the board of county commissioners of said county; and, whereas, it is important that said township should be invested with all the rights and powers of other townships at once; therefore,

The General Assembly of North Carolina do enact:

Action of commissioners confirmed.

Meadow Fork township established.

Boundaries.

SECTION 1. That the action of said board of county commissioners be and the same is hereby ratified and confirmed; and the said township, number thirteen, known as Meadow Fork township, a full description of the boundaries of which is set forth in the said order, is constituted and made a township with all the rights and powers usually conferred on townships in this state.

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

In the general assembly read three times, and ratified this the 11th day of February, A. D. 1885.

CHAPTER 56.

An act to authorize the commissioners and justices of Cumberland county to sell certain property.

The General Assembly of North Carolina do enact:

County commissioners and justices of Cumberland may sell poor house tract

SECTION 1. That a majority of the county commissioners and justices of the peace for the county of Cumberland, in joint session assembled, be and are hereby authorized to make sale of the land and appurtenances where the poor house for said county is now located; also, one vacant lot on Green street in the town of Fayetteville,

upon such terms and at such prices as said joint session may deem proper; and a deed for such property signed by the chairman of the board of county commissioners and chairman of the board of justices of the peace shall be deemed sufficient to convey title to said property: *Provided*, such deed, so signed, shall not be delivered to the purchaser, until such purchaser shall exhibit to such chairmen the receipt of the county treasurer of said county for the payment in full of the purchase money for the parcel of land by him purchased.

Deed.

Proviso; purchaser must pay first.

SEC. 2. That the money paid to the county treasurer, as aforesaid, shall be held exclusively to pay the price for a site for and erecting another county poor house, which may be purchased and erected at such place as said joint board may determine, but any surplus that may remain after the purchase and erection of a new poor house, may be expended in such manner, for the benefit of Cumberland county, as said joint board may authorize.

Money to be devoted to buying another poor house.

SEC. 3. The joint session, as mentioned in the preceding sections, may be convened at any time with a notice from the chairman of the respective boards, which notice shall be published in the Fayetteville Observer, and posted in one or more public places in each township for sixty days next preceding said meeting.

Session of county commissioners and justices to be convened at any time on notice.

SEC. 4. 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. 1885.

CHAPTER 57.

An act to authorize the board of commissioners of Bladen county to compensate Neill Graham and others for services rendered Bladen county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and twenty-nine, of the laws of one thousand eight hundred and eighty-

County commissioners of Bladen may pay Graham and others.

three, be amended by adding at the end of section two of said chapter the following words: And for all the services so rendered by the said board of audit, they shall receive such compensation as the board of county commissioners shall determine their services are worth, which sum the treasurer of said county shall pay out of any money in his hands.

SEC. 2. 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. 1885.

CHAPTER 58.

An act to repeal section three thousand four hundred and twenty-five of the Code.

The General Assembly of North Carolina do enact:

SECTION 1. That no person shall make, construct or build any dam, drag-net or seine across more than three-fourths of the French Broad, Mills, Green or Broad rivers, or any of their tributaries, in Henderson county, so as to prevent or hinder the free passage of fish in said rivers and their said tributaries, and any person making or using any dam, drag-net or seine in said streams, shall leave open and unobstructed to the free passage of fish at least one-fourth of said streams, in width, on the side most favorable to the passage of fish. Any person offending against this section shall be fined not more than ten dollars for each twenty-four hours said streams are so obstructed, one half to the party suing for the same, and the other half to the school fund in said county; and any person violating this section shall, in addition to the penalty prescribed, be guilty of a misdemeanor: *Provided*, that this act shall not apply to dams for manufacturing purposes.

Unlawful to build dams across certain streams in Henderson county, or seine, &c.

Misdemeanor.

Penalty.

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. 1885.

CHAPTER 59.

An act to convey to the Lake Landing Canal Company any interest the state may have in the Lake Landing and Wysocken canal.

WHEREAS, the state in one thousand eight hundred and thirty-seven caused to be constructed a canal from Mattamuskeet lake to Wysocken bay for the purpose of drainage; and whereas, the three commissioners appointed to have said canal located and constructed, took a deed to said canal to themselves as commissioners; and whereas, by lapse of time said canal has become filled up and utterly insufficient for the necessary drainage; and whereas, the land owners affected by the overflow of water have organized themselves into a company known as "The Lake Landing Canal Company," and are now engaged, out of their own means, at large expense, in widening and deepening said canal; and whereas, said company is desirous of obtaining any outstanding title in or to said canal; now, therefore,

Preamble, concerning canal from Lake Mattamuskeet.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all interest the state may have in said canal leading from said Mattamuskeet lake to Wysocken bay, be and the same is hereby donated and transferred to said Lake Landing Canal Company, and the governor is hereby authorized and directed to execute and deliver to said company a deed of conveyance for the same under his hand and the great seal of the state.

State's interest in canal from Lake Mattamuskeet to Wysocken Bay to be conveyed to Lake Landing Canal 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 13th day of February, A. D. 1885.

CHAPTER 60.

An act to increase the number of superior court judges and judicial districts.*The General Assembly of North Carolina do enact :*

State divided into
twelve judicial
districts.
Judges and solic-
itors.

SECTION 1. That the state shall be divided into twelve judicial districts, for each of which a judge and a solicitor shall be chosen in the manner now prescribed by law.

SEC. 2. That this act shall be in force from and after the first day of July, A. D. 1885.

In the general assembly read three times, and ratified this the 14th day of February, A. D. 1885.

CHAPTER 61.

An act to prevent the destruction of trout in Cataloochee creek, Haywood county.*The General Assembly of North Carolina do enact :*

Unlawful to fish
for trout for sale
in Cataloochee.

SECTION 1. That it shall be unlawful for any person or persons to fish for trout in Cataloochee creek or its tributaries in Haywood county, and offer the same for sale as a matter of traffic, thereby tending to the rapid extermination of trout in said streams.

Unlawful to fish
without license
from owner of
land.

SEC. 2. That it shall further be unlawful for any person or persons to fish for trout in said streams without first having obtained permission or a license from the owners of land lying contiguous thereto.

Notice of this act
to be posted.

SEC. 3. That all owners of land lying contiguous to said Cataloochee creek and its tributaries shall post up a public notice of this act at four public places in their township, for thirty days after its ratification, before any person shall be held amenable for a violation of the same.

SEC. 4. That all persons violating the provisions of this act shall be fined not less than ten nor more than twenty dollars. Misdemeanor.

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

In the general assembly read three times, and ratified this the 14th day of February, A. D. 1885.

CHAPTER 62.

An act to allow the tax collector of Cherokee county to collect arrears of taxes. *

The General Assembly of North Carolina do enact :

SECTION 1. That the tax collector of Cherokee county for the year one thousand eight hundred and eighty-three, and his bondsmen, are hereby authorized and empowered to collect arrears of taxes for the year one thousand eight hundred and eighty three, under such rules and regulations as are or may be prescribed by law for the collection of taxes: *Provided*, this act shall not effect any purchaser without notice. Tax collector of Cherokee allowed to collect arrears for 1883.
Proviso.

SEC. 2. That nothing herein contained shall be construed to relieve said tax collector nor his bondsmen or legal representatives from liability to pay the state, county and other taxes. Bond not relieved.

SEC. 3. 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, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act. No person to pay who makes affidavit of payment, &c.

SEC. 4. That the said tax collector and his bondsmen shall have until the first day of June, one thousand eight Time to settle with county extended till June, 1885.

hundred and eighty-five, to make final settlement and payment of the taxes due to the said county for the year one thousand eight hundred and eighty-three.

When to expire.

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-six.

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

In the general assembly read three times, and ratified this the 14th day of February, A. D. 1885.

CHAPTER 63.

An act to establish a criminal circuit to be composed of the counties of New Hanover and Mecklenburg.

The General Assembly of North Carolina do enact:

Criminal courts established in Mecklenburg and New Hanover counties.

SECTION 1. That courts of record to be called "The Criminal Court of New Hanover county" and "The Criminal Court of Mecklenburg county" respectively, are hereby established. The criminal court of New Hanover county shall be held in the city of Wilmington, in said county of New Hanover, and the criminal court of Mecklenburg county shall be held in the city of Charlotte, in said county of Mecklenburg.

When held.

To have powers of courts of record.

SEC. 2. That the said courts respectively, hereby established, shall possess all the powers, perform all the duties and be subject to all the restrictions of a court of record, according to the laws of this state.

Exclusive jurisdiction of all crimes in said counties like superior courts.

SEC. 3. That the said criminal courts shall have exclusive original jurisdiction to inquire of, hear, try and determine all crimes, misdemeanors and offenses, committed within the counties of New Hanover and Meck-

lenburg respectively, fully and to the same extent as the superior courts of the state, and exclusive appellate jurisdiction of all offenses tried and determined before a justice of the peace or other magistrate in said counties respectively.

SEC. 4. That the said criminal courts shall have all the jurisdiction vested in the superior courts, to try all crimes and criminal offenses originating within the said counties of New Hanover and Mecklenburg respectively, and to give judgment and award execution therein, and for the recovery of all fines and forfeitures, and that the process, pleading, practice and modes of proceeding shall be the same in said courts as prevail in the superior courts of the state in such cases as aforesaid.

SEC. 5. That appeals to the superior court, and writs of error may be prosecuted from the judgments of said criminal courts, in the same manner as they may be from the superior courts.

SEC. 6. That there shall be one judge of the said criminal courts, who shall preside over both of the said courts, to be appointed by the governor of the state by and with the consent and confirmation of the senate, who shall receive an annual salary of two thousand five hundred dollars, to be paid equally by the said counties of New Hanover and Mecklenburg, in quarterly installments, as hereinafter provided, and the said judge shall take the oaths prescribed for judges of the superior courts, and he shall possess the qualifications of a judge of the superior court, and shall hold his office for a term of eight years, unless removed from office as in the next section provided.

SEC. 7. That such judge may be removed from office for the same causes and in the same manner as a judge of the superior court; and all vacancies in said office shall be filled by appointment of the governor, and the person so appointed by the governor shall hold his office until the meeting of the next general assembly, which

Jurisdiction.

Judgment.

To collect fines and forfeitures.

Appeals from these courts.

Judge.

Appointed by the governor.
Confirmation.

Salary.

Qualification.

Term of office.

Removal from office.

Vacancies.

To be filled by general assembly	general assembly shall elect a person to fill the said office for the unexpired term.
Powers of judge.	<p>SEC. 8. That the judge of said criminal court shall be a conservator of the peace within said counties and shall have all the powers of the several judges of the superior courts of the state to hear and determine all criminal causes arising within said counties, and the like powers to issue warrants or precepts for the arrest of criminals anywhere within the limits of the state, administer oaths, issue writs of <i>habeas corpus</i>, and hear and determine the same, in the same manner as the judges of the superior courts.</p>
Habeas corpus.	
Solicitor. Appointment.	<p>SEC. 9. That there shall be a solicitor for each of said criminal courts, who shall be appointed by the governor, by and with the consent and confirmation of the senate, and who shall hold his office for the term of four years and until his successor is qualified. He shall be a resident of the county for which he is chosen, and shall receive the same fees as now allowed by law to the solicitors of the several judicial districts, and in addition thereto shall be paid an annual salary, in quarterly installments, and of such a sum as the commissioners and the justices of the peace may allow for performing the duties of his office hereinafter prescribed; said sum to be paid as herein provided, upon the certificate of the clerk of said court that he has attended the terms of the said court and discharged the duties of his office. Should any vacancy occur by the death, resignation, refusal to accept, or removal from office, of the said solicitor, the judge shall have the power to appoint a solicitor for the unexpired term. The duties of the solicitor shall be the same in respect to criminal matters arising in the said county, for which he is chosen, as those prescribed by law for the solicitors of the several judicial districts of this state, and he shall take a similar oath of office, and be removable for the same causes as the solicitors of the several districts of the state. He shall, at least once in every three</p>
Term.	
Fees.	
Salary to be fixed by county com- missioners and justices.	
Vacancies to be filled by judge.	
Duties.	
Removal for cause.	

months, make an examination of the office of the register of deeds, and the superior court clerk, in the presence of the respective officers; and the said register of deeds, and the clerk of the superior court, shall furnish every facility to enable the solicitor to make such examination for the purpose of ascertaining whether inventories, accounts of sale, accounts current, wills, deeds, bills of sale, official bonds, mortgages and all other papers required or allowed to be recorded or registered, have been duly recorded and registered and properly indexed; and also whether the several dockets, and records or papers of the different courts, including justices of the peace, have been kept and filed in proper manner and as required by law. The judge and solicitors of the said court, when duly appointed and confirmed as herein provided, shall be commissioned by the governor in like manner as the judges and solicitors of the superior courts.

To examine offices of clerks and registers of deeds.

Judge and solicitor to be commissioned by the governor.

SEC. 10. That the aforesaid solicitors shall make a faithful report in writing of the several matters, hereby directed to be examined, specially stating in what respect, if any, there have been an omission of duty by the officers aforesaid, and the said report shall be made to the aforesaid criminal court, at the next term thereof, which shall be held subsequent to such examinations; and when it shall appear from such reports that there has been an omission of duty, on the part of any of said officers, the said solicitor shall cause an indictment to be preferred for such reported breach of duty, and on conviction the defendant shall be fined, or imprisoned, or removed from office, at the discretion of the court: *Provided, however,* that this indictment shall not exempt any of said officers from being indicted for other breaches of duty as prescribed by law.

Solicitors to make reports to court.

To prepare indictment against derelict officer.

Proviso.

SEC. 11. There shall be a clerk for each of said courts of Mecklenburg and New Hanover counties, to be appointed by the governor, confirmed by the senate, and commissioned by the governor as herein provided, in the

Clerk, how appointed.

cases of the judges and solicitors, and said clerk shall enter into bond with good and sufficient security, in the sum of ten thousand dollars to be approved by the county commissioners, payable to the state of North Carolina, for the faithful performance of the duties of his office, which bond shall be renewed annually and recorded as other official bonds; and the person so appointed as clerk of the said court shall hold his office for the term of four years, and in case of the failure of the person so appointed to file said bond on the first day of the first term which shall be held of said court, or in case of any vacancy occurring from any cause whatever, the said judge shall have full power to appoint another person to fill said office. And the said clerk shall perform all the duties incident to his office, and shall receive the same fees and compensation therefor as is now allowed by law to the clerk of the superior courts for discharging the same duties, and the same clerk shall be removable from office for the same causes as is now provided by law for the removal from office of the clerks of the superior courts.

Bond.

To be renewed.

Term.

Vacancy.

Duties.

Fees.

Sheriffs of New Hanover and Mecklenburg to be sheriffs of courts.

Duties.

County commissioners to provide payment of salaries.

Jurors, &c.

SEC. 12. That the sheriff of New Hanover county shall be the sheriff of the criminal court of said county, and the sheriff of Mecklenburg county shall be the sheriff of the said criminal court of Mecklenburg county, and each of said sheriffs, by himself or his lawful deputies, shall discharge all of the duties incident to his office required of him in relation to the business of the said court, and for a failure to perform the same shall be subjected to all the penalties and liabilities now prescribed by law.

SEC. 13. That it shall be the duty of the board of county commissioners of each of the said counties of New Hanover and Mecklenburg to provide for the payment of the salaries of the judge and solicitor and the fees and compensation of the clerk and the sheriff of said courts respectively, and the pay of jurors and witnesses, and all other expenses incident to said court by order on the

county treasurer of said respective counties, which order shall be paid by said treasurer out of any moneys in his hands not otherwise appropriated by law.

SEC. 14. That the commissioners of each of said counties shall provide the necessary books to be used as dockets by the said courts, and also a seal for said courts, with such a device as the judge of the court shall prescribe, and shall furnish a suitable room, or office, for the use of the clerk of said court.

Books, dockets,
&c.

Seal.

SEC. 15. That there shall be six terms of the said criminal court of New Hanover county in each year, held in the court house in New Hanover county, on the first Monday of January, third Monday of March, third Monday of May, third Monday of July, third Monday of September, and the third Monday of November; and there shall be six terms of the said criminal court of Mecklenburg in each year, held in the court house in Mecklenburg county, on the second Monday of February, second Monday of April, first Monday of June, second Monday of August, second Monday of October, and the first Monday of December; and said courts shall continue their session for the term of two weeks, if the business thereof shall so require; and the judge of said court shall have power to hold special terms of said court whenever it shall seem necessary to him to order the same, of which order fourteen days of public notice shall be given in the manner to be prescribed by the judge, and at such special terms he may make all orders, and do any and every thing which he can do at the regular term, and when such special terms shall be so ordered, all process and precepts returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summons, taken for the appearance of defendants and witnesses to said regular term shall be binding upon said parties for their appearance at the special term aforesaid.

Six terms of New
Hanover.

When held.

Six terms of
Mecklenburg.

When held.

Duration.

Special terms.

Notice.

Process, how
returnable.

SEC. 16. That in cases of change of venue from the

Change of venue,
how made.

criminal court of New Hanover or Mecklenburg county, applied for on account of the interest, prejudice or relationship of the judge of said court, or on account of any other legal objection to said judge, the cause shall not be transferred to another county for trial, but the judge may order it to be transferred to the superior court of said county, but any party desiring a change of venue from said criminal court on account of any other cause may, upon application to the judge, obtain a removal of the same to any adjoining county under such rules and for such causes as are prescribed by law for the removal of criminal causes from one county to another county.

If judge fails to attend court after three days to adjourn.

SEC. 17. That if the judge of the said criminal court shall fail to attend to hold a court on the day designated for a regular or special term, it shall be the duty of the clerk to open and adjourn the court for the two first days of the term, and if the judge shall not attend by four o'clock on the second day of said term, the court shall be adjourned by the clerk until the next term in course, and all the recognizances, bonds, obligations, process and other proceedings returned or returnable to said term, shall be of the same force and effect and shall be proceeded in as though the same were returnable to such next regular term, as is now provided in such cases in the superior courts, and shall be returnable as in such cases provided in said courts.

Bonds, &c., how returnable over.

Code as to drawing jurors not to apply to New Hanover and Mecklenburg counties; to require thirty-six, &c., for superior courts.

SEC. 18. That so much of section one thousand seven hundred and twenty-seven of the Code of North Carolina as requires the county commissioners to draw thirty-six jurors to serve during the first week of the terms of the superior courts of said county, and also to draw eighteen jurors to serve during the second week of the terms of the superior court, shall not apply to the commissioners of New Hanover county and Mecklenburg county, and from and after the ratification of this act, the county commissioners of each of said counties shall proceed, at least twenty days before the meeting of regular terms of

Jurors for superior courts.

the superior court of said counties, to draw the names of not less than twelve nor more than twenty-four jurors, in the manner now prescribed by law, for each week of the term of said superior courts, who shall be summoned to appear to serve as jurors during the week for which they were selected. And it shall be the duty of the county commissioners of each of said counties, at least twenty days before the regular terms of the said criminal courts, or ten days before any special terms of said courts, to draw the names of thirty-six jurors, under the same rules and regulations as are now required by law, to serve as grand and petit jurors at the next term of said court; and at the said term of court there shall be drawn by a boy of ten years of age, or under, twelve jurors from said number of thirty-six jurors drawn as aforesaid, who shall constitute a grand jury for said court, nine of whom shall be necessary to agree before a bill of indictment shall be returned as true; and upon the failure of the commissioners of said counties to draw the jurors as hereinbefore provided, said jurors shall be drawn by the sheriff and the chairman of the board of commissioners in the manner prescribed in this section, and by existing laws in regard to jurors of the superior court, not inconsistent herewith. The qualification of jurors in these courts shall be the same as prescribed by law for jurors in the superior courts.

Jurors for criminal courts.

Grand jury to consist of twelve.

Nine necessary to find a true bill.

Qualifications of jurors.

SEC. 19. All jurors who shall attend or serve in said courts shall be entitled to the same compensation and be subject to the same rules and regulations, and possess the same qualifications as are required by law in regard to jurors in the superior courts. And in the county of New Hanover 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 county commissioners, or some other members of said board and the clerk of the said criminal court, by a boy of ten years of

Compensation of jurors.

Special venire in New Hanover.

age or under, from a box containing the names of the qualified jurors of said county, to be furnished by the county commissioners, and the said special *venire* 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 *venire* 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 by standers 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 herein set forth; 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, and shall not be regarded as tales jurors or subject to challenge as such. The county commissioners are empowered to allow such an amount per diem to the supervisors of said drawings as they may deem just and proper; and for summoning the special *venire* the sheriff shall receive the same fees as he is allowed by law for summoning tales jurors.

Tales jurors.

Pay of special *venire*.

Tales jurors in Mecklenburg.

SEC. 20. That in the county of Mecklenburg, if at any time during the session of said court for said county, there should be a deficiency of jurors, the judge may direct that there be summoned of the by-standers a sufficient number of persons to act as tales jurors in said court, in same manner as is now prescribed by law for said jurors in the superior court, and the judge shall also have the power in the trial of capital felonies to order special *venires*, as now prescribed for the superior courts.

Cases to be transferred from superior court of Mecklenburg.

SEC. 21. That it shall be the duty of the superior and inferior courts of the county of Mecklenburg, at the next term thereof, to be held after the ratification of this act, to transfer and remove under proper certificates by the clerk of said courts respectively, or by proper exemplifi-

cations of the records of said courts, all criminal causes and all proceedings by *scire facias* against defaulting defendants and witnesses summoned therein, or their securities, pending in said superior and inferior courts, and not disposed of at said term, to the said criminal court; and the said superior and inferior courts shall recognize as well the witnesses as the defendants in the causes and proceedings aforesaid to appear at the next term of the said criminal court, and the said criminal court shall have jurisdiction to regulate proceedings by *scire facias* against defaulting defendants and witnesses summoned in said causes, or their sureties, when the default occurred before the transfer or removal of said causes and there has been no judgment rendered therein in said superior or inferior court, in the same manner as if said default had occurred in the said criminal court. That the inferior court of the county of Mecklenburg is hereby abolished, from and after the first day of March, one thousand eight hundred and eighty-five, except for the purpose of transferring cases and proceedings as herein provided. That the said criminal court shall have and possess full jurisdiction in the county of Mecklenburg, to proceed in, hear, try and determine all causes and other matters transferred from the superior and inferior courts of said county, in the same manner and to the same extent, as the court from which said causes and matters were transferred would have had, but for the provisions of this act, with the right of appeal as herein provided, and no cause or matters so transferred shall be in any way prejudiced by reason of the said transfer.

Recognizances,
&c., how returnable.

Inferior court
abolished.

SEC. 22. That the aforesaid criminal court for Mecklenburg county shall hold its first term on the second Monday in April next, and the next term of the criminal court for New Hanover county shall be held on the third Monday of March next.

First terms of the
courts.

SEC. 23. That the criminal court of New Hanover county, as it now exists by law, shall be construed in full

Criminal court of
New Hanover not
abolished, only
modified by this
act.

force and effect, except as the same and the act creating the same may be abrogated, changed or modified by this act; and the said criminal court established by this act shall have full power and jurisdiction to hear, try and determine all causes and matters now pending in "the criminal court of New Hanover county," and which may be pending in said court at the time of the organization of the court provided for in this act, and to render judgment and award execution thereon.

Criminal causes from other counties to be removed to this court.

SEC. 24. All criminal causes removed from other counties and placed on the docket of Mecklenburg or New Hanover counties, shall be subject to the jurisdiction of this criminal court.

SEC. 25. That 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 16th day of February, A. D. 1885.

CHAPTER 64.

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

The General Assembly of North Carolina do enact:

Commissioners and justices of Cherokee may issue bonds to six thousand dollars.

Purposes.

SECTION 1. That for the purpose of settling the outstanding indebtedness of said county, contracted for the building of the bridge across the Hiwassee river at Murphy, in said county, being twenty-seven hundred dollars in amount, and for the purpose of meeting of other indebtedness of said county now outstanding against said county, and to meet the interest on the same, and to meet such other indebtedness as shall be legally incurred by the board of county commissioners of said county for works of internal improvements, the

board of commissioners of said county with the approval of a majority of the board of justices first had and obtained, are hereby authorized and empowered to issue coupon bonds to an amount not exceeding six thousand dollars, in denominations not less than one hundred dollars, nor more than five hundred dollars, with coupons attached calling for interest, at a rate not to exceed 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.

Bonds, how issued.

Interest.

SEC. 2. Said bonds shall be dated as of the first day of April, one thousand eight hundred and eighty-five, and shall be due ten years after date, that is to say, on the first day of April, one thousand eight hundred and ninety-five: *Provided*, that the commissioners with the consent of the holder may retire any portion or all of said bonds at any time before maturity. Said bonds shall be signed

Date.

When due.

Right to retire part of the bonds.

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 cancelled, 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 book who shall refuse or wilfully neglect to afford such inspection, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten dollars, nor more than fifty dollars, or imprisoned not less than one month nor more than three months, in the discretion of the court.

Register to keep record.

Account of coupons.

To refuse inspection a misdemeanor.

SEC. 3. That the bonds provided for in this act shall not be taxed for county purposes, and that the coupons

Not taxable for county purposes.

provided for by this act shall be receivable in payment of taxes due to said county.

Not to be sold below par.

SEC. 4. That said bonds shall not be sold by the county for less than par or face value.

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 justices of the peace first had, are hereby authorized and empowered to levy a special tax of fifteen cents on the one hundred dollars' worth of taxable property in said county for a period not to exceed ten years, or until said bonds are retired under the provisions of this act: *Provided*, the constitutional equation between the property and the poll shall be observed. Said special tax shall be collected as other taxes and applied only as set forth in this act.

If no bonds issued, authority to levy special tax.

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, are hereby authorized and empowered to levy a special tax of fifteen cents on the one hundred dollars' worth of taxable property, personal and real, observing the constitutional equation between the property and the poll until forbidden by law, for the purpose of paying the interest on that part of the county indebtedness which is or shall become interest bearing, and which is not otherwise provided for by law. Said taxes shall be collected as other taxes.

SEC. 7. 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 February, A. D. 1885.

CHAPTER 65.

An act to amend section two thousand and forty of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand and forty of the Code be amended by inserting after the word "freeholder," in second line thereof, the words "who shall be summoned by the sheriff to meet at one of the termini of the proposed road, and being duly sworn by the sheriff or other person authorized to administer oaths, shall lay out said road."

Section two thousand and forty amended.

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

In the general assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 66.

An act to amend sub-section six of section nine hundred and eighty-five of the Code relating to the burning of churches and other buildings.

The General Assembly of North Carolina do enact :

SECTION 1. That sub-section six of section nine hundred and eighty-five of the Code, be amended by striking out in the first line thereof, the words "unlawfully and maliciously," and by striking out the same words in lines two and three thereof and substituting in both places the words "wantonly and wilfully"; and by striking out in lines nine and ten thereof the words "with intent thereby to injure or defraud any person or persons, body politic or corporation."

In act punishing burning churches and other buildings "wilfully" is substituted for "maliciously."

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

In the general assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 67.

An act to authorize the county commissioners of Union county to issue bonds to build a court house.

The General Assembly of North Carolina do enact:

County commissioners of Union may issue bonds.

SECTION 1. That the county commissioners of Union county, for the purpose of building a court house at Monroe, in said county, are authorized and empowered to issue bonds, bearing interest at the rate of eight per centum per annum, to the amount of thirty thousand dollars, of the denomination of fifty dollars, to each and every of which shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of every year until the bonds shall become due. The bonds so issued by the said commissioners shall be numbered consecutively from one to six hundred; and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent and when the interest is due, and shall be receivable in payment of all county taxes. The bonds shall run for a period of ten years from their issue and shall be exempt from all county and municipal taxation.

Amount.

Coupons.

Receivable for taxes.

Form, attestation.

SEC. 2. That the said bonds shall be issued under the signature of the chairman of the board of county commissioners, and shall be attested by the official seal of the clerk of the superior court of said county; and the said

chairman of the county commissioners shall, under the direction of the board of commissioners of said county, dispose of said bonds as the necessity for the prosecution of the work may require, at a sum not less than their par value: *Provided*, that the bonds may be issued and sold only as the work progresses: *And provided further*, that the issue and sale of said bonds shall cease at the discretion of the board of county commissioners.

Not sold less than par.

Proviso.

SEC. 3. That for the purpose of paying the interest as it falls due on said bonds, and of providing a sinking fund for the redemption of said bonds, it shall be the duty of the county commissioners to levy and cause to be collected annually, as other county taxes are levied and collected, a tax upon the real and personal property of said county, not exceeding fifteen cents on the hundred dollars' worth of property, and forty-five cents on the poll.

Special tax.

SEC. 4. That in order that the commissioners of Union county may use the excess of the fund raised by taxation under this act, after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one-tenth of the bonds issued at a sum not exceeding their par value, and in case no one shall offer to sell one-tenth of said bonds, then the said commissioners are authorized to designate such bonds, not exceeding one-tenth of the whole number issued, as they may desire to purchase; and after the designation of said bonds, and a notice thereof given through a newspaper published in Union county, if the holder of the bonds shall refuse to surrender the same and receive their par value, with interest accrued at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall be affected with the conditions of this act, only when conditions are expressed upon the face of the bonds.

May use excess of general taxes to buy in bonds.

SEC. 5. That the commissioners of said county are authorized to use so many of said bonds as shall be unnecessary to build the court house for the purpose of

To build court house and repair jail.

repairing the jail of Union county or of erecting a new jail if the commissioners of said county shall deem it advisable; and in order that they may exercise a sound discretion, they are empowered to sell the jail and lot now owned by Union county, and purchase another lot and erect a new jail thereon, or sell the jail building and erect a new jail on the lot now occupied by the jail. And the said commissioners are authorized to sell the old court-house building now located on the public square and to use the money arising from such sale in the purchase of a jail lot and erecting a jail thereon.

Or may sell old jail and build new one.

Record to be kept.

SEC. 6. That the commissioners of said county shall provide a record, which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond, and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds, when redeemed and recorded, shall be destroyed by fire in the presence of the board of commissioners by some one of their number or by their clerk under their direction.

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 16th day of February, A. D. 1885.

CHAPTER 68.

An act to permit a joinder of felony and misdemeanor in an indictment where an assault is included.

The General Assembly of North Carolina do enact :

SECTION 1. That on the trial of any person for rape, or any felony whatsoever, when the crime charged shall include an assault against the person, it shall be lawful

Felony joined with assault in indictment.

for the jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found the court shall have power to imprison the person so found guilty of an assault, for any term now allowed by law in cases of conviction when the indictment was originally for the assault of a like character.

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

In the general assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 69.

An act for the relief of A. H. McNeill, clerk of the superior court of Moore county.

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of the superior court of Moore county be and he is hereby exempted from the provisions of section one hundred and fourteen of the Code, and from the liabilities and penalties mentioned in section one hundred and fifteen thereof: *Provided*, that he shall attend at his office on the first Monday of each month and there remain for the transaction of probate business, between the hours of nine a. m. and four p. m., until said probate business is dispatched: *Provided further*, that he shall, at all times between the hours aforesaid, keep in his office during his absence a competent deputy for the transaction of ministerial business.

Clerk of Moore county may attend first Monday in the month only.

SEC. 2. This act shall take effect from and after its ratification, and to continue in force for the space of two years and no longer.

In the general assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 70.

An act to more effectually enable the board of education to drain swamp lands.

The General Assembly of North Carolina do enact :

Board of education may cause swamp lands to be drained.

SECTION 1. That section two thousand five hundred and eight of the the Code be amended by striking out all after the word "reclaimed," in line four of said section, and insert in lieu thereof the following: "shall cause to be constructed such canals, ditches, roads and other necessary works of improvement as the board may deem proper and necessary; and for the purposes of this section it shall be the duty of the board of directors of the penitentiary to furnish the state board of education with a convict force not to exceed one hundred and fifty: *Provided*, that before the said board of education shall proceed to construct any new canal, ditch or road, it shall cause to be examined the state canal now existing, leading from New or Alligator lake in Tyrrell county to Rutman creek in Hyde county; and said board shall assign not less than fifty of the convicts obtained under the provisions of this act to work in repairing said canal, there to be continued until the same shall be put in good condition as was originally contemplated by the board of education."

Convicts to be furnished.

State canal to be examined.

Fifty convicts to repair old canal.

Penitentiary to provide for convicts.

SEC. 2. The said convict force shall be fed, guarded, clothed, maintained and worked by the board of directors of the penitentiary, but the work shall be done under the directions of an engineer to be selected by the board of education.

Engineer to be selected by the board of education.

SEC. 3. That the board of education shall select an engineer and fix his compensation, who shall likewise be the agent of the board; and during his employment in this capacity section two thousand five hundred and twenty-five shall be suspended.

SEC. 4. That all laws, parts of laws or clauses of laws authorizing the working of convicts on swamp lands under any local board or person, other than the board of education, be and the same are hereby repealed. Repealing clause.

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

In the general assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 71.

An act to prevent live stock from running at large in Rockingham 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 Rockingham county. Rockingham county stock law.

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, Sunday excepted. Justices to register all live stock taken up.

SEC. 3. It shall be lawful for any person to take up any live stock running at large in said county, and to impound the same in the township where the said stock is taken up: *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-five cents per head each day the said stock is kept impounded, and may retain the said stock until all legal charges for impounding the same, and for the damages caused by said stock, are paid. Any person may take up stock at large.

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-five cents per head each day the said stock is kept impounded, and may retain the said stock until all legal charges for impounding the same, and for the damages caused by said stock, are paid. Description to be filed.

SEC. 4. That if the owner of any live stock so impounded refuse or neglect to redeem the same within Penalty, &c.

SEC. 4. That if the owner of any live stock so impounded refuse or neglect to redeem the same within Owners may redeem, otherwise stock to be sold.

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 at public auction to the highest bidder, 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 treasurer, to be paid out by order of the county commissioners, for the building and repairing of fences, as provided for in this act.

To recover double damages for injury done by stock.

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.

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

What "stock" includes.

SEC. 7. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats, geese, hogs, and all such cattle and swine.

Commissioners erect fence.

SEC. 8. It shall be the duty of the board of commissioners of said county to forthwith erect a good and lawful fence around said county, except on the Virginia line, with gates across the public roads leading into said county: *Provided*, no fence shall be erected along the boundary line of any county, township or district where a stock law prevails, and to defray the expense of the same they shall expend the amount of tax levied and collected in the several townships in said county for building township or district line fences, and in those townships or districts in said county where there have been no taxes collected for building fences, they shall forthwith levy and collect an assessment not to exceed

Proviso.

Tax.

twenty-five cents on the one hundred dollars' valuation of real estate in said township: *Provided*, that where any district, territory or township is under the operation of the stock law, or where a contract has been made for the erection of a fence around any district, territory or township, no tax shall be collected in said district, territory or township: *And provided further*, that the fences erected around Wentworth and Oregon townships shall become the property of the county, to be used as the board of commissioners may see proper.

SEC. 9. 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 application of any person or persons to any justice of the peace of said county of Rockingham, which justice of the peace shall at once proceed to summon two disinterested freeholders, who shall, together with him, lay off and condemn such fencing, after giving to the owners of said land, or his or their agent, two days' notice, and they shall assess such damages as they may think just.

Land may be condemned for fence.

SEC. 10. That the commissioners of said county shall forthwith appoint three or more freeholders of said county to superintend the building and construction of the fences herein provided, and the said freeholders shall have power to take the necessary timber from the and owners of said county to construct and repair said fence; the owner of said timber may receive what may be agreed upon, or if there be disagreement, what two freeholders in said county may say it is worth, one of the same to be selected by the owner of the timber, the other by freeholders appointed by the commissioners; if the two thus selected shall not agree, they shall select a third freeholder as umpire.

How damage assessed.

SEC. 11. That any person who shall wilfully permit his or her live stock to run at large in said county shall be deemed guilty of a misdemeanor, and upon conviction

Misdemeanor wilfully to permit stock to run at large.

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

Repealing clause.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed, and whenever not in conflict with this act all the provisions of the stock law as enacted in the Code shall apply to Rockingham county.

SEC. 13. This act shall be in force from and after the first day of April, A. D. 1885.

In the general assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 72.

An act to amend sections one thousand seven hundred and ninety-seven and one thousand seven hundred and ninety-eight of the Code, so as to encourage the raising of improved breeds of cattle in the state.

The General Assembly of North Carolina do enact :

Owner of bull
sire to have lien
on calf.

SECTION 1. That section one thousand seven hundred and ninety-seven of the Code be amended by adding in line two after the word "jennet" the word "cow"; and in line three after the word "jack" the word "bull"; and in line five after the word "colt" the word "calf"; and in line seven after the word "colt" the word "calf."

Calf not exempt
from execution
for price of ser-
vice of bull.

SEC. 2. That section one thousand seven hundred and ninety-eight of the Code be amended by adding the word "calf" after the word "colt," wherever found in said section.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1885.

CHAPTER 73.

An act for the relief of certain citizens of Sampson county.

The General Assembly of North Carolina do enact :

SECTION 1. That all the citizens of the white race entitled by law to the benefit of the public school found living and resident within the following prescribed limits in the county of Sampson, to-wit:

Certain citizens of Sampson to use part of school money to pay tuition in Glenwood academy, Johnston county.

Beginning at the Sampson and Johnston county line east of E. Barefoot's, thence to the east corner of George R. Williams' farm on the Wilmington and Raleigh road, thence to Sampson Warren's mill on Great Coharie thence to Joel Lee's near the Johnston line, thence in a straight line to the Johnston and Sampson county line, be allowed and permitted to use and enjoy that portion of the public school fund apportioned to them by law in the future for the payment of tuition and other expenses incurred in attendance on Glenwood Academy in Johnston 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 17th day of February, A. D. 1885.

CHAPTER 74.

An act to regulate the catching of oysters.

The General Assembly of North Carolina do enact :

SECTION 1. That no person or persons whatever engaged in catching or taking oysters shall use or cause to be used any scoop, drag or other instrument, except such tongs

Only tongs to be used in oyster catching in certain waters.

as are generally used for that purpose, in any of the waters of Pamlico and Roanoke sounds.

No oysters to be taken between May and September.

SEC. 2. That no person shall catch or take any oysters from any of said waters or their tributaries between the first day of May and the first day of September next thereafter ensuing, except for family use or immediate sale in North Carolina markets: *Provided*, this shall not prevent the owners or tenants of regularly licensed oyster gardens from catching oysters to plant therein.

Except for own use.

Violation made a misdemeanor.

SEC. 3. That any person who shall violate any of the provisions of the two preceding sections shall be guilty of a misdemeanor, and upon conviction thereof, shall for every offence be fined not more than fifty dollars or imprisoned not more than thirty days.

Repealing clause.

SEC. 4. That all laws and clauses of laws in conflict with this act be and the same 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 17th day of February, A. D. 1885.

CHAPTER 75.

An act to amend section three thousand four hundred and fifteen of the Code.

The General Assembly of North Carolina do enact:

Fish law concerning Tar river not to include its tributary Fishing creek.

SECTION 1. That section three thousand four hundred and fifteen of the Code be amended by inserting the following proviso: "*Provided*, this section shall not apply to Fishing creek, one of the tributaries of Tar 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 17th day of February, A. D. 1885.

CHAPTER 76.

An act for the relief of Dinah E. Davis.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Hyde county is hereby authorized to pay out of any moneys in his hands, due school district number fourteen of said county, the sum of forty dollars to Mrs. Dinah E. Davis for services rendered as teacher of white race for said district for the year one thousand eight hundred and eighty-one.

Dinah E. Davis
to be paid by
Hyde 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 17th day of February, A. D. 1885.

CHAPTER 77.

An act to amend section two thousand eight hundred and twenty-one of the Code concerning the land adjoining stock law territory.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand eight hundred and twenty-one of the Code be and the same is hereby amended by adding to the end of said section the following: "any thing contained in section two thousand and fifty-eight of the Code to the contrary notwithstanding."

Gates in land ad-
joining stock law
territory.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1885.

CHAPTER 78.

An act to authorize the commissioners of Bertie county to fund and pay the debt of said county.

The General Assembly of North Carolina do enact :

Bertie to issue
bonds.

SECTION 1. That in order to fund the debt of Bertie county, which is now due by bonds with coupons attached, the last of which fell due in one thousand eight hundred and eighty-two, the commissioners of said county are hereby authorized to issue six bonds in denominations of five 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 May of each year.

Amount.

Interest.

Date.

When due.

SEC. 2. Said bonds shall be dated as of the first day of May, one thousand eight hundred and eighty-five, and shall be due as follows: The first of said bonds of five hundred dollars shall be due on the first day of May, one thousand eight hundred and eighty-six; the second, on the first day of May, one thousand eight hundred and eighty-seven; the third, on the first day of May, one thousand eight hundred eighty-eight; the fourth, on the first day of May, one thousand eight hundred and eighty-nine; the fifth, on the first day of May, one thousand eight hundred and ninety; and the sixth, one first day of May, one thousand eight hundred and ninety-one, 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 records of said bonds.

Book of record.

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-five, one thousand eight hundred and eighty-

six, one thousand eight hundred and eighty-seven, one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, and one thousand eight hundred and ninety, may levy annually a special tax on the taxable property in said county, both real and personal, and on each poll, sufficient to meet said interest and principal due on said bonds.

SEC. 4. The coupons on said bonds shall be receivable in payment of all county taxes. Coupons receivable for taxes.

SEC. 5. That nothing herein contained shall prevent the commissioners of said county from effecting a reasonable compromise of any portion of the indebtedness of said county. Commissioners may compromise debt.

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 17th day of February, A. D. 1885.

CHAPTER 79.

An act to facilitate the election of justices of the peace of the different counties of the state.

The General Assembly of North Carolina do enact :

SECTION 1. That the clerk of the superior court of each county in the state shall, the first day of December preceding each regular session of the legislature, certify to the secretary of state a correct list of all justices of the peace then holding office in his county, the township in which each resides, the term of office of each, time of election or appointment, and when the respective terms of office of each expires. Clerk superior court to send to secretary of state list of justices' term, &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 17th day of February, A. D. 1885.

CHAPTER 80.

An act amendatory of the Code relating to tax collectors.

Preamble.

WHEREAS, the general assembly of North Carolina did, on the twelfth day of March, one thousand eight hundred and seventy-seven, ratify an act entitled "An act for the appointment of special tax collectors in certain cases;" and whereas, the same was not brought forward and enacted in the act entitled "An act for revising and consolidating the public and general statutes of the state of North Carolina"; therefore,

The General Assembly of North Carolina do enact:

When a decree commands levy of tax to pay judgment, boards county and municipal, may appoint special tax collector.

SECTION 1. That whenever, hereafter, by the decree or judgment of the courts of the state, or of the United States, rendered in this state, the board of county commissioners of any county, or other proper officers thereof, or any municipal corporation formed under the laws of this state having legal authority to levy and collect taxes, shall be commanded to levy and collect taxes to pay the moneys due under such decree or judgment; such board of county commissioners, or other municipal corporations, or other proper officers shall have power to appoint a special tax collector from the voters thereof, to collect the taxes so required to be levied, who shall take the proper oath of office and give bond in such sum and with such sureties as may be prescribed by such boards or other municipal corporations, or other proper officers, for the due collection and paying over the taxes so levied.

Special tax collector shall have all power of general tax collector.

SEC. 2. That the special tax collector so appointed and qualified shall proceed to collect such taxes, and to this end shall have all the powers and be subject to the liabilities provided in cases of other collectors of county or municipal taxes, and shall enforce such collections in the manner directed by such judgment or decree, and conformably to the laws of the state applicable thereto.

SEC. 3. That no sheriff or other collector of state and general county taxes shall be required to collect the special taxes mentioned in this act. This act shall only apply to Carteret county.

Sheriff not required to collect special tax.

SEC. 4. This act shall take effect from its ratification, and shall apply as well to judgments hereafter rendered.

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1885.

CHAPTER 81.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1) of chapter four hundred and nine, laws of one thousand eight hundred and eighty-three, be amended by striking out all after the word "beginning," and insert the following: "at the mouth of Adams' creek in Neuse river, running thence up said creek to Back creek; thence up said Back creek to the turnpike; thence westwardly to the point at which the Adams' creek road crosses Clubfoot and Harlowe canal; thence westwardly to the Atlantic and North Carolina railroad at a point three miles below Havelock station; thence westwardly to Hunter's creek, at a point one mile south of Great lake."

Alteration of boundary line between Craven and Carteret.

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

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1885.

CHAPTER 82.

An act to amend sections three thousand six hundred and thirty-two and three thousand six hundred and thirty-five of the Code in reference to the distribution of the laws and supreme court reports.

The General Assembly of North Carolina do enact :

Laws and reports
to be sent to Can-
ada, Australia
and New Zealand.

SECTION 1. That sections three thousand six hundred and thirty-two and three thousand six hundred and thirty-five of the Code are hereby amended by inserting after the word "Columbia," in line twenty in section three thousand six hundred and thirty-two, and after the same word in line twenty-two of section three thousand six hundred and thirty-five, the following words: "and to the dominion of Canada, to the provinces of Canada and Australia and to New Zealand."

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1885.

CHAPTER 83.

An act to authorize the county of Martin to borrow money, issue bonds and levy a special tax.

The General Assembly of North Carolina do enact :

Martin county
may borrow
money to build a
court house.

SECTION 1. That for the purpose of building a court-house and jail, the commissioners of Martin county are hereby authorized and empowered to borrow not exceeding twenty thousand dollars at a rate of interest not exceeding eight per centum per annum, and issue bonds therefor.

Bonds.

Form of bonds.

SEC. 2. That said bonds shall be authenticated by the signature of the chairman of said board of commission-

ers, and the seal of the county, and shall express upon their face the purpose for which they were issued, and the interest and one-tenth of the principal of said bonds shall be payable annually at such time and place as each bond may specify. When payable.

SEC. 3. That for the purpose of paying said bonds, the commissioners of said county are hereby authorized and required at the time of levying state and other county taxes, to levy annually an additional special tax sufficient in amount to pay the interest upon said bonds and one-tenth of the principal thereof, and costs and charges incident to said tax; and the said commissioners shall levy said tax upon all subjects of taxation in said county annually as aforesaid, until the payment of said bonds and the interest thereon. Special tax.

SEC. 4. That said taxes shall be collected by the sheriff of said county, whose bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer of said county on or before the first Monday of December of each year. To be collected by sheriff.

SEC. 5. The said treasurer shall receipt for the said taxes, and be liable therefor upon his bond as for other taxes, and shall use the same for the payment of said bonds and interest as due and payable, and the fund arising from said taxes over and above the costs and charges incident thereto, shall be applied to no other use than the payments as aforesaid. Treasurer to receive.
Fund, how applied.

SEC. 6. That for the purpose of procuring said loan, said commissioners may advertise for bids for the whole or any part thereof, and may accept or reject any or all of such bids as they may deem best for the interest of the county; but no bid for any bond or bonds at less than par value thereof shall be accepted. Bids to be advertised for.

SEC. 7. That in the assessment and levy of said taxes the constitutional equation of taxation shall be observed. Constitutional equation to be observed.

SEC. 8. That said commissioners are hereby authorized to accept the gift of or to purchase any lot or lots in the Lots for court house may be received by gift or bought.

Old lot may be sold.

town of Williamston; provided the same shall not cost more than can be realized from the sale of the lot on which the court-house and jail lately stood, and upon acquiring in such manner a suitable lot, they are authorized and empowered to build the court-house and jail thereon; but nothing in this section shall be so construed as to impair the present authority of the commissioners to purchase a lot and to change the location of the site of said buildings as now provided by law.

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 18th day of February, A. D. 1885.

CHAPTER 84.

An act to prohibit the superior court clerks of Onslow and Pender counties from licensing persons to stake off oyster gardens in Stump sound and other waters.

The General Assembly of North Carolina do enact :

No person shall be licensed to stake off oyster gardens in certain waters of Onslow and Pender.

SECTION 1. That it shall be unlawful for the superior court clerks of Onslow and Pender counties to license any person to stake off oyster gardens from the mouth of the sound on Chadwick's bay, thence through the sound, all sounds, creeks, bays or channels to the landing known as the Seine landing in Pender county, and from the Seine landing a south course to the Atlantic Ocean, and to cover all waters between the first named station in Onslow county to the latter named station in Pender county.

No oyster to be taken from April to October.

SEC. 2. That it shall be unlawful for any person to take or catch oysters in the above named territory, between the first day of April and the first day of October, except for family consumption.

SEC. 3. Any person violating the second section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisonment not more than thirty days.. Violation a 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 18th day of February, A. D. 1885.

CHAPTER 85.

An act to incorporate the Chesapeake, Norfolk and Carolina Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That John Callahan, John F. Dezendorf, E. A. Adams, R. C. Marshall, A. P. Brown, Otis H. Russell, W. P. Roberts, their associates, successors and assigns, be and they are hereby made and declared a body politic and corporate by the name and style of the Chesapeake, Norfolk and Carolina Railway Company, for the purpose of locating, constructing, equipping, maintaining and operating a railway from some point on the line between the states of Virginia and North Carolina, east of where said line is crossed by the Roanoke river, to some point on the lines of the Wilmington and Weldon railroad or the North Carolina railroad. Corporators. Name. Line of road.

SEC. 2. Said company may build its road by such route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream or canal on its route, provided a draw sufficient not to impede navigation is placed in its bridges over such streams or canals. Rights to build. Cross streams.

SEC. 3. Said company shall have the right to cross at Unite with or cross other railroads.

grade, over or under, intersect, join or unite its railway with any other railway or railroad now built or constructed, or to be hereafter built or constructed, within this state, at any point in its route, upon the grounds of such railway or railroad company, with the necessary turnouts, sidings, switches and other conveniences, in furtherance of the objects of its construction.

May extend into
Virginia.
How.

SEC. 4. The said Chesapeake, Norfolk and Carolina Railway Company may, with the consent of the authorities of the state of Virginia, extend its road to such point or points within that state as it may select.

Corporate powers

SEC. 5. The said Chesapeake, Norfolk and Carolina Railway Company shall have perpetual succession and a common seal, which it may renew or alter at pleasure, and is hereby invested as a corporation with all the rights, powers and privileges conferred by chapter forty-nine, volume one of the Code of North Carolina of one thousand eight hundred and eighty-three.

Subscriptions to
capital stock.

SEC. 6. It shall be lawful for said company to acquire in subscription to the capital stock of said company, or by donations, money, bonds, land or other damages, labor, work, materials, bonds or other means available for their purpose, and to receive subscriptions from individuals, other companies, associations or corporations, and the said company may sell, lease or otherwise dispose of any lands or properties acquired under this section.

Lands, &c.

Power of disposi-
tion.

Any company
may aid in con-
struction.

SEC. 7. It shall be lawful for any transportation company, chartered by the laws of this or other states, or city, town or county, to aid in the construction of said railway, and for that purpose may subscribe to the capital stock, or may acquire the lands of said company; and it may run, use and operate by lease or otherwise any railroad or transportation line, upon such terms as may be agreed upon with the company or companies owning the same, and such company or companies with which it may make such contract or contracts are hereby empowered in like manner to carry out the same.

Right to lease,
&c., or be leased.

SEC. 8. The capital stock of said company shall be one million of dollars divided into shares of one hundred dollars each. In all meetings of stockholders, each share shall be entitled to one vote. Said company may, with the concurrence of two-thirds in value of all its stock, increase its capital stock from time to time, to an amount necessary for constructing and operating its railway, such increase to be made at a regular meeting or a meeting called for that purpose, at such place or places, and upon such notice as may be necessary and proper, in order that two-thirds in value of all the stock shall be represented at such meeting.

Capital stock.

Increase.

SEC. 9. Said company shall have power to borrow money to such an amount as it may deem proper or necessary, and to issue for any loan, debentures or bonds of the company, bearing interest at such rate per annum as the company may determine. Said debentures or bonds may be expressed in dollars or pounds sterling, and to secure the payment of such loan or loans, said company may execute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal and mixed, its charter rights, franchise and income.

May borrow money.

Bonds.

Mortgage.

SEC. 10. The corporators herein mentioned shall have the power and authority of a president and board of directors for the purpose of organization of said company, and for all other purposes until a president and board of directors shall be selected at a stockholders' meeting, and such meetings shall be held after such notice as the said corporators may deem proper; whenever one hundred thousand dollars of the capital stock of said company have been subscribed, the said corporators may elect one of their number chairman, who shall have the power and authority of president of said company; and in all matters a majority of said corporators shall control.

President.

Directors.

First meeting.

SEC. 11. The said Chesapeake, Norfolk and Carolina Railway Company shall commence the work under this bill within two years, and complete the same within ten

When work to be begun.

years from the passage of this act, otherwise this act shall be null and void.

SEC. 12. This act shall be in force from its ratification.

In the general assembly read three times, and ratified this the 18th day of February, A. D. 1885.

CHAPTER 86.

An act to amend section three thousand seven hundred and forty-eight of the Code relating to fees of justices of the peace.

The General Assembly of North Carolina do enact:

Justice of the
peace's fee for
taking affidavit,
undertaking, &c.

SECTION 1. That line eight of section three thousand seven hundred and forty-eight of the Code be amended so as to read as follows: Taking an affidavit, bond or undertaking, or for an order of publication, or an order to seize property, twenty-five cents.

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 19th day of February, A. D. 1885.

CHAPTER 87.

An act to prevent the felling of trees in Mill creek in Johnston county.

The General Assembly of North Carolina do enact:

Obstruction of
Mill creek.

SECTION 1. That it shall be unlawful for any person to fell trees or to place any other obstruction in the waters of Mill creek, in Johnston county, or on the banks of

said stream below high-water mark, or in the channel of said stream, and to permit any such obstruction to remain for a period of more than five days: *Provided*, that this act shall apply to that portion of said stream between the upper land lines of Jerry Lee and the Mill creek bridge, near Bentonsville, and to no other point.

Proviso, to what part applicable.

SEC. 2. That every person who shall violate the first section of this act shall be guilty of a misdemeanor, and on conviction before any justice of the peace shall be fined not more than twenty dollars, nor less than ten dollars.

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 19th day of February, A. D. 1885.

CHAPTER 88.

An act to legalize the marriage of John Jacobs and Henrietta Spence, of Camden county.

The General Assembly of North Carolina do enact:

SECTION 1. That the marriage contracted and solemnized between John Jacobs and Henrietta Spence, both of Camden county, North Carolina, on the sixth day of January, one thousand eight hundred and sixty-six, be and the same is hereby declared to be lawful and valid from the date thereof.

Jacobs and Spence's marriage legalized.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1885.

CHAPTER 89.

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

The General Assembly of North Carolina do enact :

Oysters may be taken for shells only in Carteret.

SECTION 1. That section one, chapter one hundred and fifty-three, public laws of one thousand eight hundred and eighty-three, be amended by striking out the word "Carteret," wherever it occurs in 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 19th day of February, A. D. 1885.

CHAPTER 90.

An act to make the disturbing of graves a felony.

The General Assembly of North Carolina do enact :

Opening graves unlawfully made a felony.

SECTION 1. That any person who shall, without due process of law, or the consent of the surviving husband or wife, or the next of kin of the deceased, and of the person having the control of such grave, open any grave for the purpose of taking therefrom any such dead body, or any part thereof buried therein, or anything interred therewith, shall be deemed guilty of a felony, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

Penalty.

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 19th day of February, A. D. 1885.

CHAPTER 91.

An act to prohibit the felling of trees in certain streams in Haywood county.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who shall wilfully fell or in any other way put timber in Richlands, Cattaloochee and Crab Tree creeks, in Haywood county, and let the same remain therein longer than five days, shall be guilty of a misdemeanor, and on conviction, shall be fined not exceeding twenty dollars, or imprisoned not more than thirty days.

Felling trees, &c. in certain streams in Haywood county.

Penalty.

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 19th day of February, A. D. 1885.

CHAPTER 92.

An act to amend section one thousand nine hundred and seventy-three of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand nine hundred and seventy-three of the Code be amended by inserting after the word "exclusively," in line seven of said section, the following: "and except such as shall be run for the purpose of transporting fruits, vegetables, live stock and perishable freights exclusively."

Trains for perishable freight may be run on Sunday.

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 19th day of February, A. D. 1885.

CHAPTER 93.

An act to amend section six hundred and ninety-six of the Code to reduce tax on bills of incorporation.

The General Assembly of North Carolina do enact :

Tax on bills of incorporation reduced to twenty-five dollars.

SECTION 1. That section six hundred and ninety-six of the Code be amended by striking out the words "one hundred dollars" in line five, and inserting in lieu thereof the words "twenty-five 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 19th day of February, A. D. 1885.

CHAPTER 94.

An act concerning the appointment of receivers in certain cases.

The General Assembly of North Carolina do enact :

In application for receiver of a corporation for insolvency, upon execution of bond to plaintiff, judge may refuse to appoint.

SEC. 1. That in all cases where there is an application for the appointment of a receiver, upon the ground that the property or its rents and profits are in danger of being lost, or materially injured or impaired, or that a corporation defendant is insolvent or in imminent danger of insolvency, and the subject of the action is the recovery of a money demand, the judge before whom such application is made or pending shall have the discretionary power to refuse the appointment of a receiver, if the party against whom such relief is asked, whether a person, partnership or corporation, shall tender to the court an undertaking payable to the adverse party in an amount double the sum demanded by the plaintiff, with at least

Undertaking

two sufficient sureties and duly justified according to law, conditional for the payment of such amount as may be recovered in such action, and summary judgment may be taken upon said undertaking as in the case of official bonds under sections one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety of the Code: *Provided*, that in the progress of the action the court shall have power in its discretion to require additional sureties on such undertaking. Judgment.
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 19th day of February, A. D. 1885.

CHAPTER 95.

An act to amend section two thousand six hundred and ninety-three of the Code in regard to comparing election returns in Hyde county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand six hundred and ninety-three of the Code be amended by striking out of line seven the word "Hyde," and by inserting after the word "election" in the eighth line the words: "The board of county canvassers of Hyde county shall meet on the fourth day after the election." Election returns
in Hyde on the
fourth day after.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1885.

CHAPTER 96.

An act to define the time within which an action may be brought by the creditor of a deceased person after personal notice.

The General Assembly of North Carolina do enact :

Creditors of deceased served with notice stricken from one year's limitation.

SECTION 1. That section one hundred and fifty-six, subsection five, of the Code, 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 19th day of February, A. D. 1885.

CHAPTER 97.

An act to prohibit the felling of timber in Scott's creek, in Jackson county.

The General Assembly of North Carolina do enact :

Felling trees in Scott's creek in Jackson county indictable.

Misdemeanor.

SECTION 1. That any person who shall fell, or in any other way put timber in Scott's creek, in Jackson county, and let the same remain therein longer than five days, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding twenty-five dollars, or imprisoned not more than thirty days, in 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 20th day of February, A. D. 1885.

CHAPTER 98.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and twenty-two of the laws of one thousand eight hundred and eighty-three be and the same is hereby amended by striking out the words "twenty-five" and "seventy-five" in the first proviso of said section, and inserting in lieu thereof the words "ten" and "thirty."

Special tax for support of poor in Dare county not to exceed ten cents on the one hundred dollars' worth of property and thirty cents on the poll.

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. 1885.

CHAPTER 99.

An act to provide for the payment of the indebtedness of Stokes county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Stokes county is authorized and empowered, with the concurrence of a majority of the justices of the peace of said county sitting with them, to levy a special tax for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, not to exceed an amount which, when added to the state and other county taxes, will exceed two dollars on each taxable poll annually, for the special purpose of paying the county indebtedness, said taxes to be levied at the same time with other levies, and shall be collected and accounted for by the

Special tax.

For two years.

Amount.

Object.

sheriff or other collecting officer in the same manner, and under the same penalties, and within the same time as other taxes levied in said county: *Provided*, that the total special tax levied for the two years shall not exceed four thousand dollars.

How to be applied.

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.

Equation to be observed.

SEC. 3. That in the levying of the tax under this act the constitutional equation between property and polls shall be observed.

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. 1885.

CHAPTER 100.

An act to amend section two thousand eight hundred and twenty-nine, and to strike out section two thousand eight hundred and thirty of the Code.

The General Assembly of North Carolina do enact:

In trial for wilful riding over cultivated land, not necessary to prove that the land was posted.

SECTION 1. That section two thousand eight hundred and twenty-nine of the Code be amended by striking out all after the word "court" in line eight.

Law requiring land to be posted against riders repealed.

SEC. 2. That section two thousand eight hundred and thirty of the Code be stricken out.

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. 1885.

CHAPTER 101.

An act to establish the township of Grassy Creek, in Ashe county.

The General Assembly of North Carolina do enact:

SECTION 1. That a township be established in Ashe county called Grassy Creek township.

Grassy Creek township, Ashe county, established.

SEC. 2. That the boundaries of said township shall be as follows: beginning in the Alleghany line at the fork of New river, and running up the river to the mouth of Hilton, then westward to the mouth of Old Field creek, thence up the said creek to Calvin Brinegan, thence by the way of the Low Notch to Big Hilton creek, thence up Big Hilton to the mouth of Little Hilton, and thence up Little Hilton to the mouth of Long Branch, thence up Long Branch to the fork of said branch, and thence up the right hand fork of said branch to the Virginia line, thence with the Virginia line to the Alleghany line, thence with said line to the beginning.

Boundaries.

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

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1885.

CHAPTER 102.

An act to establish Vance township, in Union county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township to be called Vance township, in the county of Union, shall be formed from portions of Sandy Ridge and Goose Creek townships in said county, which shall be bounded as follows: beginning on the Mecklenburg county line at Mrs. Mary

Vance township, Union county, established.

Boundaries.

Walker's, and running thence with the public road by the Davis gold mine to the Monroe township line, then with the Monroe township line, in an easterly direction, to the Rocky river public road, thence with Rocky river road to the Lawyer's road, thence with the Lawyer's road to the Mecklenburg county line, thence with the said county line to the beginning.

Voting place to be established.

SEC. 2. The commissioners of Union county shall establish a voting place or places in said township for the convenience of the citizens of said township.

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. 1885.

CHAPTER 103.

An act to provide for the erection of fences around territories adopting the stock law.

The General Assembly of North Carolina do enact :

In Surry and Stokes commissioners may exceed one-fourth of one per cent. in building fence around stock law territory.

SECTION 1. That section two thousand eight hundred and twenty-four of the Code be amended by adding at the end of said section the following: *Provided*, that it shall be the duty of the commissioners of the counties of Surry and Stokes to levy an assessment sufficient to build fences around such territories in said counties as have or may adopt the stock law, though such assessment exceed one-fourth of one per centum on the value of said property.

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

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

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1885.

CHAPTER 104.

An act to drain the lowlands of Seigle's creek, Killian's and Duncan's creek, in Lincoln county.

The General Assembly of North Carolina do enact :

SECTION 1. That Wm. T. Long, D. Kincaid, Jas. Nixon, R. N. Hager, S. S. Hager, D. P. Kincaid, Jno. R. Asbury, J. W. A. Payne, Isaac Payne, I. A. Nixon, and Jas. A. Sifford be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off in convenient length Seigle's creek, Killian's and Duncan's creek and their tributaries, beginning at Long's mill and going up as far as they may find it necessary to drain the lands, and to appoint one overseer for each section, who shall hold his office for a term of two years, and who shall be a land owner in the section for which he is appointed overseer.

Commissioners
to lay off certain
creeks.

Overseers.

Term and Quali-
fication.

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 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 purposes mentioned herein.

Powers of com-
missioners.
Chairman.

Vacancies.

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 on the streams between the points decided to drain by the first section of this act, and shall furnish each overseer with a copy of the estimate of his section in which these lands lie; and upon a notice of seven days by said overseers, shall each furnish one sufficient hand with appropriate tools, such as the overseers shall notify and designate to furnish, one hand for every ten acres more or less in proportion to the number of acres to be benefited, and

To estimate land
overflowed or
injured.

Overseer to have
copy.

Hand to be fur-
nished for each
ten acres.

Penalty.

failing to do so 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.

Duty to distribute the 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 sotted lands (as ten acres) and other lands to be benefited (as twenty acres) owned by them within the estimate provided for in this act, as equally as may be, and allot to the overseer of each section the hands required of the owners of the lands embraced in his section.

Duties of overseer.

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.

Powers.

Proviso.

Felling trees, &c., indictable.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into or otherwise obstruct the the waters in the channels of said streams, between the points of said boundary in said county, and shall permit the same to remain therein for the space of twenty days, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars: *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed before a presentment was made of the same, he or they shall not be liable to indictment for such offenses.

Penalty.

Money collected from penalties, &c., applied to work on the streams.

SEC. 7. That all money arising from failure to work on said streams, and all penalties collected under the pro-

visions of this act, shall be paid over to the overseers of the section in which it may arise, and by him shall be expended in improving 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 dollars nor more than twenty dollars: *Provided*, that no one without his consent shall be required to serve more than one term of two years at one time.

Overseer failing to perform his duty indictable.

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.

Power of commissioners to stop all washes, &c.

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.

Not to prevent bridges, water gates, &c.

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. 1885.

CHAPTER 105.

An act to give clerks of the inferior courts power to probate deeds.

The General Assembly of North Carolina do enact :

SECTION 1. That clerks of the inferior courts are authorized and empowered to take the probate of deeds and conveyances and the privy examination of married

Clerks of inferior courts power to take probate of conveyances, &c.

women, and of all other contracts and writings required by law to be registered in all cases and with the like effect, where the power to take such probate and privy examination is conferred upon superior court clerks, and shall receive the same fees for such services by him rendered as are provided by law to the clerk of the superior court for similar services.

All probates, &c., heretofore taken by such clerks validated.

SEC. 2. That all probates and orders of registration made by and taken before any clerk of any inferior court and valid in form and substance, shall be valid and effectual, and all deeds, mortgages or other instruments requiring registration, recorded upon such probate and order of registration, shall be valid for all purposes as if the probate thereof and order thereon had been taken before and made by the clerk of the superior court.

To what counties applicable.

SEC. 3. *Provided*, this act shall apply only to the counties of Halifax, Northampton, Hertford, Buncombe, Mecklenburg, Granville, Beaufort, Lenoir, Robeson, Cumberland, Ashe, Martin, Wayne, Greene, Iredell, Bertie, and Edgecombe.

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. 1885.

CHAPTER 106.

An act to prevent live stock from running at large within the county of Edgecombe.

The General Assembly of North Carolina do enact :

Unlawful for live stock to run at large in Edgecombe.

SECTION 1. That it shall be unlawful for any live stock to run at large within the county of Edgecombe.

Wilful violation a misdemeanor.

SEC. 2. That any person who shall wilfully permit his

or her live stock to run at large within the county of Edgecombe shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

SEC. 3. That it shall be lawful for any person to take up any live stock running at large in said county and to impound the same in the township where said stock is thus taken up; 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.

Stock at large may be taken up.

Procedure.

Penalties.

SEC. 4. That any person who shall take up any live stock running at large in said county shall, after ten days' written notice posted in three or more public places in said township where said stock is impounded, describing the same, and stating place, day and hour of sale, sell said stock at public auction and apply the proceeds to the payment of all costs and charges provided in this act, and the balance he shall turn over to the owner if known; and if the owner be not known, to the county commissioners for the benefit of the public schools in the township in which said stock is impounded.

Person taking up stock to give notice.

Sale.

Application of proceeds.

When owner is unknown.

SEC. 5. That upon written application under oath of any person, stating that he has suffered damage by reason of stock running at large, any justice of the peace in the township where said stock is impounded shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming the 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.

Procedure for damage done by stock.

Appraisers of damage.

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

Releasing or attempt to release stock a misdemeanor.

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

Definition of
"stock."

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.

Chapter 193, acts
1873, repealed as
to Edgecombe.

SEC. 8. That chapter one hundred and ninety-three of the laws of one thousand eight hundred and seventy-three, and all amendments to said laws, are hereby repealed in their application to said county.

Tax to build fence
and gates.

SEC. 9. That it shall be the duty of the county commissioners, each and every year, to levy and collect such taxes from the real property in said county as may be necessary to construct the fence and gates hereinafter provided for and to keep the same in good repair; and any person who shall wilfully refuse to pay such taxes, shall be guilty of a misdemeanor.

Fence commis-
sioners.

SEC. 10. That the board of county commissioners of said county shall, at its first regular meeting after the ratification of this act, appoint nine commissioners, composed of one freeholder from each of the townships of said county, numbers six, seven, twelve, thirteen, fourteen, eight, two, three and four, who shall compose a fence commission, and shall be charged with the duty of constructing and keeping in repair the fence and gates provided for in this act.

How constituted

Duties.

Term.

SEC. 11. That the fence commissioners appointed under this act shall hold their office for the term of two years from their appointment; and all vacancies in the board caused by death or resignation shall be filled by the board of county commissioners.

Vacancies.

Chairman

SEC. 12. That the fence commission here provided for shall, at its first meeting immediately after its appointment, elect a chairman from its members, who shall give a bond, to be filed with the register of deeds, in the sum of one thousand dollars for the faithful performance of his duties.

Bond.

To contract for
fence.

SEC. 13. That the said fence commission shall contract

for the construction of a lawful fence upon the line of Edgecombe county, between it and the counties of Wil-son, Pitt, Martin, Halifax and Nash, except along that part of the line where stock is now or may hereafter be forbidden by law to run at large; and said fence may take in such part of the incorporated towns, through which said Edgecombe line runs, as the town commissioners of said towns may consent to; they shall cause to be constructed at the crossing of every public road along the line, and at such other points along the line as they may deem proper, proper gates. That said commission shall have power to contract for the repairing and the keeping in repair of said fence and gates.

Gates.

SEC. 14. That the taxes annually collected by virtue of this act shall be paid by the sheriff of the county of Edgecombe to the treasurer of said county, and shall be paid out by him upon the order of the chairman of the fence commission.

Taxes to be paid out by treasurer on order of chairman.

SEC. 15. That it shall be the duty of said fence commission to keep said fence, and every part thereof, at least five feet in height, and it and the gates in good order; failing to do which, they and each of them shall be deemed guilty of a misdemeanor.

Duty to keep fence five feet high and gates in order.

SEC. 16. That the members of said fence commission shall each be allowed two dollars per day for every day actually employed in the duties of their office, to be paid by the county treasurer out of the taxes raised by virtue of this act.

Compensation of commissioners.

SEC. 17. That it shall be the duty of the said fence commission, whenever a good and sufficient fence has been erected around said county with gates erected at all the public crossings, to give public notice by advertising in the Tarboro Southerner newspaper, and in five public places in said county, and from and after ten days from the date of such publication, the provisions of this act shall go into operation and take effect.

To give notice of erection of fence and that act is in operation.

SEC. 18. That the provisions of this act shall not apply to

Certain parts of the county excepted from operation of this act.

townships numbers nine and ten in said county known as Barterfield township and Lewis's township respectively; and the fence hereinbefore provided for shall be run upon the boundary lines of said townships, so as to exclude said townships from the stock district.

When act to go into effect.

SEC. 19. That this act shall be in full force and effect from and after the time that the conditions of the act are complied with.

In the general assembly read three times, and ratified this the 20th day of February, A. D. 1885.

CHAPTER 107.

An act to prevent live stock from running at large in Halifax and Warren counties.

The General Assembly of North Carolina do enact:

Unlawful for stock to run at large in Warren and Halifax. Stock may be taken up.

SECTION 1. That it shall be unlawful for any live stock to run at large in the counties of Halifax and Warren.

Impounding,

SEC. 2. Any person may take up any live stock running at large in said counties and impound the same; and such impounder may demand twenty-five cents for each animal so taken up, and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same with the right to use it, under proper care, until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders, to be selected by the owner and said impounder, said freeholders to select an umpire, if they cannot agree, and their decision to be final.

Legal charges and damages.

If owner known notice to be given

SEC. 3. If the owner of said stock be known to such impounder, he shall immediately inform such owner when his stock is impounded, and if said owner shall,

for two days after such notice, wilfully refuse or neglect to redeem his stock, then the impounder, after ten days' written notice, posted at three or more public places within the township where said stock is impounded, and describing the said stock and stating place, day and hour of sale, or if the owner be unknown, after twenty days' notice in the same manner, and also at the court-house door, shall sell the stock at public auction and apply the proceeds in accordance with the preceding and succeeding sections, and the balance he shall turn over to the owner, if known, and if the owner be not known, to the county commissioners for the use of the school fund of the district wherein said stock was taken up and impounded, subject in their hands for six months to the call of the legally entitled owner.

Notice by advertisement.

Sale.

How proceeds to be applied.

SEC. 4. Any impounder wilfully misappropriating any money he may receive under this act, or in any manner wilfully violating any of its provisions, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Impounder misappropriating money to be indictable.

Penalty.

SEC. 5. 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.

Unlawful rescue indictable.

SEC. 6. The word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, sheep, calves, goats, and all neat cattle and swine.

Definition of "stock."

SEC. 7. It shall be the duty of the board of commissioners of said counties forthwith to erect a good and lawful fence around said counties, except on the Virginia line and the lines of territory of adjacent counties, in which the stock or no fence law prevails, and along all streams which are or may be declared lawful fences; and to defray the expense of the same, they shall levy and collect an assessment not to exceed twenty cents on the

Commissioners to have fence erected.

Where.

Tax.

one hundred dollars taxable valuation of the real estate of said counties.

Citizens may erect fence.

SEC. 8. Any citizen or citizens of the territory herein described 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, or to erect gates on any of the highways on said line of fence.

Or gates.

Procedure when owner objects to building fence.

SEC. 9. If any owner of land along the line of territory described in this act shall object to the building of any fence herein allowed, his land, not exceeding twenty feet in width for the fencing herein provided for, shall be condemned, upon the application of any person or persons to any justice of the peace of the township in which said land is situated, and said justice of the peace shall at once proceed to summon two disinterested freeholders, who shall, together with him, lay off and condemn such land for fencing, after giving to the owner or owners of such land or lands, or his or their agents, two days' notice, and they shall assess such damage as they think just.

Assessment of damage.

Permitting stock to run at large a misdemeanor.

SEC. 10. That any person who shall wilfully permit his or her live stock to run at large within said counties shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Fishing creek a lawful fence.

SEC. 11. That Fishing creek and its tributaries within said counties between the counties of Halifax, Nash and Edgecombe, shall be deemed a lawful fence.

Repealing clause.

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 September, one thousand eight hundred and eighty-five.

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1885.

CHAPTER 108.

An act to enable railroads and other transportation companies to extend their lines and to aid in the construction of railroads.

The General Assembly of North Carolina do enact :

SECTION 1. That any railroad or other transportation company shall have the right to aid in the construction of any railroad or branch railroad in this or an adjoining state connected with it directly or indirectly: *Provided*, however, that this shall not be construed to empower the building of any railroad or branch railroad not otherwise authorized by law: *Provided further*, that no railroad company, whose charter provides an exemption from taxation, and which has not now a completed line of railroad in operation, shall receive any of the benefits of this section, unless the stockholders of such company shall expressly agree by resolution, passed by them in corporate meeting, to surrender all right to such exemption from taxation.

Railroad company may aid in the construction of other railroad or branch.

Only such as are authorized by law.

No railroad whose line is not completed, now exempt from taxation, to receive benefit unless exemption surrendered.

SEC. 2. That any railroad or other transportation company may acquire and hold or guarantee, or endorse the bonds or stocks of, or may lease any railroad or branch railroad, or other transportation line in this or an adjoining state connecting with it directly or indirectly: *Provided*, that no corporation shall acquire or hold any part of the stock of the Carolina Central Railway Company, or lease said railway until the Carolina Central Railway Company shall have extended its road from Shelby to Rutherfordton.

Railroad companies, &c., may hold stock, endorse bonds, &c., of other lines.

Proviso in regard to Carolina Central railway.

SEC. 3. The bonds or stocks of, or lease of any railroad or branch railroad company, or other transportation line acquired and held, guaranteed or endorsed under the provisions of this act, and the real and personal property of all railroads, or branch railroads, or other transporta-

Bonds, stocks, &c., and branch lines built under this act subject to taxation.

tion line made, built, or assisted under the provisions of this act, shall be subject to taxation.

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. 1885.

CHAPTER 109.

An act to change the dividing line between the counties of Wilkes and Ashe.

The General Assembly of North Carolina do enact:

Change of dividing line between Wilkes and Ashe.

SECTION 1. That the dividing line between the counties of Wilkes and Ashe be changed so as to run as follows: beginning at Mulberry gap of the Blue Ridge and running southward with the northeast side of the Mulberry road to the top of Chestnut Knob, thence westward to John Wingler's new gate, thence to Isham Patrick's, thence to the Panther tree on the Wilkesboro and Jefferson road, and thence to the top of Little Lump, and thence to the old line at Phillip's gap.

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

In the general assembly read three times, and ratified this the 21st day of February, A. D. 1885.

CHAPTER 110.

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

The General Assembly of North Carolina do enact:

Chowan county may levy special tax.

SECTION 1. That the county commissioners of Chowan county be and they are hereby authorized and empow-

ered in their discretion, and, if deemed by them expedient, to levy a special tax for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, not exceeding the sum of one thousand dollars per year, for the purpose of paying the indebtedness of the county contracted for repairs on the public buildings of the same. And they are further authorized and empowered to levy a special tax for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, not exceeding the sum of one thousand dollars per year, for the purpose of paying the general indebtedness of the county.

Amount.

To repair buildings.

To pay indebtedness.

SEC. 2. That in levying the same, the provisions of the constitution shall in all respects be observed, and that the money so levied and collected shall not be applied to any purpose other than those specified in section one.

Constitutional equation to be preserved.

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. 1885.

CHAPTER 111.

An act to establish a graded school in the town of Brevard in Transylvania county.

The General Assembly of North Carolina do enact :

SECTION 1. The commissioners of the town of Brevard 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

Commissioners of Brevard to submit question of graded school to vote.

Methods.

If vote in favor, tax to be levied.	election shall vote on written or printed ballots the words "for school" or "against school," and the penalties for illegal or fraudulent voting in this election shall be the same as for the annual election of mayor and commissioners of said town of Brevard. In case a majority of the qualified votes of 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 subject to the same liabilities for the collection and paying over of said taxes as he is or may be for other taxes: <i>Provided</i> , that the tax so collected shall not exceed thirty cents on the one hundred dollars' valuation of property and ninety cents on the poll, and the taxes thus levied shall be applied exclusively to the support of a graded public school, which shall be free to persons within the school age living within the corporate limits of the said town as hereafter provided.
How to be collected.	
Limit.	
How applied.	
Graded school to be founded.	<p>SEC. 2. The special tax thus collected from the taxable property and polls of white persons shall be applied and expended exclusively to the purpose of a graded public school which shall be free to all white persons within the school age living within the corporate limits of said town of Brevard; and for the education of colored persons within the school age living in said town, as hereafter provided.</p>
Tax from colored polls applicable to colored schools	<p>SEC. 3. And the special tax 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 residents in said town, by the same persons and as other free common school funds are or may be by law expended.</p>
To elect three persons to serve with school committee.	<p>SEC. 4. If a majority of the qualified voters of the town of Brevard shall vote "for school," the commissioners of said town at their next regular meeting, and they or their successors in office, at their first regular meeting in the month of June annually thereafter, shall</p>

elect three qualified voters of the town of Brevard, who, together with the school committee for the school district composed of the town of Brevard for the time being, and the mayor of said town for the time being, shall be a body corporate, which shall be called "the board of education of the town of Brevard," and the said mayor shall be *ex officio* chairman of said board, but shall have no vote except in case of 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 said Brevard 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.

A body politic.

Mayor to be chairman.

SEC. 5. That said board of education of the town of Brevard may sue and be sued, have a common seal, purchase and hold real estate for the purpose 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 purpose of said graded school all public moneys from whatsoever source arising, which are or may hereafter be applicable to the common school education of white children within the school age, and residents within the town of Brevard.

Powers of this board of education.

Duties.

SEC. 6. The principal and teachers of 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.

Teachers, &c., not subject to limitation as to salary.

SEC. 7. 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. 1885.

CHAPTER 112.

An act to protect fish in Richland creek, Haywood county.

The General Assembly of North Carolina do enact:

Unlawful to obstruct fish in Richland creek.

SECTION 1. That no person or persons shall place any obstruction whatever to the free passage of fish in Richland creek, in Haywood county, under a penalty of five dollars for every day such obstruction is allowed to remain in said creek, one-fourth to the party suing for the same and the other to the school fund of said county: *Provided*, this act shall not apply to mill-dams or dams erected for running machinery.

Not to apply to mills.

Unlawful to fish with seine, &c.

SEC. 2. That it shall be unlawful for any person to fish in said stream with gig, seine or drag-net for the period of three years. Any person violating this section shall be guilty of a misdemeanor, and fined not more than twenty dollars, or imprisoned not more than thirty days, 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 21st day of February, A. D. 1885.

 CHAPTER 113.

An act to authorize the commissioners of Pender county to levy a special tax for the purpose of building a county jail, and to buy a site and erect the necessary buildings for a poor-house, and for other purposes.

The General Assembly of North Carolina do enact:

To build jail.

SECTION 1. That for the purpose of building a county jail and buying a site and erecting the necessary build-

ings for a county poor-house in the county of Pender, and to provide for paying the indebtedness of said county, the commissioners of the county are hereby authorized to levy annually for a term of not exceeding four years, a special tax on the property and the polls of said county of sixteen and two-thirds cents on the one hundred dollars' worth of property and fifty cents on the poll, at the same time and in the same manner that other county taxes are levied: *Provided*, that the commissioners may apply the taxes collected under this act for the first two years to the erection of the buildings above mentioned.

And poor house.
And pay debt.
Pender county commissioners.
For four years.
May levy special tax.
Amount.

SEC. 2. That the taxes herein provided for shall be collected and accounted for by the sheriff, at the same time and under the same penalties and forfeitures as other county taxes.

First two years to buildings.
To be collected, &c., by sheriff.

SEC. 3. That in order to ascertain the just debt of said county outstanding and due prior to the first day of January, one thousand eight hundred and eighty-five, and incurred for the necessary expenses of the county, E. A. Hawes, W. H. French, Edwin Fennell, Daniel Shaw and C. D. Sikes, be and they are hereby appointed a special board of audit on behalf of the tax payers of said county, to audit, scrutinize and examine into all claims contracted before the first day of January, one thousand eight hundred and eighty-five, for the necessary expenses of the county. They shall elect one of their number chairman, and any vacancy occurring shall be filled by the remaining members. Said special board shall meet and organize within thirty days after the passage of this act, and shall post notice at two public places in each township, and at the court house door in said county, and if they deem necessary, advertise in some newspaper published in the city of Wilmington, notifying all persons holding claims against said county to present them before the said board of audit. Said board shall meet monthly on the first Monday of each month, and shall continue in existence until the first Monday of July, one

To ascertain indebtedness.
Board of audit appointed.
Duties.
Chairman.
Vacancies.
Organization.
Notice to produce claims.
How advertised.
Meetings.

Compensation. Power to compromise.	thousand eight hundred and eighty-five, and shall be allowed as compensation not exceeding two dollars per day and mileage. It shall be their duty to compromise and settle, on such terms as they may think equitable and just, the claims aforesaid, by recommending the amount which should be allowed on each claim; and if
Warrant on treasurer.	the board of commissioners shall concur, they shall issue a warrant on the treasurer according to the provisions of this act. No warrant shall be issued without the concurrence of the special board of audit. Whenever a claim
Investigation of claims.	is presented to the board of audit, it shall be their duty to make inquiry concerning its origin and its consideration, and if in their judgment it ought not to be paid, they shall reject it, or they may recommend the payment of such part as they may think equitable and just; and if the creditor consents to receive a warrant for such
Cancellation of adjusted claims.	claim, he shall surrender his claim in full, and the evidence of it, whether in judgment, county warrant or otherwise, shall be cancelled or marked satisfied. No
No interest to be allowed.	claim shall be allowed for more than its par value; and no interest shall be allowed on any claim. No creditor
Creditor refusing warrant not entitled to any part of the fund.	who shall refuse to receive warrants on the terms recommended by the special board of audit in liquidation of his claims, shall be entitled to any part of any fund that may be raised by the special taxes provided for in this act.
Book of warrants	SEC. 4. The board of commissioners shall have prepared a book of warrants on the treasurer of the county, with a stub attached to each warrant, and shall cause to be written or printed in plain letters on each warrant
Form.	and each stub the words "old debt." No warrant shall be issued for the said indebtedness except from the book specially prepared for this purpose; and the commissioners
What to contain.	shall require their clerk to keep a correct record of every claim allowed, and every claim rejected by the board, together with the amount of each claim so allowed
Record.	or rejected. The record of such claims shall be kept in
Where record to be kept.	

the office of the register of deeds, and shall be open to the inspection of any citizen as other public records of the county; and for this service the register shall receive such compensation as the board of commissioners shall deem equitable and just.

SEC. 5. That if a majority of the commissioners and magistrates of said county think it unnecessary, or for good cause, inexpedient, to levy the special tax provided for in this act, they may decline to make the levy for any one year.

Commissioners and justices power to decline to levy tax for any one year.

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. 1885.

CHAPTER 114.

An act to enable the Raleigh and Augusta Air-Line Railroad Company to extend its line.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the Raleigh and Augusta Air-Line Railroad Company and the Carolina Central Railroad Company to enter into a contract for the joint use of that portion of the line of the Carolina Central railroad between Hamlet and a point in said line to be agreed upon, in the county of Union or Mecklenburg; and upon the execution of such contract, it shall be lawful for the Raleigh and Augusta Air-Line Railroad Company to construct its line from such point to the South Carolina line, and as much further as may be authorized by the states of South Carolina and Georgia.

R. & A. A. L. and C. C. R. R.'s may contract for joint use of track.

Location.

R. & A. A. L. may construct line from point on C. C. Railroad to South Carolina line.

SEC. 2. That it shall be lawful for the holder or holders of guaranteed or preferred stock of the Raleigh and

Holders of R. & A. A. L. preferred stock may exchange same for bonds.

- Augusta Air-Line Railroad Company to exchange the same for bonds of the Raleigh and Augusta Air-Line Railroad Company of any issue, bearing interest at such rate, not exceeding eight per cent., as may be agreed upon. If the exchange shall be made of said stock for first mortgage bonds, upon the extinguishment of the stock and the first mortgage which secures it, the mortgage which shall be executed to secure the said bonds shall constitute a first lien.
- Interest.
- Mortgage a first lien.
- Repealing clause. SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 4. This act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1885.

CHAPTER 115.

An act to prevent live stock from running at large in Goldsboro township, Wayne county.

The General Assembly of North Carolina do enact :

Unlawful for stock to run at large in Goldsboro township, Wayne county.

SECTION 1. That it shall be unlawful for any live stock to run at large within the limits of Goldsboro township in Wayne county.

Wilfully permitting stock to run at large a misdemeanor.

SEC. 2. That any person who shall wilfully permit his or her live stock to run at large in said township shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days.

Penalty.

County commissioners of Wayne to appoint registrar of stock taken up.

SEC. 3. That the board of commissioners of Wayne county, at their first regular meeting after the passage of this act, and at their first regular meeting in January each year, shall appoint a registrar, whose duty it shall

be to register all descriptions of live stock taken up or impounded under the provisions of this act. Said registrar shall keep such register open for inspection at all times, except Sundays, and shall receive a fee of twenty-five cents for each registration made, to be paid to the person making the registration. Such registrar may be removed by the commissioners at any time for good cause.

Book to be kept open for inspection. Fee.

SEC. 4. It shall be lawful for any person to take up any live stock running at large in said township, and to impound the same therein; but any person so taking up any live stock shall file a description of the same with the registrar within a reasonable time thereafter. Any person so taking up and impounding any stock shall be entitled to receive from the owner fifty cents for each animal so taken up, and twenty-five cents per head for each day the said stock is kept impounded after registration, and the registration fee and compensation fee for any damages caused by said stock, and may retain possession of said stock until payment is made.

Any person may take up stock at large.

To file description with registrar.

To receive fifty cents from owner.

Other fees.

May retain stock until payment.

SEC. 5. That if the owner of any live stock so impounded shall refuse or neglect to redeem the same within ten days after registration, the impounder of said stock shall, after ten days' advertisement at the court house door in Goldsboro, and three other public places in said township, describing the stock and naming the place, day and hour of sale, sell said stock at public auction and apply the proceeds to the payment of all costs, charges and damages provided for in this act, and the balance he shall turn over to the owner of said stock, if known, and if the owner be not known, then to the treasurer of the board of trustees of Goldsboro graded school for the whites, for the benefit of said school.

If owner refuses to redeem impounder may sell.

Advertisement.

Proceeds. How applied.

If owner unknown, to Goldsboro graded school.

SEC. 6. That upon the written application, under oath, of any person stating that he or she has suffered damage from any stock running at large, any justice of the peace in said township shall appoint three disinterested freehold-

Person suffering damage from stock may have same assessed.

Amount of damage to be a lien upon the stock.

ers to estimate said damages, and the owner of said stock shall pay the amount of said damages so assessed before being entitled to demand possession of said stock, or the proceeds, where same has been sold, and any person who may suffer damages by reason of stock running at large, may recover double the amount of damages sustained by an action against the owner.

Double damages when recoverable

Impounder wilfully misapplying money guilty of misdemeanor.

SEC. 7. That any impounder wilfully misappropriating any money that he may receive under the provisions of 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, or imprisoned not more than thirty days.

Penalty.

Unlawful release of impounded stock a misdemeanor.

SEC. 8. 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, or imprisoned not more than thirty days.

Definition of "stock."

SEC. 9. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, cattle, sheep, goats, and all stock of such kind and swine.

Act not to go into effect until township inclosed.

SEC. 10. That the provisions of this act making it unlawful for stock to run at large in said township, shall not go into effect until said township shall be inclosed, and notice thereof be given as hereinafter provided, and to the end that it may be speedily inclosed, E. B. Borden, J. E. Peterson, W. A. Deans, L. B. Stith and Geo. W. Murphrey, are authorized and directed to cause to be built around said township a sufficient fence, with standard patent gates, easily opened by the traveling public; said gates shall be kept in good repair, and thirty feet on each side of each and every gate there shall be placed and kept a hitching post, with chain three feet long attached, with spring hook at the end of said chain, across all public highways leading into said township; and upon completion of the same, to report to the board of commissioners. In building said fence, they may make such

Commissioners to cause fence to be built.

Gates.

Hitching post.

May use boundary fences.

arrangements as they may deem just, with persons on the boundary of said township, for the use of their fences and material, and with other persons liable under this act to aid in making and keeping up said inclosure, for the contribution of labor and materials to be credited on or paid to such persons out of the assessments hereinafter provided for; said committee in their report shall set forth the cost of making said inclosure. That Neuse river along the boundary of the territory embraced in this act shall, for the purposes of this act, be deemed a sufficient fence.

Report of cost.

Neuse river a lawful fence.

SEC. 11. That whenever said committee shall report to the board of commissioners that said township is inclosed by a sufficient fence, with gates across all highways leading into the same, it shall be the duty of the chairman of the board immediately to give notice by advertisement in the "Goldsboro Messenger," and ten days after first publication of said notice, all the provisions of this act shall be in full force; and to defray the expenses of building said fence, the commissioners shall levy an assessment upon all the farming lands within said township, including wood or timbered lands and all improvements thereon, and cause the same to be collected by the sheriff and paid over to the county treasurer, to be by him disbursed upon their order. The official bonds of the sheriff and treasurer shall be responsible for the faithful accounting for of said fund as for public moneys.

When township inclosed this act to go into effect.

Advertisement.

Assessment to be levied.

Bond of officers liable.

SEC. 12. That if the owner of any land shall object to the building of the fence herein provided for, his land, not exceeding twenty feet in width, may be condemned for the fence way, as follows: any person authorized to build said fence, may apply to any justice of the peace in said township to summon two disinterested freeholders to act with said justice to lay off and condemn a right of way; said justice, after three days' notice to said land owners, shall proceed with the freeholders summoned by

If owner object land may be condemned.

Procedure.

him, to lay off and condemn such fence way and assess such damages as they may deem just.

Limits may be extended to take in persons outside who desire benefits of this act.

SEC. 13. That in building the fence herein provided for, the committee hereinbefore named may extend the fence so as to take in the lands of any person outside of Goldsboro township and contiguous thereto, who may desire the benefits of the provisions of this act, where the same can be done without unreasonable increase in the cost of fencing, and the territory so taken in shall be subject to all the provisions of this act. The board of commissioners may at any time extend the fence herein provided for so as to take in any adjoining lands, when the owner of said land shall apply to them for this purpose, when it can be done without unreasonable cost, and land so taken in shall be subject to all the provisions of this act.

Commissioners power to extend limits to persons desiring.

Fence under control of board of commissioners.

SEC. 14. After said committee shall have reported the completion of said fence, said fence shall be under the control and management of the board of commissioners, and they shall discharge with reference to said fence and the territory therein embraced all the duties prescribed in chapter twenty of The Code relating to territory where a stock law prevails.

Code chapter 20, applicable.

Malicious injury to fence or gate or leaving gate open misdemeanor.

SEC. 15. That any person who shall wilfully or maliciously injure, pull down or destroy any fence or gate, or who shall wilfully leave open any gate provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days.

Code chapter 20 made applicable.

Limitation of assessment not applicable.

SEC. 16. That all the provisions of chapter twenty of The Code relating to stock law, not inconsistent with the provisions of this act, shall be deemed applicable to the territory embraced therein: *Provided*, that the limitation of the assessment therein provided shall not apply to the assessment to defray the cost of first inclosing said territory.

SEC. 17. That all laws and clauses in conflict with this Repealing clause.
act are hereby repealed.

SEC. 18. 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. 1885.

CHAPTER 116.

An act to incorporate the Oxford and Clarksville Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That H. C. Herndon, R. V. Minor, B. H. Corporators.

Cozart, R. O. Gregory, W. A. Davis, J. M. Currin, W. F.

Rogers, N. A. Gregory, and such other persons as may

become associated with them as stockholders, and their

successors, be and they are hereby declared to be a body

politic and corporate under the name of the "Oxford Corporate name.

and Clarksville Railroad Company," and when organized

as hereinafter provided, said corporation may have and

use a common seal, and sue and be sued in all the courts Powers and liabilities.

of the State by its corporate name, and shall be capable

of purchasing or acquiring by gift or devise, estate real,

personal or mixed, and of holding or leasing and selling

the same as the interest of said company may require,

and may make and exercise all such by-laws and regula- By-laws.

tions for its government as shall be deemed necessary or

expedient for that purpose: *Provided*, the same shall not

be inconsistent with the constitution of the State or United

States, and shall have all the rights and enjoy all the

privileges and immunities possessed and enjoyed by any

other railroad company, under the laws of the State of

North Carolina.

SEC. 2. That the said company be and the same is Location of line of railroad.

hereby authorized to construct a railway of one or more tracks from the town of Oxford, in the county of Granville, to some point on the Virginia state line, within the counties of Person, Granville, Vance or Warren, said road to be of such gauge as may be determined by the directors of said company.

Terminal points. **Gauge.** **Capital stock.** **Shares.** **How subscriptions payable.** **Donations.**

SEC. 3. That the capital stock of said company shall be two hundred thousand dollars, with power to increase the same to one million dollars, vested in the stockholders in shares of the value of one hundred dollars each, and shall be raised by subscription on the part of individuals, or municipal or other corporations; and subscriptions may be paid in money, labor, land, materials, stocks, bonds, or other securities, or in any way that may be agreed upon between the company and the subscribers, and the company may receive donations of any of the kinds of property or labor mentioned above.

Books of subscription to be opened. **When.** **Where.**

SEC. 4. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid within twenty days after the ratification of this act, at such places in the county of Granville as shall be appointed by the said corporators respectively; and the said corporators, or a majority of them, may at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said railroad company, and five per cent. cash paid thereon, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

When \$10,000 subscribed and five per cent. paid, may call meeting. **Organization.** **Annual meeting.** **Majority requisite.**

SEC. 5. That the said company shall hold a meeting of the stockholders at its organization, and the annual meetings shall thereafter be held. Seven directors shall be elected by the stockholders to hold office for one year, and until their successors shall be elected, and in all such meetings of the stockholders a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in a manner prescribed by the by-laws of the company, and each share shall be entitled to one vote on

all questions; that it shall be the duty of the directors to elect one of their number president of said company, and to elect such other officers as shall be provided by the by-laws of the company, and fill all vacancies which may occur in said board during the term for which it is elected; any meeting of the stockholders shall have power to make or alter the by-laws of the company.

SEC. 6. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

SEC. 7. That the commissioners of Granville and of any other county, through which the said railroad may pass, and any township through which said railroad may pass shall have full power and authority to make donations to the said company, or to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said county or townships respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by such companies, and to enable them to borrow money to make such donation, or to [make] such subscriptions, they may issue bonds or other evidence of debt; when such subscriptions are made, it shall be as binding on the county, townships, or other corporations making them as individual subscriptions are upon those by whom they are made, and in all cases where a township shall make a subscription or donation, the county commissioners shall be authorized to represent such township, and to make such subscription or donation when authorized by vote as hereinafter provided.

SEC. 8. That the board of commissioners of the several counties named in this act are respectively authorized and required whenever twenty-five tax payers of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposi-

President.

Officers.

Vacancies.

Certificates of stock.

Commissioners of counties may subscribe or make donations.

Also townships.

Incorporated towns.

May issue bonds.

In case township makes subscription or donation, county commissioners to issue bonds.

Upon request of twenty-five tax payers, county commissioners to order election.

tion to make a donation, or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township, at the proper voting place therein, after thirty days' notice of said election, by advertisement at the court house door of said county, and at four or more public places in said township, and to submit to the qualified voters of such township the election of donating to said company, or of subscribing to its capital stock, the sum of money specified in the written request of the tax payers, calling for said election as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be written or printed the words "for donation," and those opposed shall deposit a ballot on which shall be printed or written the words "against donation." But if the election be to authorize a subscription to the capital stock, the ballots shall be deposited on which shall be written or printed "for subscription," and "against subscription." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same, and if a majority of all the votes cast shall be "for subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners. And if a majority of all the votes cast shall be "for donation," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact. And the commissioners shall have power to order a special registration for the election herein provided for, under the law governing elections.

SEC. 9. That in payment of any subscriptions or donations made as provided in the next preceding section, the board of commissioners of the county wherein said township may be situated, shall issue bonds to an amount not exceeding the sum so authorized to be donated or sub-

Voting places.
Notice.
Question submitted.
Form of ballots.
Returns.
Canvass.
Duties of board of county commissioners.
Special registration.
Bonds issued in payment of donation or subscription.

scribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be payable thirty years after the first day of January next, after the year in which they are issued, and shall be coupon bonds, and bear interest at the rate of six per cent. per annum, interest payable on the first day of January in each year by the treasurer of the county in which said county [township] is situate. But the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.

Form.

When payable.

Interest.

May be redeemed.

SEC. 10. That in all cases when a subscription to the capital stock shall be made by a county or a township, the county commissioners, and in case when a subscription shall be made by a city or town, the authorities of the municipal corporations shall have the power and authority to contribute the amount of the stock subscribed by said county, township, city or town, to said company, if the same shall be deemed necessary for the completion of said railroad.

Capital stock subscribed for may be afterwards donated.

SEC. 11. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of the county in which the township is situate, on account of which said bonds have been issued, shall, in addition to the other taxes, each year compute and levy upon the proper subjects of taxation, in such township, a sufficient tax to pay the interest on said bonds, and one-thirtieth of the amount of the principal thereof, which taxes shall be collected by the sheriff of said county, under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over of the State and county taxes. The said sheriff shall pay said taxes when collected to the treasurer of his county, who shall

Special tax in county or township.

How levied.

And collected.

To whom tax payable.

first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds not above par.

Commissioners of town may order special election.

SEC. 12. That the commissioners of any town of any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five taxpayers of such town shall in writing request

On donation or subscription.

that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to its capital stock may be submitted to the voters of such town, to cause an election to be held therein under the same rules and regulations as are prescribed above for the election

How conducted.

in townships, except that the returns of elections shall be made to the commissioners of the town, who shall canvass the same; and if a majority shall have voted for subscription, then the mayor of the town shall make the subscription to the stock of said railroad company, and if

Result to be certified.

the town shall have voted for donation, then the mayor of the town shall certify the result of said election to the authorities of said company; and in payment of any donation or of any subscription to the capital stock of said company, the commissioners of such town shall issue

Bonds.

bonds of the same denomination and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions; and in addition to the other tax upon the subjects of taxation in said town, they shall annually levy a tax sufficient to pay

Tax.

the interest on said bonds and one-thirtieth of the principal. The tax levied under the provisions of this section

How collected.

shall be collected by the constable or tax collector of such town in the same manner as the other taxes of said town are collected, and subject to the same rules and regulations, and with the same penalties and remedies against the constable or tax collector and his sureties for failure to collect and account for the same when collected: said taxes shall be paid by the constable or tax collector to the

treasurer of said town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par.

SEC. 13. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, and by the clerk of said board, and the coupons shall be signed by the chairman alone. The bonds issued by any town under the provisions of this act shall be signed by the mayor and two commissioners of said town, and the coupons shall be signed by the mayor alone.

How bonds to be signed and executed.

Municipal bonds

SEC. 14. That said company shall have the right to have land condemned for right of way and for necessary warehouses and buildings according to existing laws, and shall also have full power and authority to sell or lease its road bed, property and franchise to any other corporation or person, and to purchase or lease any other railroad in the State, or to consolidate with any connecting line of railroads.

Right to have land condemned.

Sell or lease to other corporation.

SEC. 15. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when completed, and shall have the exclusive right of transportation over the same.

Where construction to begin.

SEC. 16. That said company shall be authorized and empowered to extend the said Oxford and Clarksville Railroad from Oxford to any point on the North Carolina Railroad in Wake or Durham counties, or to any point on the Raleigh and Gaston Railroad in Wake or Franklin counties, and also to build branch roads to the said Oxford and Clarksville Railroad not exceeding thirty miles in length; and for this purpose shall have all the rights and privileges conferred by this act.

May extend to point on N. C. or R. & G. R. R.

Branch roads.

All privileges of other railroads except exemption from taxation.

SEC. 17. That said company shall have, possess and use all the powers and rights, and enjoy all the privileges and immunities conferred by its charter upon any other railroad in this State: *Provided*, that nothing herein contained shall be construed to exempt said road from taxation.

May borrow money.

SEC. 18. Said company shall be authorized to borrow money for the construction and operation of said railroad and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

Mortgage bonds.

Repealing clause.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall take effect from its passage.

In the General Assembly read three times, and ratified this the 23rd day of February, A. D. 1885.

CHAPTER 117.

An act relating to the practice of medicine in this State.

The General Assembly of North Carolina do enact:

Proviso, declaring person practicing medicine without license not guilty of misdemeanor, repealed.

SECTION 1. That section three thousand one hundred and twenty-two of The Code be amended by striking out the words "*Provided*, no person who shall practice in violation of this chapter shall be guilty of a misdemeanor."

Practice of medicine without license made a misdemeanor.

SEC. 2. That section three thousand one hundred and thirty-two of The Code be amended by adding at the end of said section the following: And any person who shall begin the practice of medicine or surgery in this State for fee or reward, after the passage of this act, without first having obtained license from said board of examiners, shall not only not be entitled to sue for or recover before

any court any medical bill for services rendered in the practice of medicine or surgery, or any of the branches thereof, but shall also be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned at the discretion of the court, for each and every offence: *Provided*, that this act shall not be construed to apply to women who pursue the avocation of a midwife: *And provided further*, that this act shall not apply to regularly licensed physicians or surgeons resident in a neighboring State.

Penalty.

Not to apply to midwives.

Nor physician from neighboring State.

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 February, A. D. 1885.

CHAPTER 118.

An act to incorporate the Roanoke and Raleigh Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing and operating a railroad from some point on the Roanoke river, at or near Halifax or Weldon, to Raleigh, J. P. Tyree, C. W. Garrett, J. M. Grizzard, J. T. Gregory, J. T. Gooch, Aaron Prescott, Thomas V. Avent, M. T. Leach, F. M. Garrett, William Windom, George B. Loring, their associates and successors, are hereby constituted a body politic and corporate, with perpetual succession under the name and style of "The Roanoke and Raleigh 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 other-

Terminal points.

Corporators.

Corporate rights and powers.

wise, such real and personal property as shall be necessary for carrying out the intent and object of this charter.

Capital stock.

Increase of capital stock.

How paid for.

SEC. 2. The capital stock of the company shall be one million dollars, in shares of one hundred dollars each, but the capital stock may be increased by the company as shall be deemed necessary for the construction and operation of the proposed railroad. The stock may be subscribed and paid in money, labor, land, or any material that can be made available for the construction, repairs or other necessary purposes of making and operating the road.

Share vote.

By-laws, &c.

SEC. 3. Each stockholder shall be entitled to one vote in person or by proxy for each and every share which such stockholder shall own for at least ten days immediately preceding any meeting of stockholders. The stockholders shall have 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, the laws of this State and of the United States.

First meeting.

Location.

SEC. 4. Whenever the amount of ten thousand dollars 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 possess all the powers and privileges and be subject to all the duties and provisions of section nineteen hundred and fifty-seven of The Code of North Carolina not inconsistent with the provisions of this act.

Vote of township for subscription upon petition.

SEC. 5. Upon presentation of a petition signed by at least twenty-five resident tax payers of any township to the board of county commissioners of any county, requesting said commissioners to submit to the vote of the qualified voters of their township a proposition to subscribe a definite sum named in said petition to the capital stock of the Roanoke 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

Election to be called.

various polling places in the township, and 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 such subscription shall vote for subscription, and those opposed thereto shall vote against subscription. Ballots.

SEC. 6. Should a majority of the qualified voters of any township vote for said subscription, the board of commissioners of the county in which such township is situated shall, within twenty days after the ascertainment of the result of said vote, subscribe on behalf of such township to the capital stock of said Roanoke and Raleigh Railroad Company the said specified amount so authorized. Board of county commissioners to make subscription for townships.

SEC. 7. To provide for the payment of said subscription made as provided in the next preceding section of this act, the board of commissioners of the county in which is situated any township making such subscription shall issue coupon bonds to the amount of the subscription so authorized, and said 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. May issue bonds for townships.

SEC. 8. To provide for the payment of the bonds issued under the authority of this act, the board of commissioners of any county in which is a township voting a subscription, and for which bonds have been issued as provided by this act, shall, in addition to the other taxes levied upon said township compute and levy annually at the time of levying other taxes upon the property and polls of said township, 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 for a sinking fund, which tax shall be annually Denomination.
Thirty years.
Special tax upon township.
Amount.

- paid over by the sheriff or other collecting officer to the county treasurer, and by him used in the purchase or payment of the bonds and the prompt and regular payment of the interest on the same, and the tax for the payment of the principal of said bonds shall be levied no longer than sufficient to pay off said principal.
- Limit of time.** SEC. 9. The election provided for in this act 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 the election shall be made to the commissioners on the third day thereafter, who shall meet and canvass the result of the vote and declare the same. 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 died, or become disqualified, and shall register all persons entitled to register, who shall not be already registered, and who shall apply to be registered.
- Manner of holding election.**
- Registration.**
- Duties of registrars.**
- City or town may subscribe.** SEC. 10. 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 officers of such cities and towns. Upon approval of any subscription by a majority of the qualified voters of any city or town, the corporate authorities thereof shall subscribe for stock in said company, and issue its bonds as in this act provided for townships, and shall levy a tax for the payment of same in like manner.
- Election.**
- Railroad company may subscribe.** SEC. 11. Any railroad company, whether incorporated under this or the laws of any other State, shall have power to subscribe to the capital stock of the Roanoke and Raleigh Railroad Company, or to lend money to the same by the purchase of its bonds or otherwise, and

may endorse its bonds or take a lease of said railroad and its property upon terms agreed upon by the two companies.

SEC. 12. The board of directors of the penitentiary may, on application of the president of said company, approved by the governor of the State, turn over to said company as many convicts as may be, in the opinion of the president, required on said road, not to exceed at any one time three hundred in number: *Provided, however,* that the provisions of this section shall not be construed 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 railroad or other work of internal improvement.

Penitentiary to turn over convicts.

Limit.

Proviso.

SEC. 13. Such convicts turned over to the company under the next preceding section shall be employed on said road under the direction of the authorities of the same, and under such guards as may be necessary; but said convicts shall be governed by prison rules and regulations and under the supervision and control of a superintendent, appointed by and subject to the penitentiary board. The said railroad company shall pay the hire of such superintendent and guards, feed, clothe and properly care for the convicts while employed on said road, and also a reasonable compensation for the labor of such convicts, the number of convicts to be furnished and the amount of 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.

Convicts, how employed.

Hire of convicts to be paid.

SEC. 14. The corporators herein named, and the authorities of the company after its organization, shall have the right to open books of subscription from time to time at such places as they may deem best, to secure subscrip-

Books of subscription.

tions to their capital stock until the whole thereof is taken and subscribed.

SEC. 15. 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. 1885.

CHAPTER 119.

An act to amend section three thousand four hundred and twenty-seven of The Code in relation to the number of directors of the penitentiary.

The General Assembly of North Carolina do enact :

Penitentiary to have nine directors instead of five.

SECTION 1. That section three thousand four hundred and twenty-seven of The Code be and the same is hereby amended as follows: strike out the word "five" in line two of said section and insert "nine."

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 120.

An act in the interest of certain orphan children of the State.

The General Assembly of North Carolina do enact :

Parent abandoning child to forfeit all right to custody and service.

SECTION 1. That in all cases where the surviving parent of any orphan child or children shall have wilfully abandoned the care, custody, nurture and maintenance of such orphan child or children to kindred, relatives or

other persons, such parent shall be deemed to have forfeited all rights and privileges with respect to the care, custody and services of such child or children.

SEC. 2. That the rights and privileges of such parent may be restored by the voluntary surrender of such child or children by the person or persons in whose care and custody such child or children may be.

SEC. 3. That the rights and privileges of such parent may also be restored by order of any judge of the superior court made in the district in which such child or children may be, when it shall appear to the satisfaction of such judge that the interest and welfare of such child or children will not be materially prejudiced by such restoration. That the person or persons having the care and custody of any such child or children shall have at least ten days' notice of the time and place of the hearing of the application for such order of restoration, and shall be permitted to resist the same.

Rights of parent may be restored by order of judge.

Notice to persons having care and custody.

SEC. 4. That any parent whose rights and privileges may have been forfeited by the provisions of this act, who shall procure the possession and custody of any child or children, with respect to whom his or her rights and privileges are forfeited, otherwise than as by this act is provided, shall be deemed guilty of a crime, and upon conviction shall be punished as for abduction.

Parent who has forfeited his rights guilty of crime of abduction if he procures possession of child.

SEC. 5. 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. 1885.

CHAPTER 121.

An act to provide a suitable room for the Supreme Court and State Library.

The General Assembly of North Carolina do enact :

End of Agricultural building altered and added to to make supreme court room.

SECTION 1. That it shall be the duty of the Governor and his Council to cause the west end of the Agricultural building to be so altered and added to as to make it available for a supreme court room and office for the supreme court clerk and attorney general, and for the librarian of the supreme court and State library.

Governor and council to decide upon alterations.

SEC. 2. The Governor and his Council shall determine what alterations are to be made in the present building, and what additions shall be made thereto for the purposes set out in the first section of this act.

Plans to be given to architect of penitentiary.

SEC. 3. That after the plans and specifications of the change and additions to be made are agreed upon by the Governor and his Council, a copy of them shall be given to the architect of the penitentiary, whose duty it shall be to erect the building and make the changes, utilizing therefor all the labor and material possible to be procured or manufactured at the penitentiary: *Provided*, that no plan shall be adopted, the completion of which shall exceed in cost the amount provided in this act.

Who shall erect building.

Limit of amount.

Ten thousand dollars appropriated.

SEC. 4. In order to pay for such labor and material as cannot be supplied by the penitentiary, the sum of ten thousand dollars be and the same is hereby appropriated, to be paid upon the warrant of the auditor, upon the application of the architect of the penitentiary, approved by the Governor and his Council.

Work done by penitentiary under direction of governor and council.

SEC. 5. The work shall be done by the penitentiary authorities, under the general directions of the Governor and his Council.

SEC. 6. As soon as said building is completed, the Supreme Court shall be moved into the room set apart therefor, and the court shall be held therein.

Supreme court to be held in building when completed.

SEC. 7. The Law Library, the State Library, the Supreme Court Clerk and the Attorney General shall each occupy the rooms set apart for them in said building.

Law library, state library, attorney general and supreme court clerk in building.

SEC. 8. When the Supreme Court, its Library and Clerk, and the State Library are moved out of the Capitol, the Auditor shall occupy the rooms now occupied by the Supreme Court and its Clerk, and the Secretary of State shall have the room now occupied by the Auditor, in addition to his present room.

Auditor to have present supreme court rooms and secretary of state auditor's room.

SEC. 9. The room now occupied by the State Library shall be set apart for the ancient records of the State, and it shall be the duty of the Governor and his Council to have them removed thereto and properly classified and stored.

Present library set apart for records of the state.

SEC. 10. 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. 1885.

CHAPTER 122.

An act to prevent the felling or rolling of timber into Mud creek and its tributaries, in Henderson county.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who shall wilfully and knowingly fell or roll any timber into Mud creek or its tributaries, in Henderson county, shall be guilty of a misdemeanor, and on conviction shall be fined not more than twenty dollars, or imprisoned not more than twenty days, at the discretion of the court: *Provided, however,*

Felling trees in Mud creek indictable.

Penalty.

Proviso, as to
dams for manu-
facturing,

Fish traps half
way across
stream.

Fish ponds.

that this act shall not be so construed as to prevent the erection of dams for manufacturing purposes or the building of fish traps that shall not extend to more than half the width of said streams, and shall not prevent the free passage of the water or the fish from running the streams: *Provided*, this act shall not be construed to prevent the building of fish ponds on said Mud creek or upon any of its tributaries.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 123.

An act to amend chapter one hundred and sixty-four, laws of one thousand eight hundred and eighty-three, relative to the holding courts in the ninth judicial district.

The General Assembly of North Carolina do enact:

Courts in Jack-
son, Macon, Clay,
Cherokee, Gra-
ham, Swain, and
Buncombe made
one week later.

SECTION 1. That section one, chapter one hundred and sixty-four, laws of one thousand eight hundred and eighty-three be amended as follows: strike out the words "sixth" in line thirteen, "seventh" in line sixteen, "eighth" in line nineteen, "ninth" in line twenty-two, "eleventh" in line twenty five, "twelfth" in line twenty-eight, "thirteenth" in line thirty-one, and insert in lieu thereof the words, "seventh, eighth, ninth, tenth, twelfth, thirteenth, and fourteenth," respectively.

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

In the General Assembly read three times, and ratified this the 25th day of February, 1885.

CHAPTER 124.

An act to authorize the board of commissioners of Jackson county to pay certain claims to teachers of common schools.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Jackson county be and they are hereby authorized to pay teachers of public schools such sum or sums as shall be found due to any teacher of a public school by him or her taught in said county during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

Commissioners of Jackson to pay teachers of common schools.

SEC. 2. That the same be paid by the county treasurer, on the order of the chairman of the county board of education, from any school fund now in his hands or which may come into his hands not otherwise appropriated: *Provided*, that the sums by this act authorized to be paid shall not exceed the sum of six hundred dollars in the aggregate.

To be paid by county treasurer.

Limit, six hundred dollars.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 125.

An act to prohibit the importation or sale of obscene books and pictures in the State.

The General Assembly of North Carolina do enact :

SECTION 1. That any person exhibiting for the purpose of gain, lending for hire or otherwise publishing or selling for the purpose of gain, or exhibiting in any school,

Exhibiting, publishing, selling, &c., any obscene book, paper, drawing, &c., a misdemeanor.

college or other institution of learning, or having in his possession for the purpose of sale or distribution, any obscene book, paper, writing, print, drawing or other representation, shall be guilty of 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 25th day of February, A. D. 1885.

CHAPTER 126.

An act to compel persons camping in the open air to extinguish their fires before leaving them to be applicable to certain counties.

The General Assembly of North Carolina do enact :

Person camping, failing to extinguish camp fire, guilty of misdemeanor.

SECTION 1. That if any wagoner or other person encamping in the open air shall leave their camp without totally extinguishing the camp fires, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, in the discretion of the court, and shall also be liable to the parties injured by said neglect for the full amount of damages that any individual may sustain, to be recovered in an action in the superior court of the county wherein such damages may be done: *Provided*, this section shall only apply to the counties of Onslow, Pender, Edgecombe, Robeson, Wayne, Columbus, Cumberland, New Hanover, Bertie, Cabarrus, Harnett, McDowell and Davie.

Damages.

To what counties applicable.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 127.

An act to better regulate the sale of spirituous liquors in the county of Buncombe.

The General Assembly of North Carolina do enact :

SECTION 1. That no license for the sale of spirituous or malt liquors, wines, cordials or intoxicating bitters, shall be granted in Buncombe county, outside of the corporate limits of the city of Asheville and the incorporated towns and villages of said county, and it shall be unlawful for any person or persons to sell such liquors, wines, cordials or intoxicating bitters without a license so to do.

No liquor license in Buncombe outside of Asheville.

SEC. 2. That in any election held under and by virtue of the provisions of section three thousand one hundred and thirteen of The Code, in the county of Buncombe, the question whether or not spirituous liquors shall be sold within the corporate limits of the city of Asheville, in said county, shall be decided by the vote of the qualified voters residing within the limits of said city. And if a majority of the votes cast in said city in any such county election, shall have written or printed on them the word "prohibition," then and in that case it shall not be lawful for the board of commissioners to license the sale of spirituous liquors, or for any person to sell any spirituous liquors within the corporate limits of said city until another election be held reversing said election, but if a majority of the votes so cast shall have written or printed on them the word "license," then spirituous liquors may be sold in said city as provided by law and not otherwise.

In all elections on prohibition only voters of the city to participate

If majority in city vote "prohibition" no license in Asheville.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the court.

Violation of this act a 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 25th day of February, A. D. 1885.

CHAPTER 128.

An act to amend section three thousand three hundred and seventy-seven of The Code relating to the catching of diamond-back terrapins.

The General Assembly of North Carolina do enact :

Time for catching terrapin from "July" instead of August.

SECTION 1. That section three thousand three hundred and seventy-seven of The Code be amended by striking out of said section the word "August," wherever it occurs, and inserting in lieu thereof the word "July."

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 129.

An act for the relief of sheriffs and tax collectors.

The General Assembly of North Carolina do enact :

Assessment collectors allowed to collect arrears like sheriffs, &c.

SECTION 1. That chapter thirty of laws of one thousand eight hundred and eighty-three entitled "An act for the relief of sheriffs of the State," be and the same is hereby re-enacted with the following amendments: add after "tax collectors" in second line of first section the words

“or assessment collectors,” and in line three of said section after the word “towns” add the words “sections and townships,” strike out “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,” and adding after “eighty-two” in tenth line the words “and one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four,” in section one of said act, and in section five of said act, strike out “four” and insert “six.”

Time prior to 1878 stricken out; 1883-1884 added to act of 1883 allowing arrears to be collected.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 130.

An act to amend section three thousand seven hundred and thirty-seven of The Code relating to fees of solicitors.

The General Assembly of North Carolina do enact :

SEC. 1. That section three thousand seven hundred and thirty-seven of The Code be amended by inserting in the twentieth line thereof, between the words “found” and “provided,” the words “except that for convictions in capital felonies, forgery, perjury and conspiracy, when they shall receive full fees.”

Full fees to solicitors in certain cases.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 131.

An act to amend an act entitled 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, ratified the twelfth day of March, one thousand eight hundred and eighty-three.

The General Assembly of North Carolina do enact :

Railroad from Taylorsville may go by Jefferson.

SECTION 1. That section one, chapter three hundred and seventy-one of the laws of one thousand eight hundred and eighty-three, be amended by inserting the words "or Jefferson in the county of Ashe," after the word "Caldwell" wherever it may appear in said section.

When Wilkes county issues bonds, one-half of money in treasury from C. F. & Y. V. stock to be given in exchange.

SEC. 2. That section three be stricken out and the following inserted in lieu thereof: "That whenever the county of Wilkes shall vote a subscription in aid of constructing said railroad to Wilkesboro, and issue bonds of the county of Wilkes under the provisions of the act ratified the twelfth of March, one thousand eight hundred and eighty-three, then the company or persons constructing said railroad and holding said bonds shall be entitled to receive one-half of all the money mentioned in section two of said act, ratified the twelfth of March, one thousand eight hundred and eighty-three.

Section about grading to Yadkin river repealed

SEC. 3. That section four of said act, ratified the twelfth of March, one thousand eight hundred and eighty-three, be stricken out.

When Caldwell votes subscription balance of money to be paid in exchange for her bonds.

SEC. 4. That section five of said act, ratified the twelfth of March, one thousand eight hundred and eighty three, be amended so as to read as follows: That whenever the county of Caldwell shall vote a subscription to aid in the construction of said railroad to Patterson, and issue bonds under the provisions of said act, ratified the twelfth of March, one thousand eight hundred and eighty-three, then the persons or company aforesaid constructing said

road and holding said bonds shall be entitled to receive the balance of the money mentioned in section two of said act, ratified the twelfth of March, one thousand eight hundred and eighty-three: *Provided*, the county of Caldwell shall vote the aforesaid subscription on or before the thirty-first day of December, one thousand eight hundred and eighty-five. But should the county of Caldwell fail to vote such subscription within the time herein specified, then the county of Ashe may by the first day of June, one thousand eight hundred and eighty-six, vote a subscription to aid in constructing said railroad to Jefferson in the county of Ashe, and issue bonds to aid in constructing said road under the provisions of said act, ratified the twelfth day of March, one thousand eight hundred and eighty-three, then the persons or company constructing said road and holding said bonds shall be entitled to receive such balance of money mentioned in section two of said act, ratified the twelfth of March, one thousand eight hundred and eighty-three. But should neither the county of Caldwell or Ashe vote the subscription herein provided within the time prescribed, then in that event the persons or company constructing said railroad from Statesville to Wilkesboro, and holding said bonds of the counties of Alexander and Wilkes shall be entitled to receive such balance of money mentioned in section two of said act, ratified the twelfth day March, one thousand eight hundred and eighty-three, for bonds either of the county of Alexander or Wilkes.

SEC. 5. That section six of said act, ratified the twelfth day of March, one thousand eight hundred and eighty-three, be amended so as to read as follows: That when the county commissioners of either of the counties of Alexander, Wilkes, Caldwell or Ashe shall certify under their hands and seals, that said subscription has been voted, and bonds have been issued in aid of constructing said railroad, then the State Treasurer is hereby directed to surrender the persons or company holding said bonds

Provided it is before December 31st, 1885.

If not Ashe county may vote subscription and get the benefit of this act.

Persons entitled to receive money.

Amendment to section six as to surrender of money for county bonds.

and constructing said railroad, the money specified in section two of said act, ratified the twelfth of March, one thousand eight hundred and eighty-three: *Provided*, in exchange therefor the said company or persons shall deliver to the said Treasurer the bonds of either of the counties of Alexander, Wilkes, Caldwell, Ashe, Alleghany or Watauga, running thirty years before maturity at six per cent. per annum, the face value of which shall equal the amount so received from the State Treasurer as aforesaid.

Sections seven, eight and nine repealed.

SEC. 6. That sections seven, eight and nine in said act, ratified the twelfth of March, one thousand eight hundred and eighty-three, be stricken out.

Penitentiary to furnish one hundred convicts.

SEC. 7. The Board of Directors of the State Penitentiary shall furnish to the company or persons constructing the railroad herein provided for, one hundred convicts, upon the application of the county commissioners of either of the counties of Alexander, Wilkes, Caldwell or Ashe, said convicts to be used by said company or persons in grading or constructing said railroad upon the following terms and conditions, to-wit: the company or persons working said convicts shall pay ten and one-half dollars per month to the State for every convict worked on said road: *Provided*, the appropriation of convicts under this act shall not interfere with appropriations of convicts made by the State prior to the ratification of this act.

How used and paid for.

Prior appropriation of convicts not interfered with.

Repealing clause.

SEC. 8. That all laws and clauses of laws in conflict with 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 25th day of February, A. D. 1885.

CHAPTER 132.

An act to amend section two thousand seven hundred and sixty-five of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand seven hundred and sixty-five of The Code of North Carolina be amended by striking out all after the word "margin" in line fifteen, down to and including the word "claimant" in the last line of the page, and insert in lieu thereof "the entry taker shall issue and deliver to the surveyor or enterer a proper warrant of survey in which shall be copied such entry with its true number and date."

Entry taker to deliver to surveyor warrant with copy of entry, &c.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 133.

An act to establish a new township in the county of Davie.

The General Assembly of North Carolina do enact :

SECTION 1. A new township is hereby created and established in the county of Davie, by the name of Shady Grove township, to be carved out of Fulton township, and bounded as follows: Beginning on Dutchman creek at or near the mouth of Buffalo creek, and running nearly eastward to B. N. Allen's place; thence running in a line to J. M. Hendricks; thence running in a line to or near Zerrell Minor's; thence to Richmond Bailey's place; thence to L. A. Bailey's place; thence to Daniel Zimmerman's on North Yadkin river; thence up the said river to the Farmington township line; thence along said

Shady Grove township, Davie county, established.

Boundaries.

township line to the old mud mill on Dutchman creek known as the P. N. Dulin mill; thence down said creek to the beginning.

Voting precinct
at Advance.

SEC. 2. That the voting precinct in said new township be and is hereby established at Advance post office; and the voting precinct of Fulton township be and is hereby established at Fork church post office.

Repealing clause.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 134.

An act relating to roads and highways.

The General Assembly of North Carolina do enact:

What are public
roads and ferries.

SECTION 1. All roads and ferries that have been laid out or appointed by virtue of any act of Assembly or any order of court, are hereby declared to be public roads and ferries. And the justices of the peace in each township shall have the supervision and control of the public roads in their respective townships; they are hereby incorporated, and the board of trustees of such township shall be their corporate name. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State. The board of township trustees and the board of county commissioners, as hereafter set forth in this chapter, shall have full power and authority within their respective counties to appoint and settle ferries, and to order the laying out and repairing of public roads where necessary, to appoint where bridges or

Justices to have
supervision and
control—and to
be incorporated
in each township.

Corporate name
and rights.

Powers.

bridges and fords shall be made, to discontinue such roads and ferries as shall be found useless, and to alter roads so as to make them more useful.

SEC. 2. The board of township trustees shall meet in some place in their respective townships to be agreed upon by themselves, or in the absence of such an agreement, to be named by their chairman, on the first Monday of May and November, and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall annually at their May meeting elect one of their number chairman. The board of trustees shall be exempt from the four days' labor on the public roads. It shall be the further duty of the trustees to examine into the condition of the public roads and highways of their respective townships at least twice in each and every year, and make a report on the condition of said roads and highways and present said report at the spring and fall terms to the judge of the superior court, who shall transmit said report to the solicitor with such instructions as he may deem proper. That each and every chairman of county commissioners, board of county commissioners, justice of the peace or board of township trustees or supervisor, who shall neglect or refuse to perform the several duties enjoined by this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court, and is hereby made the duty of the solicitors to prosecute said offences.

SEC. 3. That the township trustees of the several townships of this State shall, on the first Monday of May next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter may make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plot of his road district. The trustees of each township, at their May meeting, and annually

Meetings of boards of trustees.

Time of meetings.

Record.

Trustees exempt from working roads.

Duties.

Report.

To be handed to solicitor.

Justice, &c., neglecting his duty indictable.

Townships to be divided into districts.

Supervisor to be furnished with plot.

Supervisor to be elected in each township.
Penalty for declining office.

thereafter, shall elect one supervisor for each road district. And each supervisor who refuses or neglects to qualify and serve, shall forfeit and pay the sum of twenty dollars and costs, to be collected by the township trustee in an action of debt. Money so collected shall go into the road fund of the township, and be credited to the proper road district. That when any vacancy shall occur in the office of supervisor by death, resignation or otherwise, the trustees of the township wherein such vacancy occurs shall appoint some suitable person to fill vacancy.

Vacancy.

Road bed not over sixteen feet wide.

SEC. 4. The road-bed shall be not more than sixteen feet wide, unless so ordered by the board of county commissioners, and in opening new roads not more than five jurors shall be summoned or required. And it shall be the duty of each and every supervisor to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in his road district, the same to keep in repairs, and remove or cause to be removed all obstructions that may from time to time be found thereon; for which purpose the supervisors are hereby authorized to enter upon any uncultivated lands, or improved lands unincumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber, as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest water course, and shall be kept open by such supervisors, and shall not be obstructed by the owner or occupier of such lands, or any other person or persons having the same in charge under the penalty

To open new roads five jurors enough.

Duties of supervisor.

Power to enter on lands, &c.

Drains, &c.

of forfeiting a sum not exceeding ten dollars for each and every offence, to be collected by the supervisor and paid over by him to the township trustees and applied to the road fund of the township.

SEC. 5. That all able-bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required, between the ages of eighteen and forty-five years, except persons permanently disabled in the military service of this State, shall be liable annually to do and perform four days' labor on the highways, under the direction of the supervisor of the road district in which he shall reside: *Provided further*, that if any person, being named as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of three dollars, the same shall be received in lieu of the four days' labor, and shall be applied by the supervisor receiving the same to the improvement of the roads of his district, and accounted for as hereinafter provided.

SEC. 6. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, between the first day of February and the first day of December, annually, to do and perform the work aforesaid on public roads within the district, and if any such resident being personally warned by such supervisor, or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, to attend by himself or substitute to the acceptance of the supervisor, or having attended shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or any inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offence, and shall further be liable in all cases of non-attendance to the amount of four days' work, to be recovered by action before any justice of peace of the proper township at the suit of the supervisor within whose district he may reside; and shall also be guilty of a misdemeanor and fined not exceeding

All able bodied male persons to perform the required labor; ages 18 to 45.

Exemptions.

Four days labor.

Three dollars received in lieu of labor.

Duty of supervisor to order out hands to do the labor.

Failure to attend after two days' notice.

Or refusal to obey supervisor, or pass his time in idleness.

Forfeit one dollar

How recoverable.

Misdemeanor.

Penalty.

five dollars or imprisoned not exceeding five days; and the money so collected shall be applied by said supervisor to the improvement of the roads in his district, and accounted for by him at the annual settlement with the township trustees: *Provided*, that no person shall be released from the performance of labor on the public highways by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided.

Proviso.

Person removing from district after performing labor or paying, to be relieved.

SEC. 7. That in case any person shall remove from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified.

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Persons warned to come at 7 a. m.

SEC. 8. That any person called upon to perform any labor upon the public roads and highways under any provision of this act, shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon with such necessary tools and implements as the supervisor may direct.

Tools.

Definition of residence.

SEC. 9. That for the purpose provided for in the preceding sections of this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards, in any road district in this State.

Supervisors to collect fines, penalties, &c.

SEC. 10. That the several supervisors, within their respective districts, shall collect by suit or otherwise all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the township trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions

To get execution where person is solvent.

of this act from whom such fines, forfeiture or penalty, in the opinion of the supervisor, can be collected by execution; and the said judgments if not paid together with the cost thereon shall remain and be in force against the judgment debtor as other judgments at law.

SEC. 11. That the several supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts; and every supervisor is hereby required to account to the township trustees at the annual settlement for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the four days' labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the justice of the peace or constable collecting the same to the supervisor of such road district wherein such fines or forfeitures accrued; and the several supervisors shall also render an account to the township trustees, at the annual settlement of all moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor and the justice of the peace before whom such judgments were obtained with the amount thereof; and the township trustees shall make such order as to the prosecution of the suits by the supervisor of the proper district against such delinquents as in the judgment of the trustees the interest of the township may require.

SEC. 12. That all the moneys that may remain in the hands of the supervisor at the time of the annual settlement with the trustees, shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the township trustees. It shall be lawful for any supervisor to sue out executions on any judgment

How moneys to be expended.

Annual statement.

Fines and penalties to whom paid.

Account to be rendered.

Money on hand to be paid over by supervisor to treasurer.

that remains unpaid within his proper district, at any time when in his opinion the same can be collected; and the money so received and collected shall be expended as provided in the foregoing section.

Foot bridges.

SEC. 13. That the supervisors of roads and highways within the State be and are hereby authorized to construct foot bridges over streams of water on said highways.

Sign posts, guide boards.

SEC. 14. That each supervisor within his district shall erect and keep up, at the expense of the township, at the forks of cross roads of every State and county road, a post and guide board or finger board, containing an inscription in legible letters, directing the way and distance to the town or towns, or public place or places, situated on each road respectively.

Wilful injury to guide board, &c., a misdemeanor.

SEC. 15. That if any person shall wilfully demolish, throw down, alter or deface any guide board, every person so offending shall, upon conviction thereof before any justice of the peace of the proper county, be fined in any sum not exceeding ten dollars and cost of suit, and the money when collected shall be, by the justice of the peace collecting the same, paid over to the supervisor in whose district the offence was committed, and be by him applied to the repair of the roads and highways within his district.

Trustees to furnish plows, scrapers, &c.

SEC. 16. That the township trustees of the several townships within this State be and they are hereby authorized to furnish plows, scrapers or other tools for the use of the several districts within their township to be paid for out of any moneys in the township treasury not otherwise appropriated. The township trustees shall take a

How paid for.

Supervisor to receipt for tools.

receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements, or to any of them, by improper use thereof, or by unnecessary exposure to the weather during the time the

Liable for damage to tools.

same may be in his possession ; and he shall, on the first Monday of May annually, return the same to said trustees. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by action in the name of the township trustees.

SEC. 17. That the commissioners and board of justices of the peace of the respective counties in this State are hereby authorized to levy at the June session of their board annually for road purposes not less than seven-tenths of a mill, nor more than two mills on the dollar, and the chairman of the county commissioners shall place the same on the tax list of the current year, to be included in and collected in the annual taxes ; that if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property of their respective townships, and shall certify the same in writing to the boards of county commissioners and justices of the peace at their June session, who may levy a special tax, not exceeding one mill on the dollar, and the commissioners and justices may levy and assess the same on the taxable property of the township, and the same shall be collected as other taxes, and paid out as herein provided.

SEC. 18. That the chairman of county commissioners, immediately after the commissioners at their annual session for that purpose have determined the amounts to be assessed for road purposes in their respective counties, shall give notice in some newspaper in general circulation in the county of the per centum on each hundred dollars of the valuation so determined to be assessed in such county and township and that the said tax may be discharged by labor on the roads under the direction of the supervisors of the several districts, and shall make out a list of the names of each taxpayer, of the amount of the road tax with which each stands charged, and transmit the same to the supervisor of the proper district.

A tax not exceeding two mills to be levied.

On tax list.

Additional tax when necessary.

Chairman county commissioners to give notice of per cent. of tax.

Tax list.

Tax may be discharged by labor.

One dollar per day.

Certificate.

Necessities of road, not miles to govern.

Supervisor neglecting his duty indictable.

False receipt.

Penalty.

Duty of township trustees to prosecute.

SEC. 19. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged within the time designated in this act, at the rate of one dollar per day and a ratable allowance per day for any team, implements and material furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county sheriff shall receive all such certificates as money in the discharge of said road tax. The township trustees in determining the division of this fund shall be governed not by the miles of road in each district, but by necessities of the roads, the convenience of getting material, the quantity of material necessary to make substantial repairs, etc., and thus make a just and equitable division of said fund between the several districts.

SEC. 20. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretence whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor in work performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit for every such offence not less than ten dollars, nor more than fifty dollars, to be recovered by an action before any justice of the peace of the proper county; and it is hereby made the duty of the township trustees to prosecute all offences against the provisions of this section: *Provided*, That if any supervisor conceives himself aggrieved by the judgment of such justice of the peace, he may on giving sufficient security to said justice of the peace for the payment of the cost, appeal to the superior court, who shall make

such order therein as to them may appear just and reasonable.

SEC. 21. That it shall be unlawful for any supervisor to perform, or cause labor to be performed, on any road not regularly laid out and established by law.

Unlawful to perform labor on road not established.

SEC. 22. That each and every supervisor who shall cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road or building, or repairing any bridge or crossway within his district, shall, on the demand of the owner of the lands, their agent or agents, or the guardian of any ward, or the executor or administrator having lands in charge, from which timber, stone or gravel were taken as aforesaid, shall give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.

Certificate for material used to be given owner, &c., of land.

SEC. 23. That any person or persons who shall receive a certificate as provided for in the foregoing section, shall present the same to the county commissioners of the proper county at any regular session of said commissioners within six months after the taking and carrying away of such timber, stone or gravel, and the commissioners, being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the county treasury; but if not so satisfied, they shall determine what sum in their opinion would be just.

Certificate to be presented to county commissioners.

To be paid.

SEC. 24. That each supervisor shall receive for his services one dollar and fifty cents per day for the time actually employed on the roads, deducting the commutation for his four days' labor. Supervisors having charge of not more than twenty-five hands shall not receive more than ten dollars in any one year, and no supervisor having a greater number shall receive more than twenty dollars in any one year, and be paid out of the county treasury.

Pay of supervisor.

Limit.

SEC. 25. That at any time during the year when any public highway shall be obstructed, it shall be the duty

Obstruction to be removed.

of the supervisor of the district in which the same may be, forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove said obstructions. If the person or persons thus called out shall have performed their four days' labor upon the public highways, or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

Certificate of labor performed.

Good on labor or tax.

Obstructing a road by railroad car or otherwise for more than five minutes an offence.

SEC. 26. That if any person or persons, corporations, or any conductor of any train of railroad cars, or any other agent or servant of any railroad company, shall obstruct unnecessarily any public road or highway authorized by any law of this State by permitting any railroad car or cars or locomotive to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood or other obstructions to remain upon or across any such road or highway to the hindrance or inconvenience of travellers, or any person or persons passing along or upon such road or highway, every person or corporation so offending shall forfeit and pay for every such offence any sum not exceeding twenty nor less than five dollars, and shall be liable for all damages arising to any person from such obstruction or injury to such road or highway, to be recovered by an action at the suit of the trustees of the township in which such offence shall have been committed, or any person suing for the same before any justice of the peace within the county where such offence shall have been committed, or by indictment in the superior court in the proper county. And all fines so accruing under the provisions of this section, when collected, shall be paid over to the supervisor of the district in which such offence was committed, and by the supervisor applied to the improvement of the

Damages recoverable.

Party may be indicted.

roads and highways therein; and every twenty-four hours such corporation, person or persons as aforesaid, after being notified, shall suffer such obstructions to the hindrance or inconvenience of travellers, or any person or persons going along or upon such road or highway, shall be deemed an additional offence against the provisions of this act.

Each twenty-four hours an additional offence.

SEC. 27. That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of which shall in any manner obstruct any public road or highway, shall be liable to pay all fines which may be assessed against such servant or servants, agent or agents, employee or employees, for so obstructing any such public road or highway, and such liability as may be enforced by execution issued against such railroad company or other corporation on the judgment rendered against such servant or servants, agent or agents, employee or employees, for so obstructing such public road or highway.

Railroad company liable to pay all fines against its employees indicted for obstructing road.

SEC. 28. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road bed or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad company, being warned by the supervisor of the proper district by leaving a written notice with any agent, or informing any station agent of the said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty nor less than twenty dollars, to be recovered by an action at the suit of the township trustees before any justice of the peace of the proper county, and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offence shall be deemed an additional offence against the provisions of this act; and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money

Unlawful for railroad company to obstruct drainage of road.

Notice of obstruction to be given.

Neglect to repair after notice an additional offence.

Fines collected, how disposed of.

so paid over shall be used by said supervisor for the improvement of the roads in his district and accounted for in his annual settlement.

Persons meeting
must turn to
right.]

SEC. 29. Whenever any persons shall meet each other on any bridge or road travelling with carriages, wagons, or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the travelled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference; every person wilfully offending against the provisions of this section shall for each offence forfeit a sum not exceeding five dollars, to be recovered on complaint before any justice of the peace in the county where the offence shall have been committed; and he shall further be liable to any party for all damages sustained by reason of such offence: *Provided*, that every such complaint shall be made within one month after the offence shall have been committed, and that every such action for damages shall be commenced within two months after the cause of action shall have accrued.

Wilful violation
makes offender
liable for a pen-
alty.

And all damages.

Complaint to be
made in one
month.

Railroad com-
pany to put in re-
pair road bed
across railroad
crossings.

SEC. 30. It shall be the further duty of each supervisor to cause each railroad company to construct and keep in good repair the road bed of all public roads across the road bed of said railroad company; and if any railroad company, being duly warned by the supervisor of the proper district by leaving a written notice with any station agent, or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said road bed to the acceptance of the supervisor, shall forfeit any sum not exceeding fifty nor less than thirty dollars, to be recovered by an action at the suit of the township trustees before any justice of the peace in the proper county, and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used by said supervisor for the improvement of the roads in his district, and ac-

Penalty for
failure.

counted for in his annual settlement; and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said road bed, shall be deemed an additional offence against the provisions of this act.

Each five days a new offence.

SEC. 31. That it shall be lawful for the supervisors of road districts bordering on the State line between North Carolina and any adjoining State where a public highway has been located upon such State line in accordance with and under the provisions of the laws of the State of North Carolina, to apply the labor of said district upon said roads in the same manner as on other roads located within the boundaries of this State; and in case any public road is or shall be established as a part of the line or boundary of any township or incorporated village or city, the trustees in such adjoining township or townships and council of such incorporated village or city, as the case may be, shall meet at some convenient place as soon after the first Monday in May as convenient, and apportion such road between the townships or township and village or city as justice and equity may require, and the trustees in the respective townships or village or city council shall cause said road or roads to be opened and improved accordingly.

Roads upon a State line may be worked as if in the State.

Road on township or city lines.

Apportionment.

SEC. 32. The Secretary of State shall furnish the chairman of county commissioners with a sufficient number of printed copies of this act for the use of the supervisors and township trustees of the proper counties, and the commissioners shall furnish the necessary books and blanks for the use of the township trustees and supervisors of their respective counties. The township trustees shall not lay off any portion of any incorporated city, town or village in any road district. The tax levied by county commissioners and justices of the peace under this act shall be levied in accordance with the constitution of this State, and shall apply to all cities and towns.

Copies of this act to be furnished to county commissioners.

Books and blanks to be furnished.

Tax to apply to cities.

Mecklenburg
only.

SEC. 33. This act shall only apply to the county of Mecklenburg.

Repealing clause.

SEC. 34. All laws or parts of laws in conflict with this act are hereby repealed. This act shall be in force from and after ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 135.

An act to amend chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-three relating to working public roads in Forsyth county.

The General Assembly of North Carolina do enact:

Acts of 1883, chapter 234, amended by permitting certain townships in Forsyth to levy road tax if county rejects it.

SECTION 1. That chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-three be amended by adding at the end of section one in said chapter the following: And should the justices of the peace in Forsyth county reject said system of working the public roads, the board of commissioners of Forsyth county, upon application of one-fifth of the justices of the peace in the following townships, to-wit: Broad Bay, Winston, Middle Fork, South Fork, Old Town, Bethania, and Lewisville, shall call all of said justices of the peace in said townships together, and whenever at such meeting a majority of the total number of justices of said townships shall vote for the adoption of the alternative system of keeping in repair the public roads according to the provisions of said act, ratified the sixth day of March, one thousand eight hundred and eighty-three, then said act shall be in force throughout said townships. The rate of taxation for road purposes shall be determined by the board of county commissioners and the justices of the

Justices of certain townships may vote separately.

If ratified by a majority of justices, act to be in force in certain townships.

Tax.

peace of said townships, and the moneys arising therefrom shall be collected as provided in said act, and shall form a common fund to be expended on the public roads of said township jointly and in the manner provided for in said act.

Taxes applied to public roads.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 136.

An act to prohibit the sale of spirituous liquors within two miles of the site of the school house in district number nine, white, in Johnston county, Pleasant Grove township.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any one to sell or give away any spirituous liquors within two miles of the site of the public school house in white district number nine, in Pleasant Grove township, Johnston county. Any person who is guilty of a violation of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

Prohibition in two miles of school house district No. 9, Pleasant Grove township, Johnston county.

SEC. 2. That this act shall be in force from and after the first day of May, one thousand eight hundred and eighty-five.

To go into effect May 1st, 1885.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 137.

An act to require judges to allow juries to take written instructions with them on their retirement.

The General Assembly of North Carolina do enact:

Written instructions of judge may be taken by jury with them at will of judge or request of party.

SECTION 1. That whenever a judge shall put his instructions to the jury in writing either of his own will or at the request of any party to an action on trial, he shall, at the request of either party to the action, allow the jury to take his instructions with them on their retirement, and the jury shall return said instructions with their verdict to 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 25th day of February, A. D. 1885.

CHAPTER 138.

An act supplemental to and amendatory of an act ratified January nineteenth, one thousand eight hundred and eighty-five, entitled "An act to establish the Edenton graded school."

The General Assembly of North Carolina do enact:

Act January 19th, 1885, amended by striking out "of" in "all of which."

SECTION 1. That the act of the General Assembly, ratified on the nineteenth day of January, one thousand eight hundred and eighty-five, entitled "An act to establish the Edenton graded school," be and the same is hereby amended by striking out the word "of" immediately following the word "all," and immediately preceding the word "which," in section four of said act, so that the same shall read, "And all which shall hereafter,"

&c., instead of "and all of which shall hereafter," &c., as it now reads.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 139.

An act to secure the free passage of fish in the north fork of New river, in Ashe county.

The General Assembly of North Carolina do enact :

SECTION 1. That all persons maintaining dams across the north fork of New river, in Ashe county, shall, upon thirty days' notice from the board of commissioners of said county, establish fishways in said dams for the free passage of fish up and down, and if the said fishways are not established within three months from the service of the said notice, said persons so offending shall be deemed guilty of a misdemeanor.

All persons having dams across New River, Ashe county, must keep up fish ways

Violation 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 25th day of February, A. D. 1885.

CHAPTER 140.

An act to amend section two thousand five hundred and ninety-two of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand five hundred and ninety-two of The Code of North Carolina be and

Misdemeanor to disturb temperance society.

the same is hereby amended by inserting "between the words "school" and "or" in line two, the words "or temperance society or organization," and by inserting between the words "improvement" and "either" in line four, the words "or for the discussion of the subject of temperance or question of moral reform," and by inserting between the words "property" and "shall" the words "or property of any temperance society or organization."

Or injure its property.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 141.

An act in reference to the public schools in Raleigh township, Wake county.

The General Assembly of North Carolina do enact :

Object; that public school interests of Raleigh shall be better conducted.

That in order that the public school interests of Raleigh township, Wake county, may be more efficiently and conveniently conducted, the following shall be the law for the government of the said interests in said township :

School committee Raleigh township to consist of six members,

SECTION 1. That the school committee of said township shall consist of six members instead of three, as now required by the general school law of the State, to be elected by the board of aldermen of the City of Raleigh, but no member of said school committee shall hold any other office under the city government of Raleigh, except as hereinafter provided. The said school committee above provided for shall be divided by ballot, by the said board of aldermen, into three classes of two each. The term of office of the first class shall expire at the end of

Elected by board of aldermen of Raleigh.

To hold no other city office.

Divided into classes.

Two, four and six years.

two years from a period to be fixed by the said board, and the term of office of the second class shall expire at the end of four years from said period, and the term of the third class at the end of six years from said period. Whenever the term of office of any class shall expire as above provided, an election shall be held by the said board of aldermen to fill the vacancy occasioned by the expiration of said term, and the term for which those chosen to fill vacancies shall be elected, shall be a term of six years, so that the said school committee shall consist of six members and a chairman *ex officio*. The mayor of the City of Raleigh shall be the chairman *ex officio* of the said committee, whose duty it shall be to preside at its meetings, but he shall have no vote on any matter before said committee, except in case of a tie. When a vacancy occurs in any of the classes above provided for, otherwise than by expiration of a term, the said vacancy shall be filled by the board of aldermen of the City of Raleigh as soon as may be convenient.

Regular term six years.

Mayor to be chairman *ex officio*.

To preside, but no vote except in tie.

SEC. 2. That the school committee created in the foregoing section shall have entire and exclusive control of the public school interests and property in said township; shall prescribe laws, rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools annually; shall take an accurate census of the school population of the township as required by the general school law of the State, and do all other acts which may be just and lawful to conduct the public school interests in said township: *Provided*, that no person shall be employed as an officer or teacher in the public schools of said township who is within two degrees of relationship by blood or marriage to any member of the said school committee: *And provided further*, that no member of said school committee shall be in any way directly or indirectly interested in the sale of

School committee to have exclusive control of public schools of Raleigh township.

Employ teachers, &c.

Census of school population.

No teacher or officer employed in two degrees of relationship to any member of committee.

No member to be interested in sale of books or school supplies.

any books, school apparatus or other school supplies to the public schools of said township.

Superintendent of schools to be also principal of graded school.

SEC. 3. The school committee created by this act may elect annually a superintendent of schools, who shall be principal of the Centennial Graded School, and general supervisor of the public schools of Raleigh township.

Duty to examine teachers.

The said superintendent shall examine as to their efficiency all applicants for positions of teachers in the public schools of said township, and perform such other duties as may be prescribed by the said school committee.

Moneys to be received by treasurer of Wake county.

SEC. 4. That the moneys which shall from time to time be apportioned under the general school law of the State to Raleigh township, and any moneys to which said township may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of Wake county, who shall be treasurer *ex-officio* of the aforesaid school committee of Raleigh township; and the said treasurer shall immediately upon receipt of such moneys report the same to the said school committee for apportionment as prescribed hereinafter. The moneys received as aforesaid shall be held by the said treasurer as a separate fund, to be disposed of alone under the direction of the aforesaid school committee,

Apportionment of school fund.

whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be sufficient vouchers for said treasurer in any settlement required of him by law. The said treasurer shall furnish annually to the finance committee of the board of aldermen of the City of Raleigh, at a time to be fixed by the said board, a statement supported by proper vouchers of all moneys received and disbursed on account of public schools in Raleigh township, and if the said statement is found correct or incorrect by said finance committee, the chairman thereof shall certify a copy of the same, with a proper endorsement, to the said board of aldermen at the next regular meeting after said statement is furnished: *Provided*, that nothing herein shall be construed to conflict

Warrant of chairman a voucher for county treasurer.

Examination of accounts by finance committee of board of aldermen.

with the settlement required of said treasurer under the general school law of the State.

SEC. 5. The general bond now required by law of the aforesaid treasurer to protect public funds in his hands shall be an amount sufficient to include double the amount received to the credit of Raleigh township on account of public schools, independent of the amount to secure the funds which may come into his hands from other sources. The said treasurer of the school committee of Raleigh township shall receive for his services as treasurer the compensation allowed by law for the receipt and disbursement of public school funds.

County treasurer's bond liable for his performance of duties under this act.

Compensation.

SEC. 6. The school committee provided for in this act shall apportion the money raised or received for educational purposes in Raleigh township as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up the public schools for both races.

To apportion money in way just to both races, with regard to cost of different schools.

SEC. 7. That the said members of the school committee shall before entering upon the discharge of the duties of their office take an oath before the mayor of the City of Raleigh or some justice of the peace for Raleigh township to faithfully and honestly discharge the duties of school committeemen of Raleigh township. For any malfeasance within office the members of said committee shall be amenable to the board of aldermen of the City of Raleigh, which board shall have the power of dismissal in case of conviction.

Oath of school committeemen.

Punishment for misconduct in office.

SEC. 8. That the said committee shall make or cause to be made to the aforesaid board of aldermen an annual report of the census of the school population, of the work done and money expended under their direction in Raleigh township on account of public schools, at the first meeting of said board after the conclusion of each school year; the beginning and end of said school year to be fixed by said board, and the clerk of said board shall im-

Report of school committee.

What it shall contain.

Distribution of report. mediately forward a copy of said report to the office of the Superintendent of Public Instruction of North Carolina whenever it is received and accepted by said board.

School committee to be a body politic. SEC. 9. The school committee herein created shall be a body corporate by the name and style of "The School Committee of Raleigh Township, Wake County," and by that name shall, by permission of and under the direction of the said board of aldermen, be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation herein created. Conveyance to said school committee shall be to them and their successors in office.

Powers, &c.

Repealing clause. SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 142.

An act to secure the better drainage of the lowlands of Goshen swamp, in Sampson county.

The General Assembly of North Carolina do enact :

Location of certain low grounds of Goshen swamp SECTION 1. That for the purpose of securing the better drainage of the lowlands of Goshen swamp, between W. R. Sutton's old mill site and a large ditch in Mrs. Nancy Sutton's cleared land, known as the head ditch, and those lands on the west prong of said swamp from where it flows into Goshen proper, to the outlet of John K. Boyette's large ditch on said west prong, Hinton Craddock, Lewis

Corporators.

Sutton, Benjamin Sutton, James Sutton, Sr., William R. King, Alfred Andrews, Nancy Sutton, James Sutton, Jr., Clarissa Darden, W. T. Sutton, S. R. Daughtery, W. B. Jackson, S. O. Sutton, William Boyette, John K. Boyette, William R. Sutton 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 Goshen 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.

Goshen Swamp
Drainage Com-
pany.

SEC. 2. That the company created by this act shall have the members of the same to do, abide by and perform all such matters and things in effecting the purposes of this corporation, as in meeting of said company may be determined upon by resolution duly passed and recorded upon the minutes.

Powers of corpo-
ration.

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.

By-laws, &c.

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-six, the officers created by this section shall be filled as follows: William R. King, president; W. T. Sutton, J. K. Boyette, vice-presidents; Lewis Sutton, treasurer; and S. R. Daughtery, secretary.

Officers.

Compensation.

Until election,
names of officers.

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

Bond of secretary
and treasurer.

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

SEC. 6. That the president, the two vice-presidents, and two other members of the company, to be elected at the annual election, shall constitute a board of assessors, whose duty it shall be to estimate the number of acres of lowlands belonging to each land owner 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 in 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 land owner may have received, and the actual cost of labor performed or required, and after considering the same, shall fix not oftener than twice annually the amount to be paid by each member and land owner, all of which the board of assessors shall report in full to the company in regular or called meeting. The company shall consider the said report and approve or modify the same, as in their opinion may be fair and just to each member and land owner, and declare the sum each member and land owner shall be assessed.

Powers and duties.

Assessment upon members.

Right to levy and collect money to perform labor.

Assessment to be a lien on the land

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 land owner 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.

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.

Right to enforce by action compensation for the benefits of this act.

Judgment to be taken.
Lien on land.

SEC. 9. That if any owner of lands to be benefited by the work herein contemplated shall be a minor, such minor shall have all the rights and privileges of a copartor 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, nor until the expiration of one year thereafter.

Procedure in case of minors.

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.

Wilfully felling timber a misdemeanor.

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 25th day of February, A. D. 1885.

CHAPTER 143.

An act for the maintenance of the University of North Carolina.

Preamble; constitutional obligation to support university.

WHEREAS, by section six, article ninth, of the constitution of the State, it is provided that the General Assembly may make such provisions, laws and regulations as may be necessary and expedient for the maintenance and management of the University; and whereas, it is further provided in section fourteen of said article that as soon as practicable after the adoption of the 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; and whereas, the trustees of the University find that the income now at their disposal is insufficient to maintain the institution on its present basis, and are prevented from want of means from introducing as much theoretical and practical instruction as is necessary to carry out the purposes of the constitution and supply the educational needs of the State; and whereas, an efficient system of public schools cannot be obtained without competent teachers for the same, and it is of supreme importance to the well being of the State that its young men of all pursuits shall be able to receive the advantages of higher education within its own limits at moderate expense:

Income of University is now insufficient.

The General Assembly of North Carolina do enact:

Fifteen thousand dollars appropriated to University.

SECTION 1. That the sum of fifteen thousand dollars shall be appropriated out of any moneys in the treasury not otherwise appropriated, payable to the treasurer of the University of North Carolina in equal quarterly instalments on the first days of April, July, October and January of each and every year, beginning with the first day of April, one thousand eight hundred and eighty-five, said money as well as that already appropriated to

Payable quarterly.

be used and applied by the trustees aforesaid to the maintenance of the University and the fulfilment of its constitutional obligations: *Provided*, that the two thousand dollars now appropriated to the University normal school be placed at the disposal of the board of education for the aid of other normal schools now existing, or hereafter to be established.

Applied to maintenance of University.

Appropriation of \$2,000 for normal school to be applied to normal schools elsewhere

SEC. 2. Section two thousand six hundred and thirty-five of The Code providing for county students binding themselves to teach is hereby repealed, and the students who have made the promise therein required are released from their obligations.

County students not bound to teach.

SEC. 3. Where in any county there are two or more applicants for free tuition under section two thousand six hundred and thirty-three of The Code, it shall be the duty of the board of commissioners to notify the county superintendent of the fact, who shall hold a competitive examination of all applicants, after proper notice to all of them who may be known, and by general advertisement at the court house door and such other places as he may think proper. The county superintendent shall report to the board the name of the applicant who shows by such examination the greatest capacity for usefulness, and the board shall confer on him the appointment, if he is otherwise qualified. The board shall have power to associate with the county superintendent one other examiner, and those two may appoint a third, in which event the judgment of a majority shall be accepted by the board.

Where there are several applicants for free tuition, a competitive examination to be held.

County superintendent to report name of successful applicant.

Other examiners may be associated with county superintendent.

SEC. 4. It shall be the duty of the trustees of the University to cause annual reports to be made to the Governor, to be transmitted by him to the General Assembly, showing the receipts of the institution from all sources, and the expenditures thereof, with the objects for which said expenditures are made.

Trustees to report to Governor statement of receipts and disbursements to be laid before General Assembly.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1885.

CHAPTER 144.

An act to make certain waters in Currituck county a lawful fence.

The General Assembly of North Carolina do enact :

Currituck sound declared to be a legal fence from Virginia line to southern line of Poplar Branch township.

SECTION 1. That Currituck sound on the easterly side of the main channel thereof, together with its arms, creeks and estuaries as the same bounds the shores and marshes and surrounds the islands on said easterly side, be and the same are hereby made and declared a legal and sufficient fence from the Virginia line on the north to the southern line of Poplar Branch township, and that the line of said fence be the line of ordinary high water mark.

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 February, A. D. 1885.

CHAPTER 145.

An act to prevent live stock from running at large in Person and Granville counties.

The General Assembly of North Carolina do enact :

Unlawful for live stock to run at large in Person and Granville.

SECTION 1. That it shall be unlawful for any live stock to run at large in Person or Granville counties.

SEC. 2. It shall be the duty of the justices of the peace in said counties 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.

Duty of justices to register all live stock taken up and impounded. Registry always open for inspection.

SEC. 3. It shall be lawful for any person to take up any live stock running at large in said counties and to impound the same in the township where said stock is taken up, and such impounder may demand twenty-five cents for each animal so taken up, and twenty cents for each animal for every day such stock is kept impounded, and may retain the same with the right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders, one to be selected by the owner and the other by the impounder, said freeholders to select an umpire if they cannot agree, and their decision to be final.

Any stock at large may be taken up and impounded.

Charges.

May hold till charges are paid.

Damages to crop how ascertained.

SEC. 4. If the owner of said stock be known to such impounder he shall immediately inform such owner where his stock is impounded, and if said owner shall for two days after such notice wilfully refuse or neglect to redeem his stock, then said impounder shall file a description of said stock with the nearest justice of the peace in the township, in which said stock is impounded, and after ten days' written notice posted at four or more public places in said township, shall sell 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 treasurer for the benefit of the public schools of the county, in which said stock is taken up.

Owner if known to be notified.

If he neglect to redeem, impounder to file description with nearest justice.

After ten days' notice stock may be sold.

Application of proceeds.

SEC. 5. Any impounder wilfully misappropriating any money he may receive under this act, or in any manner violating any of its provisions, shall be guilty of a mis-

Impounder misappropriating money indictable

demeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

Definition of "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, swine and geese.

Board of commissioners to build fence on Virginia line and adjacent non-stock law territory.

SEC. 8. It shall be the duty of the board of commissioners of said counties forthwith to erect a good and lawful fence around said counties, except on the Virginia line and the lines of territory of adjacent counties in which the stock or no-fence law prevails, and to defray the expense of the same, they shall levy and collect an assessment not to exceed twenty cents on the one hundred dollars taxable valuation of the real estate of said counties.

Assessment not over twenty cents on \$100.

Citizens may construct fence on line.

SEC. 9. That any citizen or citizens of the territory herein described 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 or to erect gates on any of the highways on said line of fence.

May erect gates on line of fence.

If owner objects to fence land may be condemned.

SEC. 10. That if any owner of land along the line of territory described in this act shall object to the building of any fence herein allowed, his land not exceeding twenty feet in width for the fencing herein provided for, shall be condemned upon the application of any person or persons to any justice of the peace of the township in which said land is situated; and said justice of the peace shall at once proceed to summon two disinterested freeholders who shall, together with him, lay off and condemn such land for fencing, after giving to the owner or owners of such land or lands, or his or their agents, two days'

Procedure in case of condemnation.

notice, and they shall assess such damages as they think just.

SEC. 11. That any person who shall wilfully permit his or her live stock to run at large within said counties shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Wilfully permitting live stock to run at large a misdemeanor.

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 the fifteenth day of July, A. D. one thousand eight hundred and eighty-five.

Repealing clause.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1885.

CHAPTER 146.

An act to prevent stock from running at large, and to repeal all laws requiring fences within Lincoln county.

The General Assembly of North Carolina do enact:

SECTION 1. That all laws requiring fences, or restricting their removal by the owners, be and the same are hereby repealed.

Laws requiring fences repealed.

SEC. 2. That it shall be unlawful for any stock to run at large, and the owners or other persons who wilfully permit it shall be guilty of a misdemeanor.

Unlawful for live stock to run at large.

Wilfully permitting it a misdemeanor.

SEC. 3. That the word stock in this act shall be held to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats and neat cattle, swine and geese.

Definition of "stock."

SEC. 4. That it shall be lawful for any person to take up any stock found at large, and impound the same, and for so doing he may charge twenty-five cents for each animal taken up, and twenty-five cents a head for each

Lawful to impound stock found at large.

Charges.

day said stock is kept after it is registered, and said stock until said charges are paid.

Description of stock to be filed with nearest magistrate.

SEC. 5. That any person taking up any stock at large shall file a description of the same with the nearest magistrate in the township within ten days next after, and if said stock is not redeemed within ten days after said description is filed, then the said magistrate shall advertise said stock for sale at a time and place certain, not less than ten days, and within his township, by written or printed notices posted at three or more public places within his township, and shall sell the same for cash, and from the proceeds of sale he shall first pay the charges hereinbefore allowed, then he may retain fifty cents for his services, and the balance he shall pay to the owner of said stock if known, and if not known, then said magistrate shall keep said balance for sixty days, subject to the claim of said owner, at the expiration of which time, if unclaimed, he shall pay the same, less five per cent., which he may retain, to the treasurer of his county, to be accounted for as a part of the school fund.

Magistrate to advertise.

Sale.

Application of proceeds.

If owner not known net proceeds to go to school fund.

Owner's right to redeem before sale by payment of charges.

SEC. 6. The owner of any stock taken up and impounded may redeem the same at any time before the sale by paying the charges for taking up and keeping the same, and twenty-five cents to the magistrate for advertising sale.

Wilful damage or abuse by impounder indictable.

SEC. 7. That any person taking up or impounding stock, who shall cause damage thereto by inattention, neglect or abuse, or who shall wilfully abuse any stock, while at large, shall be guilty of a misdemeanor.

This act applicable to Lincoln county.

SEC. 8. This act shall apply to Lincoln county, and the commissioners of said county may levy a tax to build or repair any necessary fence, where the county borders upon other counties who have not the no-fence law.

Tax for necessary fences.

SEC. 9. That this act shall be in force from and after the fifteenth of August, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1885.

CHAPTER 147.

An act to repeal section one thousand two hundred and forty-five of The Code, and to require the registration of deeds.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand two hundred and forty-five of The Code be stricken out, and the following inserted in lieu thereof: No conveyance of land, nor contract to convey, or lease of land, for more than three years shall be valid to pass any property, as against creditors or purchasers for a valuable consideration from the donor, bargainor or lessor, but from the registration thereof within the county where the land lieth: *Provided however*, that the provisions of this act shall not apply to contracts, leases or deeds already executed, until the first day of January, one thousand eight hundred and eighty-six: *Provided further*, that no purchase from any such donor, bargainor or lessor shall avail or pass title as against any unregistered deed executed prior to the first day of December, one thousand eight hundred and eighty-five, when the person or persons holding or claiming under such unregistered deed shall be in the actual possession and enjoyment of such land, either in person or by his, her or their tenants, at the time of the execution of such second deed, or when the person or persons claiming under or taking such second deed, had at the time of taking or purchasing under such deed actual or constructive notice of such unregistered deed, or the claim of the person or persons holding or claiming thereunder.

SEC. 2. That any person or persons holding any unregistered deed or claiming title thereunder, executed prior to the first day of January, one thousand eight hundred and fifty-five, may have the same recorded without proof of the execution thereof: *Provided*, that such person or persons shall make an affidavit before the officer

The Code section 1245 stricken out.

No conveyance, lease for three years, &c., valid as against purchasers or creditors but from registration.

Not to apply to contracts already executed until January 1st, 1886.

No purchase to pass title as against unregistered deed if person claiming under unregistered deed is in possession.

Or if purchaser has actual or constructive notice of unregistered deed.

Unregistered deed executed prior to 1855 may be proved by oath of holder that maker and witnesses are dead and he can not prove hand writing.

having jurisdiction to take probate of such deed, that the grantor, bargainor or maker of such deed, and the witnesses thereto are dead or cannot be found, and that he, she or they cannot make proof of their handwriting.

Affidavit to be attached to deed and registered with it.

Said affidavit shall be written upon or attached to such deed, and the same, together with such deed, be entitled to registration in the same manner and with the same effect as if proven in the manner prescribed by law for other deeds.

All conveyances, &c., except those in section two, to be acknowledged or proven by maker or witnesses, or signatures proven.

SEC. 3. That all deeds, contracts or leases, before registration, except those mentioned in section two hereof, shall be acknowledged by the grantor, lessor or the person executing the same, or their signatures proven on oath by one or more witnesses in the manner prescribed by law, and all deeds so executed and registered shall be valid, and pass title and estates without livery of seizin, attornment or other ceremony whatever.

Deeds so executed to pass estate without livery of seizin.

Fees of clerk and register for old deeds.

SEC. 4. That for the probate of all deeds, including the privy examination of any *feme covert* executing the same, executed prior to January first, one thousand eight hundred and eighty-five, the clerk shall receive fifteen cents for each name, and the register, for recording the same, fifty cents for the first three copy sheets, and five cents for each additional copy sheet.

Act to go into effect Dec. 1st, 1885.

SEC. 5. That this act shall be in force from and after the first day of December, one thousand eight hundred and eighty-five, and the Secretary of State shall cause the same to be published in at least three newspapers in each judicial district in the State for six weeks before said day, and shall furnish to each clerk and register in the State a copy thereof, to be posted in their offices. The register of deeds of each county shall post or cause to be posted in four public places in each township of his county, for sixty days prior to the time when the act shall go into effect, printed notices explaining the provisions thereof

Advertisement to be made by Secretary of State.

Copies to be furnished clerk and register.

Register to post notices explaining the act.

and notifying all persons interested to comply with the provisions of said act.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1885.

CHAPTER 148.

An act for the better drainage of Lower creek, in the counties of Burke and Caldwell.

The General Assembly of North Carolina do enact:

SECTION 1. That W. W. Kincaid, J. E. Corpening, Sr., W. A. Setzer, N. A. Miller and R. L. Beall be appointed commissioners, whose duty it shall be as soon as practicable to lay off the main Lower creek in Burke and Caldwell counties, from the site of Erwin's mill in Burke county to the bridge on the public road from Lenoir to Hickory, near Lenoir, into sections of convenient length, and for each section appoint an overseer, a land owner on said creek in the section for which he is appointed, who shall hold his office for the term of two (2) years.

Names of commissioners to lay off Lower creek, Burke and Caldwell, in sections.

Terminal points.

Overseer for each section.

Office, two years.

Chairman.

SEC. 2. That said commissioners, or a majority of them, shall have power to elect one of their own number chairman, and may fill vacancies in their own number, or that of overseer, and in case they shall fail or neglect to fill vacancies within one month after such vacancy occurs, it shall be lawful for, and it shall be the duty of the clerk of the superior courts of Burke and Caldwell counties, each in his own county, to fill said vacancies.

Vacancies.

When clerk to fill vacancy.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land owner on said creek between said points, and shall furnish each overseer a copy of said estimate for his section, and each of said land owners when required by said overseer, after

To estimate number of acres of bottom land to each owner.

Owner to furnish one hand for each ten acres.

Work of draining and clearing.
Penalty for failure.

Duty of overseers.

Money arising from failure to be paid to overseer.

Expended in improving creek.
Overseer neglecting duty indictable.

Proviso: limit of compulsory service.

Not to prevent erection of bridges or water gates.

five (5) days' notice, shall furnish one hand with appropriate tools, for each ten (10) acres of land so estimated, to work on the draining and clearing of said creek, and on failing to do so, shall forfeit and pay two (2) dollars for each failure, which sum may be received by the overseer in whose section such failure occurred by warrant, as in cases of failure to work public roads. And it shall be the duty of the said overseer with the hands so provided, to work not more than ten nor less than two days each year, at the discretion of the commissioners, on the channel of said creek, within the bounds of their respective sections, in removing obstructions in and improving the banks of said creek, under such directions as the commissioners shall prescribe.

SEC. 4. All moneys arising from failure to work on said creek as above shall be paid to the overseer of the section where the failure occurred, and by him shall be expended in improving the channel of said creek. Any overseer duly appointed, and failing or neglecting to perform his duty as required by this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than twenty dollars: *Provided*, that no person shall be compelled to serve as overseer more than one term of two years consecutively.

SEC. 5. Nothing contained herein shall prevent building public bridges or public roads across said creek, or private bridges, or water gates by land owners at their own convenience. Nor shall anything herein contained be so construed as to exempt any person from working on the public roads.

SEC. 6. 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. 1885.

CHAPTER 149.

An act to drain the lowlands lying in the counties of Rowan, Davidson, Davie and Catawba.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever a majority of the land owners, on any one of the streams lying in the counties of Rowan, Davie, Davidson and Catawba, shall petition the board of commissioners of their county, it shall be the duty of the said board of commissioners to appoint five commissioners, from the land owners of said streams, whose duty it shall be, as soon as practicable after their appointment, to lay off said streams into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for two years, and shall be a land owner in the section for which he is appointed.

Procedure in draining low grounds in Rowan, Davidson, Davie and Catawba.
Petition to county commissioners
Five drainage commissioners to be appointed.

Duties to lay off streams.

Overseers.

SEC. 2. That a majority of said stream 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 said board of county commissioners of either of said counties shall, upon application being made, appoint commissioners and overseers for the purpose herein mentioned.

Chairman.

Vacancies.

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 either 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 such 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 of said owners shall furnish one hand sufficient, with appropriate tools,

To estimate number of acres overflowed or affected.

Copy of estimate to be furnished each owner.

Owner to furnish one hand for every ten acres sobbed and one for every twenty acres not sobbed.

Penalty for failure.

Commissioners to distribute labor.

To allot hands to overseer.

Duty of overseer to work from 4 to 24 days.

Powers.

Wilfully felling timber in streams indictable.

as required by the overseer, for every ten acres of land sobbed or overflowed, and one such hand for every twenty acres not sobbed, 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 failure so to do, shall forfeit and pay one dollar per day for failure on each hand, which shall be an assessment against the 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 to the number of acres of sobbed and overflowed 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 owner of the land embraced in this section.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work each and every year within the bounds of their respective sections not less than four nor more than twenty-four days, at the discretion of the commissioners, on the channels of said streams, with the power to straighten, remove obstructions and improve the lands 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 stream.

SEC. 6. That any person 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, and shall permit the same to remain therein for the space of twenty 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 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.

Not indictable if they pay the penalty.

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 as such overseer, to serve more than one term of two years at one time.

Money collected for penalty to be paid to overseer and expended in improving the stream.

Overseer neglecting his duty indictable.

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.

Power of commissioners to stop washes.

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.

Bridges and water gates not interfered with.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

No exemption from road duty.

SEC. 11. 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,

Wilful obstruction of overseer, &c., by owner a misdemeanor.

and upon conviction thereof shall be fined or imprisoned, one or both, at the discretion of the court having jurisdiction thereof.

SEC. 12. 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. 1885.

CHAPTER 150.

An act to amend chapter one hundred and sixty-seven, laws of one thousand eight hundred and eighty-three, in regard to the Caldwell and Watauga turnpike.

The General Assembly of North Carolina do enact :

Section requiring road hands to work on Caldwell and Watauga turnpike repealed.

SECTION 1. That section three, chapter one hundred and sixty-seven, laws of one thousand eight hundred and eighty-three, 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 27th day of February, A. D. 1885.

CHAPTER 151.

An act to amend chapter two hundred and forty-two, public laws of one thousand eight hundred and eighty-three, in regard to a graded road from Wilkesboro to the State line.

The General Assembly of North Carolina do enact :

Location of road from Wilkesboro to State line need not be "by way of Creston to Tennessee line."

SECTION 1. That section one of chapter two hundred and forty-two, laws of one thousand eight hundred and eighty-three, be amended by striking out all after the

word "Ashe" in line seven of section one, and insert in lieu thereof the following: "Thence from Jefferson to the Virginia line, on the most practicable route, to the Norfolk and Western Railroad."

From Jefferson to Virginia line, best route to Norfolk & Western Railroad.

SEC. 2. That section three be amended by striking out the names of John Finly, Frank Sheppard, Frank Hardin, W. K. Wilcoxson and Marshall Baker, and insert in lieu thereof, R. F. Hackett, L. C. Gentry, R. K. Pierce, John E. McGuian, Jesse R. Plummer and James F. Summers.

Names of commissioners under act 1883 altered.

New commissioners.

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. 1885.

CHAPTER 152.

An act to create a new township in the county of Greene.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township is hereby created in the county of Greene to be called Willow Greene township, and bounded as follows, viz: Beginning at Scuffleton bridge across Little Contentnea creek, and running with the Snow Hill road to H. H. Frizzle's old store, then with the road via H. H. Frizzle's house to the Snow Hill and Greenville road, then across said road with a branch, the dividing line between the Carr and Patrick lands, to Sandy Run, then with Sandy Run to the Pitt county line, then with said line to the beginning.

Willow Greene township, Greene county, created.

Boundaries.

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. 1885.

CHAPTER 153.

An act to repeal chapter sixty-eight of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five.

The General Assembly of North Carolina do enact :

Act to construct
public road in
Watauga county
repealed.

SECTION 1. That chapter sixty-eight of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be and the same is hereby repealed.

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. 1885.

CHAPTER 154.

An act to create a new township in the county of Greene, to be called Shine township.

The General Assembly of North Carolina do enact :

Shine township
Greene county,
created.

Boundaries.

SECTION 1. That a new township, to be called Shine township, is hereby created in the county of Greene, to be taken from the townships of Bull Head and Snow Hill, and bounded as follows: Beginning at the Greene and Lenoir county line on the Snow Hill and LaGrange road, and runs north with said road to the Snow Hill and Goldsboro road, then east with said road to the fork at Jerusalem church, then north with the Stantonburg road, then with said road to Fort Run, then up Fort Run to the mouth of Lewis branch, then up said branch to the western fork of said branch, then up the western fork to a road between John Harvey's, Jr., and Matthew

Edwards', then with said road to the Taylor Barrow branch, then down said branch to Cow branch, then up Rose branch to the Eden public road, then with said road to the Bull Head bridge, then up Nahunta to the Wayne county line, then with said line to the Lenoir and Greene county line, then with said line to the beginning.

SEC. 2. That the voting precinct in said township shall be at Shine. Voting precinct, Shine.

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. 1885.

CHAPTER 155.

An act to prevent felling timber in the north fork of New river and its tributaries in Ashe county.

The General Assembly of North Carolina do enact :

SECTION 1. It shall be unlawful for any person to fell any tree or roll any timber or logs into the north fork of New river or the following tributaries thereof, to-wit: Unlawful to fell trees in North Fork of New River or certain tributaries. Hilton up as high as Perkins' store, House creek as high as the fork of said creek, up Buffalo as high as Buffalo church, Phoenix creek as high as the Sheets' place, up the Big Laurel as high as Graybeal's mills, up Stringer's fork as high as Potter town.

SEC. 2. Any person violating section one of this act and leaving the trees, logs and timber of a greater length than ten feet therein for five days, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Violation a misdemeanor.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1885.

CHAPTER 156.

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

The General Assembly of North Carolina do enact:

Registration law of Wilmington amended, voter must give number of the house in which he resides.

SECTION 1. That chapter three hundred and eight of the laws of one thousand eight hundred and eighty-three entitled "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," be amended by striking out in the ninth line of section one of said act the word "lot" and the words "the number of block," and by inserting in lieu thereof the word "house."

SEC. 2. That all of section two of said act 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 26th day of February, A. D. 1885.

CHAPTER 157.

An act to make so much of section two thousand eight hundred and thirty-seven of The Code, as refers to shooting wild fowl at night, to not apply to Pamlico, Dare and Carteret counties.

The General Assembly of North Carolina do enact:

Wild fowl to be shot only with arms that can be fired from shoulder.

SECTION 1. That section two thousand eight hundred and thirty-seven of The Code be amended by striking out all after the word Sunday, in line two of said section, and inserting in lieu thereof the following: nor on any

other day with any kind of fire arms other than such as are fired from the shoulder: *Provided*, that this amendment to said section shall apply only to the counties of Pamlico, Dare and Carteret. Not to apply to Dare, Pamlico and Carteret.

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. 1885.

CHAPTER 158.

An act to secure a second week of court to Chatham county.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine hundred and ten of The Code be so amended as to authorize the superior courts of Chatham county to be held on the second Monday after the first Monday in March and September, and continue two weeks. Chatham court second Monday after first Monday in March and September. Two weeks.

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. 1885.

CHAPTER 159.

An act making it unlawful for physicians and surgeons to disclose information lawfully communicated to them by their patients.

The General Assembly of North Carolina do enact:

SECTION 1. No person duly authorized to practice physic or surgery shall be required to disclose any information which he may have acquired in attending a patient in a professional character, and which informa- No physician or surgeon required to disclose information obtained professionally in order to enable him to prescribe.

But judge may in his discretion compel it.

tion was necessary to enable him to prescribe for such patient as a physician, or to do any act for him as a surgeon: *Provided*, that the presiding judge of a superior court may compel such disclosure, if in his opinion the same is necessary to a proper administration of justice.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1885.

CHAPTER 160.

An act to construct an iron fence around the Caswell monument in the town of Kinston.

The General Assembly of North Carolina do enact:

Five hundred dollars to build iron fence around the Caswell monument.

SECTION 1. That the sum of five hundred dollars be and the same is hereby appropriated to build an iron fence around the Caswell monument in the town of Kinston, and to pay the debts contracted by the Monument Association: *Provided*, that not more than one hundred and seventy-five dollars shall be expended in paying debts contracted by the Association.

And to pay debts not over \$175.00 of Monument Association.

SEC. 2. That said amount of money shall be paid over to E. F. Cox, James A. Pridgen and L. Harvey, of the town of Kinston.

Paid to certain persons in Kinston.

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. 1885.

CHAPTER 161.

An act to prevent live stock from running at large in the county of Vance.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any live stock to run at large within the county of Vance.

Unlawful for live stock to run at large in Vance county.

SEC. 2. It shall be lawful for any person to take up any live stock running at large in said county, and impound the same in the township where it is taken up, and such impounder may demand fifty cents for each animal so taken up, and twenty-five cents for every day such stock

Any person may take up stock running at large. May impound stock.

is kept impounded, and may retain the same with proper care until all legal charges for impounding said stock, and for damages caused by the same, are paid; said damages to be ascertained by two disinterested freeholders to be selected, one by the owner of said stock and one by said impounder, said freeholders to select an umpire if they cannot agree, from whose decision the right of appeal shall be allowed by either party.

Charges.

May detain stock until damage is ascertained and paid.

SEC. 3. Any person who shall wilfully permit his or her live stock to run at large in the county of Vance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars.

Wilfully permitting stock to run at large a misdemeanor.

SEC. 4. If the owner of said stock be known to such impounder, he shall immediately inform such owner where his stock is impounded, and if such owner shall for two days after such notice, wilfully refuse or neglect to redeem his stock, then the impounder after ten days' written notice, posted at three or more public places in the township where such stock is impounded and describing the said stock and stating the place, day and hour of sale, or if the owner be unknown, after twenty days' notice in the same manner and also at the court house, shall sell the stock at public auction and apply the pro-

Owner of impounded stock, if known, to be notified.

If owner neglect to redeem, impounder may sell on ten days' notice.

Or if owner unknown after twenty days' notice.

- Proceeds how applied. ceeds of such sale in accordance with the provisions of section two of this act, and the balance of such proceeds, if any such be remaining, he shall turn over to the owner, if known, and if the owner be not known, to the county commissioners for the use of the school fund of the district wherein said stock was taken up and impounded, subject in their hands, within six months, to the claim of the legal owner.
- Legal owner may claim proceeds for six months. SEC. 5. Any impounder misappropriating any money received by him under this act or in any manner wilfully violating any of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.
- Misappropriation of money by impounder indictable. SEC. 6. Any person unlawfully rescuing or releasing any impounded stock, or wilfully attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days.
- Unlawful release or rescue of stock indictable. SEC. 7. The word stock in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, and all neat cattle and swine.
- Definition of stock. SEC. 8. That in case of the failure or refusal, by either the owner or impounder of said stock, to select the freeholders provided for in section two of this act, and the said impounder shall make written application to any justice of the peace of the township in which said stock is impounded, under oath, stating that he hath suffered damage by reason of stock running at large, then the said justice of the peace shall appoint three disinterested freeholders, who shall, after having been first duly sworn by the said justice to do equal and impartial justice between the parties, estimate said damages, which shall be paid by the person claiming such stock together with the costs of the proceeding, before the said stock is delivered to the owner thereof, or in case of sale before
- Procedure when owner and impounder fail to select freeholders to assess damage.
- Justice of the peace to appoint three disinterested persons.
- Duties.
- Lien of impounder on stock for damage.

such owner shall be entitled to demand any part of the proceeds of such sale.

SEC. 9. It shall be the duty of the board of county commissioners of Vance county to erect a good and lawful fence around the entire county of Vance or so much thereof as may be necessary to fully carry out the provisions of this act, and to erect gates on all public highways leading into said county, and to keep the same in good repair.

Duty of county commissioners to erect fence and keep it in repair, &c.

SEC. 10. If the owner of any land shall object to the building of any fence herein provided for, his land, not exceeding twenty feet in width, shall be condemned for the fence way as land has been heretofore condemned for railroad purposes by the Raleigh & Gaston Railroad Company: *Provided*, that no fence shall divide a tract of land against the consent of the owner, but may follow the boundaries thereof: *Provided further*, that when a public road divides a tract of land, the fence may follow the highway, even against the consent of the owner of the land so divided.

If owner object to building fence right to condemn land, as under R. & G. R. R. Co. charter.

No fence to divide owner's tract without his consent.

SEC. 11. That for the purpose of carrying out the provisions of section nine of this act, the county commissioners of Vance county may levy and collect, as other taxes are levied and collected, a special tax upon all the real property, taxable by the State and county within the limits of said Vance county.

A special tax to build necessary fence.

SEC. 12. Any person or persons wilfully tearing down or in any manner breaking a fence or gate, or leaving open any gate, erected in pursuance of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Wilful injury to fence or gate a misdemeanor.

SEC. 13. That all water courses or streams in or bounding said county, which are now by law declared lawful fences, are hereby declared good and lawful fences for the purposes of this act.

All streams now lawful fences are continued so.

Repealing clause. SEC. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 15. That this act shall take effect and be in force from and after fifteenth of July, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1885.

CHAPTER 162.

An act to incorporate the Durham and Clarksville Railroad Company.

The General Assembly of North Carolina do enact :

Capital stock.	SECTION 1. That a company may be formed with a capital stock not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as "The Durham, Blue Wing and Clarksville Railroad Company," for the purpose of constructing a railroad from or near Durham, Durham county, North Carolina, over the most practicable and easy route to or near Blue Wing, in Granville county, North Carolina, thence the most practicable and best route to Clarksville, in Mecklenburg county, Virginia, or to some point on the Richmond and Danville Railroad Company, in the State of Virginia, 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 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
Corporate name.	
Location of railroad.	
Powers and rights.	
Seal, by-laws, &c.	

rights of other corporate bodies under the laws of this State, and to have the exclusive right to transfer and carry persons, merchandise, stock, lumber, minerals and such other materials as is usually carried upon railroads.

SEC. 2. That for the purpose of creating the capital stock of such company, John N. Logan, William Raker, W. Z. Raker, Urias Malick, of the State of Pennsylvania, T. C. Anderson, of the State of Missouri, Caleb B. Green, J. S. Carr, H. G. Cooper, A. H. A. Williams, Peter M. Wilson and Colin M. Hawkins, of the State of 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, and under such rules and regulations as they may prescribe. Such subscriptions, or any part thereof, may be received, payable in money, land, labor or materials 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 agents, 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 subscribers.

Commissioners to open books of subscription.

How subscriptions may be payable.

Each subscriber to pay \$5.00 on each share at time of subscription.

Failure to pay full amount of one share to cause forfeiture of amount paid.

SEC. 3. That when 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

Commissioners to call general meeting when \$10,000 subscribed.

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 five 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 in person or by proxy, one vote for each share of stock.

Majority of stock subscribed to make a quorum.

President and directors.

Treasurer.

Powers of president and directors.

Vacancies.

Secretary.

Right to condemn land.

Appointment of freeholders to assess damages.

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. 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.

SEC. 5. That whatever lands shall be required for the construction of the road or for warehouses, depots, water-stations, turn-outs, workshops or 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 valuation, 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 the said corporation: *Provided*, that no more than fifty feet from the centre of the road shall be allowed to be so condemned.

On payment title to vest in corporation.

SEC. 6. The company shall have power to mortgage, sell or lease its road with all its franchises, or any part thereof.

Power to mortgage.

SEC. 7. 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. 1885.

CHAPTER 163.

An act to repeal chapter three hundred and sixty-nine, laws of one thousand eight hundred and eighty-three, and section sixteen of chapter one hundred and twenty-six, laws of one thousand eight hundred and eighty-one, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-nine, laws of one thousand eight hundred and eighty-three, and section sixteen, chapter one hundred and twenty-six, laws of one thousand eight hundred and eighty-one, be and the same are hereby repealed.

Stock law of 1883, relative to Wake county, repealed.

SEC. 2. That chapter one hundred and twenty-six, laws of one thousand eight hundred and eighty-one, as thus amended be and the same is hereby declared to be in full force and effect.

Stock law of 1881, relative to Wake county, amended by striking out provision requiring an election.

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

SEC. 4.² This act shall take effect from and after the first day of May, A. D. one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1885.

CHAPTER 164.

An act in relation to the spring term of Davie superior court.

Preamble.
[See statement in the House Journal withdrawing statement about Secretary of State.]

WHEREAS, the Secretary of State failed to notify the judge assigned to hold the courts of the seventh judicial district of the change made in the time of holding the spring term of Davie superior court, as provided in an act ratified on the day of January, one thousand eight hundred and eighty-five; therefore,

The General Assembly of North Carolina do enact :

Spring term, 1885,
Davie superior
court beginning
fourth day of
term legalized.

SECTION 1. That the spring term of one thousand eight hundred and eighty-five of Davie superior court, beginning after the fourth day, shall be a legal term of the superior court of said county, and the clerk of the superior court of said county shall issue a certificate to the presiding judge as if the term had commenced on Monday before the first Monday in March, one thousand eight hundred and eighty-five.

Certificate to
judge.

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. 1885.

CHAPTER 165.

An act to create a township in the county of Lenoir to be known as Southwest township.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township to be known as Southwest township is hereby created and established in the county of Lenoir. That said township shall consist of all that portion of Woodington township lying east of a line, commencing at the foot of the Neuse river bridge and runs with the New Berne road to the Graham fork, and then with the Upper Trent road to the Jones county line.

Southwest township, Lenoir county, established. Boundaries.

SEC. 2. That the said township shall have all the rights, powers and privileges now granted to other townships by law; and the permanent place of voting therein shall be at the fork of the road at John C. Wooten's new gin house.

To have all rights, &c., and place of voting to be J. C. Wooten's gin house.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1885.

CHAPTER 166.

An act to provide for the sale of certain stock law fences in Stokes county.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever it shall appear upon petition and satisfactory proof to the commissioners of the county of Stokes that any stock law fence in said county has become useless, and will be of no further use as such

When stock law fence in Stokes Co. becomes useless, it may be sold.

- in consequence of an adjoining territory having adopted the stock law, it shall be their duty to provide for the sale of the same, and for that purpose shall appoint some responsible person as commissioner to make such sale.
- Commissioner to be appointed. SEC. 2. That said person, before entering upon his duties, shall take and subscribe an oath or affirmation before the clerk of the board of county commissioners that he will faithfully and honestly discharge the duties of his trust, which oath must be filed in the office of the register of deeds of said county.
- Commissioner to take oath. SEC. 3. That the order directing such sale and appointing such commissioner shall definitely set forth the description of the fence to be sold, that the same shall be sold for cash, and the number of chapter of the laws authorizing the same, a copy of which order shall be delivered to said commissioner.
- Order directing sale to describe fence. SEC. 4. That it shall be the duty of said commissioner to sell such fence at auction, for cash, at a place within the territory owning the same, after first advertising the same for twenty days at court house door and at four public places in the territory owning such fence, which notices shall give the times and places of such sales.
- Other requisites. SEC. 5. That the place of such sale shall be within four miles of the farthest point of the section of the fence to be sold at such place, and when necessary to effect that end, it shall be the duty of said commissioner to appoint different places of sale along the line of such fence.
- To be sold for cash. SEC. 6. That it shall be the duty of the commissioner to sell such fence by the panel, in sections of not more than five hundred panels.
- Advertisement. SEC. 7. That it shall be the duty of such commissioner to make such sale, and report to the commissioners of said county, within sixty days after his qualification, showing the number of panels, the price per panel, and to whom sold, and if such report shall be confirmed, he shall pay the money arising from said sale to the treasurer of said county, and take his receipt for the same,
- Place of sale.
- Commissioner may sell at different points along fence.
- To be sold in sections of not more than 500 panels.
- Commissioner to make detailed report of sale.
- Money to be paid to treasurer.

after deducting three per cent. thereof for his commissions and trouble, which amount shall be marked on the report.

Commissioners allowed three per cent.

SEC. 8. That the money thus deposited shall be expended in repairing such fence as the territory to which the fund belongs may have to keep in repair, and it shall be the duty of the treasurer to pay out the same for that purpose upon the order of the county commissioners.

Money to be expended in repairing fence which the territory must keep up.

SEC. 9. That in case the territory to which the fund belongs has no fence to keep in repair, or may at any time cease to have such fence, then and in that case said fund in the hands of the treasurer shall be paid to those who paid the assessment to build the fence from which said fund arose, and in that case it shall be the duty of the commissioners to order the treasurer to report to them the amount of such fund in his hands, upon which report it shall be the duty of the register of deeds to make out a list of the names of those originally assessed, the amount paid by each, and their *pro rata* share of the fund to be distributed, which amounts shall be paid to said persons upon order of the commissioners.

Or if territory has no fence to keep up, then to be paid back to those who were assessed to build fence.

Treasurer to report, &c.

SEC. 10. That the register of deeds shall receive a fee of two cents per name for making said list, and the treasurer shall receive such fees for his services as are allowed to him for receiving and disbursing other funds, which fees are to be paid out of the fund to be disbursed or distributed.

Fee of register.

Compensation of treasurer.

SEC. 11. That in case any part of the fence described in section one of this act shall have been originally donated to the territory and without cost to the landholders therein, then and in that case such fence shall not be sold under the provisions of this act, but shall revert to the donor.

When fence was donated, to revert to donor.

SEC. 12. That the purchaser of any fence sold under the provisions of this act shall have the right to enter the land on which fence stands, for the purpose of removing the same.

Purchaser of fence to have a right to enter and remove it.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

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 2nd day of March, A. D. 1885.

CHAPTER 167.

An act to authorize and empower the commissioners of the counties of New Hanover and Pender to establish and maintain a free ferry across Northeast branch of Cape Fear river.

The General Assembly of North Carolina do enact :

Commissioners of New Hanover and Pender may establish free ferry across Northeast branch Cape Fear river.

SECTION 1. That the commissioners of New Hanover and Pender counties are hereby authorized and fully empowered, whenever they may deem it for the best interests of the citizens of said counties, to establish and maintain a free ferry between said counties, at some eligible point on the Northeast branch of the Cape Fear river, between where the Wilmington and Weldon railroad crosses said river and the mouth of Lillington river or Long creek, or at some suitable place above said railroad bridge.

Location.

Duty to provide and maintain flats, ferryman, &c.

SEC. 2. That when said ferry shall be established, it shall be the duty of the commissioners of said counties to provide and maintain a suitable flat, a competent ferryman and all necessary conveniences for the accommodation and safe transportation of the traveling public across said ferry.

Free; unlawful to receive compensation.

SEC. 3. That said ferry shall be free, and it shall be unlawful for any person or persons to receive compensation for the transportation over said ferry of any person, horse, cattle, vehicle or live stock of any kind.

SEC. 4. That the said commissioners of the two counties shall be empowered to secure a roadway to said ferry when established, and shall have all the powers and rights to condemn land for such roadway as are given railroads in chapter forty-nine of The Code, and under the same regulations.

Roadway to ferry.

May condemn land.

SEC. 5. That all the expenses of establishing said ferry, and procuring said right of way and keeping and maintaining said ferry, shall be borne equally by the aforesaid counties of New Hanover and Pender.

Expense to be borne equally by Pender and New Hanover.

SEC. 6. That whenever the commissioners establish said ferry and provide said right of way, it shall be the duty of the trustees of townships through which said right of way runs, to establish, maintain and keep in repair a road, by and from said ferry, in the manner now provided by law.

Township trustees to keep up public road to ferry.

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 2nd day of March, A. D. 1885.

CHAPTER 168.

An act to amend chapter forty-nine of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That the provisions of sections one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one inclusive of The Code, shall apply to incorporated bridge companies.

Rights to acquire real estate given to R. R. Cos. made applicable to bridge companies.

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1885.

CHAPTER 169.

An act to amend chapter fifty of The Code, section two thousand and nineteen, for Onslow county.

The General Assembly of North Carolina do enact :

Road law amended as to Onslow by striking out the minimum time of work, seven hours, and permitting the payment of \$1 on the day of the work, instead of the day before.

SECTION 1. That section two thousand and nineteen, line seventeen, be amended by striking out in said line the words "a less time than seven hours nor" and in line twenty, by striking out the words "preceding the one": *Provided*, this act shall apply only to the county of Onslow.

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

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1885.

CHAPTER 170.

An act to allow the Albemarle and Raleigh Railroad Company to settle for the services of convicts in township bonds.

The General Assembly of North Carolina do enact :

A. & R. R. Co. may settle for hire of convicts in bonds of municipal corporation issued to company.

SECTION 1. That the Albemarle and Raleigh Railroad Company are hereby authorized and empowered to settle for the services of any convicts that may be worked by said company, in bonds of any of the counties, townships, or other municipal corporations, that may be issued to said railroad company under the authority of an act heretofore passed.

Penitentiary directed to receive such bonds in payment.

SEC. 2. That the board of directors of the penitentiary are hereby directed to receive any of such bonds in payment for services of any convicts that may be furnished

said company under any act heretofore or that may be hereafter passed at their face value.

SEC. 3. That unless said railroad company shall cause the work on said road to be commenced within twelve months from the ratification of this act, the townships in Franklin, Nash and Wake counties, which have voted for the issue of bonds as subscription to said road, shall be released from any liability or obligation arising from or imposed by the result of said election, and the bonds so voted and subscribed shall not be issued by the board of commissioners of said counties or either of them, and all rights, claims or demands of said railroad company shall cease and determine.

Unless work is commenced in twelve months, townships in Franklin, Nash and Wake which have voted subscriptions, to be released.

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

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1885.

CHAPTER 171.

An act to exempt the counties of Carteret and Onslow from the provisions of section one thousand one hundred and sixteen of The Code, so far as established seines are concerned.

The General Assembly of North Carolina do enact :

SECTION 1. That the counties of Carteret and Onslow shall be exempt from the operations of section one thousand one hundred and sixteen of The Code, in so far as established seines are concerned.

Citizens of Carteret and Onslow can fish on Sunday with established seines.

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

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1885.

CHAPTER 172.

An act to extend the provisions of the Mecklenburg road law to the county of Buncombe and other counties.

The General Assembly of North Carolina do enact :

Road law for Mecklenburg county made to apply to twenty-five counties.

Names of counties.

Provided it is adopted by resolution of county commissioners and justices of the peace of the counties respectively.

Question to be submitted to county commissioners and justices at the annual meeting in June.

If adopted by any county, then act to apply to such county.

Duty of county commissioners to notify justices by advertisement.

SECTION 1. That the provisions of an act entitled "An act relating to roads and highways for Mecklenburg county," passed at this session of the General Assembly, shall apply to the following counties, namely: Buncombe, Chatham, Hertford, Alamance, Wilson, Guilford, Rowan, Caswell, Surry, Wake, Yadkin, Lincoln, Polk, Person, Madison, Edgecombe, Catawba, Franklin, Davie, Henderson, Vance, Cumberland, Harnett, Martin and Washington: *Provided however*, the said act shall be first adopted by resolution by the county commissioners and justices of the peace, or a majority of them, in joint meeting in said counties respectively.

SEC. 2. That it shall be the duty of the county commissioners of said counties respectively to submit the question of adoption or rejection of said act to the justices of the peace and county commissioners at their annual joint meeting in June next, and if a majority of the whole body of justices of the peace and county commissioners of any one of said counties, shall at said meeting adopt said act for said county, then and in that event, the said act shall take effect from and after the date of said meeting.

SEC. 3. That it shall be the duty of the county commissioners of said counties to notify the justices of the peace of the county prior to the said June meeting, by advertisement in one or more newspapers, or by posted notices in the county or otherwise, as the said commissioners may determine, that the said question will be submitted to them for their action at the said annual meeting.

SEC. 4. That the Secretary of State shall furnish the county commissioners of each of the counties designated in section one of this act with one hundred copies of the said Mecklenburg road law for distribution among the justices of the peace of the county before said meeting in June.

Secretary of State to furnish each county with 100 copies of Mecklenburg road act.

SEC. 5. That all taxes levied under said act and this supplementary act shall be levied in accordance with the provisions of the constitution of this State, and this requirement shall apply to all counties where said act shall be in force.

All taxes levied to be levied in accordance with the constitutional requirement.

SEC. 6. That the provisions of said act entitled "An act relating to roads and highways for Mecklenburg county" shall be applied to Durham, Orange and Granville counties, without submitting it to the vote or adoption of the board of county commissioners and justices of the peace of said counties: *Provided*, no person or property, real or personal, shall be taxed to keep up said road, except that which is embraced in said road district in Hertford county; but this proviso shall apply to Hertford county only.

Mecklenburg road act to apply to Durham, Orange and Granville without submission to vote of county commissioners or justices.

Proviso as to Hertford 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 7th day of March, A. D. 1885.

CHAPTER 173.

An act to enforce the collection of taxes due the State on lands sold for taxes and purchased by the State.

The General Assembly of North Carolina do enact:

SECTION 1. The time for the redemption of any land heretofore sold for taxes and purchased by the State is hereby extended to the first day of January, in the year

Time for the redemption of land sold for taxes and bought by State extended to January 1, 1886.

Person redeeming to pay taxes, 10 per cent. additional and taxes subsequently accruing.

one thousand eight hundred and eighty-six; and any person whose land has been sold as aforesaid, if he shall pay on or before said day to the board of commissioners of the county in which said land is situate, all taxes, costs and charges on said land, together with ten *per centum* additional thereto, and also all such taxes as would have been due upon said lands if no such sale had been made, shall be authorized to redeem said lands within the period aforesaid. But nothing in this section shall be construed to pass title to said lands out of the State until the same shall have been redeemed as herein provided.

Secretary of State to furnish to the chairman board of commissioners of each county a statement of taxes, costs and charges due from each delinquent.

SEC. 2. It shall be the duty of the Secretary of State to furnish to the chairman of the board of commissioners of each county in which any such lands shall be situate a statement of the taxes, costs and charges due from each delinquent taxpayer in said county; and the Secretary of State shall also cause each delinquent taxpayer to be notified by mail or otherwise of the provisions of this act. A similar notice may be given to any person claiming an interest in said lands, whether as owner, mortgagee, judgment creditor or otherwise.

Each delinquent to be notified by mail.

Creditor by judgment, mortgage, &c., to be notified.

If delinquent can't be found, notice to be posted at court house door.

SEC. 3. If the delinquent taxpayer, owner, mortgagee, judgment creditor, or other person claiming an interest in said lands cannot be found in the county, or his address cannot with reasonable diligence be ascertained, the Secretary of State shall cause such notice to be posted at the court house door, and also published in one newspaper (if there be such) in the county where the said lands are situate, and every such notice shall be binding upon the parties intended to be notified. The Secretary of the State shall make a record in each case of every such notice, and a certified copy of such record shall be conclusive evidence in any court that such notice was duly served as herein required.

And published in newspaper.

Secretary of State to make record of notice.

SEC. 4. After the first day of January in the year one thousand eight hundred and eighty-six, it shall be the

duty of the chairman of the board of commissioners of the county in which the State claims title by deed to any such lands, not redeemed as provided in this act, to bring an action for the recovery of the same, whenever he may be instructed to do so by the Secretary of State. Such action shall be brought in the name, and at the expense of the State.

Chairman board commissioners to bring action for the recovery of the lands when instructed by Secretary of State.

In the name and at the expense of the State.

SEC. 5. In all such actions, the defendant, before he shall be permitted to plead, answer, or demur, shall pay into the office of the clerk of the superior court of the county wherein the action is pending, the full amount, all the taxes, costs and charges due on the lands sued for, together with twenty-five per centum in addition thereto, and such sum of money shall immediately be forwarded to the Secretary of State, and the defendant shall also execute and file in said office an undertaking with good and sufficient surety in an amount to be fixed by the court, not less than two hundred dollars, to be paid upon condition that the defendant pay to the State all such costs and expenses as the State may recover in the action.

The defendant, before he shall be permitted to plead, answer or demur, shall pay into the clerk's office all taxes, costs and charges and 25 per cent. additional.

To be forwarded to Secretary of State.

Defendant to file undertaking to pay costs and expense of state.

SEC. 6. In every such action the sheriff's deed to the State shall be conclusive evidence that the sheriff or tax collector has complied with all the requirements of law in making the sale for the non-payment of the taxes due thereon.

Sheriff's deed to be conclusive evidence that sheriff or tax collector has complied with the law.

SEC. 7. In every such action, a person not a party to the action, but claiming an interest in the lands sued for, may make application to be made a party defendant, and the court may order him to be brought in either with or without an application. And the court is authorized to dismiss the action, whenever any person shall tender to the Secretary of State, or his agent or attorney, the full amount of the taxes, costs and charges due on the land sued, with such a *per centum* in addition thereto as the court may deem just, together with the costs of the action, and a reasonable allowance to the attorney of the State,

Person not party to the action, but claiming an interest may be made party.

Court authorized to dismiss the action when any person shall tender to the Secretary of State full amount of taxes and costs and additional per cent. fixed by court, and an allowance to attorney for State not over \$20.

to be fixed by the court, not exceeding twenty dollars in any one action.

Secretary of State to be paid reasonable compensation for himself, agents and counsel, to be fixed by Auditor, Treasurer and Attorney General.

SEC. 8. The Secretary of State shall be paid for his services in performing the requirements of this act and for employing agents and counsel to enforce it, such reasonable compensation as the Governor, Auditor, Treasurer and Attorney General shall determine.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 174.

An act to amend the public school law, chapter fifteen of The Code.

The General Assembly of North Carolina do enact:

Code, section 2545 amended as follows:

Justices of peace and county commissioners at joint session to elect county board of education.

Qualification of members.

Oath.

Term of office.

SECTION 1. Section twenty-five hundred and forty-five of The Code is amended to read as follows: The justices of the peace and the county commissioners of each county, at their next regular joint session as provided by law, and biennially thereafter at such regular joint session, shall elect a county board of education, to consist of three residents of their county, who shall be men of good moral character, and who shall be qualified by education and experience and interest to specially further the public educational interests of their county. They shall file with the county commissioners an oath to faithfully discharge the duties of their office. Those first elected shall file such an oath on the first Monday of the month next succeeding their election, and shall hold their office until the first Monday in December, eighteen hundred and eighty-seven, and until their successors are elected and qualified. From and after the said first Monday in December, one thousand eight hundred and eighty-seven,

the regular term of office shall be two years. They shall elect one of their number chairman, and the county superintendent of public instruction shall be secretary, and the county treasurer shall be treasurer of said board. The secretary shall record all the proceedings of the board in books to be supplied by the State Superintendent of Public Instruction. A majority of the board shall constitute a quorum for the transaction of business. The compensation of each member of the board shall be not exceeding two dollars per day and the mileage allowed to county commissioners. The county commissioners shall provide a suitable office for said board at the county seat. Any vacancies in the board shall be filled by the county commissioners.

Chairman.

Secretary.

Quorum.

Compensation.

Office.

SEC. 2. Section twenty-five hundred and forty-two is amended by striking out the words "five hundred" and inserting the words "seven hundred and fifty," in the last line.

Allowance to Superintendent of Public Instruction for expenses not to exceed \$750. ✓

SEC. 3. Section twenty-five hundred and forty-six of The Code is amended by adding at the end thereof the words, "and the county board shall obey the instructions of the State Superintendent and accept his construction of the school law."

County board to obey instructions of State Superintendent and accept his construction of the school law.

SEC. 4. Section twenty-five hundred and forty-seven of The Code is amended by substituting the word "four" for the word "two" in the second line thereof, and by striking out the word "June" and inserting in lieu thereof the words "January, June, September," in line three, and by striking out all of the section after the word "accounts."

County board to hold four meetings a year instead of two.

SEC. 5. Section twenty-five hundred and forty-eight of The Code is amended to read as follows: The county board of education, county commissioners and the justices of the peace, in joint session on the day of the annual meeting of the justices in the year eighteen hundred and eighty-six, and biennially thereafter, on the day of such annual meeting shall elect one resident of their county,

Code, section 2548 amended.

Election of county superintendent public instruction.

Qualifications for office.	who shall be county superintendent of public instruction.
Term.	He shall be of good moral character, liberal education, and he shall otherwise be qualified to discharge the duties of the office as required by law, due regard being given to experience in teaching. He shall hold office for the term of two years from and after the first Monday in December next after his election, and until his successor is elected and qualified, and shall file with the county commissioners an oath to faithfully discharge the duties of his office. The county board of education and the county commissioners in joint session may, for good cause, after thirty days' notice, remove the county superintendent and elect his successor for the unexpired term; and when a vacancy occurs in the office of county superintendent by death or otherwise, the said joint boards, after due notice, shall fill the vacancy for the unexpired term, and the chairman of the county board of education shall, during such vacancy or during the disability of the county superintendent, discharge the duties of his office. Immediately after the election of a county superintendent, the secretary of the joint boards holding such election shall report to the State Superintendent of Public Instruction the name and address of the person elected, and the person elected shall report to the State Superintendent as soon as he shall have qualified the date of such qualification: <i>Provided</i> , that in all meetings of the joint boards herein provided for no man shall be entitled to more than one vote by reason of his being a member of more than one of said boards.
Oath.	
Power of removal by county commissioners and justices.	
Vacancy.	
Chairman of board to discharge duties in case of disability of county superintendent.	
Name of the person elected to be reported to the State Superintendent.	
Code section 2551.	SEC. 6. Section twenty-five hundred and fifty-one is amended to read as follows: The county board of education of every county shall, on the first Monday of January of each year, apportion among the several districts of the county all school funds (except such as may be raised by the special tax provided for in section twenty-five hundred and ninety) in the following manner: first deduct an amount sufficient to defray the general school
Apportionment of school money.	
General school expenditure.	

expenses of the county authorized by law; then apportion two-thirds of the funds to the several districts in proportion to the whole number of children between the ages of six and twenty-one years; and the remaining one-third shall be apportioned in such manner as to equalize school facilities to all the districts of the county, as far as may be practicable and just to all concerned, without discrimination in favor of or to the prejudice of either race. If the committee so determine, any unexpended balance of school money, now or hereafter remaining to the credit of a district, shall be returned to the general fund to be used for school purposes as provided in section twenty-five hundred and ninety of The Code. As far as practicable the county board shall require all the schools to be in session at the same time. As soon as the apportionment is made, the county board of education shall post a statement at the court house door, showing the amount apportioned to the several districts of the county; and they shall also notify each committee of the amount apportioned to their district. The board shall also furnish the treasurer of the county board of education with a statement of the amounts apportioned to the several districts.

SEC. 7. Section twenty-five hundred and fifty-three of The Code is amended by striking out from lines three and four the words "Tuesday after the first Monday in October," and inserting in lieu thereof the words "first Monday in September," and by striking from line six the word "December" and inserting in lieu thereof the word "October."

SEC. 8. Section twenty-five hundred and sixty of The Code is amended by adding at the end thereof the words "and on the same day he shall file a duplicate of said report with the county superintendent of public instruction."

SEC. 9. Section twenty-five hundred and sixty-two of

Two-thirds of fund to districts in proportion to number of children.

Remainder in such manner as board shall direct to equalize.

Unexpended balance may be returned to general fund.

All schools to be in session at same time.

Statement to be posted at C. H. door.

County treasurer to be furnished with statement.

Code, section 2553. School committee to be elected in September.

Term to begin in October.

Code, section 2500. Duplicate report of treasurer to be filed with county superintendent.

Code, section 2562.
Failure to make
either report in-
dictable.

Code, section 2564.
Copy of treasur-
er's receipt to be
given chairman
of board.

Code, section 2565.
Report of county
statistics to
county board of
education not re-
quired.

Code, section 2566
amended.

Applicants to be
"of good moral
character."

Examinations in
February, April,
July, September,
October and De-
cember.

At other times
applicant to pay
one dollar.

Requirements.

Superintendent
may invite com-
petent persons to
assist in exami-
nation.

Code, section 2567
amended.

County board
of education sub-
stituted for
county commis-
sioners.

"Appropriate,"
and not "donate"
for teachers' in-
stitute.

The Code, section
2569 amended.

The Code is amended by substituting the word "reports" for the word "report" in line two.

SEC. 10. That section twenty-five hundred and sixty-four of The Code is amended by adding thereto the words "and one to the chairman of the county board of education."

SEC. 11. Section twenty-five hundred and sixty-five of The Code is amended by striking from lines seven, eight and nine the words "which shall be reported to the county board of education by the county superintendent of public instruction."

SEC. 12. Section twenty-five hundred and sixty-six of The Code is amended by striking from line two the word "worthy," and inserting after "applicants" the words, "of good moral character," and by striking from lines four and five the words "July, October, January and April," and inserting in lieu thereof the words, "February, April, July, September, October and December," and by striking from lines seven, eight and nine the words, "and for examination made at any other time the applicant shall pay one dollar," and by inserting after the word "geography" the words "elementary physiology and hygiene," and by adding to the end of the section the following: "*Provided, also,* the county superintendent shall hold his examinations publicly, and shall invite competent persons to assist him in such examinations, and if it shall be found necessary for want of more competent teachers to supply the schools, he may examine the applicant on a portion only of the studies, and grant a partial third grade certificate, and assign the teacher to a designated district, and he shall teach in no other.

SEC. 13. Section twenty-five hundred and sixty-seven of The Code is amended by substituting in line five the words, "county boards of education" for the words "county commissioners," and by substituting the word "appropriate" for the word "donate," in line seven.

SEC. 14. Section twenty-five hundred and sixty-nine of The Code is amended by adding to the end of the section

the words, "or if the salary is exorbitant or the patronage insufficient to justify the expenditure, and the teachers shall be paid only to the date of such suspension." Under the supervision of the county board of education, he shall visit the schools and he shall perform such other duties as may be required of him by the county board of education and the State Superintendent, and shall obey their instructions.

Power of county superintendent to suspend teachers if salary is exorbitant or patronage insufficient.

Duties of county superintendent.

SEC. 15. Section twenty-five hundred and seventy-one is amended by adding to the end the words "and shall have sworn to them before the county superintendent."

The Code, section 2571. Reports to be verified.

SEC. 16. Section twenty-five hundred and seventy-four of The Code is amended to read as follows: "The county superintendent of public instruction shall record in his books his annual report to the State Superintendent of Public Instruction and the census reports and school statistics as reported to him by the school committees."

The Code, section 2574. Record of county superintendent.

SEC. 17. Section twenty-five hundred and seventy-five of The Code is amended by striking out the words "two dollars" in line three, and insert the following: "such sum as in the discretion of the board of education may seem adequate and just, the amount not to be less than two nor more than three dollars per day," and by striking out the words "at their monthly meeting" in line five, and inserting the word "regular," and by striking out "three" in the second line of the proviso, and inserting instead the word "four."

The Code, section 2575. Compensation of county superintendent.

Not over \$3 per day.

Not over four per cent. of school fund.

SEC. 18. Section twenty-five hundred and seventy-six of The Code is amended by striking out the words, "before a justice of the peace," and by adding to the end of the section the words, "in all matters pertaining to the execution of the school law all the members of the county board of education and the county superintendent are authorized to administer oaths, but neither they nor justices of the peace shall be entitled to any fee for such service."

The Code, section 2576. Oath of school committee, before whom to be taken.

SEC. 19. Section twenty-five hundred and eighty of The

The Code, section 2580 amended.

The authority of school committee to employ and dismiss teachers, &c.

Contracts not to exceed money apportioned.

Certificate.

Rates of compensation of teachers.

School month. School committee to report names of teachers, &c.

Compensation of school committee only for taking census.

The Code, section 2579. Census in November.

Report of preceding year to be taken when no census.

Code is amended to read as follows: "The school committees shall have authority to employ and dismiss teachers in their respective districts, subject to the ratification of the county superintendent and to the instruction and supervision of the county board of education; but no contract shall be made during any year to cover a larger sum of money than the amount apportioned to the district for that year. No teacher shall be employed who does not produce a certificate from the county superintendent of public instruction dated within the time prescribed by law. Teachers of third grade shall receive out of the public fund not more than fifteen dollars per month; of the second grade, not more than twenty-five dollars per month, and teachers of first grade may receive such compensation as shall be agreed upon; but no teacher shall receive any compensation for a shorter term than one month unless providentially hindered. Twenty school days shall be a month: *Provided*, that in all cases it shall be the duty of school committeemen in employing teachers with first grade certificates to report the name of the teacher, the amount of compensation agreed upon and the length of time, and no contract shall be valid until approved by the county superintendent under such rules and regulations as may be prescribed by the county board of education. No committeeman shall be a teacher nor in any way be interested in building or repairing any school house unless with the approval of the county superintendent. No committeeman shall receive any compensation except such sum as may be allowed by the county board of education for taking the school census, which sum shall be paid out of the fund of the district."

SEC. 20. Section twenty-five hundred and seventy-nine of The Code is amended by substituting the word "November" for the word "September," and by adding thereto the words "should the committee fail to make such report by the first day of December the report of the preceding year shall be taken as the basis of the report

to the State Superintendent. The said report shall be signed by the member of the committee designated to take the census and be sworn to before any justice of the peace or other person authorized to administer oaths.

SEC. 21. Section twenty-five hundred and eighty-six of The Code is amended by adding to the end thereof the following: "If any term comprehends parts of the two school years, beginning in one and ending in the succeeding, the teacher shall on the first day of December make the above required report for the part of the term up to that date, and the remaining part of the term shall be reported when the term closes and form part of the report for that year."

The Code, section 2586, amended.

Records and reports of teachers.

SEC. 22. Section twenty-five hundred and ninety-three is amended by substituting in line two the words "one thousand" for the words "six hundred."

The Code, section 2593. Clerk of Superintendent of Public Instruction allowed \$1,000.

SEC. 23. Section twenty-five hundred and ninety of The Code is amended to read as follows: "If the tax levied by the State for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months, then the board of commissioners of each county shall levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months or more. The said tax shall be collected by the sheriff in money, and he shall be subject to the same liabilities for the collection and accounting of said tax as for other taxes. The said tax shall be levied on all property, credits and polls of the county; and in the assessment of the amount on each the commissioners shall observe the constitutional equation of taxation; and the fund thus raised shall be expended in the county in which it is collected, in such manner as the county board of education may determine, for maintaining the public schools for four months at least in each year. But the county board of education shall not be required to expend upon a district containing less than sixty-five pupils the

The Code, section 2590, amended.

Special tax to supply deficiency.

Provisions for levy of special tax.

same sum it may give to larger districts, notwithstanding an inequality of length of school terms may be the result. The county board of education, on or before the annual meeting of the commissioners and justices of the peace for levying county taxes, shall make an estimate of the amount of money necessary to maintain the schools for four months and submit it to the county commissioners."

Principal of any school supported in whole or part by public funds to report to State Superintendent when required.

SEC. 24. The principal or superintendent of every school supported in whole or part by public funds, shall report to the State Superintendent at such time and in such form as he may direct.

Treasurer to attend at office of county board of education first Monday in each month.

SEC. 25. The treasurer of the county board of education shall attend at the office of the county board of education on the first Monday of each month and the Saturday preceding for the purpose of paying school orders.

Money apportioned to be used only for schools taught during school year in which apportionment was made.

SEC. 26. Money that has been apportioned to the districts shall not be used to pay orders for teachers' salaries for schools taught during any term that does not extend into the school year in which the apportionment was directed by law to be made. Money levied during any year shall be applied for school work during the school year beginning the first of December of that year, subject only to the above exception as to salaries of teachers for schools taught during the preceding school year. Debts contracted for building may be paid with any money to the credit of the district.

Secretary of State to furnish copy of Code and of Laws to county board of education.

SEC. 27. The Secretary of State shall furnish a copy of The Code and of the Laws to each county board of education.

No change of school districts until full information laid before county board.

SEC. 28. No change of districts shall be made until full information is laid before the county board of education, showing the shape, size, boundaries, and school population of all the districts affected by the change. Unless for extraordinary geographical reasons, no change of district lines shall be made that will constitute any district with less than sixty-five children of school age; and the county board shall provide, as far as practicable, that no

No district with less than 65 children unless for extraordinary reasons.

district shall contain less than that number of children of school age. The county board shall furnish plans and require the committees to construct comfortable houses, with a view to permanency and enlargement as the increasing population may demand. The county board shall, in all matters, obey the requirements of the State Board of Education and the State Superintendent.

County board to furnish plans for houses.

SEC. 29. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 175.

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.

Poll tax.

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

How collected.

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: 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, other specific appropriations made by law, and the interest on the four per cent. consolidated debt of this State.

CLASS I.

Ad valorem tax twenty-five cents.

SEC. 4. There shall be levied and collected annually *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

Application of taxes.

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.

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 directly to the State Treasurer within thirty days after the first day of July in each year, and charged by such 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-taker and [the] board of commissioners of 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."

Taxes on bank stock, &c.

How paid.

On failure to pay State Treasurer to institute action.

Stock of residents.

Stock of non-residents.

Form.

CLASS II.

SEC. 6. The subjects and persons mentioned in the following class shall be taxed as specially provided:

Special taxes.

Income tax.

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: *First*, rent for the use of buildings or other property taxed. *Second*, 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 fifteen hundred dollars. The income taxpayer shall return to the assessor the net amount of his income, which return the assessor shall file in the office of the county commissioners.

Deductions.

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 prop-

erty 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.

SEC. 10. On each room or hall used as a theatre or opera house, where public exhibitions or performances are given for profit in a city or town having more than ten thousand inhabitants, one hundred dollars per annum; less than ten thousand inhabitants and over five thousand, seventy-five dollars; of five thousand inhabitants and not less than twenty-five hundred, fifty dollars; less than twenty-five hundred inhabitants, twenty-five dollars. The licenses under this section shall be issued by the State Treasurer, and said halls shall not be liable to any other license tax by the county, city or town. Tax on theatres, halls, &c., graded according to population.
Treasurer to issue license.

SEC. 11. On every traveling theatrical company giving exhibitions or performances in any hall not licensed as provided in the next preceding section, five dollars on each exhibition or performance. Theatrical companies.

SEC. 12. On each concert or musical entertainment for profit not given in a hall licensed as provided in section ten of this act, and unless the same be given exclusively for religious or charitable purposes, three dollars. Concerts.

SEC. 13. On each lecture for reward, three dollars, unless the same be given for religious or charitable purposes. Lectures.

SEC. 14. On museums, waxworks, or curiosities of any kind, natural or artificial, on each day's and night's exhibition, three dollars. Museums, &c.

SEC. 15. On every exhibition of a circus or menagerie for each day or part of a day, one hundred dollars and each side show, fifty dollars. Circuses.

SEC. 16. 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 Other exhibitions.

- 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.
- Proviso.**
- Gift enterprises.** SEC. 17. 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.
- Lotteries.**
- Itinerant dealers in prizes, &c.**
- Tax, how paid.** 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.
- Billiard tables.** SEC. 18. On each billiard table kept for public use, whether in connection with or separate from any place where liquor is sold, twenty dollars.
- Bowling alleys, &c.** SEC. 19. On each bowling alley, or alley of the like kind, skating rink, bagatelle table, or stand or place for 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, &c.** SEC. 20. On the gross receipts of hotels, boarding-houses (except those used for educational purposes), restaurants and eating houses, one-half of one per centum.
- Public ferries, &c.** SEC. 21. On public ferries, bridges and toll-gates across highways, five dollars, and one-half of one per centum on gross receipts.
- Livery stables.** SEC. 22. 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.

SEC. 23. On every itinerant dentist, medical practitioner, optician, portrait or miniature painter, daguerrean artist, and every person taking or enlarging likenesses of the human face, ten dollars in every county in which he carries on his business: *Provided*, that any such dentist, medical practitioner and optician who may be authorized by the laws of this State and the regulations of his profession to practice in this State, and such other persons as are mentioned in this section, may obtain a license from the State Treasurer, operating twelve months from its date, upon the payment of thirty dollars, and shall be exempt from any county license tax. Itinerant dentists, photographers, &c.
Proviso.
May obtain general license from State Treasurer.

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 pre- Liquor dealers, merchants, &c.
Sworn statement of purchases.

ceding 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 purchase 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 register of deeds. The register of deeds shall keep a book in which shall be recorded the list given in to him as herein required, and shall furnish the sheriff with a copy of said lists within ten days after the same are given in. It shall be the duty of the sheriff to collect from every person on the list furnished him by the register of deeds the taxes embraced therein. The register of deeds shall have power to require the merchant making his statement to submit his books for examination to him, and 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

Duty of sheriff.

Agent to make statement for his principal.

Proviso.

Duty of register.

Duty of sheriff.

Register empowered to require production of books.

Merchant failing to produce books guilty of misdemeanor.

Penalty.

Duty of register to prosecute.

Compensation of register.

county treasurer, fifteen cents for each return made by a merchant or agent. Dealers paying a drummer's tax prescribed in section twenty-eight of this act, shall be allowed a rebate of that amount upon his purchase tax for the same time. The fee of the sheriff for this service shall be fifty cents, and the register of deeds twenty-five cents, to be paid by the merchant or dealer.

Rebate allowed dealers paying drummer's tax.

Fees of sheriff and register.

SEC. 26. Every person who, as principal or agent, peddles drugs, nostrums, medicines or goods, wares or merchandise of whatever name or description, except such as are specially taxed elsewhere in this act, shall pay a license tax as follows, to-wit: Each peddler on foot, five dollars for every county; each peddler with one horse or mule, with or without a vehicle, ten dollars for every county; each peddler with two or more horses or mules, with or without a vehicle, twenty dollars for every county; every itinerant merchant or dealer, whether as principal or agent, who solicits orders by retail, with or without sample, for goods in original state or to be made into clothing or otherwise, shall be considered a peddler within the meaning of this section, and pay a tax of twenty-five dollars in each county: *Provided*, this tax shall not be required of any person who pays in this State a tax on purchases of goods. This paragraph shall not be construed as relieving any person from the payment of the drummer's tax for selling or attempting to sell goods by wholesale under section twenty-eight of this act. Every itinerant salesman who goes from town to town, either on foot or otherwise, and commonly known as "Cheap John merchants," who shall expose for sale, either on the street or in houses rented temporarily for that purpose, goods, wares or merchandise, either by ascending or descending bids, or otherwise, shall pay a tax of fifty dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance to the sheriff of the county in which he proposes to peddle

Peddlers.

Itinerant retail merchants selling by sample.

Proviso.

"Cheap John merchants."

License to be obtained in advance.

To be counter-
signed by regis-
ter.

Restrictions and
exceptions.

Duty of peddler
to exhibit license
on demand of
constable, &c.

Failure to do so
presumptive evi-
dence of peddling
without license.

Duty of constable,
&c., to arrest.

Exemptions by
county commis-
sioners.

Fee of register.

Dealers in sewing
machines.

or sell, 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 herein 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, vegetables, chestnuts, 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. The register of deeds shall be entitled to a fee of twenty-five cents for each license recorded under this section, to be paid by the person applying for the license.

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 one year from its date. A separate tax and license shall be required for the machine 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.

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 license tax, either State, county, city or town. 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 section shall be guilty of a misdemeanor, and shall be fined not less than two hundred dollars or imprisoned not less than ninety days, said fine to be collected by distress or otherwise, one-half of which shall be accounted for as other taxes, the other half to the use of the officer making the arrest. It shall be the duty of all county and township bonded

Sub-agents.

Penalty.

Drummers.

License for sale of liquors.

Exception.

Penalty.

Fines, how applied.

Penalty for wilful failure of officer to prosecute.	officers to prosecute for penalties under this section. A wilful failure to institute such prosecution shall be a misdemeanor, and on conviction therefor the offender shall be removed from his office. Any justice of the peace or the mayor of any city or town shall have power to make arrests under this section and collect the fine and penalty.
Mayors, &c., empowered to arrest, &c.	One-half of said penalty shall be paid to the sheriff, to be accounted for as other taxes, and the other half shall be paid to 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.
Application of penalty.	
License not transferable.	
How used.	
Gypsies.	<p>SEC. 29. Every company of gypsies or strolling company of persons, or any person 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.</p>
Itinerant lightning rod dealers.	<p>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.</p>
Itinerant stove dealers.	<p>SEC. 31. On every itinerant person or company peddling stoves or ranges, 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.</p>
Insurance companies.	<p>SEC. 32. The fee for license issued to any insurance company to do business in this State shall be fifty dollars per annum. Every such company shall pay a tax of two per cent. upon the amount of its gross receipts in this State: <i>Provided</i>, if any general agent shall exhibit to the Secretary of State a sworn statement of investments in real property in this State by his principals, or like state-</p>
Tax reduced on companies investing one-half their gross receipts in this State.	

ment 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 cent. thereon. No county or corporation shall be allowed to impose any additional tax, license or other fee. The license fees and taxes imposed in this section shall be paid to the Secretary of State in such manner and at such times as are prescribed in chapter twenty-nine of The Code of North Carolina, entitled "Insurance."

Exempt from other taxes.

Taxes to be paid to Secretary of State.

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 twenty-five 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.

Banks, brokers, &c.

Penalty.

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: First, for selling in quantities less than a quart, twenty dollars 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.

Liquor dealers.

Selling in quantities less than one quart.

Tax applied to county school fund.

Selling in quantities of one quart and less than five gallons. Second, 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. Third, 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. Fourth, for selling malt liquors exclusively, five dollars 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 the public schools in such county. Nothing in this section contained shall prevent any person selling the liquors or wines of their own manufacture at the place of manufacture, or any person from selling spirits or wines, 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 five gallons, 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 counties may levy not more than one-half as much tax as the State under the provisions of this section.

Tax applied to county school fund.

Selling in quantities of five gallons or more.

To be paid to State Treasurer.

Malt liquors.

Tax applied to county school fund.

Exemptions.

Sheriff to issue license on order of county commissioners.

Proviso.

Auctioneers.

Tobacco and cotton warehouses.

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 chapter three of The Code of North Carolina, entitled "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 the thirtieth of April and thirty-first day of October. The sheriff shall collect the tax without delay.

Sworn statement to be made 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 required by law. The register of deeds shall have the same power to compel such persons to submit their books for inspection as is conferred upon him in section twenty-five of this act in respect to merchants, etc., and the same penalties prescribed in said section twenty-five 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.

Receipts and sales to be listed on oath to register.

Duty of register.

Duty of sheriff.

Penalty for failure to list.

Register empowered to compel production of books.

Penalty for failure to produce books.

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

Trader's license.

How applied for.

Sheriff to grant license.

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 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.

To be countersigned and recorded by register.

When licenses expire.

Register to keep record of licenses.

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 the 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.

Certified copy to be sent to Auditor.

Penalty.

Penalty for failure to obtain license.

SEC. 40. Every person who shall practice any trade or profession, or use any franchise taxed by the 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

How recovered.

shall cause to be recovered before any justice of the peace of the county.

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.

SCHEDULE C.

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.

Privilege tax.

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, it shall be the duty of the treasurer of said company to render to the Treasurer of the State, under oath or affirmation, a statement of the amount of gross receipts of said company during the preceding six months; and if such company shall refuse or fail, for a period of thirty days after such tax becomes due, to make return or to pay the same, the amount thereof as near as can be ascertained by the Public Treasurer, with an addition of ten per centum thereto, shall be collected for the use of the State as other taxes are collected: *Provided*, that when a line of railroad or canal belonging to any company liable to this tax lies partly in this State and partly in an adjoining State or States, the part or share of such earnings of

Railroad and canal companies.

Statement of gross receipts to be made to treasurer.

Penalty for failure.

Proviso.

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, station places and workshop locations, shall in addition to other taxes pay as a tax upon said corporation equal to one-half of one per centum upon the gross receipts of said company, said tax to be paid and collected as prescribed in the preceding section; and when such railroad or canal does not lie wholly in this State, the amount for which such company is liable shall be ascertained in the manner directed in said section. Every railroad and canal company incorporated under the laws of this State and doing business herein, and not liable to a tax upon the property of said company or the tax before mentioned in this section, shall pay a privilege tax of twenty-five dollars per mile per annum to the Treasurer of the State for its use, on the first day of July, one thousand eight hundred and eighty-one, and each year thereafter.

Additional tax on companies whose real estate is exempt from taxation.

Privilege tax on companies whose property is exempt from taxation.

Express, telegraph and telephone companies.

SEC. 44. Every express, telegraph and telephone company doing business in this State shall pay a tax of two per centum 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

Penalty.

the Treasurer of State shall designate, by distress or otherwise.

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 shall be the same as prescribed in cases of express, telegraph and telephone companies.

Sleeping and parlor car companies.

Penalty.

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, except magistrates' commissions, which shall be without fee, to be collected and paid into the treasury by the Private Secretary of the Governor; for the seal of the State Department, fifty cents, to be collected by the Secretary of State and paid by him into the treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public moneys, fifty cents; and for the seal of a notary public, twenty-five cents, to be collected and paid over by said officers to the sheriff of the county where such seal is kept. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. Seals affixed for the use of any county or State or other government, or used on commissions of officers in the militia, justices of the peace, or any other public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the said taxes may retain as compensation five per centum, except in the case of sheriffs, whose commissions shall be allowed by the Au-

Tax on seals.

Accounts to be kept.

Tax on scrolls.

What seals exempt.

Officers' fees.

- Embezzlement. ditor. 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.
- 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.
- Duty of register.
- Duty of sheriff.
- Fines, &c., to be paid to treasurer of county board of education. 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.
- Embezzlement. 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.
- Penalty.
- Repealing clause. 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.
- Proviso.
- Duty of Auditor. 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 coun-

ties of this State, other than such as are required and are indispensably necessary under the provisions of this act, or as may be hereafter required by law, nor shall any taxes be levied directly or indirectly by the said Auditor, any law heretofore passed to the contrary notwithstanding, and if the Auditor shall be guilty of any violation of this section he shall, on conviction, be punished in the discretion of the court. Penalty.

SEC. 52. That the Auditor of the State is hereby authorized to reject the annual returns of any sheriff when he has good reasons to believe said returns are not entirely correct and contain material omissions in schedules "B" and "C," in any of the subjects of taxation therein provided, and may make investigations as to such omissions, and for this purpose may send for persons and papers. Auditor empowered to reject returns of sheriffs, believed to be incorrect, and to make investigations.

SEC. 53. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 176.

An act supplemental to an act passed at the present session of the General Assembly, entitled "An act to raise revenue."

The General Assembly of North Carolina do enact:

SECTION 1. That an act passed at the present session of the General Assembly, entitled "An act to raise revenue," be amended by adding to section twenty-eight of said act the following: "That any manufacturer paying a drummer's tax prescribed in this section shall be allowed a rebate of that amount upon his general taxes for the same time." Rebate on general taxes allowed manufacturers paying drummer's tax.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 177.

An act to provide for the levying and collection of taxes.

The General Assembly of North Carolina do enact :

Township assessors.

SECTION 1. 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 and 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 townships, so as to secure a proper assessment of said property.

Duty of assessors.

Assessors authorized to administer oaths.

Joint meeting of county commissioners and assessors.

SEC. 2. The board of county commissioners shall at the time of the appointment of the 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.

Assessors to make returns under oath to county commissioners.

SEC. 3. The board of assessors shall make return of their assessments to the board of county commissioners on or before the first Monday in June, and annex the following affidavit subscribed and sworn to before a justice of the peace, who shall certify the same :

Form of affidavit.

" 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 tax payers concerned."

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.

Compensation of assessors.

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.

County commissioners to appoint list takers.

SEC. 6. Each township list taker shall advertise in five or more public places within his township immediately after his appointment, notifying all tax payers to return to said list taker all the real estate and personal property which each tax payer shall own on the first day of June, requiring said return to be made to said list taker within twenty days after the first Monday in June, under the pains and penalties imposed by law. That each list taker shall attend at least two or more places in each township for the purpose of taking a list of taxes.

List takers to notify tax payers.

SEC. 7. Every person required to list property shall make out and deliver to the township list taker a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise, in his possession or under his control on the first day of June, either as owner or holder thereof, or as parent, husband,

To attend in at least two places in each township.

Tax payers to make verified statement of taxable property.

guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise.

When and by whom list to be given in.

Agents, by whom appointed.

Property of corporation, by whom listed.

Real property, farming stock, &c., where listed.

Other property, where listed.

Residence of corporation, &c.

Tax payer to list property on oath.

SEC. 8. The list shall be given in by the person charged, or his agent, within twenty days after the first Monday in June as herein prescribed: *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. The property of a corporation shall be given in by the president, cashier, treasurer, or other person appointed for that purpose.

SEC. 9. All real property and all stock of farming utensils and other personal property used in connection with the cultivation of a farm, subject to taxation, shall be listed in the township in which said property is situated on the first day of June.

SEC. 10. All other personal property whatever, including money on hand or on deposit, credits, investments in bonds, stocks in national, State and private banks, joint stock companies, railroad, canal, bridge, factory or other company, and all taxable polls and all other subjects liable to taxation, except such franchise and personal property as are herein specially provided for, shall be given in in the township in which the person so charged resides on the first day of June. The residence of a corporation, partnership or joint stock association, for the purposes of this act, shall be deemed to be in the township in which its principal office or place of business is situated. If, however, the corporation, partnership or association have separate places of business in more than one township, it shall give in in each township the property or effects therein.

SEC. 11. At the time and place appointed by the list-taker the tax payer shall attend and shall file with the list taker, on a blank to be prepared and furnished by the State Treasurer, a verified statement of all the property of every kind and description owned by the tax payer.

The tax payer shall also swear to the true value of his property and choses in action, except land, which oath shall be in the following form, to-wit: "I,, do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief, so help me God." Any person making a false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a *feme covert*, shall be returned on separate lists.

Form of oath.

Penalty for false return.

Trust property, &c., to be returned on separate list.

What tax list shall state.

SEC. 12. The list shall state all the property of the person giving in, and also the age of the party, with reference to his liability to a poll tax, and shall refer to the first day of June in that year:

(1.) The quantity of land owned in the township; the land shall be described by name, if it has one; otherwise in such way that it may be identified.

Land.

(2.) The number of horses, mules, jacks, jennies, goats, cattle, hogs and sheep, separately, with the true value thereof.

Live stock.

(3.) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire arms, libraries and scientific instruments, without specifying the articles, at the true value thereof.

Farming utensils, household furniture, &c.

(4.) Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever.

Money on hand.

(5.) The amount of solvent credits, including accrued interest uncollected, owing to the party, whether in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, or whether owing by any State or government, county, city, town or township, individual, company or corporation. Any certificate of deposit in any bank, whether in or out of the State, and the value of cotton,

Solvent credits.

- tobacco or other property in the hands of commission merchants or agents, in or out of the State, shall be deemed solvent credits within the meaning of this act. If any credit be not regarded as entirely solvent, it shall be given in at its true current or market value. The party may deduct from the amount of solvent credits owing to him the amount of collectable debts owing by him as principal debtor.
- Deduction.**
- Bank stock, &c.** (6.) Shares in National, State and private banks, railroad, telegraph, canal, bridge or other incorporated company or joint stock association, with their true value; and the cashier of each bank or banking association (whether State or National) in the State, shall give in to the list taker for the township, in which such bank or banking association is situated, all shares of stock composing their corporation, as agent for and in the name of the owners of said shares of stock who may be non-residents of this State, and the treasurer of each railroad or other incorporated company shall in like manner list the shares of non-resident holders. Stockholders in valuing their shares may deduct their ratable proportion of the value of taxable property, the tax whereof is paid by the corporation.
- Deduction.**
- Other personal property.** (7.) All other personal property whatever, including therein all cotton in seed or lint, tobacco, either in leaf or manufactured, turpentine, rosin, tar, brandy, whiskey, musical instruments, goods, wares and merchandise of all kinds, plated and silverware, and the watches and jewelry possessed by the party, his wife or any minor child, at their true value.
- Net income.** (8.) The net income of the party the twelve months next preceding the first day of June in the current year, with a statement of the source or sources from which it was derived.
- Non-residents.** (9.) If the party be a non-resident of the county, and owns land therein, the list shall state his address, and

may name any agent in the county to whom notices may be given respecting his taxes.

SEC. 13. The list taker shall be particular to examine each person on oath as to whether he has other property than that stated in his return which he may claim is not liable to taxation. Such property, except bonds of the United States and of this State, shall be entered and noted on the tax list; and if the board of commissioners shall be unable to decide the legal questions involved, it shall be their duty to consult the State Treasurer about the matter, and to be governed by his decision.

List taker to examine each tax payer on oath, &c.

Commissioners to consult State Treasurer as to doubtful questions.

SEC. 14. Every guardian, executor, administrator or trustee shall in like manner, but on separate lists, give in the property held by him in that capacity.

Guardians, executors, &c.

SEC. 15. The value of the franchise of every railroad, canal, turnpike, plank road, transportation and telegraph company, whether lying wholly or partly in this State, shall be given in by the president or other chief officer of the said several corporations on the day fixed by this act for the giving in of the taxable property, to the Treasurer of the State, and shall be assessed by the Treasurer, the Auditor and the Governor of the State on the third Monday in June each year, and their valuation shall be returned to the board of commissioners in any county in which any portion of said road, canal or navigation works shall be; and the tax collected in each county and township shall be in proportion to the length of such road, canal or works lying in such county or township respectively. In fixing the valuation of any franchise the assessors shall regard the list returned as *prima facie* evidence of the value thereof; but such assessors may, if they deem needful, avail themselves of other additional evidence under oath as to the completeness of the list and the affixed valuations, but in no case shall it be reduced below the sum stated in the list. The franchise of the Albemarle and Chesapeake Canal Company shall be assessed by a board of five persons to be appointed by the

Franchise of railroads, &c.

Albemarle and Chesapeake Canal Company.

board of commissioners of Currituck county at their meeting in June, one thousand eight hundred and eighty-one, and annually thereafter. In case any officer fails to return the property as provided in this section, the board of assessors shall ascertain the length of such property in this State, and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

Exemptions. SEC. 16. The property mentioned in this section shall be exempt from taxation, to-wit :

Public property. (1.) That belonging to the United States or this State, or to any county or incorporated town, and used for public purposes.

University, colleges, benevolent societies, schools, churches, &c. (2.) The property belonging to and set apart and exclusively used for the University, colleges, institutions of learning, academies, the Masonic fraternity, Order of Odd Fellows, Knights of Pythias, Independent Order of Mechanics, Good Templars and Friends of Temperance, Knights of Honor, Good Samaritans and Brothers and Sisters of Love and Charity, Royal Arcanum, Hibernian Benevolent Society of Wilmington, the Israel and Priscilla Tent of Wilmington, schools for the education of the youth or support of the poor and afflicted, orphan asylums, such property as may be set apart for and appropriated to the exercise of divine worship or the propagation of the gospel or used as parsonages, the same being the property of any religious denomination or society :

Proviso. *Provided*, that said exemption shall not extend to more than twenty acres of land, if the excess over twenty acres is of value exceeding one thousand dollars, nor to solvent credits unless otherwise specially excepted.

Grave yards. (3.) Such property as may be set apart for graveyards or burial lots, except such as are held with a view to profit, or for the purpose of speculating in the sale thereof.

Twenty-five dollars of personal property. (4.) Twenty-five dollars of personal property of each individual tax payer.

SEC. 17. Where the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests respectively.

Real property divided in ownership to be listed in separate entries.

SEC. 18. If any person liable to be charged with taxes shall refuse to answer any questions respecting his property, or shall refuse to fill and swear to his returns, he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by fine not exceeding fifty dollars or imprisoned not exceeding thirty days, and it shall be the duty of the list taker to have the offender prosecuted. And every list taker and county commissioner shall have power to send for persons and papers, and to examine witnesses and to administer oaths.

Refusal of tax payer to answer questions, &c., a misdemeanor.

SEC. 19. 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 takers the necessary number of the forms for their respective use. The assessor's forms shall be furnished every fourth year, and the list taker's forms annually.

Duty of list taker to prosecute. Authorized to send for persons and papers.

Auditor to provide forms.

SEC. 20. The list takers shall on or before the first Monday in July in each year, return the tax lists to the clerk of the board of commissioners. He shall also return a list of the property in the township not given in for taxation, with a description and valuation thereof made by himself, and the names of the occupant and supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property, on paying a fee of ten cents.

List taker to return tax list to clerk of commissioners before the second Monday in July, and also a list of property and polls not given in.

Returns open to inspection.

Oath of list taker.

SEC. 21. The list taker, upon making return to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners, or any other officer authorized to administer oaths: "I,, list taker of, in the county of, do solemnly swear that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of any person, company or corporation, I have diligently, and by the best means in my power, endeavored to ascertain the real value thereof; and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in the annexed returns; that in no case have I knowingly omitted to receive of any person of whom by law I was required to receive a statement of the description and value of real and personal property, or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of any kind for taxation; and that I have returned to the board of commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return." And any list taker making a false return as aforesaid shall be deemed guilty of perjury.

Penalty for false return.

Commissioners to revise tax list after notice.

SEC. 22. The board of commissioners of each county, after notice in one newspaper or by posters put up, shall

meet on the second Monday in July and revise the tax lists and valuation reported to them, and complete the list by computing the tax payable by each person and affixing the same opposite his name. They shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the lists of the list takers as may be right and just, and so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation of such property as they shall deem unreasonably low. The said board of commissioners on tendering the prescribed oath may take the lists of any person applying to list his taxables at any meeting of the commissioners held on or before the second Monday in July, upon his paying the clerk twenty-five cents for recording the same. The board of commissioners shall ascertain the value of his property by the examination of witnesses or otherwise and insert it in the abstract, and without satisfactory excuse they may add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

SEC. 23. If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he shall present his claim in writing, and they shall hear any evidence adduced by him, and shall summon and examine any witness necessary for a just decision to the question, including the assessors or list taker who made the valuation. If the board of commissioners shall find that he has cause for complaint, they shall direct their clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the Auditor, who shall credit

Complaints of
over valuation or
excessive taxation.

the sheriff with the overcharge in his settlement for that year.

Application for relief after settlement of sheriff.

SEC. 24. If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the Auditor of the State, who, on finding the proceedings in conformity with the requirements of this order, shall issue a warrant on the treasurer of the State for the amount of State tax specified. The treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Double tax on unlisted property and poll.

SEC. 25. The board of commissioners shall insert in the tax list for each township the description and valuation of all property not given in, with the name of the persons supposed to be liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory cause therefor be rendered to the board of county commissioners on or before the first Monday in October, and all persons who are liable for a poll tax, and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed before the list taker or the board of commissioners, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty for wilful failure to list.

Unlisted land.

SEC. 26. In all cases where the board of commissioners

shall have omitted, or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county, subject to taxation, it shall be their duty, when they enter the same on the duplicate of the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto, as far back as the said lands have escaped taxation. Where no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners shall be authorized to value and assess the same for those years.

Back taxes.

Assessment.

SEC. 27. The board of commissioners shall have power to exempt any person from the payment of a poll tax on account of both poverty and infirmity, and when any such persons have been once exempted they shall not be required to renew their application unless the commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the commissioners shall furnish the person with a certificate of such action and upon exhibiting said certificate to the list taker annually, the person to whom it was issued shall not be required to list his poll; but the list taker shall enter in the column intended for the poll the word *exempt*, and the poll shall not be charged in computing the list. The clerk shall deliver to the sheriff a list of all persons so exempted, with the amount of taxes charged against them, and the sheriff shall be entitled to a deduction of such taxes in any settlement he may be required to make.

Commissioners empowered to exempt from poll tax.

Certificate of exemption.

Sheriff to be credited.

SEC. 28. The board of commissioners shall cause to be made out two copies of the tax list of each township as revised and settled by them, according to a form to be furnished to them by the Auditor of the State. Such form shall show, in different columns, the sums due by each tax payer to the State and to the county; one of said copies shall remain in the office of the clerk of the com-

Copies of revised tax list, how distributed.

Auditor to furnish form.

missioners, the other shall be delivered to the sheriff or tax collector on or before the first Monday in September in each year, and he shall receipt for the same. The clerk shall endorse on the copies given to the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the property of the person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of a bond. Said order shall be in the following or some similar form :

Order of collection to sheriff.

Force and effect of order.

Clerk to note appeals.

Form of order.

STATE OF NORTH CAROLINA,-----COUNTY,
 OFFICE BOARD OF COMMISSIONERS,-----County.
To the Sheriff of-----County :

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal,
 ----day of-----188---

Clerk Board of Commissioners.

Lien of taxes.

SEC. 29. The lien of the State and county taxes levied for all purposes in each year shall attach to all real property subject to such taxes on the first day of June annually, and shall continue until such taxes, with any penalty which shall accrue thereon, shall be paid; all personal property subject to taxation shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate.

Lien on bank stock, &c.

SEC. 30. Any tax assessed on any shares of stock, or the value thereof, of any bank or banking association or any corporation, shall be and remain a lien on such shares from the first day of June in each year, until such taxes

are paid; and in case of the non-payment of such taxes at the time required by law by any shareholder, and after notice received from the county treasurer of the non-payment of such taxes, it shall be unlawful for the cashier or other officer of such bank or banking association or corporation to transfer, or permit to be transferred, the whole or any portion of said stock until the delinquent taxes thereon, together with the costs and penalties, shall be paid in full; and no dividend shall be paid on any stock so delinquent so long as such taxes, penalties and costs, or any part thereof, remain due and unpaid.

Stock not transferable until tax paid, after notice.

SEC. 31. It shall be lawful for any such bank or banking association or other corporation to pay to the treasurer, sheriff or tax collector of the county in which such bank or banking association or corporation may be located, the taxes that may be assessed upon its shares as aforesaid in the hands of its shareholders respectively, and deduct the same from any dividends that may be due or may thereafter become due on any such shares, or deduct the same from any funds in its possession belonging to any shareholder as aforesaid.

Banks authorized to pay taxes due from shareholders.

SEC. 32. The clerk of the commissioners, on or before the first Monday in November, after the lists are completed by the commissioners and deposited with him, shall return to the Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount of State and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the Auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll, and on each one hundred dollars' value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Abstract of tax list to be returned to Auditor by clerk of commissioners before first Monday in November.

Penalty for default of clerk to perform duties, &c.

SEC. 33. If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the sheriff's return, made, sworn to and subscribed as required in section forty-five of this act, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the superior court of Wake county, before the clerk thereof, on motion of the State solicitor, and it shall be the duty of the Auditor to inform the solicitor of such default, and at the same time furnish him with a certified copy of the official bond of said clerk. The clerk of the superior court shall transmit to the Auditor, on or before the second Monday in October in each year a certified copy of the official bond of the register of deeds and his sureties, under the same penalties for default as are prescribed in section forty-nine of this act.

Duty of Auditor.

Duty of superior court clerks.

How valuation of land apportioned in case of division.

SEC. 34. In case, within the interval between the regular periods for the valuation of lands or real property, any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may, at any time upon five days' notice to the other part owners, apply to the commissioners for an apportionment of valuation, which shall be allowed as may be just; and all persons having tax lists are required to amend the same according to the assessment of said board on the production of a certified copy thereof: *Provided*, that no amendment made after a tax on the land has become due shall operate to affect that tax.

Proviso.

Valuation of property, how reduced in case of destruction or depreciation.

SEC. 35. If any real or personal property has been or after listing shall be destroyed or depreciated over twenty-five per centum on its assessed value otherwise than by act of the owner, the party charged with the tax on such property may apply to the board of commissioners on or before the first Monday in September in each year, and upon proper proof may have the valuation reduced, and the commissioners shall make the proper order in rela-

tion thereto. In like manner, if property shall have increased twenty-five per centum over the same at which it has been heretofore assessed, the list taker, upon ten days' notice to the owner, may apply to the board of commissioners to alter the valuation of the property, and upon proper proof they shall do so.

SEC. 36. All taxes shall be due on the first Monday in September in each year. When paid, the sheriff or tax collector shall note on the tax list, against the name of the party, the date of payment and the amount paid; he shall also give a receipt to the parties stating the amount of the State and county tax separately, and the date of payment, and for failure to give such receipt, stating the State and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the court: *Provided*, the sheriff or tax collector shall not collect the taxes for any year until he shall have settled in full with the State and county for the taxes of the previous year (if he was the sheriff or tax collector) and given the bonds required by law. Before receiving the tax list he shall produce the receipts of the State and county (if he was the sheriff or tax collector for the previous year) to the clerk of the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipt or give the required bond the board of commissioners shall appoint a tax collector, who shall give bond as required of the sheriff, to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies, they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive the same. Said oath shall be filed with the clerk and kept in the office of the board of commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be guilty of a misdemeanor.

Increase in value.

Duty of list taker.

Taxes due on first Monday in September.

Sheriff to give receipt when paid.

Penalty for failure.

Proviso.

Sheriff to produce receipts for previous year before receiving tax list.

On failure of sheriff, tax collector to be appointed.

Deputy sheriffs to take oath.

Misdemeanor.

When and where
sheriff to attend
for collection of
taxes.

SEC. 37. The sheriff or his deputy, or tax collector, shall attend at the court house or his office in the county town, during the months of September and November, for the purpose of receiving taxes; he shall also in like manner attend at least one day during the month of October at some one or more places in each township, of which fifteen days' notice shall be given by advertisement at three or more public places, and in a newspaper if one be published in the county: *Provided*, That nothing in this section shall be construed to prevent the collecting officer from levying and selling, after the first day of November, but he shall not sell before that day.

Notice.

Proviso.

How sheriff to
collect.

SEC. 38. Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows:

Sale of personal
property.

(1). If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same as he is required to sell other property under execution, and his fees for such levy or sale shall be the same as on other executions.

Insolvent taxes,
when and how al-
lowed sheriff.

(2). And before the sale of land, no insolvents' taxables shall be credited to the sheriff in the settlement with the Auditor, except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the tax payers, and could not there or elsewhere in the county find property wherewith to discharge his taxes, or such part thereof as is returned unpaid, and that the persons contained in the list were insolvent at and during the time when, by law, he ought to have endeavored to collect the taxes; such list shall be recorded in the commissioners' docket, and a copy thereof shall be returned to the Auditor of the State on or before the day of the settlement of the sheriff with the Treasurer.

(3). If the party charged has not personal property to be found in the county of sufficient value, the sheriff shall levy upon the lands of the delinquent, or any part thereof; said sheriff shall return a list of said levy to the clerk of the superior court, who shall enter the same in a book to be kept for that purpose, charging therefor ten cents for each levy. The sheriff shall notify the delinquent of such levy, and of the day and place of sale by service of a notice stating these particulars on him personally. If the delinquent cannot by reasonable diligence be found in the county, but has a known agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered to such agent, and shall be mailed postpaid to the delinquent. If the delinquent has no known agent in the county, or his address cannot with reasonable diligence be ascertained, the sheriff shall publish a notice, substantially as above described, at the court house door, and four other public places, and also in some newspaper published in the county where the land is situated if there be such newspaper. The notice shall be served or published as aforesaid at least thirty days before the sale of the land; the sale shall be made at the court house of the county in which the land lies, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as sales under execution are; if the delinquent resides out of the county, and his address be known, the sheriff within one month after sale shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid, and the amount of taxes and cost, to be paid by him as a condition of its redemption. If any person liable for taxes not having property in the county where such taxes are due, shall have property in any other county, or shall remove from his county after the day of listing or carrying his property therefrom, the soliciting officer shall return the fact to the board of commissioners

Sale of real estate.

Sheriff to notify delinquent of levy.

Sale, when and where made.

When and how taxes collected from property in another county.

of the county, who shall, through their clerk, make an abstract of the same under their corporate seal, which abstract shall have the force of a tax list regularly endorsed for collection in any county in the State. The collecting officer shall forward the same to the proper collecting officer of the county where the person or property may be, who shall collect the amount due thereon, with three per centum added, which percentage he may retain to his own use, the residue to be forwarded immediately to the officer from whom he received it, to be accounted for as other public taxes. It shall be the duty of the officer to whom such abstract shall be forwarded, to make return of his action on the same within thirty days; and said abstract, or duly certified copy, may be sent for collection to the same or some other county until the amount due shall be collected. And it is expressly declared that the lands of a minor, lunatic, or a person *non compos mentis*, shall in no case be liable to be sold for taxes; but should any guardian of the estate of such person not pay the taxes on the property of such person when due, the tax list in the hands of the sheriff, charging him as guardian, shall be an execution to be satisfied out of his individual property, or out of the personal property of such ward. The following or any substantially similar form shall be sufficient for the levy:

Lands of minors, lunatics and persons *non compos*, exempt from sale.

Property of guardian liable.

Form of levy.

STATE OF NORTH CAROLINA, }
 On relation of }
 Sheriff of County, }
 vs. }

Levy on lands of adjoining the lands of, for default in payment of taxes.

Sale of land, how made.

SEC. 39. The whole tract or contiguous body of land belonging to a delinquent person or company shall be

set up for sale at the same time, and the bid shall be struck off to him who will pay the amount of taxes with all the expenses for the smallest part of the land.

SEC. 40. If no one will or shall offer to pay the amount of taxes for a less number of acres than the whole number of acres in said tract, then the sheriff shall bid off the property for the county, and, upon proving the fact, and tendering to the chairman of the board of commissioners a deed to the county for the property, duly proven before the clerk of the superior court of the county, shall have credit for the amount of such tax and fee paid for registration. The deed shall be deposited without delay by the said chairman with the register of deeds and recorded by him, for which he shall be allowed a fee of twenty-five cents. The property so purchased by the county shall be under the control of the board of commissioners of the county, but may be redeemed as hereinafter prescribed; and the said board shall order the sheriff to pay the State Treasurer the State tax due thereon out of the county funds in his hands, and on the payment thereof the said Treasurer shall issue his certificate to the said sheriff; and the said board shall cause an allowance to be made to the said sheriff in his settlement with the treasurer of the county for the amount of State tax and costs.

When sheriff to bid in property for county.

To be credited with tax on tendering deed to county.

Deed to be recorded.

Property to be under control of commissioners.

State tax to be paid out of county funds.

Allowance to sheriff.

SEC. 41. The delinquent, his agent or attorney, may retain possession of the property for twelve months after the sale, and within that time redeem it by paying or tendering the purchaser the amount paid by him, and twenty-five per centum in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor. If he shall refuse or cannot be found in the county, the delinquent may pay the same to the clerk of the superior court for the use of the purchaser, and the clerk shall give a receipt therefor. Such payment shall be equivalent to payment to the purchaser. The delinquent, his agent or attorney, may cause the receipt of the

Redemption of land.

Remedy when purchaser refuses to give receipt.

Receipt to be registered.

purchaser or of the clerk to be registered, and the register of deeds shall refer to such registration on the margin of his registration of the receipt from the sheriff to the purchaser. After the payment to the purchaser or to the clerk for his use, as aforesaid, all rights under the purchase shall cease. No sale of property by the purchaser or by the delinquent, his agent or attorney, within twelve months, shall convey to their respective vendees any other rights or estates than the parties themselves possess.

Sale by purchaser or delinquent within twelve months.

Failure to redeem.

Sheriff to execute deed to purchaser.

Sheriff's fee.

Deed to be registered within six months.

Deed to be *prima facie* evidence that the requirements of law as to sale were complied with.

Redemption of land purchased by county.

Endorsement on deed by county treasurer.

SEC. 42. If the delinquent, his agent or attorney, shall fail to redeem, as prescribed in the preceding section, the sheriff shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the quantity of land for which the said purchaser agreed to pay the amount of the taxes with all the expenses, and for said service the sheriff shall be entitled to two dollars to be paid by the purchaser. The deed from the sheriff to the purchaser shall be registered within six months, and when so registered shall convey to the grantee all the estate in the quantity of land for which the said purchaser bid, which the delinquent, his agent or attorney, had at the time of the sale for taxes; and such deed shall, in any action at law for the recovery of the land, be *prima facie* evidence that the sheriff has complied with all the requirements of the law in making the sale for taxes.

SEC. 43. In case the county becomes the purchaser under section forty, then, within two months after the sale, the delinquent may pay to the county treasurer the amount due for State and county taxes, together with the cost allowed the sheriff in the settlement, under section fifty of this act, with twenty-five per centum added thereto; and upon the presentation of the said treasurer's receipt to the register of deeds, that officer shall endorse upon the deed conveying the property to the county these words: "Taxes and cost paid, delinquent restored to his rights," and sign the said endorsement, and shall

deliver the deed to the delinquent or his agent, and he shall enter the same on the margin of that page of the county record in which is registered the deed, charging fifteen cents therefor; and such endorsement, delivery and marginal entry shall have the effect of reinvesting the delinquent with all his rights in the premises. But should the said delinquent fail to redeem the said land within twelve months from the day of sale thereof, then the said board of commissioners shall order the said sheriff, after notice given as prescribed in sub-section three of section thirty-eight, to sell the said land to the highest bidder for cash and pay the proceeds of sale, less five per centum for his commissions, to the county treasurer, the one-half of the net proceeds thereof to the common school fund and the other half to the county fund. Every deed made to the county authorities for land sold for taxes shall be *prima facie* evidence in any action at law for said land, that the sheriff in making sale of the land has complied with all the requirements of the law.

Registration of endorsement.

Land to be sold by sheriff if not redeemed in twelve months.

Proceeds of sale, how distributed.

Deed *prima facie* evidence that requirements of law were complied with.

SEC. 44. Whenever any sheriff or tax collector shall be credited on settlement with any tax or taxes, by him returned as insolvent, dead or removed, he shall forthwith make publication at the court house door of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of the tax due from each, and the sum total so credited; and at least one public place in each township, a list of such delinquents of said township. 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 dollars.

Sheriff to publish a list of insolvents, &c., for whose taxes he has been credited.

To be published in newspaper by order of commissioners.

Penalty.

Sheriff to keep record of taxes collected upon unlisted property.

To make verified statement to commissioners.

Abstract to be furnished Auditor.

When and how sheriff to settle State taxes.

Duty of commissioners.

Duty of State Treasurer.

Sheriff to file duplicate delinquent tax list.

How sheriff chargeable.

SEC. 45. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds, and under schedule "B" of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in December in each year shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date, not previously accounted for, the date of such receipts, the person from whom received, the amount received from such persons, the subjects on which received, and the aggregate amount, accompanied by an affidavit taken and subscribed before the clerk of the commissioners, and attested by him, that the statement is correct, and that no receipts have been omitted, and the clerk shall record the same in a book to be kept for that purpose, and shall by the second Monday in December send an abstract of said statement with the affidavit to the Auditor of the State, on a blank to be furnished by the Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court house until the first of January next ensuing.

SEC. 46. The sheriff or other accounting officer shall, on or before the second Monday in January in each year, settle his State tax account with [the] commissioners of his county, and pay the amount for which said sheriff or collector is liable to the Treasurer of the State, in such manner or at such place as he shall direct. The commissioners shall forthwith report to the State Treasurer the amount due from such accounting officer, setting forth therein the net amount due to each fund, and the Treasurer shall open an account against such officer and debit him accordingly. The sheriff or tax collector, in making his settlement as aforesaid, shall file with the commissioners a duplicate of the list required in section forty-five of this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same

appears by the abstract of taxables transmitted to the Auditor; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection.

Duty of Auditor.

SEC. 47. The Auditor in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the lists returned :

Deductions.

(1). Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable ;

Insolvent taxes on personal property.

(2). All over-payments made in former settlements, by reason of any error in the clerk's abstract of taxables ;

Over payments in former settlements.

(3). Five per centum commissions on the amount collected.

Commissions.

SEC. 48. For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may be actually and necessarily engaged therein with the commissioners at the county seat, and ten cents per mile by the usual route of travel, for twice the distance between the court house and the place designated by the State Treasurer, to be paid by him on the warrant of the Auditor, upon the certificate of the sheriff or tax collector, duly verified before the board of commissioners.

Compensation of sheriff for settlement of State taxes.

SEC. 49. In every case of failure by the sheriff or other accounting officer to settle his account within the time prescribed by this act for such settlement, and to take the oath required in his settlement, and pay the amount due to the Treasurer, and exhibit his receipt in full to the Auditor, the Auditor shall forthwith report to the Treasurer the account of such sheriff or officer, and furnish him with a copy of the official bond of said officer and

Failure of sheriff to settle.

Auditor to make report to Treasurer.

his sureties, deducting therefrom nothing for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the Treasurer, on motion of the solicitor of the fourth judicial district, in the superior court of Wake county, before the clerk thereof, within twenty days after the default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer. And to the end that their obligations and names may be known, the clerk of the superior court shall, on or before the second Monday in October in each year, transmit to the Auditor a copy, certified under seal of the court, of the bond of the sheriff and his sureties, upon pain, for his default, of forfeiting to the State one thousand dollars, which the Treasurer shall and is hereby specially charged to collect in like manner and at such times as is provided in this section. If the sheriff or other accounting officer shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the county under section forty of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be sentenced to pay a fine in the discretion of the court, and be imprisoned not less than three nor more than twelve months.

Summary judgment by Treasurer.

Superior court clerks to furnish copy of sheriff's bond to Auditor.

Penalty.

Fraudulent failure of sheriff to account.

Penalty.

When and how sheriff to settle county taxes.

Penalty for retaining money.

To make monthly verified statement to commissioners.

To account with county treasurer.

SEC. 50. The sheriff or the tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hand over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained, and shall on oath render a statement to the commissioners at their monthly meetings of the amount in his hands. On or before the first Monday of February in each year the sheriff shall ac-

count with the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer two per centum per month on all sums unpaid, and this shall be continued until final settlement. He shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom in like manner as is prescribed in sub-divisions one, two and three of section forty-seven of this act, including all insolvent and uncollectable poll taxes, respecting his settlement of State taxes, and also the amount of State tax on the lands bid off for the county and paid over to the State Treasurer on producing said Treasurer's certificate thereof as is provided in section forty of this act. The costs allowed shall be: for making a deed, fifty cents; for registering, twenty-five cents; and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for the collection and settlement of the county taxes in their respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following that in which the taxes were levied: *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 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 the said sheriff resides: *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

Penalty for failure.

How sheriff chargeable.

Deductions.

Costs.

Extension of time by commissioners.

Unlawful for sheriff in accounting for taxes to use money not derived from taxes.

Penalty.

Penalty for using taxes otherwise than as directed by law.

any person suing for the same, and the other half to the county in which said sheriff resides.

Commissioners to appoint committee to assist at settlement of sheriff.

SEC. 51. The board of commissioners, at their last regular or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, to be present and assist at the accounting and settlements between the sheriff and county treasurer provided for in the next preceding section, and also to audit and settle the accounts of the county treasurer and of all other county officers authorized to receive or disburse county funds. The accounts so audited shall be reported to the board of commissioners, and when approved by them shall be filed with the clerk and recorded on his book, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error: *Provided*, the compensation allowed said committee for their services, shall not exceed two dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.

Accounts when audited to be reported to commissioners and filed with clerk, &c.

Compensation of committee.

Failure of sheriff to settle.

SEC. 52. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee, as above required, or to pay what may be rightfully found due in such account, he shall forfeit and pay to the State, for the use of the county, a penalty of twenty-five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it, the chairman of the board of commissioners, to cause an action to be brought in the superior court of the county on the bond of the sheriff against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon, in like manner and with the same penalties imposed for such criminal defalcation in section forty-nine.

Penalty.

Suit to be brought on sheriff's bond.

Penalty for fraudulent failure of sheriff to account.

When and how other county officers to account.

SEC. 53. In each year the county treasurer shall give five days' notice to all the county officers (except the

sheriff) authorized to receive or disburse the county funds, to appear at the court house on a certain day during the first ten days in January, before him and the committee appointed by the board of commissioners, and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

Penalty.

SEC. 54. Whenever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform the said office instead of the sheriff, and such tax collector shall collect all taxes, have all the emoluments, and be subject to all the penalties as provided in the case of sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Duties of a tax collector.

Compensation and penalties.

SEC. 55. If any sheriff shall die during the time appointed for collecting the taxes, his sureties may collect them, and for that purpose 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 had against the sheriff if he had lived.

Sureties to collect in case sheriff dies.

Powers and liabilities same as sheriff.

SEC. 56. The sheriff (and in case of his death, his sureties) shall have one year and no longer from the day prescribed for his settlement and payment of the State taxes, to finish the collection of all taxes; but the extension of time for collection shall not extend the time of his settlement of the taxes.

Time within which taxes to be collected.

Extension of time.

SEC. 57. Any township list taker who shall deem it necessary to enable him to complete within the time pre-

Township list taker authorized to employ assistant.

Duties of assistant. scribed the listing and valuation of the property, moneys and credits of his township, may, with the approbation of the board of commissioners, appoint some well qualified citizen of his township to act as an assistant, and assign to him such portion of his township as he shall think proper; and each assistant so appointed shall within the division of such township assigned him, under the directions of the list taker, after being sworn, perform all the duties enjoined upon, vested in or imposed upon list takers by the provisions of law; and the board of commissioners of Alleghany and Macon counties may, if they deem it to the interest of the county, appoint the same person to take the tax list in more than one township.

Liability of life tenants, &c. SEC. 58. Every person shall be liable to pay tax for the lands or town lots of which he or she may stand seized for life, by courtesy, dower, or by a husband in right of his wife, or may have the care of as guardian, executor, or as agent or attorney, having funds of the principal in his or her hands.

Failure of life tenant to pay. SEC. 59. If any person who shall be seized of lands as tenant by courtesy or dower, or who shall be seized of lands for life or in right of his wife, shall neglect to pay the taxes thereon so long that such lands shall be sold for the payment of the taxes, and shall not within one year after such sale redeem the same according to law, such person shall forfeit to the person or persons next in title to such lands in remainder or reversion all the estate which he or she so neglecting as aforesaid may have in said lands, and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed after having been sold for taxes within one year after such forfeiture, and moreover the person so neglecting as aforesaid shall be liable in action to the person next in title to the estate for all damages such persons may have sustained by such neglect.

Remainderman may redeem. Action for damages. Persons having a lien on land authorized to pay taxes. SEC. 60. Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon

such real estate, and the amount of taxes so paid shall, from the time of payment, operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for moneys paid to his use against the person or persons legally liable for the payment of such taxes.

Amount paid a preferred lien.

SEC. 61. The words "land and real property" shall be construed in this act to include not only the soil, but all buildings and erections thereon, all rights and franchises appurtenant thereto, and all mines and minerals on or under the surface. 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 time of assessment, being the price which could be obtained therefor at private sale, and not at a forced sale.

Definition of "land and real property."

Definition of "true market value."

SEC. 62. The Secretary of State shall have printed five thousand copies of "An act to raise revenue" and "An act to provide for the levying and collection of taxes," with the amendments made to said acts incorporated therein respectively, and distribute the said acts so amended among all the officers whose duty it is to execute or carry into effect any portion thereof.

Secretary of State to have 5000 copies of this act and of "act to raise revenue" printed for distribution.

SEC. 63. The Secretary of State shall in like manner have printed five copies of said acts for each member of the General Assembly, and forward the same to them by mail.

Secretary of State to have five copies printed for each member of General Assembly.

SEC. 64. The State Treasurer shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each tax payer in the State shall make out under oath a true statement and return of all his property, with the value thereof, according to the provisions of this act.

State Treasurer to furnish blanks to county commissioners.

SEC. 65. The provisions of an act to provide for the levying and collecting of taxes, ratified the eleventh day of March, A. D. one thousand eight hundred and eighty-

Chapter 117, Laws 1881, not revised or amended, re-enacted.

one, not revised or amended in this act, are hereby re-enacted.

SEC. 66. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 178.

An act to amend The Code, volume two, chapter twenty-nine, title "Insurance."

The General Assembly of North Carolina do enact:

Section 3061 of The Code amended.

All contracts for insurance enforced in the courts of the State.

Deposits under existing law not to be removed until outstanding losses settled.

Treasurer to hold deposits for ninety days and longer on notice.

Ten thousand dollars deposit law repealed.

Laws concerning deposit law repealed.

Chapter 29 of The Code not applicable to contracts made outside of the State.

SECTION 1. That section three thousand and sixty-one of The Code be amended by striking out all after the word "chapter," in line five: *Provided*, that no company shall remove their deposits until they have settled and paid any outstanding loss which the company shall have incurred: *And provided further*, that the Treasurer shall hold all deposits for ninety days after the ratification of this act, and then if notice is served on him that there is outstanding loss incurred before the ratification of this act, not paid, he shall hold the said bonds deposited until the claims are adjudicated and paid.

SEC. 2. That section three thousand and sixty-two be amended by striking out sub-division (3) and renumbering (4) and (5), respectively, (3) and (4).

SEC. 3. That sections three thousand and seventy-one, three thousand and seventy-two, three thousand and seventy-three, and three thousand and seventy-five be repealed.

SEC. 4. That the provisions of chapter twenty-nine of The Code, entitled "Insurance," and of any law amendatory of the same, shall not apply to any contract of in-

insurance made outside the limits of the State between a citizen of this State and any insurance company.

SEC. 5. That no clause or provision in any policy of insurance against fire, issued upon real or personal property in this State, shall be construed or held to prevent or limit the liability of the insurance company or person insuring, to pay the actual value of the property destroyed at the time of the destruction, or the actual damage thereto in case of partial loss, to the amount of the insurance thereon actually paid for by the insured: *Provided*, that this act shall not apply to losses or damages already incurred which shall be governed by existing laws: *Provided further*, that this act shall not prevent the insertion of what is usually termed the three-fourths value clause, whereby, in the event of loss or damage, the company shall not be liable for more than three-fourths of the cash market value, not exceeding the amount of said policy; this provision not applying to partial losses.

Actual loss on property destroyed by fire recoverable, notwithstanding provision in policy limiting liability.

Not to apply to losses already incurred.

Not to prevent insertion in policy of "three-fourths value" clause.

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. 1885.

CHAPTER 179.

An act to prohibit the sale of spirituous liquors in certain localities.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to sell, or dispose of with a view [of] remuneration, any spirituous liquors within two miles of Rocky Spring church, in Caldwell county; Centennial church, in McDowell county; Goshen Presbyterian church, in Gaston county; Ebenezer Metho-

Sale of liquor prohibited within two miles of certain localities.

Sale of liquor prohibited within two miles of certain localities.

dist church, in Gaston county; Blackwood's chapel, in Montgomery county; Little River Methodist church, in Montgomery county; Landis church, in Montgomery county; Pisgah Associated Reform church, Gaston county; Oak Hill church, Burke county; Mountain Grove church, Burke county; Fair View church, Burke county; Linville Methodist church, Burke county; Zion Baptist church, Burke county; Smyrna Baptist church, Burke county; Quaker Meadow church, Burke county; Willow Tree A. M. E. church, Burke county; Salem Methodist church, Iredell county; Howard Creek church, Watauga county; Mount Vernon church, Watauga county; Oak Grove church, Wake county; Oakdale Academy, Alamance county; McAddensville church, Gaston county; New Hope church, in Gaston county; Goshen church, in Gaston county; Bethel church, in Gaston county; Smyrna church, in Gaston county; Mount Olivet church, in Gaston county; Modely church, in Gaston county; Cross Roads church, M. E., Gaston county; Wesley chapel, M. E. C., Cleveland county; Elk Knob Baptist church, Watauga county; Mountain Grove church, Catawba county; New Hope church, near Richmond county line; Union Ridge church, Forsyth county; Good's chapel, Rutherford county; Providence church, Rutherford county; Mount Pleasant church, Rutherford county; Floyd's Creek church, Rutherford county; school house, district number three, Richmond county; Wadesville church, Montgomery county; Swanannoa Baptist church, Buncombe county; Middleburg Male Academy, Vance county; Concord Methodist church, Olivet Baptist church, in Catawba county; Shady Grove Baptist church, in Wake county; Ash Hill church, Surry county; Pine Swamp academy, in Ashe county; Pine Swamp Methodist church, in Ashe county; Cana academy, in Davie county; Asbury church, in Wake county; Baptist Center and Piny Grove churches, Clayton township, Johnston county; Mission post office, in Stanly county; Harlowe academy, Harlowe and Core

Creek churches, in Carteret county; and Craven Corner Colored church, in Craven county; Damascus Christian church, Mount Hermon Baptist church and Cosan Green Methodist church, in Orange county; Oak Grove Baptist church, Tellico Baptist church, Macon county; and Bethel church, Wall's church, High Shales Baptist church in Rutherford county; Mingus school house and Lufta Baptist church in Swain county; Lucama post office, Cross Roads township, in Wilson county; Eagle Mills M. E. church, Macedonia M. E. church, Berea Baptist church and Morrow's chapel (colored) in Iredell county; Public school house, in district number forty-seven, and Pisgah church and Trinity church and Olney church, in Gaston county; Red Springs Baptist church, in Robeson county; Black Chapel Methodist church, in Cumberland county; McRay's school house in Moore county; Moore's chapel, Mecklenburg county; Eldorado Baptist church, in Montgomery county; Mission post office, Stanly county; Burnett's school house, Alexander county; Buff Creek school house, Bear Creek Baptist church, in Chatham county.

SEC. 2. It shall be unlawful to sell or dispose of any spirituous liquors with a view of remuneration within one and one-half miles of Hudsonville, Caldwell county; Farmington academy, in Davie county; Beaty's school house, Mecklenburg county; Moore's chapel, Mecklenburg county.

Within one mile
and a half.

SEC. 3. It shall be unlawful to sell or dispose of any spirituous liquors with a view of remuneration within one mile of New Chapel church, in Wayne county; Methodist church, in West Bend, Yadkin county; Baptist church, in West Bend, Yadkin county; Conrad, in Yadkin county; Beaver Dam church, in Cleveland county; Conway's chapel, in Caldwell county; First Presbyterian church, in Chadbourn, Columbus county; New Hope chapel, in Wayne county; Sulphur Springs Baptist church, in Montgomery county; Landmark church, in Ashe county; Paw Creek church, Mecklenburg county; Union

Within one mile.

Ridge Methodist Protestant church, Forsyth county; Methodist camp ground for colored people, near Catawba station, in Catawba county; Walnut Grove Baptist church, in Wilkes county; Dunkirk Methodist church, in Wilkes county; Roaring Gap academy, in Wilkes county; Bethel church, Lexington township, Davidson county; Lebanon church, Cotton Grove township, Davidson county; Eleazer M. E. church, South, in Randolph county; Pleasant Grove Christian Church, in Randolph county.

Misdemeanor.

SEC. 7. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

Conflicting laws repealed.

SEC. 8. That all laws and parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 180.

An act supplemental to an act ratified the 14th day of February, 1885, entitled "An act to increase the number of superior court judges and judicial districts."

The General Assembly of North Carolina do enact:

Chapter 23, section 910 of The Code amended.

SECTION 1. That chapter twenty three of The Code be amended as follows, viz: Strike out section nine hundred and ten and insert in lieu thereof: A superior court shall be held by a judge thereof at the court house in each county. The State shall be divided into twelve judicial districts, and the superior courts in the several counties shall be opened and held at the times hereinafter set forth, and each court shall continue in session one week or more as hereinafter provided, unless the business thereof shall be sooner disposed of, namely: The first district shall be

Twelve judicial districts established.

First district.

composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

FIRST DISTRICT.

Beaufort—Third Monday before the first Monday in March, to be for the trial of civil cases alone except jail cases on the criminal docket ; twelfth Monday after the first Monday in March and September, each to continue two weeks. Beaufort county.

Currituck—First Monday in March and September. Currituck county.

Camden—Second Monday in March and September. Camden county.

Pasquotank—Third Monday in March and September ; and the fourteenth Monday after the first Monday in March. Pasquotank county.

Perquimans—Fourth Monday in March and September. Perquimans county.

Chowan—Fourth Monday after the first Monday in March and September ; and the fifteenth Monday after the first Monday in March. Chowan county.

Gates—Fifth Monday after the first Monday in March and September. Gates county.

Hertford—Sixth Monday after the first Monday in March and September ; sixteenth Monday after the first Monday in March ; fifteenth Monday after the first Monday in September. Hertford county.

Washington—Seventh Monday after the first Monday in March and September ; and the fourteenth Monday after the first Monday in September. Washington county.

Tyrrell—Eighth Monday after the first Monday in March and September. Tyrrell county.

Dare—Ninth Monday after the first Monday in March and September. Dare county.

Hyde—Tenth Monday after the first Monday in March and September ; and the fourth Monday before the first Monday in March. Hyde county.

Pamlico—Eleventh Monday after the first Monday in March and September. Pamlico county.

SECOND DISTRICT.

Second district. The second district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

Halifax county. *Halifax*—Eighth Monday before the first Monday in March, to be for the trial of civil cases alone; first Monday in March to be for the trial of civil cases alone, except jail cases on the criminal docket; tenth Monday after the first Monday in March and September, each to continue two weeks.

Northampton county. *Northampton*—Sixth Monday before the first Monday in March, to be for the trial of civil cases alone, except jail cases on the criminal docket; fourth Monday after the first Monday in March and September, each to continue two weeks; and the fourteenth Monday after the first Monday in March, to be for the trial of civil cases alone.

Warren county. *Warren*—Third Monday in March and September, each to continue two weeks.

Edgecombe county. *Edgecombe*—Sixth Monday after the first Monday in March and September, each to continue two weeks; and the fourth Monday before the first Monday in March to be for the trial of civil cases alone.

Bertie county. *Bertie*—Eighth Monday after the first Monday in March and September, each to continue two weeks.

Craven county. *Craven*—Twelfth Monday after the first Monday in March and September, and the third Monday before the first Monday in March, each to continue two weeks and the last to be for the trial of civil cases alone.

THIRD DISTRICT.

Third district. The third district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

Pitt county. *Pitt*—Eighth Monday before the first Monday March; second Monday after the first Monday in March

and September; fourteenth Monday after the first Monday in March, each to continue two weeks.

Wilson—Fourth Monday before the first Monday in March, to be for the trial of civil cases alone, except jail cases on the criminal docket; sixth Monday after the first Monday in March; eighth Monday after the first Monday in September, each to continue two weeks. Wilson county.

Vance—Second Monday before the first Monday in March; eleventh Monday after the first Monday in March; sixth Monday after the first Monday in September, each to continue two weeks. Vance county.

Martin—First Monday in March and September; thirteenth Monday after the first Monday in September, each to continue two weeks, and the last term to be for the trial of civil cases alone, except jail cases on the criminal docket. Martin county.

Greene—Fourth Monday after the first Monday in March and September, each to continue two weeks. Greene county.

Nash—Eighth Monday after the first Monday in March; eleventh Monday after the first Monday in September, each to continue two weeks. Nash county.

Franklin—Thirteenth Monday after the first Monday in March; tenth Monday after the first Monday in September; sixth Monday before the first Monday in March; third Monday before the first Monday in September. Franklin county.

FOURTH DISTRICT.

The fourth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit: Fourth district.

Wake—Eighth Monday before the first Monday in March and September; and the fourth Monday in March and September, each to continue two weeks and to be for the trial of criminal cases, and no original and final civil process to be returnable to said terms; first Monday before the first Monday in March and September, each to Wake county.

Chapter 1, laws 1872-3, and chapter 307, laws 1879, repealed.

continue two weeks; and the seventh Monday after the first Monday in March and September, each to continue three weeks; the last four terms to be for the trial of civil cases alone. Chapter one, laws eighteen hundred and seventy-two and seventy-three, and chapter three hundred and seven, laws eighteen hundred and seventy nine, and acts amendatory of the same, are hereby repealed.

Wayne county.

Wayne—Sixth Monday before the first Monday in March and September; second Monday in March and September, each to continue two weeks; sixth Monday after the first Monday in March and September, the last two to be for the trial of civil cases alone.

Harnett county.

Harnett—Fourth Monday before the first Monday in March and September.

Johnston county.

Johnston—Third Monday before the first Monday in March and September, each to continue two weeks.

FIFTH DISTRICT.

Fifth district.

The fifth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit:

Granville county.

Granville—Fifth Monday before the first Monday in March; ninth Monday after the first Monday in March; second Monday in September; twelfth Monday after the first Monday in September, each to continue two weeks.

Chatham county.

Chatham—Third Monday before the first Monday in March; eleventh Monday after the first Monday in March; fourth Monday after the first Monday in September, the last term to continue two weeks.

Guilford county.

Guilford—Second Monday before the first Monday in March; fourteenth Monday after the first Monday in March and September; first Monday before the first Monday in September, each to continue two weeks, except the last term of the spring circuit.

Alamance county.

Alamance—First Monday in March; thirteenth Monday after the first Monday in March; third Monday after the first Monday in September.

Durham—Second Monday in March; sixth Monday after the first Monday in September, each to continue two weeks; and the twelfth Monday after the first Monday in March. Durham county.

Orange—Fourth Monday in March; fourth Monday before the first Monday in September; ninth Monday after the first Monday in September. Orange county.

Caswell—Sixth Monday after the first Monday in March, to continue two weeks; third Monday before the first Monday in September; tenth Monday after the first Monday in September. Caswell county.

Person—Eighth Monday after the first Monday in March; second Monday before the first Monday in September; eleventh Monday after the first Monday in September. Person county.

SIXTH DISTRICT.

The sixth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit: Sixth district.

New Hanover—Sixth Monday before the first Monday in March; sixth Monday after the first Monday in March; third Monday after the first Monday in September; each to continue two weeks, and to be for the trial of civil cases alone. New Hanover county.

Lenoir—Fourth Monday before the first Monday in March; second Monday before the first Monday in September; tenth Monday after the first Monday in September, the last two terms to continue two weeks. Lenoir county.

Duplin—Third Monday before the first Monday in March; twelfth Monday after the first Monday in September, each to continue two weeks; and the first Monday in September. Duplin county.

Sampson—First Monday before the first Monday in March, to be for the trial of civil cases alone; fifth Monday after the first Monday in September, each to continue two weeks; eighth Monday after the first Monday in Sampson county.

March ; and the fourteenth Monday after the first Monday in September.

- Pender county. *Pender*—Second Monday in March ; ninth Monday after the first Monday in March ; second Monday in September.
- Carteret county. *Carteret*—Third Monday in March ; seventh Monday after the first Monday in September.
- Jones county. *Jones*—Fourth Monday in March ; third Monday before the first Monday in September ; eighth Monday after the first Monday in September.
- Onslow county. *Onslow*—Fourth Monday after the first Monday in March ; ninth Monday after the first Monday in September.

SEVENTH DISTRICT.

Seventh district. The seventh district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :

- Anson county. *Anson*—Eighth Monday before the first Monday in March ; second Monday in September ; each to be for the trial of criminal cases ; eighth Monday after the first Monday in March ; twelfth Monday after the first Monday in September, each to be for the trial of civil cases alone : civil process may be returnable to said criminal terms.
- Cumberland county. *Cumberland*—Sixth Monday before the first Monday in March ; second Monday in March ; sixth Monday before the first Monday in September ; ninth Monday after the first Monday in September, each to be for the trial of criminal cases ; ninth Monday after the first Monday in March ; tenth Monday after the first Monday in September ; the last two terms to continue two weeks and to be for the trial of civil cases alone.
- Columbus county. *Columbus*—Seventh Monday before the first Monday in March ; fourth Monday in March ; fifth Monday before the first Monday in September.
- Robeson county. *Robeson*—Fifth Monday before the first Monday in March ; eleventh Monday after the first Monday in March ;

first Monday before the first Monday in September; fifth Monday after the first Monday in September, each to continue two weeks.

Richmond—Third Monday before the first Monday in March; fourth Monday in September; each to continue two weeks; thirteenth Monday after the first Monday in March; fifteenth Monday after the first Monday in September. Richmond county.

Bladen—Third Monday in March; seventh Monday after the first Monday in September; the last term to continue two weeks. Bladen county.

Brunswick—Fourth Monday after the first Monday in March; third Monday in September. Brunswick county.

Moore—Sixth Monday after the first Monday in March; third Monday before the first Monday in September; thirteenth Monday after the first Monday in September, each to continue two weeks. Moore county.

EIGHTH DISTRICT.

The eighth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit: Eighth district.

Iredell—Fourth Monday before the first Monday in March and September; eleventh Monday after the first Monday in March; ninth Monday after the first Monday in September, each to continue two weeks. Iredell county.

Rowan—Second Monday before the first Monday in March and September; ninth Monday after the first Monday in March; eleventh Monday after the first Monday in September, each to continue two weeks. Rowan county.

Davidson—First Monday in March and September, each to continue two weeks; thirteenth Monday after the first Monday in March and September. Davidson county.

Randolph—Third Monday in March and September, each to continue two weeks. Randolph county.

Montgomery—Fourth Monday after the first Monday in Montgomery county.

March and September, the latter term to continue two weeks.

Stanly county. *Stanly*—Fifth Monday after the first Monday in March; sixth Monday after the first Monday in September, the latter term to continue two weeks.

Cabarrus county. *Cabarrus*—Eighth Monday after the first Monday in March and September; fifth Monday before the first Monday in March; the Fall term to be for the trial of criminal cases, and such civil cases as do not require a jury—the January term to be for the trial of civil cases alone, except jail cases on the criminal docket where a true bill has been found, but civil process may be returnable to all of said terms.

NINTH DISTRICT.

Ninth district The ninth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit:

Rockingham county. *Rockingham*—Sixth Monday before the first Monday in March and September, each to continue two weeks; ninth Monday after the first Monday in September.

Forsyth county. *Forsyth*—Fourth Monday before the first Monday in March; eleventh Monday after the first Monday in March; seventh Monday after the first Monday in September, each to continue two weeks.

Yadkin county. *Yadkin*—Second Monday before the first Monday in March; fourth Monday in September, each to continue two weeks.

Wilkes county. *Wilkes*—First Monday in March; second Monday in September, each to continue two weeks; eighth Monday after the first Monday in March.

Alleghany county. *Alleghany*—Third Monday in March; first Monday in September.

Davie county. *Davie*—Fourth Monday after the first Monday in March; fifth Monday after the first Monday in September, each to continue two weeks.

Stokes—Sixth Monday after the first Monday in March; Stokes county.
fourth Monday before the first Monday in September;
tenth Monday after the first Monday in September, the
August term to continue two weeks.

Surry—Seventh Monday after the first Monday in Surry county.
March; second Monday before the first Monday in Sep-
tember; eleventh Monday after the first Monday in Sep-
tember, the August term to continue two weeks.

TENTH DISTRICT.

The tenth district shall be composed of the following Tenth district.
counties, and the superior courts thereof shall be held at
the following times, to-wit:

Henderson—Third Monday before the first Monday in Henderson coun-
ty.
March; seventh Monday before the first Monday in Sep-
tember, each to continue three weeks.

Burke—First Monday in March; fourth Monday before Burke county.
the first Monday in September, each to continue two
weeks.

Caldwell—Third Monday in March; first Monday in Caldwell county.
September.

Ashe—Fourth Monday in March; twelfth Monday after Ashe county.
the first Monday in March; second Monday before the
first Monday in September.

Watauga—Fourth Monday after the first Monday in Watauga county.
March; thirteenth Monday after the first Monday in
March; first Monday before the first Monday in Septem-
ber.

Mitchell—Sixth Monday after the first Monday in March; Mitchell county.
second Monday in September, each to continue two weeks.

Yancey—Eighth Monday after the first Monday in Yancey county.
March; fourth Monday in September, each to continue
two weeks.

McDowell—Tenth Monday after the first Monday in McDowell coun-
ty.
March; fifth Monday after the first Monday in Septem-
ber, each to continue two weeks.

ELEVENTH DISTRICT.

- Eleventh district. The eleventh district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit :
- Union county. *Union*—Third Monday before the first Monday in March ; eleventh Monday after the first Monday in March ; third Monday in September, each to continue two weeks, and the first week of each term to be for the trial of criminal cases alone.
- Mecklenburg county. *Mecklenburg*—First Monday before the first Monday in March and September, each to continue three weeks, and to be for the trial of civil cases alone.
- Gaston county. *Gaston*—Third Monday in March ; fifth Monday after the first Monday in September, each to continue two weeks.
- Lincoln county. *Lincoln*—Fourth Monday after the first Monday in March and September.
- Cleveland county. *Cleveland*—Fifth Monday after the first Monday in March ; fourth Monday before the first Monday in September, each to continue two weeks ; seventh Monday after the first Monday in September.
- Rutherford county. *Rutherford*—Seventh Monday after the first Monday in March ; eighth Monday after the first Monday in September, each to continue two weeks.
- Polk county. *Polk*—Ninth Monday after the first Monday in March ; tenth Monday after the first Monday in September.
- Catawba county. *Catawba*—Thirteenth Monday after the first Monday in March ; fifth Monday before the first Monday in March and September.
- Alexander county. *Alexander*—Fourteenth Monday after the first Monday in March ; sixth Monday before the first Monday in March and September.

TWELFTH DISTRICT.

- Twelfth district. The twelfth district shall be composed of the following

counties, and the superior courts thereof shall be held at the following times, to-wit :

Buncombe—Thirteenth Monday after the first Monday in September; fifteenth Monday after the first Monday in March, each to continue two weeks; second Monday in March; third Monday before the first Monday in September, each to continue three weeks. Buncombe county.

Madison—First Monday before the first Monday in March; fifth Monday before the first Monday in September; eleventh Monday after the first Monday in September, each to continue two weeks, and the last term to be for the trial of civil cases alone. Madison county.

Transylvania—Fourth Monday after the first Monday in March; first Monday in September. Transylvania county.

Haywood—Fifth Monday after the first Monday in March; second Monday in September, each to continue two weeks. Haywood county.

Jackson—Seventh Monday after the first Monday in March, to continue two weeks; fourth Monday in September. Jackson county.

Macon—Ninth Monday after the first Monday in March; fourth Monday after the first Monday in September. Macon county.

Clay—Tenth Monday after the first Monday in March; fifth Monday after the first Monday in September. Clay county.

Cherokee—Eleventh Monday after the first Monday in March; sixth Monday after the first Monday in September, each to continue two weeks. Cherokee county.

Graham—Thirteenth Monday after the first Monday in March; eighth Monday after the first Monday in September. Graham county.

Swain—Fourteenth Monday after the first Monday in March; ninth Monday after the first Monday in September, the last term to continue two weeks. Swain county.

The inferior courts of Buncombe and Madison counties shall have exclusive original jurisdiction of all crimes committed in said respective counties of which said courts now have jurisdiction. The said courts shall have as one of the inferior courts of Buncombe and Madison to have exclusive original jurisdiction in criminal matters.

Presiding officer to be a lawyer. justices, a lawyer who shall be a resident of the State. The justices of the peace of either county may elect only one justice for each of said courts; but if only one justice is elected, said justice shall be a lawyer resident of the State.

Courts, by what judges to be held. SEC. 2. Strike out section nine hundred and eleven and insert: That the judges of the superior courts shall hold the courts of the twelve judicial districts of the State successively, commencing at the first district according to the order and system prescribed by this act, viz:

Judge of the first district. The judge of the first district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the first judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the second district. The judge of the second district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the second judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the third district. The judge of the third district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the third judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the fourth district. The judge of the fourth district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the fourth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the fifth district. The judge of the fifth district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the fifth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the sixth district. The judge of the sixth district shall ride the fall circuit

for the year one thousand eight hundred and eighty-five of the sixth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

The judge of the seventh district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the seventh judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the seventh district.

The judge of the eighth district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the eighth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the eighth district.

The judge of the ninth district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the ninth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the ninth district.

The judge of the tenth district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the tenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the tenth district.

The judge of the eleventh district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the eleventh judicial district and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the eleventh district.

The judge of the twelfth district shall ride the fall circuit for the year one thousand eight hundred and eighty-five of the twelfth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of the twelfth district.

Assignment of judges and solicitors now in office to the several districts.

SEC. 3. That of the districts created by this act, James E. Shepherd, and J. H. Blount shall be respectively the judge and solicitor of the first district; Frederick Philips and John H. Collins shall be respectively the judge and solicitor of the second district; Swift Galloway shall be the solicitor of the fourth district; John A. Gilmer and F. N. Strudwick shall be respectively the judge and solicitor of the fifth district; A. A. McKoy shall be the judge of the sixth district; James C. MacRae and J. D. McIver shall be respectively the judge and solicitor of the seventh district; Jos. S. Adams shall be the solicitor of the eighth district; Jesse F. Graves and Jos. Dobson shall be respectively the judge and solicitor of the ninth district; A. C. Avery shall be the judge of the tenth district; Wm. M. Shipp and F. I. Osborne shall be respectively the judge and solicitor of the eleventh district; and J. C. L. Gudger and G. S. Ferguson shall be respectively the judge and solicitor of the twelfth district.

In what districts judges and solicitors to be appointed by the Governor.

SEC. 4. That in the districts created by this act in which there does not reside a judge or a solicitor, either or both, there shall be appointed by the Governor, a judge and a solicitor, either or both as the case may be, to fill the original vacancies created by this act, that is to say, in the third district, a judge and a solicitor; in the fourth district, a judge; in the sixth district, a solicitor; in the eighth district, a judge; in the tenth district, a solicitor; which said officers shall hold office until their successors are elected and qualified, and their successors shall be elected at the general election to be held on Tuesday after the first Monday in November, one thousand eight hundred and eighty-six.

Process, how returnable.

SEC. 5. That all process, civil or criminal, original, mesne or final, returnable under the present law to any superior court after the first day of July, one thousand eight hundred and eighty-five, shall be returnable to the first term of the superior courts as established by this act, except that no criminal process shall be returnable to any

term designated in this act for the trial of civil actions alone.

SEC. 6. That the inferior courts in each of the counties of Forsyth, Rowan and Wilson respectively, now existing under the provisions of chapter two hundred and fifty, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be and the same are hereby abolished. And all cases now pending in said inferior courts, are hereby transferred to the superior courts of said counties respectively; and all recognizances, subpœnas and capiases issued and now in the hands of the sheriff or any other officer, and all papers, recognizances, subpœnas or obligations hereafter taken by any officer of the law, shall be taken and be made returnable to the next succeeding term of the superior courts of said counties respectively.

Inferior courts of Forsyth, Rowan and Wilson abolished.

SEC. 7. That all laws and clauses of laws in conflict with this act, and particularly all laws giving extra terms of the superior court to any county, be and the same are hereby repealed: *Provided*, that this section shall not apply to the criminal court of New Hanover and Mecklenburg counties.

Conflicting laws repealed.

SEC. 8. The judge riding any spring circuit shall hold all the courts which fall between January and June, both inclusive, and the judge riding any fall circuit shall hold all the courts which fall between July and December, both inclusive.

What courts to constitute spring and fall circuits.

SEC. 9. This act shall take effect and be in force from and after the fifteenth day of June, one thousand eight hundred and eighty-five.

Act to take effect June 15th, 1885.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 181.

An act to establish a public graded and high school in school district number eleven of Cabarrus county.*The General Assembly of North Carolina do enact:*

Election to be held in school district No. 11, Cabarrus county, upon question of graded school.

SECTION 1. That the board of commissioners of Cabarrus county are authorized and required to order an election to be held in school district number eleven of Cabarrus county on the first Monday in May next, and at said election to submit to the qualified voters of said school district the question of levying an annual special tax on the property and polls of white persons in said district, for the purpose of supporting and maintaining a public graded and high school for the white children in said school district, and for the purpose of paying the principal and interest of certain bonds hereafter mentioned, and to be issued in behalf of said school.

Ballots.

SEC. 2. That at said election those in favor of levying said special taxes shall vote "for school tax," and those opposed thereto shall vote "against school tax." And the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election law of this State.

How election to be conducted.

If school tax voted, special tax to be levied on the district.

SEC. 3. That if a majority of the qualified voters of said school district shall vote "for school tax," the county authorities of Cabarrus county legally empowered to levy taxes shall, in addition to the other taxes levied upon said school district, annually compute and levy, at the time of levying other taxes, a sufficient special tax upon the property and polls of the white people of said school district to raise such a sum of money as the trustees hereinafter mentioned of said school shall report annually to said authorities as necessary yearly to support and maintain said school, which sum shall be not less than twenty-

How computed and collected.

five hundred and not more than thirty-five hundred dollars annually, and the tax to raise the same shall not exceed annually one-half of one per centum on the property and two dollars on the poll of white persons in said school district. And at the same time said authorities shall compute and levy a special tax on the property and polls of the white persons in said school district, in such proportion on each as they deem proper, sufficient to regularly and promptly pay the interest on the bonds hereinafter authorized to be issued by the trustees of said school; and at the same time said authorities shall also compute and levy an additional special tax, in the same manner and on the same subjects of taxation, equal to one-tenth of the principal of said bonds to be issued by said trustees to create a sinking fund to pay the principal of said bonds; and the taxes for the support of said school and to provide for the payment of the principal and interest of said bonds shall be annually collected as other taxes are collected, and paid over by the sheriff, or other collecting officer, to the county treasurer, which officer shall give a good and sufficient qualified bond, to be approved by said commissioners, for the safe keeping and proper disbursement of said taxes. And the taxes levied and collected for these purposes shall be kept sacred, separate and distinct, by the officer having them in charge, from each other and from all other taxes, and each shall be used only for the purpose for which it was levied and collected: *Provided*, if at any time there shall be a surplus of the tax levied to support said school over and above what is necessary for this purpose, that said surplus may be applied to the interest or sinking fund as said trustees may direct. The sinking fund shall be used yearly, if possible, in purchasing the bonds to pay the principal of which it was levied and collected; but if it is impracticable to annually invest said sinking fund in the purchase of said bonds, the same shall be invested as may be directed by the trustees of said school. And the tax for

Limit of tax.

Special tax to pay interest.

Additional special tax to create sinking fund.

How collected and applied.

Proviso.

Sinking fund, how used.

Tax for sinking fund, how long collected.

Reports to be made by trustees.

Taxes, how disbursed.

Payment of interest.

Assessment of land lying partly in school district.

the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay off the principal of said bonds; of which sufficiency the trustees of said school shall be the judges. And said trustees shall report to the authorities levying said taxes when a sufficient sum is created as a sinking fund to pay off the principal of said bonds; and immediately after the election herein provided for, said trustees shall also report to the county authorities empowered to levy taxes, what sum said trustees deem necessary to support and maintain said school for the first year, and at the same time said trustees shall also report to said authorities what amount of bonds and the rate of interest thereon said trustees have issued in behalf of said school; and annually thereafter said trustees, thirty days prior to the time for levying county taxes, shall report to said authorities what sum of money is needed for the support of said school during the next year and the status of their bonded debt. And the taxes for the support of said school shall be paid out by the officer having them in charge on such warrant and to such person as shall be prescribed by the by-laws herein provided for. And the interest upon said bonds shall be promptly and regularly paid, by the officers having in charge the taxes for this purpose, on presentation of the coupons when due.

SEC. 4. That in order to ascertain the value of lands and other real property situated in said school district when the whole of said land or other real property does not lie in said school district, but part in said school district and part in another school district and in separate value or estimate has been placed on the part lying in said school district number eleven, the board of county commissioners of said county shall appoint three disinterested residents and freeholders in said school district number eleven, who shall assess the part or parts of lands or other real estate which shall lie in said school district number eleven

for taxation, and shall report the value so assessed by them to the board of county commissioners; and the value so reported shall be the basis on which the said special tax to be levied under this act, shall be levied on the reports of lands or other real property lying in school district number eleven, when the other part or parts of said real estate lie inside the boundaries of school district number eleven as it now exists, shall not be diminished while any part of the principal of the bonds herein authorized to be issued shall remain unpaid.

SEC. 5. The school herein provided for shall be kept up and maintained in said school district number eleven, only for white persons of both sexes between the ages of six and twenty-one years. School to be maintained only for white persons.

SEC. 6. That W. J. Montgomery, W. G. Means, D. H. Cannon, J. S. Fisher, D. R. Hoover, Joel Reed and G. W. Brown, are hereby constituted a board of trustees for the graded, public and high school for the white children in school district number eleven of Cabarrus, and they and their successors in office are hereby created a body corporate under the name of Trustees for the Graded, Public and High School of School District Number Eleven, Cabarrus County, and they and their successors shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of this State and the United States, have a common seal with right to alter the same at pleasure, make all by-laws and regulations expedient or necessary for the purposes of their incorporation, purchase, lease and hold and convey all property, real and personal, proper and requisite for their corporate purposes, have power to fill all vacancies occurring in said board, to employ and dismiss all officers and teachers of said school, and regulate their salaries, to prescribe, control and regulate the course of instruction in said school, to elect one of their number chairman, one as secretary, and such other officers as they deem best, combining one or more officers in one person as they think proper, and Board of trustees.

Incorporated.

Corporate name.

Corporate powers.

Officers.

to do all acts proper and necessary for the best advantage of said school ; and to said trustees any pupil may appeal, who is expelled, dismissed or suspended from said school by the officer or teacher of the school authorized by the by-laws to inflict or impose those penalties or punishments.

Right of pupil to appeal to trustees.

Trustees to issue bonds on affirmative vote.

SEC. 7. That if a majority of the qualified voters of said school district number eleven shall vote "for school tax," the trustees herein provided for are hereby authorized and required to issue and sell coupon bonds in behalf of said school district in a sum not to exceed five thousand dollars, and in denominations not less than fifty and not more than one thousand dollars, to run for ten years from the first day of April, eighteen hundred and eighty-five (1885), bearing interest at a rate not greater than eight per cent. per annum on the principal of each bond, said interest to be paid annually on the first day of April in each and every year.

Bonds, how issued and sold.

Interest.

Bonds, to show for what purpose issued; how signed.

SEC. 8. That said bonds shall state upon their face for what purpose issued, and shall be signed by the chairman of said board of trustees, and countersigned by the secretary of said board of trustees. And said secretary shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of the bonds issued, the amount and number of each bond, and the person to whom sold and payable ; and he shall also keep an accurate account of the coupons and bonds which shall be paid or cancelled, so that by inspection of said books, the true state of the bonded debt herein provided for may be readily seen and ascertained, and said books shall be at all reasonable times subject to the inspection of any tax payer in said school district or holder of said bonds.

Secretary to keep books, &c.

Books to be open to inspection.

Coupons receivable for tax.

SEC. 9. That the coupons or the bonds provided for herein shall be receivable in payment of any tax levied under this act.

Bonds not to be sold for less than par.

SEC. 10. That said bonds shall not be sold by said trustees for less than their par value.

SEC. 11. That the trustees appointed under this act, in their corporate capacity, are hereby authorized to expend the money arising from the sale of the bonds herein provided for, to such an amount as to them seems best, in the purchase of a lot on which to erect a school building, in the erection of such a school building as they deem necessary, and in the furnishing of said school building; and if there be an excess of said money remaining after the above mentioned expenditures, the same shall be applied to the payment of the coupons attached to the bonds provided for in this act.

Proceeds of bonds to be applied to purchase of lot, erection of school building, &c.

Excess, how applied.

SEC. 12. That the public school money which shall from time to time be collected under the general school law for the white children in said school district number eleven shall be applied to the support and maintainance of the graded, public and high school provided for in this act, under the orders and directions of the board of trustees of said school.

Public school fund for white children in school district to be applied to support of school provided for in this act.

SEC. 13. That the county treasurer of Cabarrus county shall be liable for the sums raised under this act and paid to him, in the same way and to the same extent, and under the same penalties as he is now liable for the public school money.

Liability of county treasurer.

SEC. 14. That the board of trustees aforesaid may admit as pupils in said school, children who reside outside of the boundaries of said school district number eleven, upon the payment of such sums as shall be fixed by said board of trustees.

Admission of children residing outside of school district.

SEC. 15. That the said board of trustees shall have the right to assess each pupil resident in said school district number eleven in a sum not exceeding twenty-five cents per month for incidental and other expenses; and if said sum so assessed be not paid by the parents or guardians of such pupils, the board of trustees shall have the right to expel said pupil from the school.

Assessment of pupils for incidental expenses.

SEC. 16. That any person liable to pay the poll tax levied under this act, failing to pay the same, shall be

Failure to pay poll tax a misdemeanor.

Penalty.

guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Additional election under this act, when and how ordered.

SEC. 17. That if, for any reason, the result of said election shall be "against school tax," then the commissioners of Cabarrus county shall again order another election, submit said questions mentioned in the first section of this act to the qualified voters of said school district number eleven, whenever petitioned to do so by fifty white tax payers of said school district. And said election shall be ordered within forty days after said commissioners shall have received said petition.

Commissioners empowered to submit question to white voters alone.

SEC. 18. That said county commissioners, if they so determine, may, at the election mentioned in the first section of this act, or at any election ordered by them under petition under this act, submit the questions mentioned in the first section of this act to the white voters only of said school district number eleven. And upon their said determination this act shall be read and construed as if the words "of the white race" appeared immediately after the words "qualified voters" wherever said latter words occur in this act.

Change of title.

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 2nd day of March, A. D. 1885.

CHAPTER 182.

An act to prevent the destruction of oysters.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to catch or take any live oysters from the waters of Pamlico

and Roanoke sounds or their tributaries to be burned into lime or for any agricultural or mechanical purposes, and any person so offending 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.

Unlawful to take oysters from Pamlico and Roanoke sounds, &c., for agricultural or mechanical purposes. Misdemeanor. Penalty.

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

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1885.

CHAPTER 183.

An act in relation to the North Carolina Penitentiary.

WHEREAS, the board of directors of the North Carolina State Penitentiary have heretofore leased from Henry H. Powell a farm in the county of Wake; and whereas, said lease has been found to be of benefit to the State; and whereas, doubts have arisen as to the power of the said board of directors to make said lease; now, therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the action of the board of directors of the North Carolina State Penitentiary, in making said lease, is hereby ratified and confirmed, and the said board are hereby empowered and directed to carry out the terms of the said lease in all respects.

Lease of land from H. H. Powell ratified.

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 March, A. D. 1885.

CHAPTER 184.

An act to enforce the better drainage of certain lands in Lincoln and Gaston counties.

The General Assembly of North Carolina do enact :

Certain persons owning lands on Indian creek, Lenard's Fork, and Lick Fork and tributaries, required to clean them out and keep them clean.

SECTION 1. That William L. Crouse, Joseph Wallman, Willy Mullen, L. D. Black, Mrs. C. E. Brown, Isabella Manney, Barbra Neal, Sarah Blakely, Jerry Sullivan, Elizabeth Roberts, Oliver Hallman, George Hovis, Pinkney Pendleton, Sidney Pendleton, Lem Pendleton, Pink Rudisill, John Roberts, Caleb Reynolds, Joseph Black, Erastus Rudisill, Henry Kiser, A. N. Wise, Susan Baker, Noah Dellinger, Wm. H. Hoover, I. J. Hoover, W. T. Dellinger, L. W. Hoyle, P. W. Carpenter, Henry Sumner, G. W. Hefner, Alfred Black, Sr., A. Black, John Black, Sarah Quim, R. S. Simpson, David Beam, Peter Beam and Frank Beam, owning lands contiguous to and lying upon Indian Creek, Lenard's Fork, and Lick Fork, and the tributary branches of the same, be and the same are hereby required within ninety days after the ratification of this act, each at his or her 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 to render the same fit for cultivation, and shall keep the same clean in like manner from year to year, and as often as the accidents of nature by storm or flood, or by any other artificial or other cause shall make the cleaning out necessary: *Provided*, that no land owner shall be required to clean out said streams or tributaries and 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.

Proviso.

Proviso.

SEC. 2. That if in the opinion of any of the said land owners 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 or Gaston, the land being in the county to which application is made, setting forth specifically his cause of complaint; and thereupon it shall be the duty of said board to appoint three disinterested land holders 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 complainant, then the land owners, or any one of them, are 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 proceedings, together with the 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.

Land owner failing to perform duties imposed by this act liable to prosecution at instance of other land owners.

County commissioners to appoint other land owners to make inquiry and do the necessary work.

Expenses, how estimated and paid.

SEC. 3. The boundary of this act shall be on Indian Creek, from the head of W. L. Crouse's mill-pond, up as far as the parties own land contiguous to each other, and on Lenard's Fork and Lick Fork as far as the parties named in this act own contiguous lands.

Boundaries.

SEC. 4. 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. 1885.

CHAPTER 185.

An act to amend section two thousand seven hundred and sixty-four of The Code, in regard to entry of public lands.

The General Assembly of North Carolina do enact :

Prices of public lands reduced.

SECTION 1. That section two thousand seven hundred and sixty-four of The Code be amended by striking out the word "twenty-five" wherever it occurs, and inserting "twelve-and-a-half," and by striking out the word "fifty" wherever it occurs and inserting "fifteen."

Act not to apply to entries on which grants had not been taken out at the date of its passage.

SEC. 2. *Provided*, that the provisions of [this] act shall not be construed to relate to entries made by parties who had not taken out grants at the time of the passage of this act.

Act not to apply to swamp lands.

SEC. 3. *Provided*, that this act shall not apply to the swamp lands of the State.

Valuation of lands for taxation entered after passage of this act.

SEC. 4. The valuation of the lands entered after the passage of this act for taxation, shall not be less per acre than the price paid the State for the land so entered.

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

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

CHAPTER 186.

An act to provide for the support of the institution for the education of the deaf and dumb and the blind.

The General Assembly of North Carolina do enact :

\$36,000 appropriated annually.

SECTION 1. That the sum of thirty-six thousand dollars be and the same is hereby appropriated for each fiscal year, to be paid by the Treasurer upon the warrant of

the trustees or their executive committee, and the fiscal year of the institution shall run from the thirtieth of November to the thirtieth of November of each and every year, and the accounts of all the officers of the institution and the State Treasurer shall be kept in this way, and all reports made accordingly. Fiscal year.

SEC. 2. That the sum of five thousand dollars be and the same is hereby appropriated, for the improvements and repairs necessary at both the white and colored departments of said institution. \$5,000 appropriated for improvements and repairs.

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

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

CHAPTER 187.

An act supplemental to and amendatory of chapter two hundred and sixty of the public laws of one thousand eight hundred and eighty-three.

WHEREAS, by virtue of an act passed by the General Assembly of North Carolina, entitled "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," ratified the seventh day of March, one thousand eight hundred and eighty-three, an election was held in the county of Cumberland on the first Thursday in May, one thousand eight hundred and eighty-three, at which election a majority of the votes cast were cast in favor of "free bridge;" and whereas, the commissioners of said county of Cumberland, for the purpose of establishing a free bridge, caused to be issued, Preamble.

in pursuance of the provisions of said act, thirty-five thousand dollars of seven per cent. coupon bonds, dated January first, one thousand eight hundred and eighty-four; and whereas, the justices and commissioners of said county of Cumberland, at their annual meeting on the first Monday in August, one thousand eight hundred and eighty-three, and on the first Monday in January, one thousand eight hundred and eighty-four, levied a tax of five cents on the hundred dollars' valuation of property, and fifteen cents on each taxable poll for the payment of the coupons on said bonds as they become due; now, therefore,

The General Assembly of North Carolina do enact:

Bonds issued by commissioners of Cumberland county to build free bridge over Cape Fear river to be binding upon county.

SECTION 1. That the bonds issued by the county commissioners of Cumberland county for the purpose of establishing a free bridge over the Cape Fear river at or near the town of Fayetteville, in the county of Cumberland, when disposed of at their par value, shall be binding upon the county of Cumberland according to the terms in said bonds provided.

Taxes heretofore levied to be paid to county treasurer.

SEC. 2. That the taxes heretofore levied by the justices and commissioners shall be collected and paid over to the county treasurer, as in section nine of said act provided.

If bonds heretofore issued be sold at par before first Monday in June, 1885, tax to be levied of one-tenth of one per cent. on property and thirty cents on poll.

SEC. 3. Should the bonds heretofore issued be sold at par before the first Monday in June, one thousand eight hundred and eighty-five, the justices and commissioners of the county, at their annual meeting on the first Monday in June, one thousand eight hundred and eighty-five, and at each annual meeting thereafter so long as may be necessary, shall levy a tax of ten cents on the one hundred dollars' valuation of property and thirty cents on each taxable poll, which tax when collected shall be used for the payment of the coupons on the "bridge bonds," as they become due, and for the retirement of said bonds, and for no other purpose.

Tax, how applied.

SEC. 4. Should the county commissioners make a contract with the stockholders of the Clarendon Bridge Company for the purchase of their bridge, they are hereby authorized to use two thousand dollars of the bridge tax heretofore levied and collected towards the purchase thereof.

\$2,000 of tax heretofore collected, to be used for purchase of bridge from Clarendon Bridge Company.

SEC. 5. Should a majority of the stockholders of the Clarendon Bridge Company vote to take a part or all of the "bridge bonds" for their bridge, any executor, administrator, guardian or other person acting in a fiduciary capacity, may surrender any stock he or she may represent in said company and receive in exchange therefor or any part thereof the county bonds issued for the purchase of said bridge 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. The sheriff failing to collect and pay said taxes to the county treasurer as the law directs, shall be liable to a fine of two hundred dollars in addition to such other penalties as may be applicable to sheriffs in their official duties.

Executors, &c., authorized to receive county bonds in exchange for stock in Clarendon Bridge Company.

Liability of sheriff.

SEC. 6. Should the county commissioners not dispose of the "bridge bonds" before the first Monday in June, one thousand eight hundred and eighty-five, chapter two hundred and sixty of the public laws of one thousand eight hundred and eighty-three, and all laws made in pursuance thereof, shall be and the same are hereby repealed; and the county commissioners shall destroy the "bridge bonds" by them issued, and the taxes levied and collected by virtue of said chapter two hundred and sixty shall be applied to the general county fund of Cumberland county.

If bonds not disposed of by first Monday in June, 1885, chapter 260, laws 1883 and laws made in pursuance thereof, repealed.

Bonds to be destroyed and taxes collected to be applied to general county fund.

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. 1885.

CHAPTER 188.

An act to declare valid the registration of certain deeds, mortgages, &c.

The General Assembly of North Carolina do enact :

Probates and orders of registration of deeds, &c., taken before clerks of inferior courts of Duplin and Lenoir counties declared valid.

SECTION 1. That all probate and order of registration made by and taken before any clerk of any inferior court and valid in form and substance shall be valid and effectual, and all deeds, mortgages or other instruments requiring registration recorded upon such probate and order of registration shall be valid for all purposes as if the probate thereof and order of registration thereon had been taken before and made by the clerk of the superior court of any county.

SEC. 2. This act shall only apply to Duplin and Lenoir 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 3rd day of March, A. D. 1885.

CHAPTER 189.

An act to prevent obstructions in certain parts of the Arrat [Ararat] river in Surry county.

The General Assembly of North Carolina do enact :

Arrat river from Mathes' mill to Yadkin river declared a public highway.

SECTION 1. That the Arrat river in the county of Surry from Mathes' mill to its confluence with the Yadkin river, be and the same is hereby declared to be a public highway.

SEC. 2. It shall be unlawful for any person to construct in said Arrat river any dam or other obstruction that shall extend across more than two-thirds of the width of the channel of the same, and any person building any obstruction in said river shall leave at least one-third of the channel thereof free and unobstructed for the passage of fish therein: *Provided however*, this section shall not be construed to prevent the erection of any dam across said river for manufacturing purposes.

Unlawful to construct dam or other obstruction more than two-thirds across channel.

Proviso.

Dams for manufacturing excepted.

SEC. 3. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor.

Misdemeanor.

SEC. 4. This act shall take effect and be in force from and after the first day of April, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

CHAPTER 190.

An act to amend section six hundred and seventy-seven of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That the exceptions enumerated in section six hundred and seventy-seven of The Code shall not be construed to forbid the formation of mutual live stock insurance companies by articles filed before the clerk of the superior court according to the provisions of said section.

Incorporation of mutual live stock insurance companies before superior court clerk, authorized

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

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

CHAPTER 191.

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

The General Assembly of North Carolina do enact :

Act to authorize construction of road from L. J. Smith's, in Jackson county, to Brevard, Transylvania county, repealed.

SECTION 1. That chapter one hundred and thirty of the laws of one thousand eight hundred and eighty-three 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 3rd day of March, A. D. 1885.

CHAPTER 192.

An act supplemental to and amendatory of an act to prevent live stock from running at large in Goldsboro township, Wayne county, ratified twenty-third day of February, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

Provisions of act extended.

SECTION 1. That the provisions of the act of the General Assembly, ratified on the twenty-third day of February, one thousand eight hundred and eighty-five, entitled "An act to prevent live stock from running at large in Goldsboro township, Wayne county," shall extend to and be in full force and effect in the following boundary: Beginning on the Neuse river at the mouth of Little river and runs up Neuse river to Beaver Dam, then up Beaver Dam to Charles' branch, then with said branch northwardly to the North Carolina railroad, then west with said railroad to the western boundary of John V. Sherard's land, then with said Sherard's western boundary

Boundary.

line to its furthest corner north, then a due north line to Little river, then down Little river to the Goldsboro township line.

SEC. 2. For the purposes of this act, Neuse river is hereby declared a lawful fence.

Neuse river declared a lawful fence.

SEC. 3. That section nine be amended by adding at the end thereof the words "and geese."

Live stock to include geese.

SEC. 4. That section ten be amended by inserting between the words "Murphrey" and "are" the following names: "R. P. Howell, A. L. Sasser and J. H. Caldwell."

Additional commissioners to build fence.

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 3d day of March, A. D. 1885.

CHAPTER 193.

An act to change the line between the counties of Burke and Caldwell.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between the counties of Burke and Caldwell be changed as follows: Beginning at the new line one mile below Corpening's bridge on Lower Creek, and running thence with the southwest boundary of W. C. Corpening's lands to the old line at or near Tuttle's Cross Roads.

Boundary line.

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

In the General Assembly read three times, and ratified this the 3d day of March, A. D. 1885.

CHAPTER 194.

An act for the relief of D. W. Patrick, clerk of the superior court of Greene county.

The General Assembly of North Carolina do enact :

Clerk of Greene superior court not required to open his office every Monday.

SECTION 1. That the provisions of section one hundred and fourteen of The Code shall not apply to the clerk of the superior court of Greene county.

Act in force for three weeks from March 3rd, 1885.

SEC. 2. That this act shall be in force from and after the third day of March, one thousand eight hundred and eighty-five, and continue three weeks only.

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

CHAPTER 195.

An act to amend section three thousand four hundred and thirty-three of The Code of North Carolina.

The General Assembly of North Carolina do enact :

Section 3433 of The Code amended.

Directors of penitentiary authorized to farm out convicts to private corporations, individuals, &c.

No contract to be made with private corporation, individual, &c., for less than twenty convicts for six months.

Proviso.

SECTION 1. That section three thousand four hundred and thirty-three of The Code of North Carolina be amended as follows: After the word "corporations" in the second and third lines of said section and before the word "every" in the third line of said section insert "or private corporation, or any individual or company," and at the end of said section add: "*Provided*, that no contract shall be made with any individual or private corporation or company unless such individual, private corporation or company contracts for the hire of not less than twenty convicts for a term of not less than six months"; *Provided further*, that nothing in this section shall prevent the board of directors from hiring out the convicts in less

number than twenty, and for a shorter time than six months, when they cannot be employed as above provided for by this 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 3d day of March, A. D. 1885.

CHAPTER 196.

An act to re-enact and amend chapter ninety-eight of the laws of one thousand eight hundred and seventy-nine, entitled an act to compromise, commute, and settle the State debt, as amended by act ratified sixteenth day of January, one thousand eight hundred and eighty-three.

The General Assembly of North Carolina do enact :

SECTION 1. That section eleven, chapter ninety-eight of 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 "seven," so as to extend the time at which said act shall expire to January first, one thousand eight hundred and eighty-seven.

Chapter 98, section 11, laws 1879, amended.

Act extended to January 1st, 1887.

SEC. 2. Said section eleven is further amended by adding thereto the following words: "*Provided, however, that in issuing bonds under the aforesaid act, as now extended, 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 delivery.*"

Public Treasurer to cut off and cancel coupons whose date of maturity is prior to the time of delivery of bond.

SEC. 3. Chapter ninety-eight of the laws of eighteen hundred and seventy-nine, entitled "An act to compromise, commute and settle the State debt," is hereby re-enacted

Chapter 98, laws 1879, re-enacted.

in every respect, subject to the amendments made thereto by this act.

Public treasurer 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 3rd day of March, A. D. 1885.

CHAPTER 197.

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

The General Assembly of North Carolina do enact:

Commissioners of Ashe county authorized to levy special tax not exceeding \$3,000 to pay county indebtedness.

SECTION 1. That the commissioners of Ashe county are hereby authorized to levy a special tax, at the time other taxes are levied, upon the taxable property and polls of said county for the year one thousand eight hundred and eighty-five, for the purpose of paying off the indebtedness of said county. The said tax shall not exceed the sum of three thousand dollars, to be levied and collected as other taxes under the same rules and regulations as other taxes are levied and collected, and under the equation prescribed by the constitution.

How levied and collected.

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. 1885.

CHAPTER 198.

An act to protect fish.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to operate or use any seine or drag net in any of the waters of Pamlico county including the north side of Neuse river from the mouth of upper Broad creek to the mouth of said river, from the first day of May to the first day of January next thereafter, ensuing.

Unlawful to use seine or drag net in waters of Pamlico county from May 1st to January 1st.

SEC. 2. That any person violating section one 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: *Provided, Noth-*

Misdemeanor. Penalty. Proviso.

ing in this act shall be so construed as to prevent citizens from taking fish for their own use.

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 3d day of March, A. D. 1885.

CHAPTER 199.

An act to amend section three thousand seven hundred and thirty-nine of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand seven hundred and thirty-nine of The Code be amended as follows: By striking out in line forty-five the words "except as otherwise provided," and by striking out wherever they occur in said section the words, "including docketing," and by

Section 3739 of The Code amended. Fee of superior court clerk for docketing judgment.

Other fees.

adding to said section the following: Docketing summons, twenty-five cents; docketing indictment, twenty-five cents; indexing judgment, ten cents; filing papers, ten cents.

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 3d day of March, A. D. 1885.

CHAPTER 200.

An act to prevent live stock from running at large in the county of Guilford.

The General Assembly of North Carolina do enact:

Laws requiring fences to be built in Guilford county repealed. Persons wilfully permitting live stock to run at large guilty of misdemeanor.

Penalty.

Impounding.

Fee.

Legal charges and damages.

Notice to owner if known.

SECTION 1. That all laws requiring any fence or fences to be built within the limits of the county of Guilford are hereby repealed, and any person wilfully permitting his live stock to run at large within the limits of said county shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 2. That any live stock found running at large in said county may be taken up and impounded by any person. Such person so impounding stock shall receive twenty-five cents for each animal taken up, and shall receive twenty cents for every day such animal shall be impounded, and such impounder shall retain said stock and use the same with due care until all legal charges of impounding and damages done by said stock shall be paid; such impounder shall immediately upon impounding said stock notify the owner, if he is known and can be found, that his stock has been impounded, and, if such owner neglects or refuses for two days after such notifica-

tion to redeem his stock and pay all charges and damages which may have accrued; said damages shall be ascertained by two disinterested freeholders, one of whom shall be selected by the owner and the other by the impounder, and if said freeholders shall fail to agree, an umpire may be selected by them and his decision shall be subject to appeal to the superior court.

Damages, how ascertained.

SEC. 3. That such impounder after posting for ten days at the court house door and three public places in the township where such stock is impounded a notice describing the stock and stating the day, hour and place of sale, shall sell said stock at public auction to the highest bidder for cash and apply the proceeds of such sale to the satisfaction of costs of impounding and sale and such damages as may have accrued, and the balance, if any, shall be paid into the county treasury and shall be appropriated to the school fund: *Provided*, the owner shall not call for said balance within six months from said sale, and make due proof of his right thereto before the board of county commissioners, who shall thereupon order said balance to be repaid by the treasurer: *Provided further*, that the impounder before paying in the balance as aforesaid, shall make and file with the clerk of the board of county commissioners a sworn statement, giving a description of the stock sold, the day of sale, the amount retained as cost and damages and amount to be paid in, which shall be recorded by said clerk, for which he shall have twenty-five cents out of said balance.

Notice by advertisement.

Sale.

How proceeds to be applied.

Proviso.

Proviso.

SEC. 4. Any impounder failing to turn over within ten days after the same shall be collected the balance mentioned in the preceding section to the county treasurer, shall be guilty of a misdemeanor and shall be punished as in section one.

Impounder misappropriating money guilty of misdemeanor.

Penalty.

SEC. 5. That any person who shall rescue or attempt to rescue, turn out or attempt to turn out, any stock impounded or being impounded, without permission of the

Unlawful rescue a misdemeanor.

Penalty.

impounder, shall be guilty of a misdemeanor and shall be punished as in section one.

Definition of "stock."

SEC. 6. That the word stock in this chapter shall be construed to mean horses, jacks, jennets, mules, cows, calves, sheep, goats, all neat cattle, swine and geese.

Commissioners to levy assessment not exceeding $\frac{1}{4}$ of one per cent. to build fence.

SEC. 7. The board of commissioners of said county of Guilford shall immediately upon the ratification of this act provide for and levy and have collected an assessment upon all the real estate subject to taxation under the general law in said county, for the purpose of building a fence on the county line wherever the adjoining county or any part thereof shall not have the stock law in force, but no such assessment shall be greater than one-fourth of one per centum on the value of said property.

Gates and fences across public and private ways.

SEC. 8. That the said county commissioners shall have the power to erect gates or fences across all public and private ways crossed in building the fence herein provided for, and to do all that may be necessary to complete the fences and gates so required to be built.

Act to apply to Guilford county.

SEC. 9. That this chapter shall apply only to the county of Guilford, and all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that nothing herein contained shall be so construed as to affect the right and power of the sheriff or proper person to collect all taxes and assessments for defraying the expenses for fencing certain districts in said county, for which a debt has already been incurred: *Provided further*, that the repeal of former laws hereby declared shall not be construed to abrogate or repeal the present law as to any district or township in said county where the stock law now prevails until the completion of the fences and publication provided for in this chapter.

Proviso.

Proviso.

Commissioners to give notice of completion of fences, &c.

SEC. 10. That the county commissioners shall give fifteen days' notice of the completion of the fences and gates required to be built under this act by publication at the court house door in Greensboro and four public

places in the county, and the stock law shall be enforced from and after said fifteen days' notice and not till then.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 201.

An act to amend section two thousand eight hundred and thirty-four of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand eight hundred and thirty-four of The Code be amended by striking out the words "doves and larks" in the second line of said section.

Lawful to kill doves and larks in Hyde and Pamlico counties between April 1st and October 15th.

SEC. 2. That this act shall apply only to the counties of Hyde and Pamlico.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 202.

An act to amend section one thousand eight hundred and forty-eight of The Code of North Carolina, relating to mills.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand eight hundred and forty-eight of The Code be amended by adding thereto, "That it shall be lawful for any miller to take

Section 1848 of The Code amended.

Toll to be taken by weight or measure, at option of customer and miller. Proviso.

toll either by weight or measure, at the option of the customer and miller: *Provided*, that in no case shall more toll be taken than is now allowed by law.”

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 203.

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

The General Assembly of North Carolina do enact:

Commissioners of Lenoir county authorized to levy special tax not to exceed three-tenths of one per cent. on property and ninety cents on poll.

SECTION 1. That the county commissioners of Lenoir county be and they are hereby authorized and empowered to levy and collect a special tax on all property, solvent credits, and other subjects of taxation in said county which are taxed for State and county purposes, not to exceed thirty cents on every one hundred dollars' valuation thereof, and ninety cents on every taxable poll, during the years of one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, for the purpose of meeting and paying off the indebtedness incurred by said county in building of an iron bridge across Neuse river near Kinston, and for the purpose of grading the public road leading from Kinston to the said iron bridge.

To be applied to payment of county indebtedness for iron bridge, &c.

Authorized to levy a special tax not to exceed one-fifth of one per cent. on property and sixty cents on poll, to build or repair county jail.

SEC. 2. That the county commissioners of the said county of Lenoir be and they are hereby authorized and empowered, in addition to the tax mentioned in section one of this act, to levy and collect a special tax on all property, solvent credits and other subjects of taxation in said county which are taxed for State and county purposes, not to exceed twenty cents on every one hundred dollars' valuation thereof and sixty cents on every taxa-

ble poll, during the years of one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six and one thousand eight hundred and eighty-seven, for the purpose of building a new county common jail, and for the purchasing a site therefor, or for the purpose of repairing, remodeling or otherwise changing the present county common jail, at the discretion of the said county commissioners.

SEC. 3. That the said county commissioners of Lenoir county be and they are hereby authorized and empowered, for the purpose of fully carrying out the object of this act, to issue county bonds or such other evidences of indebtedness incurred under this act as to them shall seem just and reasonable, and provide for the payment thereof out of the moneys only that shall be levied and collected by virtue of this act.

Commissioners
authorized to
issue bonds.

SEC. 4. That the special taxes to be levied by virtue of sections one and two of this act shall be collected by [the] sheriff or tax collector of said county of Lenoir in the same manner and under the same rules and regulations as are prescribed by law for the collection of State and county tax.

Taxes, how col-
lected.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 204.

An act to amend section two thousand eight hundred and thirty-four of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-eight hundred and thirty-four, chapter twenty-one, volume two of The Code, be

Section 2334 of
The Code (bird
law) not applica-
ble to certain
counties.

and is hereby amended by adding thereto the following words, viz: *Provided*, that this section shall not apply to Johnston, Tyrrell, Dare, Onslow, Carteret, Jones nor 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 4th day of March, A. D. 1885.

CHAPTER 205.

An act to secure the completion of the North Carolina Midland Railroad.

The General Assembly of North Carolina do enact :

Stockholders, resident in this State, authorized to rescind acceptance of subscription from Virginia Midland Railroad Co.

SECTION 1. That the stockholders of the North Carolina Midland Railroad Company, resident in this State, shall have power, in a meeting of such stockholders to be called as hereinafter provided, to rescind any action by which they have heretofore accepted any subscription from the Virginia Midland Railroad Company, or other parties non-resident in North Carolina: *Provided*, that the North Carolina Midland Railroad Company shall adjust any claims against it held by the Virginia Midland Railroad Company or other parties, in accordance with the conditions of contracts heretofore existing.

Proviso.

Meeting of stockholders to be called on request of stockholders representing one-fourth of stock.

SEC. 2. That upon request of stockholders owning and representing one-fourth of the stock held in North Carolina, it shall be the duty of the vice-president of the North Carolina Midland Railroad Company, resident in the State, to call a meeting of all the stockholders residing in this State, notice having been issued to each stockholder in accordance with the rules of the company.

SEC. 3. The North Carolina Midland Railroad Company is hereby authorized to call upon the penitentiary authorities for one hundred and fifty convicts, not otherwise appropriated, to be paid for at the rate of one hundred and twenty-five dollars each per year, in cash or bonds of the counties, townships, cities and towns along the line of said railroad.

Convicts allowed to the North Carolina Midland Railroad Co.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 206.

An act to incorporate the Cabarrus and Stanly Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That W. R. Odell, J. S. Fisher, G. M. Love, D. F. Cannon, Dr. J. P. Gibson, J. S. Ritchie, P. M. Morris, James M. Henderson, Joel Reid, W. G. Means, W. J. Montgomery, M. L. Brown, Elam King, W. R. Kindley, C. P. Cox, E. D. Leutz, J. J. Meisenheimer, Jonas Cook, Clarence Heilig, H. C. McAlister, H. McNamara, and John H. Moose of Cabarrus county, and D. N. Bennett, S. J. Pemberton, M. L. Barnhardt, A. C. Freeman, J. F. Parker, W. A. Kirk, R. J. Ross, Thomas Love, J. M. Redwine, C. C. Foreman, S. H. Hearne, Frank Moss, J. W. Bostian, Marvel Ritchie, M. E. Blalock and G. F. Dunlap of Stanly county, and such other persons as they may hereafter associate with them, and their successors, are hereby constituted a body corporate by the name of "The Cabarrus and Stanly Railroad Company," and by such name they and their successors shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts

Body corporate.

Corporate name.

Corporate powers.

of this State and the United States, have a common seal with the right to alter the same at pleasure, make all by-laws and regulations expedient or necessary for the purposes of their incorporation, purchase, lease, hold and convey all property, real and personal, proper or requisite for their corporate purposes, and may have and enjoy all the rights, powers, franchises and immunities granted by law to any other railroad in this State, except exemption from taxation.

Authorized to build railroad from Concord to Albemarle.

SEC. 2. That said company is hereby authorized and empowered to construct, maintain and use a railroad with one or more tracks, from Concord through or near Mt. Pleasant, Cabarrus county, to Albemarle, in Stanly county, with the right to extend the same to any other points on the Carolina Central, Cape Fear and Yadkin Valley, or Atlantic, Tennessee and Ohio railroads, and to lease, to consolidate or connect with any other railroad.

Right of extension.

Capital stock.

SEC. 3. That the capital stock of said company shall be not less than one hundred thousand dollars and not more than one million dollars, in shares of fifty dollars each, and may be created by subscription on the part of individuals, counties, townships, and municipal or other corporations, and paid in money, land, timber, work or otherwise, as may be stipulated.

Commissioners to open books.

SEC. 4. That the persons named in the first section of this act, or such of their number and those associated with them hereafter, as they may designate, shall constitute a board of commissioners to open books, at such times and places as they see fit, for subscription to the capital stock of said company, and when five thousand dollars shall have been subscribed, the commissioners named under this section shall call the stockholders together, in such manner and at such time and place as they deem proper, to perfect the organization of said company; and the organization of the company shall be perfected by the election of a board of directors and such other officers in such manner as the stockholders shall determine; and the

When meeting of stockholders to be called.

Organization.

mode of managing, controlling and conducting the business and affairs of the company, in all their details, shall be as prescribed in the by-laws and regulations hereinbefore provided for.

SEC. 5. That when any right of way may be required by the company for the purpose of constructing their road, and for want of agreement for any cause, it cannot be purchased from the owner, the same may be taken at a valuation to be assessed by three commissioners, or a majority of them, who shall be freeholders, to be appointed by the clerk of the superior court of the county wherein the land over which the right of way is sought is situated upon petition in writing by any officer of the company, and after five days' notice to the party owning the land, and the service of this notice shall be made in accordance, as the case may be, with sub-divisions one, two, three, four, five, six and seven, under section nineteen hundred and forty-four, in chapter forty-nine of The Code of North Carolina, volume one, one thousand eight hundred and eighty-three, and in making the valuation the commissioners shall take into consideration the loss or damage that may accrue to the owner in consequence of the right of way being surrendered, and the common benefit and advantage the owner may receive from the existence of the railroad, and shall state particularly the amount of each, and the excess of loss and damage over and above said advantage and benefit shall form the measure of valuation of the right of way; and the company or land owner, if dissatisfied, may appeal to the superior court of the county wherein the land or any part thereof subject to the right of way lies, in the same manner as appeals are taken from a judgment of a justice of the peace to the superior court. The proceedings of the commissioners, accompanied with a full description of the land over which the right of way is desired, shall be returned under the signatures and seals of the commissioners, or a majority of them, to the clerk

Condemnation of land for right of way.

Appeal.

Commissioners to return proceedings to clerk.

Title.	of the court from whom the commission issued, there to remain a matter of record. The title to the land over which the right of way runs shall vest in the company so soon as the valuation shall be paid, or when tendered and refused, and so long as the same shall be used for the purposes of said railroad. And the right of the company to condemn land as aforesaid shall extend to the condemning of one hundred feet on each side of the main track of the railroad, measuring from the centre of the same; and the company shall have power to condemn and appropriate lands in like manner for the building and erection thereon of depots, ware houses, shops and houses for servants, employees and other purposes, not exceeding five acres in any one lot or place. And it shall be lawful for any officer, agent, surveyor, engineer or employee of the company to enter at all times upon all lands or waters for the purpose of exploring, leveling or doing anything necessary or proper for laying out the route of said railroad and locating the same, and to erect all necessary works and buildings required in this behalf, doing no unnecessary injury to private property. The commissioners provided for in this section shall, before proceeding to act, be sworn by some person authorized to administer an oath, to perform their duties faithfully, speedily and justly to all parties concerned; and their oath, witnessed by the person administering it, shall be filed with their report. And all claims or demands for damages for lands or right of ways condemned under this act shall be forever barred from collection unless an action for their recovery shall be commenced within two years from the date of the condemnation of said land or right of way.
Condemnation to cover one hundred feet on each side.	
Condemnation of land for depots, &c.	
Right to enter on lands for purpose of exploring, &c.	
Commissioners to be sworn, &c.	
Claims for damages barred after two years.	
Election in counties or townships on question of subscription.	SEC. 6. 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 qualified voters of the county or township where said petitioners reside a prop-

osition to subscribe a definite sum, named in said petition, to the capital stock of said Cabarrus and Stanly Railway Company, it shall 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 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," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election law of this State.

SEC. 7. That if a majority of the qualified voters of any county or township shall vote for said subscription, the board of commissioners of said county thus voting, or wherein is located the township thus voting, shall, within twenty days after the ascertainment of the result of said vote, subscribe on behalf and in the name of said county or township to the capital stock of the Cabarrus and Stanly Railway Company the amount specified in the petition or petitions on which said election was ordered; and any township may, at said election, vote for a separate and distinct township subscription, in addition to the county subscription at the same time it votes for the latter subscription.

County commissioners to make subscription on affirmative vote.

SEC. 8. That to provide for the payment of said subscription, the board of commissioners of the county voting said subscription, or wherein is located any township voting subscription, shall issue coupon bonds to the amount of the subscription so authorized; and the bonds shall upon their face indicate on account of what county or township they are issued; and said bonds shall be in denominations of not less than one hundred and not more than one thousand dollars, and shall run for twenty years, and bear interest at the rate of six per centum per

County commissioners to issue bonds.

annum, payable semi-annually at the First National Bank of Charlotte, North Carolina.

County commissioners directed to levy special tax to pay interest on bonds and create a sinking fund.

SEC. 9. That the county authorities legally empowered to levy taxes in any county voting for said subscription, or in which is a township voting for subscription, for payment of which bonds have been issued as provided for in this act, shall, in addition to the other taxes levied upon said county or township in whose behalf said bonds were issued, annually compute and levy, at the time of levying other taxes, a sufficient tax upon the property and polls of said county or township to regularly and promptly pay the interest on the bonds of said county or township, issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax on the property and polls of said county or township, equal to one twentieth of said bonds for a sinking fund to pay the principal of said bonds and the taxes, for payment of the principal and interest aforesaid, shall be annually collected as other taxes are collected, and paid over by the sheriff or other collecting officer to the county treasurer or such other officer as the county commissioners issuing said bonds shall designate, which officer shall give a good and sufficient qualified bond for the safe keeping and proper disbursement of said taxes, and the taxes levied and collected for these purposes shall be kept sacred and separate and distinct from each other and all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds, to pay the principal of which it was levied and collected, if possible; but if it is impracticable to annually invest said sinking fund in the purchase of said bonds, for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners issuing said bonds; and the tax for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than

How collected and disbursed.

Sinking fund.

is necessary to create a fund sufficient to pay off the principal of said bonds.

SEC. 10. That any board of county commissioners issuing bonds under this act are authorized and empowered to transfer the stock subscribed by their county or any township therein to the Cabarrus and Stanly Railway Company, or any other corporation or person for the completion of said railroad. Transfer of stock.

SEC. 11. That the Cabarrus and Stanly Railway Company may make a mortgage upon its property and execute first mortgage bonds in such denominations as they deem best, to run for thirty years, bearing six per cent. interest, at the rate of ten thousand dollars per mile. Mortgage bonds.

SEC. 12. That to aid in the construction of said road, the board of directors of the penitentiary in this State, shall place upon said road when requested in writing to do so by the board of directors of said company, one hundred convicts not otherwise appropriated, who shall be fed, guarded and clothed by the board of directors of the penitentiary, but the quarters for said convicts shall be constructed and kept in proper condition by said company; and the penitentiary authorities shall keep an accurate account of the expense of transportation and maintenance of said convicts and charge the same to said company, and this charge shall be a first lien on said railroad, but said lien may be discharged at any time by said company paying to the Treasurer of this State an amount equal to said indebtedness in the first mortgage bonds of said company or in the county or township bonds provided for in this act. Allowed one hundred convicts not otherwise appropriated.

SEC. 13. That if the work on said railroad shall not be commenced and continued with due diligence within five years after the ratification of this act, then this charter shall be void. If work not begun and continued within five years, this act to be void.

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 4th day of March, A. D. 1885.

CHAPTER 207.

An act for the better protection of the farmers of Pamlico county.

The General Assembly of North Carolina do enact :

Farmers in Pamlico county authorized to shoot larks, doves and partridges when doing injury to their crops.

SECTION 1. That nothing in section two thousand eight hundred and thirty-four of The Code shall be so construed as to prevent the farmers in Pamlico county from shooting larks, doves and partridges on their own premises, when the same are doing injury to their crops.

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 4th day of March, A. D. 1885.

CHAPTER 208.

An act to incorporate the Pittsboro Railroad Company.

The General Assembly of North Carolina do enact :

Purposes of act.

SECTION 1. That for the purpose of constructing a railway of one or more tracks from the town of Pittsboro in Chatham county to some point on the Raleigh and Augusta Air Line Railroad in the county of Chatham, or to some point on the Cape Fear and Yadkin Valley Railway in the county of Chatham, or to connect with the

University Railroad at or near Chapel Hill in the county of Orange, the formation of a corporate company with a capital stock of one hundred thousand dollars, is hereby authorized to be called the Pittsboro Railroad Company, when formed in compliance with the conditions hereafter prescribed, to have a corporate existence as a body politic in perpetuity, and by that name may sue and be sued, and plead and be impleaded, in every court in the State, may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, and acquiring the same by gift and devise, and the said company may enjoy all the rights and immunities which other corporate bodies enjoy; may lawfully exercise and make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the State of North Carolina and of the United States.

Incorporation authorized.

Corporate name.

Corporate powers.

The said company shall have full power and authority to sell, mortgage or lease its road bed, property and franchises to any other corporation or person, and any other person or corporation is hereby authorized to take stock in said road or endorse the bonds of said railroad.

Authorized to sell, mortgage, &c.

SEC. 2. The said company is authorized to construct a railroad of one or more tracks from a point at or near the town of Pittsboro in Chatham county to some point in Chatham county on the Raleigh and Augusta Air-Line Railroad, or to some point in said county on the Cape Fear and Yadkin Valley Railway, or to some point at or near Chapel Hill in Orange county, on the University Railroad.

Route.

SEC. 3. The capital stock of said company shall be created by subscription on the part of individuals, municipal and other corporations in shares of the value of twenty-five 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: W. L. London, R. R. Ihrie, A. J. Bynum, J. A.

Commissioners to open books of subscription.

Alston, R. James Powell, L. B. Bynum, O. S. Poe, G. W. Foushee, L. J. Haughton, John A. Womack, J. J. Jackson, who shall open or direct the opening of books of subscription at any time within five years after the ratification of this act, at such places in said county as shall be appointed by said commissioners respectively. The said commissioners, or a majority of them, may, at any time within seven years after the ratification of this act, and after the sum of five thousand dollars has been subscribed and five per centum cash paid thereon, have power to call together the subscribers of 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 Pittsboro Railroad Company.

When meeting of stockholders to be called.

Organization.

Stockholders' meetings.

Directors.

SEC. 5. The stockholders may hold annual meetings, and oftener if necessary, and at its organization and annual meetings subsequent thereto, seven directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected. Any of said meetings shall have power to make or alter the by-laws of said company: *Provided*, that in all such meetings of the stockholders a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each of its representatives shall be entitled to one vote on all questions. It shall be the duty of the directors to elect one of their number president of said company, and to elect such other officers as shall be provided by the by-laws of the company, and to fill all vacancies which may occur in said board.

Officers.

Certificates of stock.

SEC. 6. The company shall issue certificates of stock to its members, and stock may be transferred in such manner and form as may be prescribed by the by-laws of the company.

Township subscriptions.

SEC. 7. Any township in Chatham county may subscribe to the capital stock of said company to such an amount

to be secured by bonds bearing six per centum interest as hereinafter provided, subject to the approval of the qualified voters.

SEC. 8. The board of commissioners of Chatham county are authorized, whenever fifty tax payers in any township in said county shall in meeting petition the same, [to] cause an election to be held in such township at the proper and legal voting place, after thirty days' notice of said election published by thirty days' notice of said election at the court house door in the town of Pittsboro and at three public places in such township, and to submit to the qualified voters of such township the question of subscribing to the capital stock of said railroad company the sum of money specified in the written request of the tax payers calling for said election as aforesaid, not to exceed the sum of fifteen thousand dollars to any one township, at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed the words "For Subscription," and those opposed shall deposit a ballot on which is written or printed the words "Against Subscription," said election to be held in all respects as required by law for elections of members of the General Assembly, except as herein otherwise provided. The returns of said election shall be made to the county commissioners on Tuesday next after the day such election is held, who shall on that day canvass the same; and if a majority of all the votes cast shall be "For Subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners. The said township shall be entitled to be represented in all general meetings of the stockholders, and for this purpose the board of county commissioners shall appoint some suitable person to represent the shares of stock of said township at its meetings: this appointment shall be evidenced by the certificate of the clerk of the board of county com-

Township elections on question of subscription.

Ballots.

Election, how held.

Townships to be represented in stockholders' meetings.

missioners, countersigned by the chairman. Such appointment shall be good for one year and until another appointment is made.

County commissioners to issue bonds to amount of subscriptions.

SEC. 9. That in payment of any subscription made as provided in the next preceding section, the board of county commissioners of Chatham county shall issue bonds to the amount authorized to be subscribed, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be coupon bonds in denominations of not less than one hundred dollars nor more than one thousand dollars, and shall bear interest at the rate of six per cent. per annum, the interest payable on the first of April of each successive year by the treasurer of said county. Said bonds shall be due and payable ten years after the first day of April succeeding the year in which they are issued; but they may be redeemed at any time after the expiration of one year.

Description of bonds.

Special tax to be levied.

SEC. 10. That to provide for the payment of interest on said bonds and their redemption at maturity, the board of county commissioners shall, in addition to other taxes each year, compute and levy upon the proper subjects of taxation in said townships so subscribing a sufficient tax to pay the interest on said bonds issued as aforesaid, and one tenth part of the principal of said bonds, which taxes shall be collected by the sheriff of Chatham county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over to the State and county taxes. The said sheriff shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of payment, and the balance of the money shall be applied to the redemption of said bonds at par, the bonds to be designated for redemption by lot, unless he make other arrangements with the county commissioners.

How collected and applied.

SEC. 11. The bonds to secure the subscription of such townships shall be signed by the chairman of the board of county commissioners of Chatham county and the clerk of said board, and the coupons to be signed by the chairman alone. Bonds, how signed.

SEC. 12. The said company shall have the right to have land condemned for the right of way and necessary warehouses and buildings according to existing laws, and shall enjoy all the rights, privileges and immunities enjoyed by other railroads in this State. Condemnation of land.

SEC. 13. The said corporation may contract with the directors of the State penitentiary for the building of said road with convict labor at a price to be agreed upon by the directors of this company and the penitentiary authorities, and the board of directors of the penitentiary are authorized and instructed to take the coupon bonds issued in pursuance of this act in payment for said labor, &c., at par: *Provided*, that nothing herein contained shall have the effect of repealing any law appropriating convicts to any public works heretofore made. Convicts. Proviso.

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 4th day of March, A. D. 1885.

CHAPTER 209.

An act for the benefit of the Salisbury graded school.

The General Assembly of North Carolina do enact:

SECTION 1. The Salisbury graded school committee is hereby authorized to expend the surplus funds in the hands of the treasurer in purchasing a lot and building thereon School committee authorized to expend surplus fund in purchase of lot, &c.

Authorized to borrow money on mortgage.

a school-house, and said committee may also mortgage said lot in order to borrow a sufficient amount of money to complete and furnish said school-house.

By-laws, &c.

SEC. 2. The Salisbury graded school committee is hereby authorized to enact any laws or regulation for the government and benefit of the Salisbury graded schools, not inconsistent with the constitution and laws of North Carolina or the United States.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 210.

An act supplemental to an act passed at the present session entitled "An act to prevent stock from running at large, and to repeal all laws requiring fences within Lincoln county."

The General Assembly of North Carolina do enact :

Act concerning stock law in Lincoln amended, not to go into effect until fence is built.

SECTION 1. That an act passed at this present session entitled "An act to prevent stock from running at large, and to repeal all laws requiring fences within Lincoln county," be amended by adding to the ninth section thereof the words: "*Provided*, That on or before said date the county commissioners of said county shall have constructed a good and lawful fence on the outside boundaries of said county when such boundaries are not contiguous to territory under the stock 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 4th day of March, A. D. 1885.

CHAPTER 211.

An act to establish a new township in Yancey county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township to be known as "Price's Creek" township, is hereby created and established in the county of Yancey, and bounded as follows: Beginning on the Madison county line, on top of the Knob in said line, runs east with the meanders of the McElroy mountain, which divide the waters of Bald creek and Price's creek, to the Summer's gap; thence north to the Cove Knob above W. Hensley's store house; thence east with Cane ridge to the fork of the wagon road at B. B. Whittington's house; thence with the Burnsville road to the ford of Cane river at John Gibbs'; thence up said Cane river and with the old Cane River township line back to the beginning.

Price's Creek township established in Yancey county.

Boundaries.

SEC. 2. That said township shall have all the rights, powers and privileges now granted to townships by law.

Powers, &c.

SEC. 3. That the permanent place of voting in said township shall be established by the board of county commissioners of said county.

Commissioners to establish voting place.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 212.

An act to declare the Great Pee Dee and Yadkin rivers public highways, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That the Yadkin river from the northern boundary line of the county of Davidson to its junction

Yadkin and Great Pee Dee rivers declared public highways.

with the Great Pee Dee river, and the Great Pee Dee from said junction to the boundary line of the State of South Carolina, be and the same are hereby declared public highways for the free passage of boats, flats, rafts and other means of transportation.

Removal of dams and other obstructions.

SEC. 2. That any person desiring the removal of any dam or other obstruction in said river may file his or her petition before the board of county commissioners of the county in which said obstructions or any part thereof is situated to have said obstruction removed in whole or in part.

Commissioners to order removal on petition.

SEC. 3. That upon the filing of said petition the said board of county commissioners shall, if in their discretion they deem it necessary, order the said obstruction to be removed in whole or in part, and the method of procedure shall be the same as prescribed for the laying out of highways in chapter fifty of The Code.

Method of procedure.

Damages paid by petitioners.

SEC. 4. That all damages assessed by any jury appointed by this act shall be paid by the petitioners.

Unlawful to erect dam after June 1st, 1885, without sluice-way.

SEC. 5. That after the first day of June, one thousand eight hundred and eighty-five, it shall be unlawful for any person to erect any dam or other obstruction in either of said rivers within the limits prescribed, unless the person erecting said obstructions shall leave in the middle of said Yadkin river a sluice-way forty-five feet in width, and in the middle of the Great Pee Dee river a sluice-way sixty feet in width, for the passage of boats, flats, rafts and other means of transportation, and fish; and any person who shall so erect and maintain such dam or other obstruction shall be guilty of a misdemeanor and be fined twenty-five dollars for each day said obstruction shall remain in either of said rivers, after having been notified by any person damaged by said obstruction to remove the same.

Misdemeanor.

Penalty.

Dam, when condemned, to be removed within thirty days.

SEC. 6. That whenever any jury appointed under this act shall condemn any dam or other obstruction or part thereof in either of said rivers, the owner of said dam or

other obstruction shall remove the part condemned within thirty days after the verdict of said jury is filed: *Provided*,^{Proviso.} the amount of damages assessed by said jury is paid or tendered to him; and if said owner shall fail to remove the said obstruction within the time prescribed, then any person damaged by the erection or maintenance of said obstruction may remove the part condemned, and the cost of the removal thereof shall be deducted from the amount awarded to such owner as damages.

SEC. 7. That in estimating the damages caused to any owner by removal of his dam in whole or in part, the jury may also include the annual cost of making any sluice-way and maintaining the same. ^{Damages, how estimated.}

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 213.

An act to drain the lowlands of Lick Fork creek, in Rockingham and Caswell counties.

The General Assembly of North Carolina do enact:

SECTION 1. That R. D. Harris, J. L. Wright, P. B. John-^{Commissioners.}ston and Felix Hubbard be appointed commissioners, whose duty it shall be, on or before the first day of July, one thousand eight hundred and eighty-five, to lay off ^{To lay off Lick Fork of Hogan's creek in sections.} Lick Fork of Hogan's creek in Rockingham and Caswell counties, from Watts' old mill dam on said creek to its juncture with said Hogan's creek, into sections of convenient length, and to appoint one overseer to each section, ^{Overseer.} who shall hold his office for the term of two years and who shall be a land owner in the section to which he is appointed overseer.

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 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 of Rockingham shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Vacancies.

Duties of commissioners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land of each individual on the stream between the points mentioned within section first of this act, and lying in one-fourth of a mile of the same, 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 approved tools, such as shall be notified by the overseer to furnish, for every ten (10) acres, and one for every fraction of five (5) acres in the meaning of this act, and on failure so to do, shall forfeit and pay one dollar (\$1) 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 for failure.

Distribution of labor.

SEC. 4. It shall be the duty of commissioners in laying off sections, as provided for in section first of this act, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in 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.

Duty of overseers.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections, not less than three nor more than ten days, at the discretion of the commissioners, in the channel of said stream, with the power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said commissioners may in their

Proviso.

discretion order any and all overseers, with their respective hands, when deemed necessary to work at any point on said stream.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into or otherwise obstruct the water in the channel of said stream between the points mentioned in section first of this act, and shall permit the same to remain therein for the space of ten (10) days shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five (\$5) or 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 offence.

Wilful obstruction of stream a misdemeanor.

Penalty.

Proviso.

SEC. 7. That all money arising from failure to work on said stream, 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 channel of said stream or in stopping 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.

Penalties, &c., to be collected and expended by overseers.

Failure of overseer to perform duty, a misdemeanor.

Penalty.

Proviso.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into said stream 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 streams as fully as the power given in the foregoing sections.

Commissioners authorized to stop washes.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said stream, or private bridges or roads by the land owners for their own convenience.

Building of bridges, &c., not prohibited.

No exemption from work on public roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from work 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 4th day of March, A. D. 1885.

CHAPTER 214.

An act for the relief of certain soldiers of the late war between the States.

The General Assembly of North Carolina do enact:

\$30 annually to be paid to residents of State, who lost a leg, eye or arm, or were disabled by wounds received while soldiers or sailors of this State in the service of the Confederate States.

SECTION 1. There shall be paid out of the treasury of the State of North Carolina, on the warrant of the Auditor, the sum of thirty dollars annually to every person who is and shall be a resident of this State, who lost a leg, an eye or an arm, or who is now otherwise incapacitated for manual labor by reason of a wound received while in the discharge of his duty as a soldier or sailor of North Carolina in the service of the Confederate States of America during the war between the States: *Provided*, the said person shall own less than five hundred dollars' worth of property listed for taxation.

Applicable only to persons owning less than \$500 of property listed for taxation.

Act applicable to widows (remaining unmarried) of deceased officers, soldiers and sailors.

SEC. 2. That the provisions of this act shall apply to the widow (remaining unmarried) of any deceased officer, soldier or sailor who lost his life while a citizen of this State and in the military service of the State or Confederate States during the late war between the States; and such widow shall be entitled to the benefits and subject to the restrictions and limitations of this act in like manner as the disabled officers, soldiers and sailors herein mentioned.

SEC. 3. That this act shall not be construed to deprive *bona fide* citizens of North Carolina who enlisted in other States than North Carolina, in the service of the Confederate States, from the benefits of the appropriation herein made.

Act applicable to *bona fide* citizens of this State who enlisted in other States in the service of the Confederate States.

SEC. 4. That not more than thirty thousand dollars per annum shall be expended under the provisions of this act, and if it shall be found on ascertaining the number of beneficiaries under this act, that they exceed one thousand, then in that event the sum of thirty thousand dollars shall be paid to such beneficiaries in equal parts.

Not over \$30,000 to be expended under this act.

If beneficiaries exceed one thousand, the \$30,000 to be distributed *pro rata*.

SEC. 5. That before any officer, soldier or sailor shall receive any part of the annual appropriation hereinbefore made, he shall, on or before the first Monday in July of every year, file with the county commissioners of the county wherein he resides, who, together with the sheriff and the clerk of the superior court of said county, shall constitute a board of inquiry, an application for relief setting forth in detail the company and regiment or battalion in which he served at the time of receiving the wound, the time and place of receiving the wound, whether he is holding an office in the State, United States or county, from which he is receiving the sum of three hundred dollars in fees or as a salary, whether he is worth in his own right, or in the right of his wife, property at its assessed value for taxation to the amount of five hundred dollars, and whether he is receiving any aid from the State of North Carolina under any other statute providing for the relief of the maimed and blind soldiers of the State, and whether he is a citizen of the State of North Carolina; which said application shall be verified by the oath of the applicant made before any one empowered by law to administer oaths, and shall be accompanied by the affidavit of one or more credible witnesses, stating that he or they verily believe the applicant to be the identical person named in the application, and that the facts stated in the application are true. And when the board

Application to be filed before board of inquiry, to consist of county commissioners, sheriff and superior court clerk.

What to be set forth in application.

Application to be verified.

To be accompanied by affidavits of one or more witnesses.

Board of inquiry when satisfied of justness of claim to certify same to Auditor, under seal of superior court.

Clerk to receive no fee.

Application, etc., to accompany certificate sent to Auditor.

Each case to be examined by board of inquiry, to consist of Governor, Attorney General and Auditor.

Cases approved to be paid by Treasurer on warrant of Auditor.

Clerks of superior courts to forward to Auditor before first Monday in August, 1885, and annually thereafter applications, proofs, etc.

Auditor to issue warrant upon State board of inquiry being satisfied of truth of application.

After application has been allowed by county and State boards of inquiry, only necessary thereafter for applicant to file certificate from clerk of superior court, that he is the person named in original application, is alive and still disabled, etc.

of inquiry is satisfied with the justness of the claim made by the applicant, they shall so certify the same to the Auditor of the State under their hands and seals, and the seal of the superior court of their county, which shall be impressed by the clerk of the superior court of the county: *Provided*, that for the services herein required of the clerks of the superior court they shall receive no fees whatever, and there shall accompany said certificate so sent to the Auditor of the State the application, affidavits and proofs taken by them, which said papers shall be kept on file in the Auditor's office; and the Governor, Attorney General and Auditor shall be constituted a board of inquiry, and it shall be their duty to examine each case, and for this purpose they may take other testimony than that sent up by the local boards, and such as are approved by the State board shall be paid by the Treasurer upon the warrant of the Auditor.

SEC. 6. That it shall be the duty of the clerk of the superior court of the county where the application is filed, to forward to the Auditor of the State, immediately after making the certificate as required in section four of this act, and before the first Monday in August, one thousand eight hundred and eighty-five, and every year thereafter, the application and proofs and certificate, and upon the State board of inquiry being satisfied of the truth and genuineness of the application, the Auditor shall issue his warrant on the State Treasurer for the same.

SEC. 7. After an application has been once passed upon and allowed by the county and State boards of inquiry of the State, it shall be necessary only for the applicant to file with the Auditor of the State a certificate from the clerk of the superior court of the county in which his application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the Auditor's office, and that the applicant is alive but still disabled and a citizen of this State, and still entitled to the benefits of this act, which

certificate may be passed upon by the State board of inquiry upon suggestions of fraud before the Auditor draws his warrant upon said certificate.

Questions of fraud to be investigated by State board of inquiry.

SEC. 8. That no warrant shall be issued for any sum appropriated under this act in favor of any applicant until after the first day of September. No soldier, officer or sailor shall be entitled to the benefits of this act, except upon his own application, or, in case he is insane or lunatic, upon the application of his guardian or committee having charge of him, as herein provided.

No warrant to be issued until after September 1st.

Each applicant to make his own application, except in cases of insane persons.

SEC. 9. That no officer, soldier or sailor, holding a national, State or county office, which pays annually a salary or fees the sum of three hundred dollars, or who owns in his own right, or in the right of his wife, property of the value of five hundred dollars as assessed for taxation, or who is receiving aid from the State under any act providing for the relief of soldiers who are blind or maimed, shall be entitled to any of the benefits of this act.

Who not entitled to the benefits of this act.

SEC. 10. That this act shall not be so construed as to repeal any act providing for the relief of soldiers wounded or blind, and who do not participate in any of the benefits of this act.

Act not to be so construed as to repeal former acts for relief of wounded and blind soldiers.

SEC. 11. The Auditor of the State shall provide a form of application according to the terms of this act, and the Auditor is hereby authorized and instructed to have the same printed and sent to the registers of deeds of the several counties of the State for the use of applicants.

Auditor to provide and distribute forms of application.

SEC. 12. Any person who shall speculate or purchase for a less sum than that to which each may be entitled, the claims of any soldier or sailor, or widow of a deceased soldier or sailor, allowed under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Misdemeanor to speculate in claim of any soldier, etc.

Penalty.

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

Act not applicable to person receiving pension from any other State.

its ratification : *Provided*, that this act shall not apply to any person receiving a pension from any other State.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 215.

An act to incorporate the Carthage Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That James D. McIver, S. P. Tyson, W. T. Jones, G. C. Graves, John W. Scott, S. H. Buchanan and Lewis Grimm, and such other persons as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and

Corporate name.

corporate under the name of the Carthage Railroad Company, and when organized as hereinafter provided, said corporation may have and use a common seal, and sue and be sued in all the courts of the State by its corporate name, and shall be capable of purchasing or acquiring by gift or devise, estate, real, personal or mixed, and of holding or leasing or selling the same as the interest of said company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose : *Provided*, the same shall not be inconsistent with the constitution of the State or the United States, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of the State of North Carolina : *Provided*, that the provisions of this section shall not be construed to exempt the property of said corporation from being taxed as the property of other railroads in this State is taxed.

Corporate powers.

Proviso.

SEC. 2. That the said company be and the same is hereby authorized to construct a railway with one or more tracks from the town of Carthage in Moore county to some point in said county on the line of the Raleigh and Augusta Air Line Railway. The said road to be of such gauge as may be determined upon by the directors of said company.

Route.

Gauge.

SEC. 3. That the capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to two hundred and fifty thousand dollars, vested in the stockholders in shares of the value of twenty-five dollars each, and shall be raised by subscription on the part of individuals, or municipal or other corporations; and subscriptions may be paid in money, labor, land, materials, stocks, bonds or other securities or in any way that may be agreed upon between the company and the subscribers; and the said company may receive donations or assignment of any such property or securities as well as contributions of labor.

Capital stock.

Subscriptions.

Donations.

SEC. 4. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid within twenty days after the ratification of this act, at such places in the county of Moore as shall be appointed by the corporators; and the said corporators, or a majority of them, may at any time after the sum of five thousand dollars has been subscribed to the capital stock of said railroad company and ten per cent. paid thereon, have power to call together the subscribers to the capital stock of said railroad company for the purpose of completing the organization of said company.

Books of subscription.

Organization.

SEC. 5. That said company shall hold a meeting of the stockholders at its organization and annually thereafter. Seven directors shall be elected by the stockholders to hold office for one year and until their successors shall be elected, and in all such meetings of the stockholders, a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in a manner to be

Stockholders' meetings.

Directors.

Officers.

prescribed in the by-laws of the company, and each share shall be entitled to one vote on all questions. That it shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided for in the by-laws of the company, and fill all vacancies which may occur in said board during the term for which it is elected; and any meeting of the stockholders shall have power to make and to alter any by-law or by-laws, as they may think best.

Certificates of stock.

SEC. 6. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Donations and subscriptions by counties, townships, &c.

SEC. 7. That the commissioners of Moore county and of any other county, or any township through which said railroad may pass, shall have full power and authority to make donations to the said company or to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said county or township respectively; and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns respectively; and the authorities of any other corporation to such an amount as they may be authorized to do by their directors or members. And to enable them to borrow money to make such donations or subscriptions, they may issue bonds or other evidences of debt: when such subscriptions are made they shall be as binding on the county, township or other corporations making them as individual subscriptions are upon those by whom made. And in all cases where a township shall make a subscription or donation, the county commissioners shall be authorized to represent such township and to make such subscription or donation, when authorized by vote as hereinafter provided.

SEC. 8. That the board of commissioners of the several counties through which the road may pass are respectively authorized and required, whenever twenty-five tax payers of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the proper voting place or places therein, after thirty days' notice of said election by advertisement at the court house door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the election of donating to said company or of subscribing to the capital stock the sum of money specified in the written request of the tax payers calling for said election as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be written or printed the words "For Donation," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Donation." But if the election be to authorize a subscription to the capital stock, then ballots shall be deposited on which shall be written or printed the words "For Subscription" and "Against Subscription." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same, and if a majority of all the qualified votes in said township shall be "For Subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners. And if a majority of all the qualified votes shall be "For Donation," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact, and the commissioners shall have power to order a special registration for the election herein provided for, under

Township elections on question of donation or subscription.

Ballots.

Election returns.

Special registration.

the law governing elections, and they shall also appoint judges, &c., as provided in other elections.

County commissioners to issue bonds in payment of donation or subscription.

SEC. 9. That in payment of any subscription or donation made as provided in the next preceding section, the board of commissioners of the county wherein said township may be situate, shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable ten years after the first day of January next after the year in which they are issued. They shall be coupon bonds and bear interest at the rate of eight per cent. per annum, interest payable on the first day of January in each year by the treasurer of the county in which said township is situate, if the county have a treasurer, but if not, then by the sheriff of the county. But the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.

Description of bonds.

Redemption of bonds.

Subscriptions of counties, &c., how made.

SEC. 10. That in all cases where a subscription to the capital stock shall be made by a county or township, the county commissioners, and in case where a subscription shall be made by a city or town, the authorities of the municipal corporation shall have the power and authority to contribute the amount of the stock subscribed by such county, township, city or town to said company, if the same shall be deemed necessary for the completion of said railroad.

Special tax to be levied.

SEC. 11. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of the county in which the township is situate, on account of which said bonds have been issued, shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township, a sufficient tax to pay the interest on said bonds and one-tenth of the amount of the principal thereof, which taxes shall be collected by the sheriff of

How collected and disbursed.

such county, under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over of the State and county taxes. The sheriff shall pay said taxes, when collected, to the treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment; and the balance of the money shall be invested by him in the purchase of said bonds at a rate not above par: *Provided*, if said county have no treasurer, then the sheriff shall retain the taxes in his hands for the performance of the duties hereinbefore required of the treasurer, which duties he shall perform instead of the treasurer. Proviso.

SEC. 12. That the commissioners of any town in any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five tax payers in said town shall in writing request that a proposition to make a donation of a specific sum to said railroad, or to subscribe a specific sum to the capital stock, may be submitted to the voters of such town, to cause an election to be held therein, under the same rules and regulations as are prescribed hereinbefore for the elections in townships, except that the returns of the election shall be made to the commissioners of the town, who shall canvass the same, and if a majority of all the qualified voters in said town shall have voted "For Subscription," then the mayor of the town shall make the subscription to the stock of said railroad company. And if the town shall have voted "For Donation," then the mayor of the town shall certify the result of said election to authorities of said company. And in payment of any subscription or any donation, the commissioners of such town shall issue bonds of the same denominations and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions; and in Town election on question of donation or subscription.

How held.

Town commissioners to issue bonds.

Special tax.

addition to the other tax upon the subjects of taxation in said town, the said commissioners shall levy a tax sufficient to pay the interest on said bonds and one-tenth of the principal. The tax levied under the provisions of this section shall be collected by the constable or tax collector of such town in the same manner as the other taxes of said town are collected, and subject to the same rules and regulations, and with the same penalties and remedies against the constable or tax collector and his sureties for failure to collect and account for the same. When collected, said taxes shall be paid by the constable or tax collector to the treasurer of said town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds, in the purchase of said bonds at par.

How collected and disbursed.

Bonds, how signed.

SEC. 13. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, and by the clerk of said board, and the coupons shall be also thus signed. The bonds issued by any town under the provisions of this act shall be signed by [the] mayor and two commissioners of said town, and the coupons shall be also thus signed.

Condemnation of land for right of way, &c.

SEC. 14. That said company shall have the right to have land condemned for right of way and for necessary warehouses and buildings according to existing laws; and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stock of any other railroad in the State, or to consolidate with any connecting line of railroads.

Authorized to sell, lease, &c., road bed, &c.

Authorized to begin construction at any point on projected line.

SEC. 15. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when com-

pleted, and shall have the exclusive right of transportation over the same.

SEC. 16. That said road or company shall have right to build branch roads connecting with it, not exceeding fifty miles in length, and for this purpose shall have all the rights and privileges conferred by this act.

SEC. 17. That said company shall have, possess and use all the powers and rights, and enjoy all the privileges and immunities conferred by its charter upon any other railroad in this State: *Provided*, that the provisions of this section shall not be construed to exempt the property of said corporation from being taxed as the property of other railroads in this State is taxed.

SEC. 18. Said company shall be authorized to borrow money for the construction and operation of said railroad and for the purposes of this act, and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

SEC. 19. Said company shall further be authorized and empowered to extend the line of their road from Carthage in Moore county to Troy in Montgomery county, and to Albemarle in Stanly county, and with respect to such extension shall have and use the privileges, powers and immunities, and be subject to the pains and penalties in this act hereinbefore provided.

SEC. 20. That the directors of the Carthage Railroad Company be and they are hereby authorized to contract with the directors of the State penitentiary for a number of convicts not to exceed one hundred to aid in the construction of said railroad at such price and upon such terms as may be agreed upon, the price not to be less than at the rate of one hundred and twenty-five dollars a year for each convict so worked: *Provided however*, that the payments for such work shall be in cash or North Carolina four per cent. bonds, or bonds of the counties or townships through which the road runs; said bonds to

Branch roads.

Corporate powers.

Proviso.

Authorized to borrow money on mortgage, &c.

Extension of line

Authorized to contract for convict labor.

Proviso.

be taken at their full value and to bear at least six per cent. interest, and to run for not longer than for thirty years.

Persons convicted in superior courts of Moore, Montgomery and Stanly may be sent to work on road.

SEC. 21. That any judge of a superior court holding his court in the counties of Moore, Montgomery or Stanly may, after conviction and sentence to the penitentiary of such convict, order in his discretion that such convict shall be directly sent to work on such road, and the report shall be made by the superintendents of such convicts, shall be made to the warden of the penitentiary, and receipt shall be given by them to said warden, and the State of North Carolina shall be entitled to compensation for the work done by such convicts as is provided in this act.

Work to be begun within three years.

SEC. 22. That the work on this road may be begun within three years.

Conflicting laws repealed.

SEC. 23. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 24. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 216.

An act to amend the charter of the Atlantic and Western Railway Company.

The General Assembly of North Carolina do enact :

Conditions of aid by counties, &c., to be set forth in petition for election.

SECTION 1. The condition upon which aid is voted to the Atlantic and Western Railway shall be set forth in all petitions asking elections in aid of the same and the contracting parties shall be completely and fully bound thereby.

SEC. 2. That section three of chapter one hundred and fourteen of the laws of one thousand eight hundred and eighty-one be amended by striking out "one-fifth of the qualified voters" and inserting in lieu thereof "twenty-five freeholders."

Chapter 114, section 3, laws 1881, amended.

Election to be held on petition of twenty-five freeholders.

SEC. 3. Any railroad with which said road may connect, or that is crossed by the line of said company, may acquire, guarantee, or endorse its bonds or buy its stocks, and the authorities of the penitentiary are hereby authorized to do work for said road and accept in payment for the same at their face value, either North Carolina four per cent. bonds or county bonds bearing interest at the rate of six per cent. per annum and payable annually and issued in aid of said Atlantic and Western Railway, and to run not exceeding thirty years.

Connecting lines authorized to acquire, guarantee or endorse bonds of road, &c.

Convict labor.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 217.

An act to change the name of the charter of the Albemarle and Roanoke Railroad Company, ratified the twenty-seventh day of February, A. D. one thousand eight hundred and seventy-five, to the 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 or near the town of Garysburg, T. J. Person, E. J. Thomas, A. J. Ellis, Sr., J. L. Suiter, T. J. Harding, Thomas W. Mason, E. L. Sumner, W. D. Coker, Joseph E. Ransom, G. S. Urquhart,

Body politic.

R. T. Stephenson, R. R. Anderton, G. P. Burgwyn, S. B. Boone, S. P. Boone, N. Peebles, S. N. Buxton, James W. Newsom, W. T. Buxton, James Flythe, W. C. Bowen, R. H. Stancell, R. B. Peebles, W. J. Rogers, James D. Boone, Crocket Ricks, Joseph A. Garriss, James W. Grant, James H. Edwards, Jere. Gay, Wm. Grant, A. Capehart, Wm. Scull, Lemuel Boyce, Albert Vann, Wm. T. Peele, James W. Copeland, Nat. Bougham, John W. Buxton, Ed. Jacobs, A. McDaniel, J. C. Tynes, W. J. Capehart, A. T. Liverman, P. C. Jenkins, S. A. Norfleet, J. E. Tyler, C. M. Rabey, James W. Balance, M. L. Wood, Burgess Urquhart, J. S. Griffin, Lafayette Askew, Benjamin Gilliam, R. W. Askew, J. P. Roscoe, C. T. Harden, W. R. Capehart, J. P. Keith, J. B. Nichols, J. W. Spivey, W. P. Gurley, H. C. Edwards, Paul Harrell, G. M. Powell, A. W. Early, J. S. Grant, with such other persons as they may associate with them, are hereby constituted and created a body politic and corporate with a capital stock of not less than two hundred thousand dollars, to be increased at the discretion of the stockholders, to be called the Roanoke Railroad Company, 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 real and personal estate and property of every description, 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.

Capital stock.

Corporate powers.

Route.

SEC. 2. That such company be and the same is hereby authorized to construct a railroad by one or more tracks from and to the point aforesaid through the counties of Northampton and Bertie to or near the mouth of Salmon creek on the head of Albemarle Sound, passing to or near the towns of Jackson and Windsor, said line to be deter-

mined upon and located by the company, and shall have the right to build branch roads from the main road for ninety-nine years.

Branch roads.

SEC. 3. That the capital stock of said company may be created by subscription or contribution on the part of governments, individuals, counties, townships, towns or cities, or by banking, railroad, or other corporations in shares of the value of one hundred dollars each, the same having been approved by a vote of the people of the county, township, town or city, or properly authorized officers of corporations.

Subscriptions to capital stock by governments, counties, &c.

County, &c., subscriptions to be approved by vote.

SEC. 4. The said corporators hereinbefore named may open or cause to be opened books of subscription or contribution at such time and place, and under such rules as a majority of the same may deem proper. Said corporators, or a majority of them, at any time after the sum of ten thousand dollars has been subscribed to or raised for the capital stock of said company, and five per centum paid thereon, have power to call together the subscribers to said stock, after ten days' notice in one or more newspapers of this State, for the purpose of completing the organization of said company; shall elect a president, and not less than four nor more than eight directors, which shall constitute a board of directors, who shall have general charge of the business of said corporation, with power to appoint all proper officers and agents for transacting the business of such corporation, and take security for the faithful performance of the same.

Books of subscription.

Organization.

Officers.

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, not less than four nor more than eight directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected. In the election of president and directors, and on all questions coming before the stockholders' meetings, each stockholder shall cast as many votes as he or she has shares of stock in said

Stockholders' meetings.

Elections.

company, and the person having a majority of the votes polled shall be considered duly elected.

Location and construction of road.

SEC. 6. 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, and may, if so agreed on with contractors, pay part in money, bonds or stock, or either one as may be agreed on; and 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, and may make traffic arrangements or consolidate with other roads or lease to them.

Certificates of stock.

SEC. 7. That the president shall, under the direction of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in such manner as may be prescribed by the by-laws of the company.

Subscriptions payable in installments on demand of directors.

SEC. 8. That the board of directors may call for the sum subscribed or contributed as stock in said company, in such installments 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, all the stock subscribed or contributed in the company by such stockholder or stockholders, and convey the same to the purchaser at the said sale; and if the sale of stock does not produce a sum sufficient to pay the incidental expense of the sale, and the entire amount owing by such stockholder to the company for such subscription or contribution stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholders, or the executors or administrators, at the suit of said com-

Penalty for failure to pay; sale of stock.

Recovery of balance due.

pany in any court of competent jurisdiction, or by warrants 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 therefor, all sums due on such stock, both the original subscribers or contributors, and the first and all subsequent purchasers shall be liable to the company, and the same may be recovered as above described.

SEC. 9. That the said company may construct a part of the said road without building the entire line, and may charge for transportation thereon, beginning at or near Garysburg.

Authorized to construct part of road.

SEC. 10. That it may and shall be lawful for the said company to make and issue bonds to any amount not to exceed six thousand dollars per mile, to be signed by the president of said company, under the corporate seal of the same, in sums not less than one hundred nor more than one thousand dollars, each bearing interest at the rate of not more than seven per centum per annum, to be paid semi-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. 11. That to secure the faithful payment of the said bonds, it shall and may be lawful for the president and directors of said company to make, execute and deliver to some person or trustee a deed of trust or mortgage under the corporate seal of such company, wherein shall be conveyed to the person thus appointed as trustee the road, its property, rights, franchises and privileges acquired or to be acquired, conditioned for the payment of the interest and the final redemption of said bonds.

Authorized to make deed of trust or mortgage.

SEC. 12. That for the purpose of building a railroad which shall begin at or near the town of Garysburg passing to or near the town of Jackson through the county of Northampton, thence to or near Windsor to Salmon creek through the county of Bertie, or any part thereof, it shall and may be lawful for any incorporated bank,

Subscriptions by banks, railroads, counties, &c.

railroad, county, township, town or city to contribute or subscribe as they or either of them shall be authorized to do by the inhabitants of said county, township, town or city, or by the proper officer of such incorporated bank or railroad, in such manner and form as is hereinafter provided, and any such bank or railroad company, if they think proper and find it to their interest, may endorse bonds of the said railroad company, and such county, township, town or city may designate on what part of the grading the money so contributed or subscribed shall be expended; and in the case of a county, the money shall be expended in the county making the subscription or contribution: *Provided*, that no county shall contribute or subscribe more than twenty-five hundred dollars to the mile of road built in such county, the purpose being to secure a road from the point indicated, or so much thereof as the people or parties interested may wish to construct.

Banks, &c., authorized to endorse bonds of company.
County, &c., authorized to designate on what part of road subscription to be expended.

Proviso.

Election in city or town on question of subscription.

SEC. 13. That the corporate authorities of such city or town are authorized to make an order requiring the constable of such city or town or any officers of their own body, at their option, at such times and on such notices as they shall direct, to open a poll and take the sense of the voters of such city or town qualified to vote for city or town officers, whether the corporate authorities of such city or town shall contribute or subscribe to the stock of such 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 such city or town or the presiding officer thereof; that if upon the return of said superintendent of election, it shall appear that a majority of the votes cast are in favor of the contribution or subscription, then the corporate authorities of such city or town shall make the subscription or contribution for such city or town, to be paid for in bonds of said city or town or in cash, as the authorities may elect, and upon such

Subscription to be made on affirmative vote.

To be paid in bonds or cash.

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 one hundred nor more than one thousand dollars each, payable at such times and places as said corporate authorities shall direct. Said bonds may be made payable to the chairman of the board of county commissioners, or to bearer, or to any person as said corporate authorities shall elect. Said bonds shall have coupons attached, and shall bear not less than six nor more than seven per centum interest, which interest shall be payable on the tenth day of January and the tenth day of July in each and every year. Said city or town corporate authorities are hereby vested with full power and authority to raise money by taxation on all taxable subjects, land and other property within their city or town, for the payment of any part of their contribution or 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.

Description of bonds.

Special tax.

SEC. 14. That the county commissioners of any county, a majority of said commissioners concurring, shall have full power and authority to order the sheriff of such county at such time, and on thirty days' notice, to open a poll and take the sense of the voters of such county qualified to vote for members of the House of Representatives of the General Assembly, whether the said county commissioners shall contribute or subscribe to the stock of said company for such sums as the order shall propose, and the sheriff shall make return of the number voting for and against it to the said county commissioners.

County election on question of subscription.

SEC. 15. That if thirty tax payers in any township shall propose to contribute or subscribe, the county commissioners shall cause the same to be submitted to the qualified voters of such township in like manner as is done in counties, and if a majority of the qualified voters

Township election on question of subscription.

Special tax.	shall decide the question in the affirmative, taxes may be levied and collected as provided for in said counties.
County subscription to be made on affirmative vote.	<p>SEC. 16. That if upon the return of such sheriff it shall appear that a majority of the qualified voters are in favor of the contribution or subscription, then the said county commissioners shall appoint their chairman to make its contribution or subscription in behalf of said county, which contribution or subscription may be paid for in the bonds of the said county or in cash, as the county commissioners may elect, upon such terms as may be agreed upon by and between them and the parties with whom they may negotiate; the said county commissioners shall order their chairman to issue county bonds, payable at such times and places as a majority of said county commissioners shall direct, in sums of not less than one hundred nor more than one thousand dollars each. Said bonds may be made payable to the chairman of the board of county commissioners, or to bearer, or to any person, as a majority of said county commissioners may direct; said bonds shall have coupons attached, and shall bear not less than six nor more than seven per centum interest, to be fixed and agreed upon by the commissioners, which interest shall be payable on the tenth days of January and July in each and every year. The said county commissioners are hereby vested with full power and authority to raise money by taxation on all such subjects as are taxed for county and city purposes, land and other property within their county, for the payment of any part of the contribution or subscription of such county that may be due, and for the payment of the principal and interest of the county bonds so issued as aforesaid as the same may be due.</p>
To be paid in bonds or cash.	
Description of bonds.	
Special tax.	
Dividends.	<p>SEC. 17. That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock that each may own.</p>

SEC. 18. That the said company may, when they see fit, farm out their rights of transportation over the said railroad, subject to such rules and regulations as may be agreed on, and such 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, and the said company may consolidate with or lease from, or lease to any other railroad company.

Authorized to farm out rights of transportation.

SEC. 19. That the said company may purchase, have and hold in fee simple or for a term of years any lands, tenements or hereditaments, and to purchase or subscribe for stock in other railroad companies.

Authorized to purchase lands, &c., and to subscribe for stock in other railroad companies.

SEC. 20. 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 company shall not obstruct any public road without constructing another equally as good and as convenient.

Authorized to conduct road across or along public or private roads.
Proviso.

SEC. 21. That when any lands or right of way may be required by said company for the purpose of constructing their road, and for the want of agreement for any cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the clerk of the superior court of the county wherein the land is situated, upon petition in writing of the company, and after five days' service of a notice on the party or parties owning the said land. In making the said valuation the said commissioners shall take into consideration the loss or damage that may accrue to the owner or owners in consequence of the land or right of way being surrendered; and the benefit and advantage he, she, or they may receive for the erection or establishment of the railroad or work, and shall state particularly the value and amount of each, and the excess of loss and damage over and above the advantage and benefit shall form the measure of valuation of the said land or right

Condemnation of land.

Proviso.

of way, without regard to benefits conferred on lands not run through by such railroad: *Provided, nevertheless*, that the company or 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 a 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 as long as the same shall be used for the purposes of said railroad, so soon as the valuation shall be paid, or when refused may have been tendered. The valuation provided for in this section shall be made on oath by the commissioners aforesaid to be administered by any person having the authority to administer oaths: *Provided further*, that the right of condemnation herein granted, shall not authorize the said company to invade the dwelling house, yard, garden or burial ground without consent of the owner of the soil.

Proviso.

Condemnation of land to extend one hundred feet each side of main track.

Condemnation of land for depots, &c.

SEC. 22. That the right of the said company to condemn in the manner described in the twenty-first section of this act, shall extend to the condemning of one hundred feet on each side of the main track of the road measuring from the centre of the same. The company shall also have power to condemn and appropriate to the company, in like manner, lands for the construction and building of depots, shops, and warehouses, buildings for servants and agents employed on the road, and shall have the further right for the purposes of repairs or building to condemn any stone, gravel, sand or earth on said railroad or section thereof, but no appeal shall stop or delay the construction of said railroad.

SEC. 23. That no county bonds shall be sold or hypothecated for less than ninety per centum net in money of the par value thereof.

County bonds not to be sold for less than ninety per cent.

SEC. 24. That such railroad company shall be authorized to construct and operate a telegraph line.

Authorized to construct and operate a telegraph line.

SEC. 25. That the directors of the North Carolina penitentiary be and they are hereby authorized to deliver two hundred convicts not otherwise appropriated, to be worked on such railroad as described in the foregoing bill upon such terms as may be agreed upon or provided by law.

Convict labor.

SEC. 26. And the price or compensation for such convict labor shall constitute a first lien on the property and franchise of said company.

Price for convict labor to be a first lien on road, &c.

SEC. 27. That before holding an election or elections to determine whether the counties of Northampton and Bertie or either of them shall subscribe to the stock of said company or aid the same, the county commissioners of said counties shall require to be made an entirely new registration of the qualified voters of said counties respectively, instead of a revision of the registration list:

New registration to be made before election held in Northampton and Bertie counties.

Provided, nothing herein contained shall authorize any city, town or county authorities to issue bonds of contribution or subscription in aid of said railroad, unless the question of contribution or subscription shall first be submitted to the qualified voters in said cities, towns and counties and townships respectively and ratified by a majority of the qualified voters in said cities, towns, counties and townships.

Proviso.

SEC. 28. That this act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 218.

An act to incorporate the Roanoke and Tar River Railroad Company.

The General Assembly of North Carolina do enact :

Purposes of act.	SECTION 1. For the purpose of constructing a railroad with one or more tracks, from some point on the Virginia and North Carolina line in either Hertford or Northampton county to some point on the Roanoke river in Bertie county and thence to Kinston or Goldsboro, (as the president and directors may determine,) upon such lines as the directors may determine, David A. Barnes, Walter Clarke, A. S. Biddle, Y. A. Williams and W. F. Beasley, the survivors of them and their associates, successors and assigns, are hereby constituted a body politic and corporate under the name and style of "Roanoke and Tar River Railroad Company," with a capital stock of one million five hundred thousand dollars, with the powers and incidents of the North Carolina Railroad Company and other corporations of like nature created by the laws of this State, such corporate existence to continue for ninety-nine years.
Body politic.	
Corporate name.	
Capital stock.	
Corporate powers.	
Subscription to capital stock.	SEC. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations, in shares of one hundred dollars each, which may be made in land, timber, labor or money, as may be stipulated and agreed to by the corporators aforesaid or the directors of the company.
Books of subscription.	SEC. 3. Books of subscription may be opened by such corporators or by the directors at such times and places, and under such rules and regulations as a majority may determine.
General meeting of stockholders.	SEC. 4. When fifty thousand dollars shall be subscribed to the capital stock of said company by solvent subscribers, a general meeting of the stockholders shall be held, after ten days' notice by advertisement in the Roanoke News and Tarboro Southerner, and such meeting, a major-

ity in interest of the stockholders being present in person or by proxy, shall elect a board of directors of not less than five, and said directors shall elect one of their number president, and said meeting may do all other acts necessary to carry into effect the object of this charter and the complete organization of the company.

Organization.

SEC. 5. Whenever any lands shall be required for the construction of the road, or for warehouses, water stations, turnouts, workshops, or for other buildings or purpose, and for any cause the same cannot be purchased from the owners, the same may be taken by the directors at a valuation to be ascertained as follows: The sheriff of the county in which said land may lie shall, at the request of the president of said company, summon five disinterested freeholders of the county who shall ascertain the value, under oath, to be administered by the sheriff or any justice of the peace, first deducting the enhanced value of the land caused by the railroad, and adding any particular loss or damage, and upon the payment or tender of the amount so assessed, the title of the property so seized and appraised shall vest in the corporation, as long as it shall be used for the objects of this charter: *Provided*, that either party may appeal to the superior court of the county upon the question of the amount so assessed: *And further*, that the condemnation for right of way shall not extend beyond one hundred feet on each side from the centre of the road, and for other purposes not more than three acres in one tract.

Condemnation of lands.

Proviso.

SEC. 6. The directors shall have power to borrow money upon the bonds of the company and to secure the same by mortgage or other legal assurance on such terms as they may deem best.

Directors authorized to borrow money on mortgage bonds.

SEC. 7. Said company shall have the exclusive right to convey and transport freight and passengers over and along said railroad at such rates as the directors shall prescribe, and the company may purchase and hold stock in other railroad or in navigation companies, and shall have

Exclusive rights of transportation.

Authorized to purchase stock in other companies, &c.

power to buy or lease the same, or to contract for the transportation of passengers or freight over their line.

Authorized to cross tracks of other roads and to build branch roads.

Gauge.

SEC. 8. The railroad company shall have power to cross the tracks of other railroads, to build branches to the main stem in any direction not exceeding twenty-five miles long. The gauge of said road shall be as the stockholders may determine, not exceeding four feet eight and one-half inches.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 219.

An act to prevent live stock from running at large in Buncombe county.

The General Assembly of North Carolina do enact :

Unlawful for live stock to run at large in Buncombe county.

Misdemeanor.

Penalty.

Proviso.

SECTION 1. That it shall be unlawful for any live stock to run at large in Buncombe county; and no person shall permit any of his live stock to go or enter upon the lands of another without having obtained leave from the owner of such lands. Any person 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: *Provided*, this section shall not apply to any township, district, or territory which may be exempted from the operations of this act as hereinafter provided.

Justices of the peace to register stock taken up.

SEC. 2. That 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.

SEC. 3. That it shall be lawful for any person to take up any live stock running at large in the portions of said county where this stock law shall be in force, and to impound the same in the township where said stock is taken up: *Provided*, the person taking up said stock shall file a description of the same 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 fifty cents for each animal so taken up, and twenty-five cents per head each day the said stock is kept impounded, and may retain said stock until all the legal charges for impounding the same and for the damages caused by said stock are paid, said damages to be ascertained, in cases of dispute, by two disinterested freeholders to be selected by the owner and said impounder, said freeholders to select an umpire if they cannot agree, and their decision to be final.

Any person may take up stock at large.

Description to be filed.

Penalty.

Damages.

SEC. 4. That the provisions of section two thousand eight hundred and seventeen (2817) of The Code, relating to notice to the owner of impounded stock, the sale of such stock, and the application of the proceeds, shall apply to the county of Buncombe.

Owner of impounded stock to be notified; sale of stock, &c.

SEC. 5. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, sheep, calves, goats, and all cattle and swine.

Definition of "stock."

SEC. 6. That it shall be the duty of the board of commissioners of said county to erect a good and lawful fence where necessary around the said county, or around such portions of said county as may not be exempted from the operations of this act as hereinafter provided; and shall construct gates at all points in public roads crossed by said fence or fences, and said stock-law fences and gates shall be erected before the first day of November, one thousand eight hundred and eighty-five.

Commissioners to erect fence.

Gates.

Fences and gates to be erected before Nov. 1st, 1885.

SEC. 7. That for the purpose of building said stock-law fence and gates, the board of commissioners of the county may, if necessary, levy and collect a special assessment

Special tax to be levied and collected not exceeding one-fourth of one per cent.

upon all real property, taxable by the State and county within the county, or within the township or townships, district or districts, over which the stock law shall go into operation, but no such assessment shall be greater than one-fourth of one per centum on the value of said property.

Citizens authorized to construct fence, &c.

SEC. 8. That any citizen or citizens of said county are hereby authorized and empowered, at their own expense, to construct said fence, or any part of it, along the lines indicated by this act, and to erect gates on any of the highways on the said line of fence.

Land may be condemned for fence.

SEC. 9. 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 county, may be laid off and condemned for such fencing by two disinterested freeholders summoned by said justice of the peace, and they shall view the land and assess such damages as they may think just, after giving to the owner of such land or his agent at least two days' notice.

Damages.

Penalty for misappropriation of money by impounder, unlawfully receiving or releasing impounded stock and injuring fence, &c.

SEC. 10. That sections two thousand eight hundred and eighteen (2818), two thousand eight hundred and nineteen (2819), and two thousand eight hundred and twenty (2820) of The Code, shall apply to the county of Buncombe.

County commissioners authorized to suspend act in certain localities.

SEC. 11. That upon the written petition of a majority of the registered voters of any township, district or territory with well defined limits or boundaries, the county commissioners and justices of the peace in joint meeting may, by resolution, suspend the operation of this act in such township, district or territory: *Provided*, such petition is presented to said commissioners and justices of the peace at their annual meeting on the first Monday in June, one thousand eight hundred and eighty-five: *And provided further*, that this section shall not apply to the following townships, viz: Number two, "Lower Hominy,"

Proviso.

Proviso.

number four, "Leicester," number nine, "Asheville," number ten, "Reem's Creek," number eleven, "Flat Creek," and number six, "Limestone," in which said townships this act shall go into effect on the first day of November, one thousand eight hundred and eighty-five.

SEC. 12. That after the settlement of the territory to be placed under the operation of this act made at said June meeting, the county commissioners shall proceed to have located the line of said stock-law fence, and to have the necessary fences and gates erected, and, if need be, they may levy and collect the necessary taxes as provided in sections six and seven of this act: *Provided*, that no fence shall be erected along the boundary lines of any county, township, or district where a stock law prevails.

Commissioners to locate and build fence, &c. †

Proviso.

SEC. 13. That in establishing said stock-law fence, the county commissioners may determine and declare what water courses, mountains and mountain ranges, or part of the same, along the line of said boundary, shall be a lawful fence and constitute part of said stock-law fence; and such water courses, mountains and mountain ranges shall be sufficient boundaries in lieu of fences.

Commissioners to declare what water courses shall be a lawful fence.

SEC. 14. That any person or any number of persons owning land in a township or district which is exempted from the operation of this act, and adjoining any township or district where the stock law prevails, may have his or their lands enclosed within any fence built in pursuance of this act. All such adjacent lands, when so enclosed, shall be subject to all the provisions of this act.

Adjacent land-owners authorized to include their lands in stock law territory.

SEC. 15. That this act shall go into effect from and after the first day of November, in the year of our Lord one thousand eight hundred and eighty-five, and shall apply to the county of Buncombe alone.

Act to take effect from November 1st, 1885.

SEC. 16. That the county commissioners shall have this act published in one or more newspapers at the county seat at least once a month between the first day of April and the first day of November, one thousand eight hundred and eighty-five; and shall give public notice by

Commissioners to publish act.

posting notices in three public places in each township of the establishment of the stock-law fence or fences, and such notice shall be given for at least ten days before this act goes into effect.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this act are hereby repealed.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 220.

An act providing for an election on the question of stock law for the counties of Catawba and Gaston.

The General Assembly of North Carolina do enact:

Election to be held on 1st Thursday in August, 1885.

SECTION 1. That the county commissioners of Catawba and Gaston counties may order an election to be held at the various precincts in said counties on the first Thursday in August, one thousand eight hundred and eighty-five, on the question of stock law or no stock law in said counties under the same rules and regulations as prescribed by chapter twenty of The Code.

Commissioners to appoint registrars, &c., and canvass returns.

SEC. 2. The county commissioners of Catawba and Gaston counties shall appoint registrars and judges of elections and make all necessary publication, canvass the returns and declare the result as prescribed by law for holding stock-law elections: *Provided*, that if a majority of the voters are in favor of stock law at said election the law shall not take effect before January the first, one thousand eight hundred and eighty-six.

Proviso.

On affirmative vote, fence to be built.

SEC 3. That if a majority of the votes cast at said election be in favor of "stock law," then it shall be so declared by the county commissioners of said counties, and said counties shall be required to keep up or build such fence

as borders on other counties that have not adopted the stock law. The tax for and building of such fence shall be as is now prescribed by law for counties adopting the stock law. Special tax.

SEC. 4. If a majority of the votes cast at said election be against "stock law" in said counties, then said counties shall not as a whole be under the law governing stock-law territory: *Provided*, that portion of the counties now having the stock law shall not be affected by a majority of the votes of the counties being cast against the stock law, but shall remain as if no stock-law election had been held in the counties. On negative vote, county not to be under stock law, as a whole.
Portion of counties now having stock law not affected by negative vote.

SEC. 5. That either county may take the benefit of this act without the concurrent action of the other. Either county entitled to benefit of this act.

SEC. 6. All laws and parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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 5th day of March, A. D. 1885.

CHAPTER 221.

An act to amend section nineteen hundred and seventy-six of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section nineteen hundred and seventy-six of The Code be amended by inserting after the word "director" in the sixth line of said section the following words, "or any agent." Summons can be served on agents of railroad co.'s in suits before magistrates to recover penalties of \$200 and less.

SEC. 2. That when any action is brought against any railroad company before a justice of the peace, the justice before whom said action is made returnable shall have Magistrates have power to summon before their courts railroad officers in any county of the State, &c.

power to issue a subpoena to any county within the limits of the State, commanding the president, or any officer, director, agent or any one in the employment of said company, to appear before him at the place or time of trial and to produce such books, cards, and other papers as the justice shall deem proper and to give evidence in said cause, and each witness summoned as aforesaid, failing or refusing to appear and testify, and produce the books and papers as aforesaid, in obedience to said writ, shall be deemed guilty of a contempt of court, and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Penalty for failing or refusing to appear.

Repealing clause.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 222.

An act to repeal chapter three hundred and forty-five of acts of one thousand eight hundred and eighty-three as it relates to Charlotte and Mecklenburg.

The General Assembly of North Carolina do enact :

SECTION 1. That so much of chapter three hundred and forty-five, of the acts of one thousand eight hundred and eighty-three, entitled "An act to amend chapter twenty-three of Battle's Revisal," as relates to the city of Charlotte, in section one of said act; and so much as relates to the county of Mecklenburg in section two of said act 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 5th day of March, A. D. 1885.

Act of 1883, declaring that special constables authorized by Bat. Rev., chap. 23, sec. 4, and Code, sec. 615, shall not be appointed in New Hanover, Craven, Wake and Mecklenburg, amended by striking out Mecklenburg.

CHAPTER 223.

An act to authorize the commissioners of Hertford county to levy a special tax for the purpose of building a jail.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of the county of Hertford shall be and they are hereby authorized and empowered to levy a special tax of not exceeding five thousand dollars, one-half of which to be levied and collected in the year one thousand eight hundred and eighty-five, and one-half thereof in the year one thousand eight hundred and eighty-six, to be used for the purpose of building a jail in said county.

Authorized to levy special tax not exceeding \$5,000, to build jail.

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.

Tax, how levied and collected.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 224.

An act to prohibit the sale of intoxicating liquors within two miles of Lincolnton public school house, number twenty-one, known as the Paper Mills school house, Lincoln county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell intoxicating liquors within two miles of Lincolnton public school house, number twenty-one, known as the Paper Mills school house, Lincoln county.

Unlawful to sell liquor within two miles of Lincolnton public school-house.

Misdemeanor.

SEC. 2. That if any one shall violate the provisions of this act, 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 fifty dollars or imprisoned 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 5th day of March, A. D. 1885.

CHAPTER 225.

An act to authorize the commissioners of Hyde county to audit and pay certain claims of H. G. McCloud.

Over payments by H. G. McCloud, treasurer of Hyde county, on account of school fund.

WHEREAS, H. G. McCloud, late treasurer of Hyde county, overpaid the amount of school fund apportioned to certain districts for the year one thousand eight hundred and eighty-four, as follows: In district No. 5, white race, \$3.27; in district No. 1, white race, \$6.41; in district No. 3, colored race, \$5.00; in district No. 19, colored race, \$92.83; in district No. 21, colored race, \$26.07; making a total overpaid, \$133.58; and whereas, the children of the said school districts received the benefits of the amounts overpaid:

The General Assembly of North Carolina do enact:

Commissioners to audit claims and pay them out of school fund for 1885.

SECTION 1. That the county commissioners of Hyde county are authorized and empowered to audit the claim for such sums of money as have been overpaid to the school districts of Hyde county by H. G. McCloud, late treasurer of Hyde county, and to order paid to him out of the school fund apportioned to the districts respectively for the year one thousand eight hundred and eighty-five,

or one thousand eight hundred eighty-six, such sums as the county commissioners may ascertain to have been overpaid to said districts.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 226.

An act for the protection of fish.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to use in any of the waters of Brunswick, New Hanover and Pender counties any nets, seines, set-downs, fish traps or any other nets of any description for the purpose of taking fish, the bars of the meshes of which nets, seines, set-downs, or fish traps shall be less than one and one-eighth inches in length; and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined not less than five nor more than ten dollars, or imprisoned not more than ten days for each offence.

Unlawful to use seines, &c., in Brunswick, New Hanover and Pender counties with meshes smaller than one and one-eighth inches.

Misdemeanor.

Penalty.

SEC. 2. That this act shall be in force from and after the first day of September, one thousand eight hundred and eighty-five.

Act to be in force from Sept. 1st, 1885.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 227.

An act supplemental to an act entitled “An act to adjust and renew a portion of the State debt,” ratified the fourteenth of March, one thousand eight hundred and seventy-nine

The General Assembly of North Carolina do enact :

Use of bonds,
with coupons
signed by J. M.
Worth, late Treas-
urer, authorized.

SECTION 1. That the bonds which have been prepared to be issued under the said act, the coupons of which bear the engraved signature of J. M. Worth, the late Treasurer, may be used and issued in renewal of the old bonds, according to the provisions of the said act, and when so issued the said coupons shall be as valid and binding as if they had been signed by the present 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 5th day of March, A. D. 1885.

CHAPTER 228.

An act to incorporate the Mt. Holly and Denver Railroad Company.

The General Assembly of North Carolina do enact :

Terminal points.

SECTION 1. That for the purpose of constructing a railroad from Mt. Holly in the county of Gaston, or some other point on the western side of the Catawba river on the Carolina Central Railroad via or near Mt. Island Mills, Lowesville and Triangle to Denver in the county of Lincoln, by the most practicable route, and thence on through Lincoln and Catawba counties if deemed advisable by the company incorporated by this act: A. C. Hutchinson,

Wade Rankin, A. P. Rhyne, Hugh Rhyne, Kenneth Body politic.

Finch, W. J. Hooper, A. W. Davenport, Alonzo Abernathy, A. C. Rozzelle, Jordan Underwood, S. X. Johnston,

D. A. Lowe, S. H. Lowe, James Nixon, Simon S. Hager,

A. V. Sifford, J. F. Reinhardt, J. G. Morrison, David

Kincaid, R. A. McLean, J. H. King, J. R. Asbury, J. W.

A. Paine, J. F. Goodson, James A. Nixon, J. C. Paine,

David Cherry, J. T. Lineberger, J. H. Howard, Jr., L. A.

Kayler, R. C. Graham, H. A. Gilliland, J. M. Kids, W. A.

Graham, J. A. Kids, C. S. Rozzelle, T. H. Proctor, F. P.

Mundy, P. A. Thompson, J. B. Shelton, J. A. Sherrill, R.

A. Smith, F. Y. Smith, A. F. Brevard, W. C. Lowe, J. D.

Mundy, M. J. Jordan, and their associates, successors and

assigns are constituted a company, and are hereby incor-

porated under the name and style of "The Mount Holly Corporate name.

and Denver Railroad Company," with a capital stock of

two hundred thousand dollars with the privilege of in- Capital stock.

creasing the same to five hundred thousand dollars, which

shall have a corporate existence as a body politic for the

space of ninety-nine years, and by that name may sue Corporate pow-

and be sued, plead and be impleaded in any court in ers.

North Carolina, and may have and use a common seal,

and shall be capable of purchasing, holding, leasing and

conveying estate, real and personal and mixed, and ac-

quiring the same by gift or devise, so far as may be nec-

essary for the purpose herein contemplated. And the

said company may enjoy all the rights and immunities

which other railroad corporations may lawfully exercise

under the general corporation laws of North Carolina,

and make all necessary by-laws and regulations for its

government not inconsistent with the constitution of this

State and of the United States.

SEC. 2. The capital stock of said company may be Subscriptions to

created by subscription on the part of individuals, town- capital stock.

ships, municipal or other corporations, in shares of fifty

dollars each, which may be on lands, timber, work or

money, as may be stipulated.

Books of subscrip-
tion.

SEC. 3. It shall be the duty of the corporators named in the first section of this act, at a meeting called at some point on line of proposed railroad on advertisement of any three of their number, at any time subsequent to the ratification of this act, to appoint commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such regulations as they may prescribe. And said commissioners, or any three of them, after the books have been kept open for twenty days, and the sum of five thousand dollars subscribed to the capital stock of said company, and five per cent. paid thereon, have power to call together the subscribers to said stock for the purpose of completing the organization of said company; and the said subscribers are hereby declared incorporated into a company by the name and style of "The Mt. Holly and Denver Railroad Company."

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, seven directors shall be elected, to hold office for one year, or until their successors shall be elected, and at any such meetings to make or alter the by-laws of the company: *Provided*, that in all such meetings a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the laws of the company, and each share then represented shall be entitled to one vote on all questions. 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 board.

Directors.

Stock, how repre-
sented.

President.

Vacancies.

Location of road.

SEC. 5. That after the company shall be organized, the board of directors shall proceed to locate and have constructed as speedily as possible on the route they may find most practicable, a railroad as located in the first section of this act. That said company may have exclusive right of conveyance or transportation of persons,

Exclusive right
of transportation.

merchandise and produce or other freight on the said road, at such charges as may be fixed by a majority of its directors; that said company may assign or lease their franchise or their rights of transportation on said road to any person, persons, or corporation, and may consolidate their company with any other corporation.

Authorized to assign, lease, &c.

SEC. 6. That said company shall have the power to use and enforce the payments of stocks subscribed, and to condemn lands for the use of said company, when a contract of purchase cannot be made with the owners thereof, to the same extent and in the same manner and under the same rules, regulations and restrictions as the "North Carolina Railroad Company" was authorized to do by act of incorporation.

Authorized to enforce payment of stock, and to condemn land.

SEC. 7. That all contracts made and entered into by the president or superintendent of the company with the consent of the directors, whether with or without seal, shall be binding upon said company.

What contracts to be binding on company.

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

Certificates of stock.

Gauge.

SEC. 9. This corporation shall have power from time to time to borrow such sums of money as may be necessary for completing or operating said railroad and to issue and dispose of bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt by the company, for the purposes aforesaid.

Authorized to borrow money on mortgage.

SEC. 10. That upon the written application of one hundred of the qualified voters of Catawba Springs township, Lincoln county, stating the amount proposed to be subscribed, which amount shall not exceed five thousand dollars, the commissioners of Lincoln county shall, after thirty days' advertisement, submit the question of subscription to said railroad company to the voters of said

Election in Catawba Springs township on question of subscription.

Ballots.

township at an election to be held under the laws of this State as to registration and voting; the ballots shall have written or printed on them "Subscription" and "No Subscription." The said commissioners shall meet at the court house in Lincoln on the third day after such election is held to receive returns and declare results.

Subscription to be made on affirmative vote.

SEC. 11. If at said election a majority of the votes cast shall be "Subscription," then the chairman of the board of commissioners of Lincoln county shall subscribe to the capital stock of said company the amount endorsed by the voters at said election to be paid in annual instalments, without interest, of one thousand dollars each, on the first of January of each year, beginning with the January next succeeding such election.

County commissioners to issue bonds.

SEC. 12. The chairman of the board of commissioners for Lincoln county shall in payment of such subscription deliver to the said company bonds or writings as follows:

"LINCOLN COUNTY, N. C.,
....., 188..

Form of bond.

Due the Mount Holly and Denver Railroad Company one thousand dollars, payable January 1st, 18..., without interest, the same being the subscription of Catawba Springs township to the capital stock of said company, due first day of January, 18...

.....,
Chairman of Commissioners of Lincoln County."

And shall receive the certificates of stock in said company.

County commissioners to appoint proxy.

SEC. 13. The commissioners of Lincoln county shall appoint a proxy each year, who shall be entitled to cast in all meetings of the stockholders of said company the number of votes to which the subscription entitles the said township.

SEC. 14. The commissioners of Lincoln county shall have full power to sell and convey the said certificates of stock, if they deem it advisable, and apply the proceeds to the payment of any of said bonds, and the amount of taxes to be collected shall be reduced one or more years to the extent of the amount so realized.

County commis-
sioners author-
ized to sell certi-
ficates of stock and
apply proceeds to
payment of
bonds.

Reduction of tax.

SEC. 15. That for the purpose of paying such bonds or subscription, the commissioners of Lincoln county shall annually levy and collect from all the taxable property of said township, both real and personal, an amount sufficient to pay the bond due next succeeding January first, and expense of collecting the same, same to be computed and collected by same officers that compute and collect other taxes. This tax shall be a special tax and not affected by the constitutional limitation, and the bonds shall be paid at maturity on presentation by the treasurer of Lincoln county.

Special tax.

How collected.

SEC. 16. That the board of directors of the penitentiary are hereby authorized and directed to deliver to the president of said railroad company, upon the application of said president, convicts, not otherwise appropriated, not to exceed seventy-five, to be worked by said president, his agent or employees on said railroad, until their sentence expires or the completion of the road. Said railroad company to be at all the expense for guarding, caring for and feeding the convicts so delivered. Or the penitentiary board may contract with the railroad company for the grading of said road by the yard or foot, and for such labor the penitentiary shall receive at par the township bonds, the penitentiary feeding, guarding and caring for the convicts.

Convict labor.

Expenses.

Penitentiary
board authorized
to contract for
grading.

SEC. 17. That all laws and clauses of laws conflicting with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 18. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 229.

An act to establish a normal school at Boone in the county of Watauga.

The General Assembly of North Carolina do enact :

State Board of Education to establish normal school at Boone.

SECTION 1. That it shall be the duty of the State Board of Education to establish a normal school at Boone in the county of Watauga, for the teaching and training of teachers of the white race to teach in the common schools of the State.

Appropriation out of University Normal School fund.

SEC. 2. That a sufficient sum is hereby appropriated out of the University Normal School fund for the payment of instructors in said school, which sum shall not exceed five hundred dollars per annum.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 230.

An act to extend the limit of time provided in section one thousand nine hundred and eighty of The Code to Clinton and Faison Railroad.

The General Assembly of North Carolina do enact :

Time to begin construction of road extended two years.

SECTION 1. That the limit of time provided in section one thousand nine hundred and eighty of The Code for any railroad company to begin the construction of its road after the granting of its charter, be and the same is hereby extended for two years to the Clinton and Faison Railroad Company.

Chapter 184, section 2, laws 1881, amended.

SEC. 2. Amend section second of chapter one hundred and eighty-four of the laws of one thousand eight hun-

dred and eighty-one by adding after the word Duplin in line four the words "or such other point on the Wilmington and Weldon railroad as the stockholders may determine on." Terminal points.

SEC. 3. Add to section eleven of said chapter: *Provided*, that if it is deemed necessary to validate bonds issued in pursuance of this chapter, the county commissioners, after thirty days' notice, shall order an election to be held under the same regulations prescribed for the election of members of the General Assembly, and submit to the qualified voters of said county of Sampson and Duplin the question as to whether said bonds shall be issued: *Provided further*, that only the townships that subscribe as aforesaid shall be responsible, and no levy and collection shall extend to other parts of said counties. Section 11 amended. Election to validate bonds.
Only townships subscribing to be responsible.

SEC. 4. In section fourteen after the word "Faison," add "Mount Olive, Warsaw, and Magnolia." Section 14 amended. Other towns authorized to subscribe.

SEC. 5. If the terminal point of said railroad shall be at some point on the Wilmington and Weldon Railroad other than Faison, then the name of such place shall be substituted for Faison in the name of said corporation. If the terminal point of said railroad on the Wilmington and Weldon Railroad has no name, then the stockholders thereof shall have the right to substitute for the word Faison such name as they may see fit, and the corporation shall be so known and designated. If terminal point shall not be Faison, then corporate name to be changed.

SEC. 6. In section eleven of said chapter one hundred and eighty-four, and in line sixteen of said section, insert the word "qualified" before the word "votes." Section 11 amended. Voters.

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 5th day of March, A. D. 1885.

CHAPTER 231.

An act to prohibit the taking of oysters from Middle creek and other creeks in Hyde county in the night time.

The General Assembly of North Carolina do enact :

Unlawful to take oysters from certain creeks in Hyde county between sunset and sunrise.

SECTION 1. That it shall be unlawful for any person to take oysters from Middle creek, Back creek, Burris creek and Cedar creek, in Hyde county, between the hours of sunset and sunrise.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars, or imprisoned in the county jail not less than five nor 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 5th day of March, A. D. 1885.

CHAPTER 232.

An act for the relief of the sureties of William M. Hurst, late sheriff of Duplin county.

The General Assembly of North Carolina do enact :

Sureties of Wm. M. Hurst, late sheriff of Duplin county, authorized to collect arrearages of taxes.

SECTION 1. That the sureties of the official bond of William M. Hurst, late sheriff of Duplin county, be and they are hereby authorized to collect arrearages of taxes due the said William M. Hurst for the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, 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 regu-

lations as are now provided for the collection of taxes; and the power and authority hereby granted shall cease on the first day of February, A. D. one thousand eight hundred and eighty-six. And the name of the tax payer appearing on the tax list not checked off shall be deemed to be owing such taxes, unless the tax payer shall make affidavit before some officer authorized to administer oaths or produce a receipt that he has actually paid the former sheriff such tax in money, and any one who falsely swears shall be deemed guilty of perjury.

How tax payers
to be relieved
from payment.

SEC. 2. This act shall apply to any person who is the owner of the property on which the tax is chargeable.

Act to apply to
present owners of
property.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 233.

An act to incorporate the Wilmington, Onslow and East Carolina Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of constructing a rail- Terminal points.
road, to be used and operated by steam or any other motive power, and of any gauge whatever, not to exceed five feet, extending from the city of Wilmington, in the county of New Hanover, to Jacksonville, or to such point or points on New river, in the county of Onslow, and to such other places in said county as the corporation created by this act may determine, with the right to continue said road through any of the counties in the State of North Carolina, lying east of the Wilmington &

Weldon Railroad, and to connect with any railroad now chartered or may be chartered hereafter.

Body politic.

SEC. 2. That Roger Moore, J. H. Currie, William Calder, B. F. Hall, A. D. Brown, A. H. VanBokkelyn, James B. Huggins, E. D. Hall, E. E. Burruss, H. Vollers, F. W. Kerchner, Isaac Bates, John C. Heyer, W. H. Bernard, D. G. Worth, M. M. Katz, Alfred Martin, W. H. Chadbourn, Sol. Bear, R. W. Hicks, Josh. T. James, E. W. Manning, Abner A. Moseley, E. L. Pierce, Charles W. McClammy, Jr., Joseph T. Foy, John B. McMillan, J. T. Bland, Bruce Williams, R. P. Paddison, Franklin Thompson, Bryan Williams, Edward W. Ward, Jere W. Spicer, Richard W. Ward, H. E. King, Simon B. Taylor, Christopher Stephens, L. W. Harget, Elijah Murrill, C. Thompson, M. C. Hoyt, N. E. Armstrong, Wiley N. Marine, Hill King, P. Heinsberger, and such persons and corporations as may be associated with them, their successors and assigns, are hereby constituted and declared to be a body politic and corporate, under the name and style of Wilmington, Onslow and East Carolina Railroad Company, which shall have a corporate existence, and as such exercise the powers herein granted in perpetuity as a body politic, and by that name may sue and be sued, plead and be impleaded in every court of the State, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying real and personal estate, and of acquiring the same by gift or devise, for the purpose herein contemplated; and the said company shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the laws of the United States and the State of North Carolina.

Corporate name.

Corporate powers.

Capital stock.

SEC. 3. That the capital stock of said corporation shall be three hundred thousand dollars, which may be increased to any sum not exceeding three millions of dollars, as said corporation may from time to time determine.

and may be created by subscription on the part of individuals, municipal or other corporations, in shares of the value of fifty dollars each, which may be made in money, bonds, lands, labor or material, to the construction of said railroad.

SEC. 4. That for the purpose of creating capital of said company, any three of the corporators named in the second section of this act may appoint commissioners at such places as they may determine to open books of subscription to such capital stock and keep the same open for such time or times as may be deemed expedient, under such rules and regulations as may be prescribed by a majority of the corporators appointed under section two of this act.

Books of subscription.

SEC. 5. That when the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the corporators above named (any three may act for the purpose) to call a general meeting of the stockholders of said company, of which said meeting due public notice for thirty days shall be given to the stockholders, which said notice shall specify the time and place of said meeting, and at which a majority of the stock subscribed shall be represented in person or by proxy; and such meeting of stockholders shall proceed to elect a board of directors to consist of seven stockholders, which at any time may be increased to thirteen; and the said directors shall thereupon proceed to elect one of their number president and elect such other officers as the by-laws of said company may prescribe, and may do and perform all other acts necessary to the complete organization of said company and to carry into effect the objects of this charter.

General meeting of stockholders.

Organization.

SEC. 6. That said company shall have power and authority to build all such branches and lateral roads and connecting lines of railways as may be deemed necessary and advantageous to the extension, completion and successful operation of said railroad, and they may make

Authorized to build branch roads, &c.

connections and lay down and use tracks through the city of Wilmington to reach the Cape Fear river, or to make connection with the depots of said company within said city or the depots of any other railroad leading to said city, by and with the consent of the board of aldermen of said city, upon such terms as they may prescribe; and they may build, purchase and hold, charter or connect with such ocean steamers or vessels, river steamers, vessels or boats as may be desired to be run and used from or to the terminal points or on any water-course in connection with the road to be constructed by this company.

Condemnation of
land, &c.

SEC. 7. 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: The sheriff of the county in which the said land shall 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 assessed, 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 assessed: *And provided further,* that not more than fifty feet on each side of the road, measuring from its centre, shall be condemned.

Proviso.

Proviso.

Gauge.

Proviso.

SEC. 8. The gauge of the said Wilmington, Onslow and East Carolina Railroad shall be fixed by the stockholders of said company at their first meeting: *Provided, however,* that it may be changed from time to time as a majority of the stockholders in amount may agree at any regular meeting.

Authorized to
borrow money
upon mortgage.

SEC. 9. That the president and directors of said company shall have power at any time to borrow money upon

the bonds of the company, and to secure the same by mortgage or other legal assurances, 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 for such issue may arise, and the said bonds so issued shall be signed by the president of said company, under its common seal, and under such rules and regulations as the company from time to time may adopt.

SEC. 10. That said company shall have the exclusive right to carry and transport freight and passengers over and along said road, and upon the steamers, vessels and boats run in connection with same, 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.

Exclusive right of transportation.

SEC. 11. That the board of directors of the penitentiary shall, on application of the president of said company, approved by the Governor, turn over to said company one hundred and fifty convicts, not otherwise appropriated, to be worked in the construction of said road, and to be guarded and superintended by the authorities of the penitentiary, as in other cases in which convicts are worked on railroads, for which labor the State shall receive eight dollars per month for each convict worked, to be paid in bonds of either of the counties of New Hanover, Pender or Onslow, or of the city of Wilmington, which bonds shall run for a time not exceeding thirty years, bearing six per cent. interest, to be paid annually, or to be paid in cash at the option of said company.

Convict labor.

How paid for.

SEC. 12. That any judge of the superior court, or any presiding officer of any court holding their courts in the counties of New Hanover, Pender and Onslow, may, after the conviction and sentencing to imprisonment for a period of less than three years of any person, upon the requisition of the president of said company, order, in his or their discretion, that such convicts shall be sent to

Persons convicted in New Hanover, Pender and Onslow counties, and sentenced to imprisonment for three years, liable to be put to work on road in discretion of court.

work on said railroad, and the superintendent thereof shall report all such convicts to the warden of the penitentiary, and receipt shall be given for them to said warden.

Subscriptions by counties, &c.

SEC. 13. 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 line of its extensions, its branches, lateral or connecting roads, or at their terminal points, may subscribe to the capital stock of the 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 any three commissioners appointed in accordance with section four (previous to organization of said company) or the board of directors of said Wilmington, Onslow and East Carolina railroad, said application stating the amount which it is desired that said township, county, city or town shall subscribe to the capital stock of said company, together with a petition of at least one-fifth of the qualified voters therein, to appoint a day in 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, specifying the amount of subscription to be voted for, and to what company it is proposed to subscribe, posted at the court house door and three other public places in said county, township, city or town, at the usual voting places, and by persons appointed in the manner that persons are appointed for holding other elections in said 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 register of deeds in

Election to be held upon petition.

Ballots.

Election, how held.

said county, city or town, and shall be taken as evidence of the same in any court in this State.

SEC. 14. That if the result of said election shall show that the majority of the qualified voters of said county, township, city or town favor subscription to the capital stock of said railroad to the amount voted for in such election, then said county commissioners, or the proper authorities of said city or town, shall immediately make such subscription to the capital stock of said railroad, payable in cash or the bonds authorized to be issued under this act, as may be agreed upon, and 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 at said election, in such forms and denominations and running for such length of time as may be determined on by said county commissioners or proper authorities of such town or city, bearing interest at the rate of six per cent. per annum, said interest to be payable semi-annually and evidenced by coupons on said bonds, and said trustees shall deliver said bonds so issued, or pay in cash as may be agreed, to said Wilmington, Onslow and East Carolina Railroad Company upon receiving therefor for the use and benefit of said county, township, city or town, proper certificates of stock in said Wilmington, Onslow and East Carolina Railroad Company to the amount of subscription so voted as aforesaid: *Provided, however,* that said trustees shall deliver to the said Wilmington, Onslow and East Carolina Railroad Company one-fifth of the amount subscribed in bonds or cash as agreed at as early date after said election as it is practicable to have the bonds prepared, balance by installments of one-fifth, as the work progresses within the county or township making such subscription or in such as the cities or towns making subscriptions may be located, until the grading is done and cross-ties procured for the track in said counties

Subscription to
be made upon
affirmative vote.

How payable.

Bonds, how
issued

Certificates of
stock to be issued.

Proviso.

respectively, when amount remaining shall be paid to said Wilmington, Onslow and East Carolina Railroad Company to complete the track commencing at Wilmington and placing thereon one freight and passenger train combined.

Special tax.

SEC. 15. That to provide for the interest on said bonds and their redemption at or before 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 such interest, and after ten years a second additional tax sufficient to provide each year a sum equal to one-fortieth 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 or commissioner of sinking fund, and by him invested in said bonds, and the amount of interest maturing on such bonds shall be collected and likewise invested; all said bonds when purchased, also all the interest coupons attached, shall be stamped "Sinking Fund" on face of same, 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 such solvent bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or proper authorities of any city or town.

How collected and disbursed.

Sinking fund.

On completion of Western N. C. R. R. to Murphy, fifty convicts to be transferred to this road.

Proviso.

SEC. 16. That when the Western North Carolina Railroad shall have been completed to Murphy, the board of directors of the penitentiary shall deliver to said railroad company fifty of the convicts worked on said road: *Provided*, the same shall not have been otherwise appropriated.

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 234.

An act to provide a road law for Cabarrus county.

The General Assembly of North Carolina do enact :

SECTION 1. That upon a petition in writing to the county commissioners of Cabarrus, signed by one hundred and twenty citizens of said county, ten in each township, said county commissioners are hereby authorized and required to submit the question of adopting the following road law to the voters of said county, on a day to be mentioned in said petition; and said commissioners are likewise authorized and required to submit said question to the voters of any township in said county, upon a like petition to them signed by twenty-five citizens of said township on a day named in said petition.

Election to be held in county upon question of road law on petition, &c.

SEC. 2. That at said election for the county or any township, those in favor of adopting this road law shall vote "For Road Law," and those opposed to adopting this road law shall vote "Against Road Law." And said election shall be conducted under the same rules and regulations as are prescribed by the general election law of this State for county officers; and when the result is announced, if a majority of the votes in said county or any township are "For Road Law," this road law shall be in force and effect in said county, or the township adopting it, as the case may be. And if the question is submitted to the county, and a majority of the voters in the county vote "Against Road Law," but a majority of

Election in townships.

Ballots.

Election, how held.

Law to be in force upon affirmative vote.

Law to be in force in any township upon affirmative vote in such township.

the voters in any township vote "For Road Law," this road law shall be declared by said county commissioners to be in force and effect in said township.

Road commis-
sioners, how
elected.

SEC. 3. That at the time of voting on the adoption of this road law, and at each general biennial election thereafter in any township adopting this road law, there shall be elected three male citizens of each township, of any age over eighteen years, to be known and designated as The Road Commissioners of Township No., of Cabarrus County.

Qualification of
commissioners.

SEC. 4. That said township road commissioners shall qualify as such before any justice of the peace in their respective townships within ten days after their election has been duly announced, and continue in office until their successors are elected and qualified. The county commissioners shall keep a record of the names of all road commissioners; and any road commissioner elected failing to qualify and serve shall be liable to a penalty of twenty dollars, to be paid to the County Treasurer, on demand of said officer who shall make said demand, and when said sum is paid, the County Treasurer shall credit it to the road fund of the township where the road commissioner paying the same resides.

Term of office.

Penalty for failure to qualify and serve.

Organization and meetings of road commissioners.

SEC. 5. That said road commissioners shall assemble within fifteen days after their election at the voting place of their township, elect a chairman and secretary of their board, and shall convene at such place as they agree upon, quarterly thereafter or oftener upon notice from their chairman, who must call the board together upon petition in writing of any ten citizens of his township, for purposes stated therein. The secretary shall, in a book suitable for the purpose, keep a full and perfect record of all the proceedings and actions of the board which record shall be open to inspection of any citizens of the township at all reasonable times.

Secretary to keep record.

Powers and duties of road commissioners.

SEC. 6. That said road commissioners, in their respective townships, shall have full and complete control

of the public roads therein for the purpose of working and keeping them in repair. And at their first meeting said road commissioners shall divide all the public roads in their respective townships into sections of such length as they deem proper, with power to alter the same at pleasure, elect an overseer for each section and assign to each overseer such persons residing convenient to each section who are males between the ages of eighteen and forty-five. Residence under this act is defined to mean where each person's family dwells, if his family lives in the township, and if he have no family in the township, then where he boards.

Overseers.

Definition of "residence."

SEC. 7. That said overseers may serve as such for as many terms as they may be elected, whilst within the age of road service under this act; but shall not be compelled to serve more than one term consecutively, and shall work their sections as they deem best for the public good, subject to the directions of the board of road commissioners, and this general provision that all road beds shall be not more than sixteen feet wide, unless the road commissioners direct otherwise, and their full width kept clear of all obstructions, and in a good condition for travelling and hauling; and if expedient, said road beds shall be gradually graded upward from each side to the centre, which shall be from ten to twelve inches higher than each outside, and every road shall and must be well and sufficiently ditched on each side and under-drained if need be, so that the road bed shall be thoroughly drained and so that all water falling upon, or in proximity to, the road bed shall be carried off to some suitable outlet.

Term of service of overseers.

Duties of overseers.

Width of road; grading, &c.

SEC. 8. All able-bodied male persons between the ages of eighteen and forty-five years, shall be liable annually to perform four 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 six of this act: *Provided*, that any such person may be discharged

Able-bodied males between eighteen and forty-five liable to work on road.

Proviso.

from such labor upon paying to the overseer the sum of three dollars per annum in lieu thereof; and upon such payment he shall be exempt from road labor in the county for one year.

Persons removing from one district to another who have performed the labor required, not liable to further service.

SEC. 9. That in case any person shall remove from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the overseer of the proper section, such certificate shall be a complete discharge for the amount therein specified.

Penalty for failure to work after notice, &c.

SEC. 10. Any person assigned to work on public roads as hereinbefore provided, who having been personally warned by the overseer, or by leaving at his usual place of abode a written notice, shall refuse or neglect, after 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, shall forfeit and pay to such overseer the sum of two dollars on demand, and upon failure to pay such sum on demand shall be guilty of a misdemeanor.

Misdemeanor.

Road commissioners to report to county commissioners amount necessary to keep roads in repair.

SEC. 11. It shall be the duty of each board of road commissioners as soon as practicable after their election, 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 and in good travelling and hauling condition the public roads in their township 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 a special tax,

Special tax to be levied.

not exceeding fifteen cents on the one hundred dollars' valuation upon all property in each township adopting this law, made the subject of *ad valorem* taxation for State and county purpose, 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, 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 collected, shall be kept separate, and shall constitute when collected a road fund, to be expended as hereinafter provided.

How collected.

SEC. 12. This road fund shall be allotted to each township according to the report of its board of road commissioners upon which it was levied, and shall be used only for the purpose of working and keeping in repair the public roads of the township in which it was levied and collected, and the expenses incident thereto and allowed by this act. And the county treasurer shall keep a separate and distinct account of the fund of each township, which he shall disburse upon the warrant of any overseer of the township to which the fund belongs, when said warrant is countersigned by the chairman and one or more of the road commissioners for said overseer's township.

Road fund, how allotted and expended.

County treasurer to keep and disburse.

SEC. 13. That any overseer when presenting his warrant to the road commissioners for their approval and counter-signature, which he may do at a meeting of the board or to them individually, shall file with the chairman of the board an itemized and verified account of the amount of his warrant, which sworn account shall be filed with, and a record thereof kept by said commissioners. And no overseer shall do any work for which the township fund is to be used without first having approval and consent as to said work of his township road commissioners.

Overseer to file itemized and verified account.

No work to be done by overseer except upon approval of road commissioners.

SEC. 14. That the township road commissioners in determining the division of this fund, shall be governed,

How road fund shall be apportioned by road commissioners.

not by the miles of road in each section, but by the necessities of the roads, the convenience of getting material, the quantity of material necessary to make substantial repairs, etc., and thus make a just and equitable division of said fund between the several sections.

Person charged with road tax may discharge same by labor, &c.

SEC. 15. That any person charged with a road tax may discharge the same by labor on the public highways within the section where the same is charged, at a time to be designated by his overseer, at the rate of seventy-five cents per day, and a ratable allowance per day for any team, implements and material furnished by said person under the direction of the overseer of such section, who shall give to such person a certificate specifying the amount of tax so paid, and the section and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county sheriff shall receive all such certificates as money in the discharge of said road tax.

Overseer neglecting to perform duties guilty of misdemeanor.

SEC. 16. That each and every overseer who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretence whatever give or sign any receipt or certificate purporting to be a receipt or certificate for labor in work performed or money paid unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall be guilty of a misdemeanor.

Overseer authorized to employ additional labor subject to approval of road commissioners.

SEC. 17. That in addition to the free labor on the roads herein provided for, every overseer shall, subject to the approval and as directed by the road commissioners of his township, whenever the same is necessary to keep his section in good condition for travelling and hauling purposes, employ any or all of the hands assigned to him or such other persons as he can, giving preference to his hands to work on said section as hired laborers, for which service the overseer shall receive one dollar, or one dollar and a half, in the discretion of the road commissioners, and each hand seventy-five cents as compensation per diem.

And no overseer shall receive full compensation per day unless he works at least five hands.

SEC. 18. That every overseer shall, in the hiring of teams and in other ways expending the fund to which he is entitled under this act, divide the same, as far as possible, fairly and justly among the hands assigned to him, and any overseer who shall discriminate in favor of himself or his friends, or show any favoritism in said expenditure, shall be guilty of a misdemeanor.

No discrimination to be made by overseer in expending road fund.

SEC. 19. That the road commissioners provided for in this act shall, by way of and as their only compensation, be exempt from all road tax and road service during their term of office: *Provided*, that the county commissioners may change and fix said compensation as they deem best for the public interest or justice: but this change shall not apply to any incumbent.

Compensation of road commissioners.

Proviso.

SEC. 20. That said road commissioners shall be responsible for keeping the roads of their township in good travelling and hauling condition at all times when possible, and for failure to keep them so, or to perform any other duty imposed upon them by this act, they shall be guilty of a misdemeanor.

Road commissioners to be responsible for condition of roads.

Misdemeanor.

SEC. 21. Any overseer failing to work his section as provided for in this act, or when and as directed by his township road commissioners, shall be guilty of a misdemeanor, for which offence it shall be the duty of the road commissioners, through their chairman, to report said overseer to the grand jury of the county.

Overseer failing to work his section, &c., guilty of misdemeanor.

To be reported to grand jury.

SEC. 22. That 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 or road, or any improved or cultivated lands, 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 gravel, earth, sand or stone which may be necessary to improve or repair said road; and to enter

Overseers authorized to enter uncultivated lands, cut timber, &c.

Wilful obstruction of drains, &c., a misdemeanor.	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, or in any way injuring or obstructing the under-drains or ditches mentioned in section seven of this act, shall be guilty of a misdemeanor.
Overseer maliciously damaging lands, &c., guilty of misdemeanor.	And any overseer maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.
Overseers to erect guide boards.	SEC. 23. 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.
Wilful defacing, &c., of guide board, a misdemeanor.	
New public roads.	SEC. 24. The board of commissioners of said 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.
Discontinuance of roads.	
Township road commissioners incorporated.	SEC. 25. That each board of township road commissioners herein provided for, and their successors in office, shall when elected be constituted a body corporate under the name of the Board of Road Commissioners for township No., of Cabarrus county, may sue and be sued, contract and be contracted with, and for the purpose of establishing, by experience, the best system of working public roads, is hereby authorized and empowered to make, ordain and repeal such by-laws, regulations and ordinances, as they deem proper, within their respective townships, all to be entered on their records, for working public roads and regulating all the affairs incident thereto, and any person violating the same shall be guilty of
Corporate name.	
Corporate powers.	
Misdemeanor.	

misdemeanor or subject to such penalty as may be prescribed: *Provided*, that said by-laws, ordinances and regulations shall not be inconsistent with the general provisions of this act. Proviso.

SEC. 26. That any board of road commissioners in going out of office shall deliver to their successors all books, accounts and papers pertaining to their office, and pay over to their successors all moneys in their hands, by virtue of their office, taking duplicate receipts therefor, one of which shall be filed in the records of the county commissioners, and upon failure to perform such duties said road commissioners shall be guilty of a misdemeanor. Road commissioners going out of office to deliver books, &c., to their successors.

SEC. 27. That at any time during the year when any public highway shall be obstructed, it shall be the duty of the overseer of the section in which the same may be forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove said obstructions. If the person or persons thus called out shall have performed their four days' labor upon the public highways, or paid their road tax, they and the overseer shall, for said work, receive the same per diem as is allowed each in section seventeen of this act. Overseers to remove obstructions from public highways.

SEC. 28. That all sums of money collected or received by any overseer under this act shall be, by him, accounted for to the county treasurer for the sole benefit of the township in which it was collected or received. Compensation.

SEC. 29. That the persons convicted of misdemeanors herein mentioned shall be punished by fine or imprisonment, or both, at the discretion of the court. Overseers to account with county treasurer for money received under this act.

SEC. 30. That this act shall be in force from and after its ratification. Persons convicted of misdemeanor or under this act, how punished.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 235.

An act to prevent live stock from running at large in Marshall township, Madison county.

The General Assembly of North Carolina do enact :

Unlawful for live stock to run at large in Marshall township, Madison county.
Definition of "live stock."

SECTION 1. That it shall be unlawful for any stock to run at large in Marshall township, Madison county; and the word live stock includes horses, mules, jacks, jennets, colts, cows, sheep, calves, goats, and other such cattle and swine.

Sections 2, 3, 4, 5 and 6, chapter 290, laws 1883, enacted as part of this act.

SEC. 2. That sections two, three, four, five and six of chapter two hundred and ninety-nine, laws of one thousand eight hundred and eighty-three, are hereby enacted as a part of this act.

Commissioners appointed to build fence, &c.

SEC. 3. That W. W. Rollins, C. A. Nichols and C. A. Clark are hereby appointed commissioners for Marshall township, Madison county, with full powers to erect any and all fences around said township with gates, &c., wherever necessary. Said commissioners shall make an estimate of the cost of the fence so provided for, and when they shall report to the board of county commissioners that such estimate is made, and that the amount for the same is paid in cash, then the said commissioners shall issue a bond or bonds to each person for the amount so paid. The bonds shall be in denominations of twenty-five dollars, and shall be due five years from April first, one thousand eight hundred and eighty-five, with coupons attached bearing interest at eight per centum per annum, and in order to meet the interest and to raise a sinking fund for payment of principal, the commissioners shall levy an assessment on all the real estate of said township for such an amount as will pay one-fifth of the principal, and an amount in addition to meet the interest as it becomes due, and so continue to do from year to year until paid: *Provided*, that no larger an amount than two thousand dollars shall be issued under this act; and

To make an estimate of cost and report to county commissioners when paid.

Commissioners to issue bonds for amounts paid.

Description of bonds.

Commissioners to levy special tax.

Proviso.

that said commissioners for the township shall have power to declare any creek, river or mountain range a lawful fence: *Provided*, that any party aggrieved shall have the right of appeal from the decision of the said commissioners, when the whole matter shall be heard and finally determined by the board of county commissioners: *And provided further*, that said commissioners shall not be confined to township lines in case the commissioners think it best to vary the same: *Provided*, that the money raised for interest and a sinking fund shall be paid to the treasurer of the county, and he shall be responsible for the same on his official bond.

SEC. 4. That any person or persons living adjacent to said township line shall have the privilege of coming within the township so enclosed, subject to taxation as provided herein.

SEC. 5. This act shall be in force from and after October first, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 236.

An act for the relief of the land owners of Cleveland and Gaston counties.

The General Assembly of North Carolina do enact:

SECTION 1. The county commissioners of Cleveland and Gaston counties shall at their meeting in the month of April, one thousand eight hundred and eighty-five, deduct from the aggregate value of land, in their respective counties, all over an aggregate equal to the amount at which lands were valued prior to the last assessment, increased by a per cent. one per cent. higher than the

Proviso.

Proviso.

Proviso.

Adjacent land-owners entitled to come in stock law territory.

Act to take effect from October 1st, 1885.

Commissioners of Gaston and Cleveland counties to make deduction from aggregate value of lands as assessed for taxation.

highest increase (under the last assessment) of any county in the State east of the Blue Ridge and west of Greensboro: *Provided*, that the amount deducted shall not exceed five hundred thousand dollars for each county.

Proviso.

Tax lists to be corrected.

SEC. 2. The tax lists of said counties shall be corrected in accordance with said deduction, giving to each landowner in the counties that per centum of relief to which the valuation of his land entitles him in accordance with the amount that may be deducted.

In what event this act to be of no effect.

SEC. 3. This act shall be of no effect and void if a bill entitled "An act to provide for an equalization of the burdens of taxation," now pending, becomes a law before the first day of April, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 237.

An act relating to the Board of Health.

The General Assembly of North Carolina do enact:

North Carolina Board of Health, how appointed.

SECTION 1. That the Medical Society of North Carolina shall choose from its members, by ballot, six members, and the Governor shall appoint three other persons (one of whom shall be a civil engineer), and these shall constitute the "North Carolina Board of Health."

Duties and powers of Board of Health.

SEC. 2. That the "North Carolina Board of Health" shall take cognizance of the health interests of the citizens of the State; shall make sanitary investigations and inquiries in respect to the people, employing experts when necessary; shall investigate the causes of diseases dangerous to the public health, especially epidemics; the sources of mortality; the effects of locations, employments

and conditions upon the public health. They shall gather such information upon all these matters, for distribution among the people, with the especial purpose of informing them about preventable diseases. They shall be the medical advisers of the State, and are herein specially provided for, and shall advise the government in regard to the location, sanitary construction and management of all public institutions, upon application of the proper authorities, and shall direct the attention of the State to such sanitary matters as in their judgment affect the industry, prosperity, health and lives of the citizens of the State. The secretary of the board shall make biennially to the General Assembly, through the Governor, a report of their work.

SEC. 3. The members of the Board of Health as elected by the State Medical Society shall be chosen to serve, two for six years, two for four years, and two for two years. Those appointed by the Governor shall serve for two years. In case of death or resignation the board shall elect new members to fill the unexpired terms.

Terms of office.

Vacancies.

SEC. 4. The State board shall have a president and secretary, who shall be treasurer, to be elected from members comprising the board. The president shall serve two years, and the secretary and treasurer six years. The secretary and treasurer shall receive such yearly compensation for his services as shall be fixed upon by the board, but the other members of the board shall receive no pay except that while on actual duty at meetings of the board, or on duty during the time special investigations are being pursued, each member shall receive four dollars a day and necessary traveling expenses. These sums shall be paid by the treasurer on duly authenticated requisitions signed and approved by the president of the board.

Officers.

Compensation.

How paid.

SEC. 5. There shall be an auxiliary board of health in each county in the State. These boards shall be composed of the physicians who shall have complied with the laws of the State in regard to the practice of medicine and

Auxiliary board of health in each county.

surgery, or have a diploma from a regular medical college, the mayor of county town, chairman of the board of county commissioners, and the city surveyor, where there is such an officer, otherwise the county surveyor.

County superintendent of health.

Duties.

From this number one physician shall be chosen by ballot to serve two years, with the title of superintendent of health. His duties shall be to gather vital statistics upon a plan designated by the State Board of Health. He shall make the medico-legal post-mortem examinations for coroner's inquests and attend to prisoners in jail, poor house, house of correction, and make examination of lunatics for commitment. He shall be the sanitary inspector of the jail and poor-house of his county, making monthly reports to the board of county commissioners. His reports shall be made regularly as advised by the State board through their secretary, and he shall receive and carry out as far as practicable such work as may be directed by the State Board of Health: *Provided*, that if it is impracticable to get a county superintendent for any cause, then any one whose duty it is to provide such service may employ any member of the county board of health to do anything required by this section.

Proviso.

Salary of county superintendent of health, and how paid

SEC. 6. The salary of the county superintendent of health shall be paid out of the county treasury upon requisition and the proper vouchers, as follows: The salary of superintendent of health, or any other member of the board, who is required to do the services assigned him, shall be such sum as the county commissioners shall deem just and proper for his services as physician to the public, charitable and penal institutions of the county.

Times of meeting of county and State boards of health.

SEC. 7. The biennial meeting of the election of officers shall, after the meeting of organization, be for the county boards on the first Monday in January, and of the State Board of Health on the second day of the annual meeting of the Medical Society of North Carolina.

Monthly returns of vital statistics to be made by county superintendent.

SEC. 8. Monthly returns of vital statistics upon a plan to be made by the county superintendent of health, and

a failure to report by the tenth of the month for the preceding month, shall subject the delinquent to a fine of one dollar for each day of delinquency, and this amount shall be deducted from the salary of the superintendent by the board of county commissioners, on authenticated statement of such delinquency by the secretary of the State Board of Health.

Penalty for failure.

SEC. 9. Inland quarantine shall be under the control of the county superintendent of health who, acting by the advice of the local board, shall see that disease dangerous to the public health, viz: small pox, scarlet fever, yellow fever and cholera, shall be properly quarantined or isolated at the expense of the city, or town, or county in which they occur. Any person violating the rules promulgated on this subject shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court. In case the offender be stricken with disease for which he is quarantinable, he will be subject to the penalty on recovery, unless in the opinion of the superintendent it should be omitted. Quarantine of ports shall not be interfered with, but the officers of the local and State boards shall render all the aid in their power to quarantine officers in the discharge of their duties, upon the request of the latter.

Quarantine on land to be under control of county superintendents.

Violation of rules promulgated a misdemeanor.

Quarantine of ports.

SEC. 10. Whenever and wherever a nuisance upon premises shall exist, which, in the opinion of the county superintendent of health, is dangerous to the public health, it shall be his duty to notify in writing the parties occupying the premises (or the owner, if the premises are not occupied), of its existence, its character and the means of abating it. Upon this notification the parties shall proceed to abate the nuisance, but failing to do this, shall be adjudged guilty of a misdemeanor, and shall pay a fine of one dollar a day, dating from twenty-four hours after the notification has been served. The amounts so collected to be turned over to the county treasurer: *Pro-*

Abatement of nuisances on notice of county superintendent.

Penalty for failure.

Expense, how paid, if person notified be unable to carry out directions of superintendent.

Limit of expense.

Superintendent not authorized to destroy or injure property without due process of law.

On appearance of small pox, county superintendent to give warning and vaccinate persons unable to pay.

County commissioners to furnish vaccine.

Duties of State board on outbreak of disease dangerous to public health.

Compensation.

Special meetings of State board.

Annual meeting.

vided, however, that if the party notified shall make oath or affirmation before a magistrate of his or her inability to carry out the directions of the superintendent, it shall be done at the expense of the town, city or county in which the offender lives. In the latter case the limit of the expense chargeable to the city, town or county shall not be more than one hundred dollars in any case: *Provided further,* that nothing in this section shall be construed to give the superintendent the power to destroy or injure property without a due process of law, as now exists for the abatement of nuisances.

SEC. 11. Vaccination: On the appearance of a case of small pox in any neighborhood, all due diligence shall be used by the superintendent of health that warning shall be given, and all persons not able to pay, shall be vaccinated free of charge by him, and the county superintendent shall vaccinate every person admitted into a public institution (jail, poor-house, work-house, public school) as soon as practicable, unless he is satisfied, upon examination, that the person is already successfully vaccinated. The money for vaccine to be furnished by the county commissioners.

SEC. 12. Bulletins of the outbreak of disease, dangerous to the public health, shall be issued by the State board, whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the State. It shall also be the duty of the board to inquire into any outbreak of disease by personal visits or by any method the board shall direct. The compensation of members on such duty shall be four dollars a day and all necessary traveling expenses.

SEC. 13. Special meetings of the State Board of Health may be called by the president through the secretary. The regular annual meetings shall be held at the same time and place of the State Medical Society, at which time the secretary shall submit his annual report.

SEC. 14. Analyses for purposes connected with the hygienic duties of the superintendent of health shall be made by the chemist of the Agricultural Station upon requisition signed, approved by the secretary of the State Board of Health. Such analyses will include soil, drinking water, articles of food, &c., to be packed for transmission by direction of the chemist of the Agricultural Station.

Chemist of agricultural station to make analyses for purposes connected with hygienic duties of superintendent.

SEC. 15. For carrying out the provisions of this act, two thousand dollars, or so much thereof as may be necessary, are hereby annually appropriated, to be paid on requisition signed by the treasurer and president of the State Board of Health, and the printing and stationery necessary for the board to be furnished upon requisition upon the public printer, which shall not exceed two hundred and fifty dollars annually. A yearly statement shall be made to the State Treasurer of all moneys received and expended in pursuance of this act.

\$2,000 annually appropriated to carry out provisions of this act. How paid.

Printing and stationery, how furnished.

Annual statement of receipts and disbursements to be made to State Treasurer.

SEC. 16. A contingent fund of two thousand dollars is hereby appropriated, subject to the Governor's warrant, countersigned and recorded by the Auditor of the State, to be expended in pursuance of the provisions of this act, when rendered necessary by a visitation of cholera or any other pestilential disease.

Contingent fund of \$2,000.

SEC. 17. All previous acts conflicting with this act are hereby repealed upon the passage of this act.

Conflicting laws repealed.

SEC. 18. This act is in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 238.

An act to establish a tax commission.

The General Assembly of North Carolina do enact:

SECTION 1. The Governor is hereby authorized and instructed to appoint three competent men as a tax com-

Three tax commissioners to be appointed by the Governor.

To investigate subject of taxation and report a bill, &c.

mission, whose duty it shall be to thoroughly investigate the subject of taxation and report a bill for listing, assessing, equalization and collection of taxes, and also for the sale of real and personal property for taxes and such other subjects in regard to taxation that they may deem proper for the best interest of the State.

To make report to Governor by October 1st, 1886.

SEC. 2. The tax commission shall make their report to the Governor by October the twenty-fifth, one thousand eight hundred and eighty-six, and the Governor is requested to have said bill and reports published, and also furnish copies of said bill and reports to the members elect of the next General Assembly and also to each newspaper in this State, and the Governor shall transmit said bill and reports to the next General Assembly.

Bill and report to be printed and furnished members elect of next General Assembly and newspapers.

Governor to transmit to next General Assembly.

Meetings.

SEC. 3. The tax commission shall meet as often as they may deem proper, and each member shall be allowed five hundred dollars and actual traveling expenses, to be paid out of the State treasury.

Compensation.

Conflicting laws repealed.

SEC. 4. All laws in conflict with this act are hereby repealed, and 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. 1885.

CHAPTER 239.

An act to assign convicts to the Carolina Central Railroad Company.

The General Assembly of North Carolina do enact:

Penitentiary directors on application to allot not less than 100 and not more than 150 convicts to work on road from Shelby to Ruthersfordton.

SECTION 1. That upon the application of the directors, or duly authorized agent of the stockholders of the Carolina Central Railroad Compsny, the board of directors of the Penitentiary shall allot to the said Carolina Central Railroad Company for the purpose of grading and

supplying cross ties and the old road bed from Shelby to Rutherfordton not less than one hundred nor more than one hundred and fifty able-bodied convicts not otherwise appropriated: *Provided*, that the board of directors of the penitentiary shall contract with the said Carolina Central Railroad Company for convicts on as favorable terms as other railroad companies receive them: *Provided, however*, that the convicts hereby appropriated shall not be paid for otherwise than in cash, North Carolina four per cent. bonds, or county bonds at their face value, and at the rate of one hundred and twenty-five dollars per year.

SEC. 2. That before said allotment or assignment is made, the authorities of the said Carolina Central Railroad Company shall execute a bond in a sum to be approved by the directors of the penitentiary conditioned for the proper maintenance of said convicts, and all expenses for feeding, guarding and the proper medical attention of said convicts shall be borne by the Carolina Central Railroad Company.

SEC. 3. That whenever a force of convicts, not exceeding the number herein provided, shall be at work upon said railroad, any court in the counties of Cleveland, Rutherford and Polk, may order any prisoners under sentence for a crime which does not require his incarceration within the walls of the penitentiary, to be delivered to the officers in charge of said convicts, instead of delivering the same to the penitentiary at Raleigh.

SEC. 4. That the rights and title of the Carolina Central Railroad to the old road bed between Shelby and Rutherfordton, and all other rights heretofore granted to said company and to the Wilmington, Charlotte and Rutherford Railroad Company, and the Carolina Central Railway Company with reference to its extending of its line from Shelby to Rutherfordton, are hereby revised and assured to the said Carolina Central Railroad Company.

Provido.

Provido.

Railroad company to give bond for maintenance, &c., of convicts.

Whenever convicts are at work on road not exceeding number provided in this act, courts in Cleveland, Rutherford and Polk counties empowered to deliver certain prisoners under sentence to company instead of penitentiary.

Right to road bed between Shelby and Rutherfordton and certain other rights assured to Carolina Central R. R. Co.

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. 1885.

CHAPTER 240.

An act to prevent live stock from running at large in certain portions of Orange and Durham counties.

The General Assembly of North Carolina do enact :

Unlawful for live stock to run at large in certain townships in Orange and Durham counties.

SECTION 1. That it shall be unlawful for any live stock to run at large in Cedar Grove, Little River, Hillsborough and Bingham townships in Orange county, and in Flat River, Lebanon, Durham, Oak Grove, Cedar Fork and Patterson townships in Durham county.

Justices to register live stock impounded.

SEC. 2. That it shall be the duty of the justices of the peace of said townships in said counties 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.

Impounding of live stock.

SEC. 3. That it shall be lawful for any person to take up any live stock running at large in said townships and impound the same in the township where said stock is taken up, and such impounder may demand twenty-five cents for each animal so taken up and twenty cents for each animal for every day such stock is kept impounded, and may retain the same with the right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders, one to be selected by the owner of said stock and the other by the impounder, said freeholders to select an

Compensation of persons impounding stock.

Damages, how ascertained.

umpire if they cannot agree, and their decision to be final.

SEC. 4. If the owner of said stock be known to such impounder, he shall immediately inform such owner where his stock is impounded, and if said owner shall for two days after such notice wilfully refuse or neglect to redeem his stock, then said impounder shall file a description of said stock with the nearest justice of the peace in the township in which said stock is impounded, and after ten days' written notice, posted at the court house door and four or more public places in said township, shall sell 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 treasurer for the benefit of the public schools of the county in which said stock was taken up.

Sale of impounded stock.

Notice.

Application of proceeds.

When owner is unknown.

SEC. 5. Any impounder wilfully misappropriating any money he may receive under this act or in any manner wilfully violating any of its provisions, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Wilful misappropriation of money by impounder a misdemeanor.

Penalty.

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.

Unlawful rescue, &c., of impounded stock a misdemeanor.

Penalty.

SEC. 7. 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.

Definition of "live stock."

SEC. 8. It shall be the duty of the board of commissioners of said counties forthwith to erect a good and lawful fence around said township[s], except on the lines of adjacent counties in which the stock law prevails, and to defray the expense of the same they shall levy and collect an assessment not to exceed twenty cents on the one hun-

County commissioners to build fence.

Special tax.

dred dollars of taxable valuation of real estate in said townships.

Citizens authorized to build fence.

SEC. 9. That any citizen or citizens of the territory herein described are hereby authorized and empowered, at their own expense, to construct said fence or any part of it along the lines indicated by this act, or to erect gates on any of the highways on said line of fence.

Procedure when owner of land objects to building fence.

SEC. 10. That if any owner of land along the line of territory described in this act shall object to the building of any fence herein allowed, his land not exceeding twenty feet in width for the fencing herein provided for, shall be condemned upon the application of any person or persons to any justice of the peace of the township in which said land is situated; and said justice of the peace shall at once proceed to summon two disinterested freeholders, who shall together with him lay off and condemn such land for fencing, after giving to the owner or owners of such land or lands, or his or their agents, two days' notice, and they shall assess such damage as they think just.

Condemnation of land.

Damages.

Permitting live stock to run at large a misdemeanor.

SEC. 11. That any person who shall wilfully permit his or her live stock to run at large within said townships shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty.

Adjacent land owner authorized to include his lands in stock law territory.

SEC. 12. That any person or persons owning real estate in Orange or Durham counties adjoining any county, township, district or territory where the stock law prevails or may hereafter prevail, may have his, her or their lands included with[in] the limits of such adjacent stock law territory by signing and filing with the clerk of the board of commissioners of the county in which said land is situated, 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 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 minutes of said board.

SEC. 13. That any person who having impounded any of the above named stock, shall fail to provide the same with sufficient food and water, or shall wilfully abuse and injure the same, shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days.

Persons impounding stock and not feeding them, &c., guilty of misdemeanor

SEC. 14. That the board of commissioners of said counties shall have power to levy the assessment hereinbefore mentioned and build the fence where required at any time before November first, one thousand eight hundred and eighty-five, but the provisions of this act as to stock running at large in said townships shall not take effect until the said first day of November, one thousand eight hundred and eighty-five.

Act not to take effect until Nov. 1st, 1885, although commissioners empowered to levy tax and build fence before that date.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 241.

An act to establish a normal school at Washington, in the county of Beaufort.

The General Assembly of North Carolina do enact:

SECTION 1. That the State board of education is empowered and hereby authorized to establish a normal school at Washington, in the county of Beaufort, and for this purpose shall apply five hundred dollars from the fund heretofore appropriated to the University normal school.

State Board of Education authorized to establish normal school at Washington. \$500 appropriated.

Directors.

SEC. 2. That the following persons, viz: E. S. Hoyt, C. F. Warren, R. W. Wharton, D. W. Jarvis and W. A. B. Branch, shall be directors of said school, and the said fund of five hundred dollars shall be paid to them and disbursed by them; and the same as directors shall make all necessary reports required by the Superintendent of Public Instruction.

Duties.

Normal schools established at Asheville and Winston. \$500 appropriated to each. Governor to appoint commissioners.

Duties.

SEC. 3. That a normal school out of said fund shall be established at Asheville and Winston, and the sum of five hundred dollars of said University normal fund shall be used for each of these schools; and the Governor shall appoint three commissioners for each place named, who shall take charge of the fund and school, and who shall make report of the workings of the same as is provided for for other such schools.

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 March, A. D. 1885.

CHAPTER 242.

An act supplemental to and amendatory of an act to prevent live stock from running at large in Goldsboro township, in Wayne county.

The General Assembly of North Carolina do enact :

So much of supplemental act as extends to territory covered by first act, not to take effect until December 1st, 1885.

SECTION 1. That so much of the provisions of an act supplemental to and amendatory of an act to prevent live stock from running at large in Goldsboro township, in Wayne county, ratified February twenty-eighth, one thousand eight hundred and eighty-five, as extends to the territory covered by the provisions of said first act, be so amended as not to go into effect until December the first, one thousand eight hundred and eighty-five.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 243.

An act to prohibit live stock from running at large in Eagle Mills township, Iredell 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 Eagle Mills township, Iredell county.

Unlawful for live stock to run at large in Eagle Mills township, Iredell county.

SEC. 2. This act shall not be in force within said township aforesaid until a good and lawful fence has been erected around the said township, with gates on all the public roads passing through said township: *Provided*, that no fence shall be required to be erected adjoining any other county or district which shall have or may adopt similar laws.

Not to be in force until fence erected around township.

Provido.

SEC. 3. If the owner of any land shall object to the building of any fence herein allowed, his land not exceeding twenty feet in width shall be condemned for the fence way, as land is now condemned for 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

Procedure when owner of land objects to building fence.

No fence to divide a tract of land against owner's consent.

Fence to follow public highway dividing a tract of land and being a county or township boundary.

County commissioners to have exclusive control of erecting, &c., fences, &c.

Powers.

as they may deem proper, and they are hereby granted full powers for that purpose, to be exercised according to their best discretion.

Special tax.

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 township.

Permitting live stock to run at large a misdemeanor.

Penalty.

SEC. 5. Any person wilfully permitting his or her live stock to run at large within the aforesaid township shall be deemed guilty of a misdemeanor and on conviction may be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Wilful injury to fence, &c., a misdemeanor.

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 enclosure 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, or imprisoned not exceeding thirty days.

Penalty.

Definition of "stock."

SEC. 7. That the word stock in this act be shall construed to mean horses, mules, colts, calves, cows, sheep, goats, jennets and all neat cattle, swine and geese.

Commissioners to give notice of erection 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 township, that a good and sufficient fence has been erected around the aforesaid township, with gates erected upon all public roads leading into and out of the same, to give public notice by advertising in three public places in Eagle Mills 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.

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 6th day of March, A. D. 1885.

CHAPTER 244.

An act to amend section three thousand three hundred and twenty-six of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand three hundred and twenty-six of The Code be amended by inserting after the word "dwelling-house" the words, "furnished and supplied with necessary lights and fuel."

Section 3326 of The Code amended.

Governor's mansion to be furnished and supplied with lights and fuel.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 245.

An act to amend sections three thousand six hundred and forty-eight and seventy-two of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That sections seventy-two and three thousand six hundred and forty-eight be amended by adding to each of said sections the following proviso: *Provided*, that the board of county commissioners may, at their meeting on the first Monday in November before each general election, increase said bond to any amount not exceeding fifteen thousand dollars by giving twenty days' notice at the court house door, or in some newspaper pub-

Sections 72 and 3648 of The Code amended.

County commissioners authorized to increase bonds of superior court clerk and register of deeds not to exceed \$15,000.

Act not applica-
ble to Madison,
Burke and
Wilkes counties.

lished in the county, of the amount of the bond to be demanded. This act shall not apply to Madison, Burke and Wilkes counties.

SEC. 2. 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 March, A. D. 1885.

CHAPTER 246.

An act to prevent live stock running at large in certain portions of Pender county.

The General Assembly of North Carolina do enact :

Unlawful for live
stock to run at
large in part of
Rocky Point
township, Pender
county.
Boundaries.

SECTION 1. That it shall be unlawful for any live stock to run at large in that portion of Rocky Point township, in Pender county, embraced within the following boundaries, to-wit: Beginning at Morgan's creek at the dividing line between Rocky Point township and Lincoln township (the mouth of Ervin's branch), and running up said branch (the township line) to the Rocky Point road; thence down the Rocky Point road north side of said road to Westbrook's field on north side of said road; thence around field north to Rattan trestle on Wilmington and Weldon Railroad; thence down said railroad to Lichty's north line; then in an easterly direction to the north line of the Methodist Episcopal church lot; thence east to the Duplin road; thence up said road east side to Sterling Allen's north line, thence with the dividing line of said Allen and Corbett Brothers to the Walker line; thence with the Walker line and the line of Corbett Brothers to the northeast river; thence down said river to the mouth of Long creek, and up Long creek to Morgan's creek, and up Morgan's creek to the beginning.

SEC. 2. That Geo. Z. French, Cad. Robeson and J. E. Durham are hereby appointed fence commissioners, with power to contract for the erection of a substantial fence upon or near the boundaries above described, with gates at every crossing of a public road; that they hold their office during good behavior, and upon a vacancy occurring by death or resignation or otherwise, such vacancy shall be filled by the board of commissioners of Pender county.

Fence commissioners.

To erect fence.

Term of office.

Vacancies.

SEC. 3. It shall be the duty of the fence commissioners to make report annually to the June meeting of the board of commissioners of Pender county the condition of said fence and gates, the cost of building and of its repairs the preceding year, and their estimate of its cost the following year, and any indebtedness on its account, or any moneys remaining in their hands, and it shall be the duty of the said board of county commissioners to levy a tax upon the real estate within said boundaries to raise such sum as said fence commissioners shall report as necessary, which said taxes shall be collected by the sheriff of Pender county at the same time and under the same regulations as he collects the State taxes, and he shall pay over the same, less usual commissions, to the chairman of the fence commissioners.

Fence commissioners to make annual report to county commissioners.

County commissioners to levy special tax.

How collected.

To be paid to chairman of fence commissioners.

SEC. 4. It shall be the duty of said fence commissioners to keep the fence 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 Pender county, and upon conviction shall be fined at the discretion of the court.

Fence commissioners to keep fence and gates in repair, &c.

Penalty for failure.

SEC. 5. That upon the completion of the fence enclosing the territory as described, the fence commissioners shall give public notice for thirty days by posters at five public places within said territory and at the court house in Burgaw, and from and after ten days after such advertisement this act shall go into operation.

Fence commissioners to give notice of completion of fence.

When act to take effect.

Fence commis-
sioners empower-
ed to contract for
material and
labor.

SEC. 6. It being the duty of the said fence commission-
ers to keep the fence and gates enclosing said territory in
order, 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.

Chairman to give
bond.

SEC. 7. The fence commissioners provided by this act
shall elect a chairman, who shall execute a justified bond
in the sum of one thousand dollars, payable to the State,
conditioned to faithfully apply 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 Pender county to remove said
defaulting fence commissioner, to appoint his successor
and sue for and recover the fund due by him and pay the
same to his successor.

Conditions of
bond.

Duty of county
commissioners
upon default of
chairman.

Misdemeanor to
injure, &c., fence
or gates, &c.

SEC. 8. It shall be unlawful to injure or destroy said
fence or gates, or for any person to leave the gates open,
and every person so offending shall be deemed guilty of
a misdemeanor and upon conviction thereof shall be
punished as provided in section four hereof.

Penalty.

Permitting live
stock to run at
large a misde-
meanor.

SEC. 9. Any person who shall knowingly or wilfully per-
mit 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 or imprisoned thirty days, at the discretion of
the court.

Penalty.

Definition of
"live stock."

SEC. 10. The term live stock used in this act shall in-
clude and mean horses, mules, colts, hogs, neat cattle,
sheep, goats, asses and geese.

Impounding of
live stock.

SEC. 11. If any live stock shall be found running at
large in said described territory, 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, upon applica-
tion, 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 ass, fifty cents a

Sale.

Compensation of
person impound-
ing live stock.

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 cost to the justice, and the balance to the owner of the stock. Justice's fees.

SEC. 12. This act shall be in force from the date of its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 247.

An act for the support of the several insane asylums of the State and for the completion of the Western Asylum at Morganton.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter four hundred and nineteen of the laws of one thousand eight hundred and eighty-three, be amended by striking out in line one the words "fifty-eight" and inserting in lieu thereof the words "fifty-one," also by striking out the figures (\$58,000) in line two, and inserting in lieu thereof the figures (\$51,000). Chapter 419, section 1, laws 1883, amended.
\$51,000 per annum appropriated for N. C. Insane Asylum.

SEC. 2. That the sum of eighty thousand dollars be and the same is hereby appropriated for the completion of the north wing of the Western Insane Asylum at Morganton. \$80,000 appropriated for completion of north wing of Western Insane Asylum.

SEC. 3. That the work on said wing shall be conducted and continued under the direction and supervision of the board of directors of said asylum, and the appropriation in the preceding section for the completion 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 board of directors, to be by them expended and accounted for in the same manner as the commis- Work to be done under direction of Board of Directors.
Appropriation, how drawn.

sioners have been required to do while engaged in the erection of the main building and south wing.

Sections of building to be furnished when completed and ready for use.

Auditor to issue warrants under direction of Governor for furnishing rooms and for maintenance of additional patients.

SEC. 4. 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 said north wing 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; also when it shall appear to the Governor that said rooms are ready for the occupation of patients, he is hereby authorized and directed to direct the Auditor to issue his warrant in favor of the board of directors for a sum sufficient for the support and maintenance of said patients for the remainder of the fiscal year ending on the thirtieth day of November, one thousand eight hundred and eighty-six: *Provided*, that the warrants issued under this section for furnishing said rooms shall not exceed ten thousand dollars, and for support and maintenance shall not exceed eighteen thousand dollars (\$18,000).

. Proviso.

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. 1885.

CHAPTER 248.

An act to make the seduction of women, under promise of marriage, criminal.

Seduction of innocent and virtuous woman under promise of marriage made a crime.

The General Assembly of North Carolina do enact:

SECTION 1. That any man who shall seduce an innocent and virtuous woman under promise of marriage

shall be guilty of a crime, and upon conviction thereof shall be fined or imprisoned at the discretion of the court, and may be imprisoned in the penitentiary not exceeding the term of five years: *Provided, however,* that the unsupported testimony of the woman shall not be sufficient to convict: *Provided further,* that marriage between the parties shall be a bar to further prosecution under this act.

Punishment.

Unsupported testimony of woman insufficient to convict.

Marriage a bar to prosecution.

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. 1885.

CHAPTER 249.

An act to secure the drainage of Brown creek, in Anson county.

The General Assembly of North Carolina do enact :

SECTION 1. That Dr. T. A. Crowell, J. M. Covington, J. M. Williams, R. B. Gaddy, W. C. McCall, David Harley, W. A. Gaddy, Dr. J. A. McRae, W. L. Broadaway, W. A. Barrett, and C. B. Ledbetter, be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Brown creek, in Anson and Union counties, from the mouth of Brown creek in Pee Dee river, to the South Carolina line, 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.

Commissioners.

To lay off Brown Creek in Anson and Union counties in sections.

To appoint overseers.

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 to fill vacancies occasioned by death or otherwise, the board of county commissioners of either county shall, on application being made, ap-

Chairman.

Vacancies.

point commissioners and overseers for the purposes herein mentioned.

Duties 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 land of each individual in either of said counties, on the stream mentioned in section first of this act, between the points mentioned and within one-half mile of the channel of the stream, and shall furnish each overseer with a copy of the estimate of his section in which the lands lie, and upon notice of seven days by said overseer, each of said owners shall furnish one hand with appropriate tool, as required by the overseer, for every ten acres of land sobbed or overflowed, and one such hand for every twenty acres of land not sobbed, and in that proportion for any number of acres, 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 land of such owner, which may be recovered by action before a justice of the peace, in the name of the overseer, and the land of such owner shall not be exempt from sale under execution issued to enforce said judgment: *Provided*, the said commissioners may, if in their discretion they deem it best, annually levy a tax on the lands sobbed or overflowed upon the valuation placed thereon by the assessors of the townships in which the lands lie, not exceeding one-tenth of their value, and with the moneys arising from such taxes, contract with the commissioners of Anson, Union, Stanly, Montgomery and Richmond counties for the employment of the labor of such convicts as may be in said counties, who are sentenced to serve out terms of imprisonment in the county jails of said counties.

Hands to be furnished overseers on notice.

Penalty for failure.

Commissioners authorized to levy special tax and to contract with commissioners of certain counties for employment of convicts imprisoned in county jails.

Distribution of labor.

SEC. 4. It shall be the duty of the commissioners in laying off the stream into sections as hereinbefore provided, to distribute the labor among the landowners in proportion to the number of acres of land sobbed and overflowed, and other lands owned by them within one-

half mile, as equally as may be, and allot to each overseer of every section the hands required of the owners of the land embraced in this act, and such convicts as they hire from the counties hereinbefore named shall be employed upon such sections of said creek laid off as will be to the benefit of the largest number of land owners, and the tax when levied shall be collected annually until all of said land owners shall have enjoyed equal benefits from the taxes paid.

Convict 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, with power to straighten, remove obstructions and improve the banks of said creek: *Provided*, the said commissioners may when they deem it necessary order any or all of said overseers to work with their respective hands at any point on said stream.

Duty of overseers.

Proviso.

SEC. 6. That any person or persons who shall wilfully obstruct said stream by felling timber therein or otherwise, and shall permit said obstruction to remain therein five days, shall be guilty of a misdemeanor.

Wilful obstruction of stream a misdemeanor.

SEC. 7. That all fines and penalties recovered for a failure to work on said stream by the overseers, shall be expended by them in the improvement of the channel of said stream or stopping washes. Any overseer failing to perform the duties required of him by this act shall be guilty of a misdemeanor: *Provided*, no overseer shall be required to serve longer than two years consecutively.

Penalties, &c., to be expended by overseers.

Failure of overseer to perform duty a misdemeanor.

Proviso.

SEC. 8. That any owner of land affected by this act who shall wilfully obstruct the commissioners, overseers, or hands, in carrying out the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned in the discretion of the court.

Wilful obstruction of commissioners, &c., by owner of land, a misdemeanor.

SEC. 9. That the commissioners appointed by this act, and their successors, may with the consent of a majority of the land owners affected by this act, levy a tax to be

Commissioners, a majority of land owners consenting, authorized to levy a special tax.

agreed on by the commissioners and land owners in such manner as they may devise, levy a tax on the lands hereinbefore described according to the valuation placed thereon by the assessors, not exceeding one-fifth of its value, and with the taxes so levied and collected by the overseers they are authorized and empowered to secure the labor of convicts sentenced to the county jail, or penitentiary, by contracting with the authorities having the control of such convicts, and if the tax is levied and collected and a contract made for convict labor, the commissioners may in their discretion release the land owners from obligation to furnish hands as heretofore provided.

To secure labor of convicts sentenced to county jail or penitentiary.

Release of land owners from obligation to furnish hands.

Hands not exempt from working roads.

SEC. 10. Nothing herein contained shall be construed to exempt hands from working roads.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 250.

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

The General Assembly of North Carolina do enact:

Whenever legally decided to be necessary commissioners authorized to levy special tax in 1885 and 1886, not to exceed eight and one-third cents on the hundred dollars, to pay county indebtedness.

SECTION 1. That whenever it shall be legally decided, during the time hereafter specified, that the levying of a special tax is proper and necessary in Sampson county, the county commissioners of Sampson county are authorized and empowered to levy a special tax for the year one thousand eight hundred and eighty-five, and likewise for the year one thousand eight hundred and eighty-six, not exceeding for either of said years eight and one-third cents

on the one hundred dollars and twenty-five cents on the poll, said tax when collected to be used in the payment of any existing indebtedness of said county.

SEC. 2. That said tax shall be levied and collected as other taxes are levied and collected, except as to the time of levying and collecting the same, which shall be in the discretion of said commissioners. How levied and collected.

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. 1885.

CHAPTER 251.

An act to amend chapter three hundred and thirty of the laws of one thousand eight hundred and eighty-three, entitled "An act to establish graded schools in the counties of Nash and Edgecombe," ratified March ninth, one thousand eight hundred and eighty-three.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter three hundred and thirty of the laws of one thousand eight hundred and eighty-three, entitled an act to establish graded schools in the counties of Nash and Edgecombe, ratified ninth day of March, be and the same is hereby amended by striking out in line twenty-one the words, "via Lemon's bridge and Casenburg by the Enfield road to Stony creek, thence down Stony creek to Drew Boon's corner below W. R. Winstead's mill," and inserting in lieu thereof the following words: "thence to Lemon's bridge; thence down Tar river to the lands of the Rocky Mount mills; thence along the line of the western boundary of the lands of the Rocky Mount mills to Stony creek; thence up said creek to the western boundary and corner of Drew Boon's land." Chapter 330, section 2, laws 1883, amended.

Boundary of school 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 6th day of March, A. D. 1885.

CHAPTER 252.

An act to authorize and empower the county commissioners of Brunswick county to levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners authorized to levy special tax in 1885 and 1886, not to exceed \$3,000 to pay county indebtedness.

SECTION 1. That the county commissioners of Brunswick county be and they are hereby authorized and empowered to levy a special tax at the same time with the other levies on all the taxable property; moneys, credits and polls of the county for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, the said special tax to be applied to the payment of the indebtedness of said county, and shall not exceed the sum of three thousand dollars for both years, nor more than two thousand dollars for either of said years, and shall be collected and accounted for by the sheriff of said county in the same manner and under the same penalties, and within the same time as the other taxes levied in said county for the same years, and in said levy the constitutional equation between polls and property shall be observed.

How collected.

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. 1885.

CHAPTER 253.

An act to establish graded schools in the town of Smithfield.

The General Assembly of North Carolina do enact :

SECTION 1. That all the territory embraced within the bounds of white school district number forty, in Smithfield township, Johnston county, shall be and is hereby constituted the "Smithfield Graded School District for white and colored."

Boundary of Smithfield graded school district for white and colored.

SEC. 2. That the board of commissioners of Johnston county are hereby authorized to submit to the qualified voters of said Smithfield Graded School District in said county on the first Monday in May, one thousand eight hundred and eighty-five, under such rules and regulations as they may prescribe, the question whether an annual tax shall be levied therein for the support of graded public schools for white and colored of said district; each voter shall vote 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 for members of the General Assembly.

Election in school district upon question of special tax for graded school.

Ballots.

Election, how held.

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 provided by law for the levying and collecting State and county taxes. The sheriff of Johnston 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 tax so levied and collected shall not exceed one-third of one per centum on the property and one dollar on the poll.

Tax to be levied upon majority vote.

How collected.

Limitation of tax.

SEC. 4. That the special taxes thus levied and collected from the taxable property and polls of white persons

Taxes collected from whites to be applied to support of white school.

shall be expended in keeping up a graded public school in said district for white persons of both sexes between the ages of six and twenty-one years, and the special taxes levied and collected from the taxable property and polls of colored persons shall be expended in keeping up a graded public school in said 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.

Trustees for white graded school.

SEC. 5. That J. J. Harper, L. E. Kirkman, Dr. J. G. Rose, P. T. Massey, S. R. Morgan, D. W. Fuller, W. N. Benton, Seth Woodall, Robert Sanders, E. W. Pou, E. Redford and R. D. Lunceford, be and they are hereby constituted a board of trustees for the graded school for the white race; that said board shall have power to fill all vacancies in said board, to employ teachers, and to do all such acts as may be necessary to carry on said school for the white children.

Powers of trustees.

Trustees for colored graded school.

SEC. 6. That Ashley W. Smith, Joseph Carroll, Marshall Avera, W. H. Brown, John W. Beckwith, Willie McCullers, Jared Whitfield and Wesley Whitfield, be and they are hereby constituted a board of trustees for the graded public school for the colored race. That said board shall have power to fill all vacancies, to employ teachers, and to do all acts which may be necessary to keep up the said school for colored children, under the supervision of the county superintendent of public instruction of Johnston county.

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 may 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 to keeping up the graded school (public) for white children under the orders and direction of the board of trustees for said graded public school for white children, and the public school money so collected for public school purposes for the colored children in said district shall be applied to the keeping up of the graded public school for the colored children, under the rules and directions of the board of trustees for the graded

Public school money for colored children to be applied to support of colored school.

school for the colored children, subject to the supervision of the county superintendent of public instruction.

Schools to be under supervision of county superintendent.

SEC. 8. That the county treasurer of Johnston county and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act.

County treasurer responsible for proper disbursement of moneys collected under this act.

SEC. 9. 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. 10. 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, or to purchase a suitable lot and build a house thereon, within the corporate limits of the town of Smithfield, or within one-fourth of a mile of said corporate limits, and to issue bonds with coupons attached for the purchase money, and to execute a mortgage on such property to secure such 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 maintenance of such school. The said trustees shall have power to sell so much of said property as they may deem advisable.

Trustees of white school authorized to purchase building, &c., for use of school.

To issue mortgage bonds.

Coupons receivable for taxes levied for support of school.

Trustees authorized to sell property.

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. 1885.

CHAPTER 254.

An act to amend section three thousand two hundred and eighty-eight of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand two hundred and eighty-eight be amended by adding the following

Section 3288 of The Code amended.

Governor authorized to pay expenses of State Guard when ordered into camp, not exceeding \$3,000.

To be repaid out of money realized by commutation of ordnance stores due the State by the U. S. Government.

clause at the end of said section: "And the Governor is hereby authorized for the purposes of this section, in his discretion, to draw his warrant upon the treasury for such sum or sums as may be required, not to exceed in any one year the sum of three thousand dollars: *Provided*, that such sum shall be repaid to the public fund out of any moneys which may hereafter be realized from commutation of ordnance stores due the State of North Carolina by the government of the United States under the act of Congress, March three, one thousand eight hundred and seventy-three, or under any other act."

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. 1885.

CHAPTER 255.

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

The General Assembly of North Carolina do enact:

Authorized to levy special tax in 1885 and 1886 not to exceed \$750 in either year to pay county indebtedness.

SECTION 1. That the commissioners of Watauga county be and they are hereby authorized to levy a special tax at the same time with the other levies on all taxable property, moneys, credits and polls of the county, for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, the said taxes to be applied to the payment of the indebtedness of said county; and the said tax so levied shall not exceed in either year the sum of seven hundred and fifty dollars (\$750.00), to be collected and accounted for by the sheriff of said county in the same manner and under the same penalties and within the same time as the other taxes

How collected.

are levied in said county for the same years, and in the said levy the constitutional equations between property and polls shall be observed.

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. 1885.

CHAPTER 256.

An act to amend section seventy-two of The Code so far as applicable to the bond of the clerk of the superior court of Tyrrell county.

The General Assembly of North Carolina do enact:

SECTION 1. That section seventy-two of The Code be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that the clerks of the superior court for the counties of Tyrrell, Dare and Graham respectively shall not be required to give bond in a larger penalty than the sum of five thousand dollars, unless the moneys or funds coming into the hands of either one of said clerks by order of court or otherwise, by virtue of his office as clerk, shall at any time exceed in the aggregate one-half the penalty of his bond; and then in that case he shall within twenty days file with the clerk of the board of county commissioners a good and sufficient bond, duly executed and justified as required by law, of like condition as already prescribed and in a penalty double the amount of said funds, though not exceeding ten thousand dollars.

Section 72 of The Code amended. Superior court clerks of Tyrrell, Dare and Graham counties not required to give bond in larger penalty than \$5,000 except in certain contingencies.

SEC. 2. This act shall not be construed to modify or repeal any provision of law whereby the county commissioners are authorized at any time to require any of said clerks to justify or renew his bond whenever necessary.

Act not to be construed to modify or repeal law authorizing county commissioners to require justification or renewal of bond.

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. 1885.

CHAPTER 257.

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

The General Assembly of North Carolina do enact :

Authorized to
levy special tax
not exceeding
\$3,000 to pay coun-
ty indebtedness

SECTION 1. That the board of commissioners of Stanly county be and they are hereby authorized and empowered to levy a special tax in one thousand eight hundred and eighty-five, or one thousand eight hundred and eighty-six, 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 three 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; the amount collected shall be applied to the debt of said county: *Provided*, the constitutional equation between property and poll shall be observed in the levy of said special tax.

How collected.

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 7th day of March, A. D. 1885.

CHAPTER 258.

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

The General Assembly of North Carolina do enact :

That chapter one hundred and twenty-five of the laws of North Carolina, passed at the session of one thousand eight hundred and eighty-one, being an act to incorporate the Rutherfordton, Marion and Tennessee Railway Company, be and the same is hereby amended as follows, to-wit: Chapter 125, laws 1881, amended.

SECTION 1. That section two of said act be and the same is hereby amended by striking out all after the word "same" in the third (3) line of said section and preceding the word "and" in the fourth line, and in lieu thereof insert the following: "To such amount as a majority of the stockholders in interest may agree upon at any regular or called meeting of said stockholders." Section 2 amended.
Capital stock.

SEC. 2. That section three of said act be amended by striking out all after the word "company" in the fourteenth line of said section, and preceding the word "then" in the twentieth line, and in lieu thereof insert the following: "When two thousand shares amounting to one hundred thousand dollars are subscribed." Section 3 amended.
Organization of company.

SEC. 3. That section five of said act be and the same is hereby amended by inserting after the word "thereof" in the last line of said section the following: "And subscriptions to the capital stock of said company may be made by any corporation, resident or non-resident, municipal or otherwise, and the board of commissioners of any county whose citizens have an interest in the building and completion of said railway, after having submitted a proposition to subscribe to the capital stock of said Railway Company, as provided in sections nineteen hundred and ninety-six to two thousand (inclusive) of Section 5 amended.
Subscriptions to capital stock.
County subscription to be made upon affirmative vote.

The Code, to the qualified voters of such county, if they shall find that a majority of the qualified voters of such county have voted in favor of such proposition, then it shall be lawful for such board of commissioners to subscribe the amount which they shall find shall have been voted for at such election, and upon the terms and conditions submitted in such proposition as provided in said section of The Code, and this shall apply to all elections already held under said sections of The Code for subscriptions to the capital stock of said company."

To apply to elections already held.

Section 7 amended.

Condemnation of land for right of way.

SEC. 4. That section seven be stricken out and in lieu thereof insert the following: "That for the purpose of constructing said railway the said company shall have a right to enter upon any lands over which said railroad line may pass for the purpose of surveying, locating and constructing said railway, and to contract with the owners of said land for right of way, and upon failure of said company and the owners of said land to agree upon the value of said right of way, the sheriff of the county where such land is situate, at the request of any officer or director of said company, or of the owner or owners of such land, shall summon three disinterested freeholders of his said county, who shall value the said right of way under oath (to be administered by the sheriff), ten days' notice in writing having previously been given of the time and place where the said freeholders shall meet and determine the value of the same, and upon payment of the amount so assessed the said company shall have full right to occupy and possess said lands for the uses and purposes of said railway company to the extent of one hundred feet on either side of the centre of the road-bed of said company: *Provided*, that when any of the owners of such lands are infants, idiots, insane or non-resident, then the proceedings shall be by petition in the superior court, as provided in chapter forty-nine of The Code, and in all cases either party may appeal from the decision of the freeholders, and the same shall be placed on the docket

Proviso.

Appeal.

for trial at the next succeeding term of the superior court, but no disagreement nor appeal shall hinder or prevent the building or construction of said railway: *Provided* Proviso. *further*, that the commissioners or freeholders appointed to assess the value of said right of way may take into consideration the advantages as well as the disadvantages to the owners of such lands by reason of the construction of said railway."

SEC. 5. That section thirteen of said act be and the same is hereby amended by striking out the whole of said section and in lieu thereof insert the following: "That said railway company may by a vote of a majority in interest of their stockholders in said company, lease, purchase or consolidate with any other company, in order to perfect a grand trunk line from the Atlantic to the Ohio river, and may effect such lease, purchase of, or consolidation with any railroad, chartered in this State, or in Tennessee, or South Carolina, and when such lease, consolidation or purchase shall have been effected, the said company may change its name to the 'Atlantic and North Western Railway Company' if a majority in interest of the stockholders shall deem advisable, and the same shall be deemed and held to be the successor of and entitled to all the privileges, franchises, rights and immunities of the said Rutherfordton, Marion and Tennessee Railway Company as conferred by this act, and the act of which this is amendatory, as well as those conferred by the general laws of this State in the chapter on railways and telegraphs."

Section 13 amended.

Authorized to lease, purchase or consolidate with other roads.

Change of corporate name.

To succeed to rights, &c., of original corporation.

SEC. 6. That section fourteen be amended by being designated as section fifteen, and that the following be inserted as section fourteen of said act: "That the said railway company may increase its capital stock to such an amount as the stockholders may deem necessary to construct, equip and operate its said line or lines of railroad, and to this end the said company may from time to time borrow such sums of money as may be necessary

Section 14 amended.

Increase of capital stock.

Authorized to borrow money on mortgage.

to effect the purposes of this act, and the building, constructing and operating its said trunk line, and to secure the payment of such sums, may mortgage its entire line of road, rights, franchises and property, real and personal, to such amount and upon such terms as may be agreed upon, and registration of such mortgage in the registrar's office in McDowell county, North Carolina, shall be deemed effectual as notice to all parties of such lien."

Mortgage, where registered.

Sections 688 and 1980 of The Code to be in operation as to company.

SEC. 7. That the following be inserted as section sixteen of said act: "That section six hundred and eighty-eight, chapter sixteen, and section nineteen hundred and eighty, chapter forty-nine of The Code, are hereby declared to be in operation so as to limit, restrict, or make void any right, privilege, power or franchise granted to said railway company by the general laws or special act creating said railway company, but the corporation may be dissolved or forfeit its charter in the manner and for the reasons set forth in section six hundred and ninety-four of The Code."

Dissolution of corporation.

Chapter 125, laws 1881, re-enacted.

SEC. 8. That chapter one hundred and twenty-five of the laws of one thousand eight hundred and eighty-one is hereby continued in force and the same as hereby amended is re-enacted.

When Mitchell county to issue bonds.

SEC. 9. That the commissioners of Mitchell county shall not issue bonds till five miles of the road shall have been completed in the direction of Bakersville in said county, when they shall issue bonds to the amount of thirty thousand dollars; when the next five miles shall have been completed in the same direction, they shall issue thirty thousand more, and when the road is completed to or near the town of Bakersville, they may issue bonds to the amount of forty thousand dollars, and no taxes shall be levied until said bonds are issued.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1885.

CHAPTER 259.

An act to extend the chartered privileges of certain railroads in Rutherford county.*The General Assembly of North Carolina do enact :*

SECTION 1. That section nineteen hundred and eighty of The Code shall not apply to an "Act to incorporate the Rutherford Railway Construction Company," chapter ninety-one, laws of eighteen hundred and eighty-three, or to an act to charter the Rutherford and Spartanburg Railroad Company, chapter fifty-one, laws of eighteen hundred and seventy-six.

Section 1980 of The Code not to apply to acts incorporating the Rutherford Railway Co. and the Rutherford and Spartanburg R. Co.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1885.

CHAPTER 260.

An act to incorporate the Spartanburg and Shelby Railroad Company.*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of establishing communication by railroad from the town of Shelby, in the State of North Carolina, and the city of Spartanburg, in the State of South Carolina, the formation of a corporate company is hereby authorized, to be called the Spartanburg and Shelby Railroad Company, which company when formed in compliance with the conditions hereinafter prescribed shall have corporate existence as a body politic and corporate in this State.

Purposes of act.

Incorporation authorized.

Corporate name.

Body politic.

- Terminal points. SEC. 2. That said company is hereby authorized to construct a line of railroad from the town of Shelby to the North Carolina line in the direction of Spartanburg, South Carolina, by any route which may be selected by said company.
- Books of subscription. SEC. 3. That for the purpose of raising the capital stock of said company it shall be lawful to open books of subscription in the town of Shelby and in the county of Cleveland under the direction of H. D. Lee, E. H. Fullenwider, John B. Bostic, A. B. Suttle, W. P. Love, W. J. Roberts, Allan Bettis and Rick. Ellis as commissioners, who shall receive subscriptions to the capital stock of said company to an amount not exceeding five hundred thousand dollars, in shares of fifty dollars each, for the purpose of constructing and carrying into operation the said railroad.
- Commissioners.
- Capital stock.
- Cities, towns and counties interested authorized to subscribe. SEC. 4. That in addition to the provisions contained in this act in regard to private subscription, it shall and may be lawful for any city, town or county interested in the construction of said road to subscribe to its capital stock such sum as a majority of their voters may authorize the county commissioners or proper authorities of such city or town to subscribe, which subscription shall be made in seven (7) per centum coupon bonds, payable in such installments as the county commissioners or proper authorities of such city or town shall determine, and to be received by the said company at par, said bonds to be made payable in equal installments of sixteen, twenty, twenty-four and twenty-eight years after the date thereof, and to be of the denominations of one hundred dollars, five hundred dollars, and one thousand dollars: *Provided*, that the funds realized on such bonds shall be expended exclusively in the construction of said railroad within the limits of the county subscribing, or in the county in which the city or town so subscribing is located. And it shall be the duty of the county commissioners of Cleveland county, for the purpose of determining the amount of
- Subscriptions, how made.
- Proviso.
- Election in Cleveland county on question of subscription.

said subscription, upon the application of one hundred qualified voters in said county, specifying the amount to be subscribed therein, to submit to the qualified electors of said county as the case may be, the question of subscription or no subscription to the capital stock of said company, and they shall have the power to order an election, specifying the time, place and purposes of the election, and to appoint three judges at each election precinct, who shall without compensation hold and conduct said election, at which election the ballots shall have written or printed thereon the word "Subscription" or "No subscription;" the said county commissioners having first by a resolution of their board fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of which resolution shall be given by the chairman of the board in one or more of the newspapers published in the county for forty (40) days next previous to the election; and the proper corporate authorities of any city or town in said county of Cleveland, upon the written petition of fifty voters in any such city or town, shall, in like manner and after like notice, submit the question to the qualified electors in said city or town, and declare the result as is herein directed in cases of county elections. It shall be the duty of the judges to make returns and meet at the court house and count the votes, and declare the result as in other elections, which result shall be certified in writing by the first named judge of each voting precinct to the chairman of the board of county commissioners, or to the city or town council as the case may be. In case the majority of the ballots cast shall have written or printed thereon "Subscription," then the chairman of the board of county commissioners shall be authorized and required to subscribe to the capital stock of said company in behalf of said county the sum which may have been fixed and named in the resolution of said board published as aforesaid, which subscription shall be made in seven per cent. bonds

Ballots.

Amount of subscription.

Elections in cities and towns on question of subscription.

County subscription.

How made.

- as aforesaid, with interest payable annually; but in all subscriptions made under the direction of a county election as authorized under this act, it shall be so expressed in the bonds and coupons issued in payment of such subscription; and all tax levies for the purpose of raising funds to pay the said bonds or coupons shall be made only upon the taxable property in such county; and if a majority of the ballots cast in any city or town election shall be for subscription, the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town, in like manner and to like extent as the county commissioners are herein required in all cases of county subscriptions.
- Tax, how levied.** **Subscription by cities and towns.**
- Railroad tax, how levied and collected, for payment of interest on bonds.**
- SEC. 5.** That for the payment of the interest on said bonds, the county auditor or other officer discharging such duties, or the city or town treasurer, as the case may be, shall be authorized and required to assess annually upon the property of such city, town or county, such per centum as may be necessary to pay said interest, which shall be known and styled in the tax books as said railroad tax, which shall be collected by the treasurer under the same regulations as are provided by law for the collection of taxes in said county, city or town so subscribing, and which shall be paid over by the said treasurer to the holders of said bonds, as the said interest shall become due, on presentation of coupons, which said coupons shall be cancelled by said treasurer: *Provided*, that within ten years of the time said bonds shall fall due, the money to pay the same shall be raised by taxation in the same manner, and paid out by the county treasurer as provided above for the payment of the annual interest.
- Proviso.**
- Organization of company.**
- SEC. 6.** That when the sum of fifty thousand dollars shall be subscribed and voted for in the manner prescribed herein, the subscribers shall be and they are hereby declared to be incorporated into a company by the name and style of the Spartanburg and Shelby Railroad Company, and may meet and organize the said com-
- Corporate name.**

pany at such time and place as may be designated by a majority of the commissioners aforesaid, after reasonable public notice of the same.

SEC. 7. That at said meeting for organization, the stock- Officers. holders shall proceed to elect a president and ten directors, who shall continue in office until the next annual meeting after their election, and until their successors shall be elected and shall enter upon their duties. The president and six or more of the directors, or in the event Quorum. of the sickness, inability or absence of the president, any seven or more of the directors, who in such case shall appoint one of their body president *pro tempore*, shall constitute a board for the transaction of business. That Annual meeting of stockholders. there shall be an annual meeting of the stockholders of said company, of which due public notice shall be given for three weeks previous thereto, for the election of the president and board of directors, for hearing the report of the president and board of directors as to the affairs, condition of said company, and for the transaction of such business as may be deemed for the interest of said company, not inconsistent with the provisions of this charter, and the law of the land.

SEC. 8. That the president and directors shall, as soon By-laws. after their election as practicable, adopt such by-laws for the government of said company as may seem right and proper, which shall govern the said company when the same have been adopted by a majority of the stockholders thereof.

SEC. 9. That at all annual meetings of the stockholders Majority of stock to be represented at annual meetings. of said company, there shall be present a majority of the stock of said company represented either in person or by proxy, to constitute a lawful meeting of said company. And each shareholder shall be entitled to one vote for each share held by him or her in the capital stock of said company, and the county commissioners shall Representation of county, city and town stock. represent the county stock, and the council of any city or town shall be authorized to appoint any one of their

number to represent the amount subscribed by such city or town.

Powers of president and directors.

SEC. 10. That the president and directors of said company are hereby vested with all the rights and powers necessary for the construction, repair and maintaining of a railroad on the route to be designated by the stockholders of said company. They may appoint a secretary and treasurer, and other officers, and take from them bonds and security for the faithful performance of their duty, which said bonds shall be made payable to the company; but the salaries or other compensation shall be regulated by the stockholders in general meeting.

Other officers.

Salaries, &c.

Condemnation of land.

SEC. 11. That when any lands or right of way may be required by the said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners, the same may be taken as at present provided by law in such cases.

State not liable for debts, &c., of company.
Company subject to taxation.

SEC. 12. That the State shall in no case be liable for any stocks, debts or contracts of said company: *Provided*, said company shall always be subject to taxation as other property in this State.

Spartanburg and Shelby R. R. Co. chartered by State of South Carolina declared a body corporate in this State.

SEC. 13. The Spartanburg and Shelby Railroad Company, as chartered by the State of South Carolina, is hereby declared a body politic and corporate within the limits of this State, with the right to consolidate and operate with the Spartanburg and Shelby Railroad as incorporated by this act.

Corporate powers.

SEC. 14. Said company shall have, possess and use all the powers and rights and enjoy all the privileges and immunities conferred by its charter upon any other railroad in this State: *Provided*, that nothing herein contained shall be construed to exempt said road from taxation.

Proviso.

Appropriation of convict labor.

SEC. 15. That one hundred convicts not otherwise appropriated be and are hereby appropriated to work upon said railroad, and the authorities of the penitentiary are authorized to contract with said railroad company for

said convicts to be furnished, to be paid for in cash or county bonds at the rate of one hundred and twenty-five dollars each per annum. How paid for.

SEC. 16. That this act go into effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1885.

CHAPTER 261.

An act to amend section three thousand one hundred and thirty-two of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand one hundred and thirty-two of The Code be amended by adding after the last word of said section the words: "*Provided, that this section shall not apply to physicians who have a diploma from a regular medical college prior to January the first, one thousand eight hundred and eighty.*"

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. 1885.

Section 3132 of
The Code amend-
ed.

Physician having
diploma from
regular Medical
College, prior to
January 1st, 1880,
entitled to bring
suit for medical
services, without
obtaining license
from State Board
of Medical Ex-
aminers.

CHAPTER 262.

An act for the relief of sheriffs and other officers.

The General Assembly of North Carolina do enact :

SECTION 1. That when a sheriff or other officer shall arrest a person under a *capias* or other legal process, which

Expenses of sheriff or other officer incurred for the safe delivery of person arrested under legal process requiring person arrested to be taken before court or judge of another county, how paid.

requires him to have the person arrested before a court or judge of another county, and such sheriff or other officer shall be obliged to incur expense in the safe delivery of such person by reason of his failing to give bond for his appearance, the sheriff or other officer shall file with the court or judge issuing the *capias* or other legal process and with the register of deeds an itemized and sworn account of such expenses, which shall be presented by the register to the board of commissioners at their next regular meeting to be audited by them. That such sworn statement shall be received by the said board as *prima facie* correct. That upon such auditing the board of commissioners shall cause to be issued to such sheriff or other officer an order on the county treasurer for the amount so audited and allowed by them, and shall notify the court or judge of their action, to the end that the amount so allowed shall be taxed in the costs to the use of the 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 7th day of March, A. D. 1885.

CHAPTER 263.

An act to prevent live stock from running at large in parts of Davidson county.

The General Assembly of North Carolina do enact:

Unlawful for live stock to run at large in Davidson county within certain boundaries.

SECTION 1. That it shall be unlawful for live stock to run at large within the following boundaries in Davidson county: Beginning with the present stock-law fence at Crott's bridge on Abbot's creek, thence an eastern direction with the Raleigh road by way of J. W. Lee's store to the Randolph county line; thence a northern direc-

tion with said line to the southwest corner of Guilford county; thence with the Guilford line to the stock-law fence in Browntown township.

SEC. 2. It shall be the duty of the justices of the peace in said county, or township, to register all descriptions of live stock taken up or impounded, and each justice shall keep such register open for inspection at all times, Sunday excepted.

Justices of the peace 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 territory, and to impound the same in the township where said stock is taken up: *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 fifteen 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.

Impounding of live stock.

Description to be filed with justice.

Compensation of person impounding live 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, and personal notice on the owner if he can be found, 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 township or district.

Sale of impounded stock.

Application of proceeds.

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.

Damages, how recovered.

Misdemeanor to rescue, &c., impounded stock.

Penalty.

Definition of "stock."

Citizens authorized to build fence.

Condemnation of land.

Misdemeanor to permit live stock to run at large.

Penalty.

Conflicting laws repealed.

When act to go into effect.

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.

SEC. 7. That the word stock in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, sheep, hogs, calves, goats and all other such cattle and swine.

SEC. 8. That any citizen or citizens of the said territory 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 on the said line of fence.

SEC. 9. That if any owner of land along the line shall object to the building of any fence herein allowed, his land, not exceeding fifteen 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 territory or boundaries, which justice of the peace shall at once proceed to summon two disinterested freeholders, who shall, together with him, lay off and condemn such fencing, after giving to the owner of said lands, or his or their agents, ten days' notice, and they shall assess such damages as they may think just.

SEC. 10. That any person who shall wilfully permit his or her live stock to run at large within said territory or boundaries, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed. The stock law herein provided for shall go into effect fifteen days after due notice of the completion of the fence herein provided for.

SEC. 12. 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. 1885.

CHAPTER 264.

An act to repeal chapter two hundred and sixty-six of the laws of one thousand eight hundred and eighty-three.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and sixty-six of the laws of one thousand eight hundred and eighty-three be and the same are hereby repealed.

Chapter 266, laws 1883, repealed.
Hunting wild fowl with floating battery 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 7th day of March, A. D. 1885.

CHAPTER 265.

An act to protect incorporated companies from loss in issuing duplicate certificates of stock.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for any incorporated companies in this State that issue certificates of stock to their stockholders, to require of any stockholder claiming to have lost his certificate of stock a good and sufficient bond indemnifying them against loss before they issue a duplicate certificate.

Corporations issuing duplicate certificates of stock on loss of original, authorized to require indemnifying bond from stockholder.

Treasurer of corporation to hold duplicate certificate for five years as an escrow.

Dividends to be paid to stockholder or his assigns.

Duplicate to be delivered after five years and original to be void against company.

Conflicting laws repealed.

SEC. 2. That the duplicate certificate issued in accordance with section one of this act may be held by the treasurer of such company issuing the same as an escrow recorded in the name of the person claiming to have lost the original, or his assigns, and he or his assigns shall be entitled to any dividends of profits of right belonging to said original certificate for the term of five years, and at the expiration of five years from the time of issuing the duplicate certificate, the treasurer of the company shall deliver to the person appearing on the records of the company as the owner of the same, his heirs, administrators, executors or assigns, the said certificate, and the original certificate shall be null and void against the company.

SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1885.

CHAPTER 266.

An act to authorize the commissioners of Moore county to issue bonds to repair and remodel the court house at Carthage.

The General Assembly of North Carolina do enact :

Authorized to issue bonds to amount of \$5,000!

SECTION 1. That the board of county commissioners of Moore county be and they are hereby authorized and empowered to issue bonds of the denomination of fifty dollars each, to the amount of five thousand dollars (\$5,000), to each and every one of which shall be attached coupons representing interest on same at the rate of eight per cent. per annum, which said coupons shall be due and payable on the first day of January, in the year one thou-

sand eight hundred and eighty-seven, and on the first day of January of each year thereafter, until the bonds to which they are attached shall mature. The bonds so issued by said commissioners shall be numbered consecutively from one to one hundred, and each coupon shall bear the number corresponding to the number upon the bond to which it shall be attached, and shall declare the amount of interest which it represents and the time at which same shall be due and payable, and the said coupons shall be receivable in payment of all county taxes, and when received by the sheriff or tax collector in payment of such taxes shall constitute vouchers in his hands.

Coupons receivable for county taxes.

SEC. 2. The bonds herein provided for shall run for a period of five years from January first, one thousand eight hundred and eighty-six, and shall be exempt from all county and municipal taxation.

Bonds to run for five years and to be exempt from county and municipal taxation.

SEC. 3. That the said bonds shall be issued over the signature of the chairman of the county commissioners, and shall be attested by the signature and official seal of the clerk of the superior court of Moore county. And the said board of county commissioners shall provide by resolution how and for what sum or sums the said bonds shall be negotiated, and for the purpose of negotiating the same, they are hereby authorized to employ such agent or agents, and attorney or attorneys as they may deem necessary: *Provided*, said bonds shall not be sold for less than par.

Bonds, how issued

How negotiated.

SEC. 4. That for the purpose of paying the coupons as they become due, and of providing a sinking fund for the payment of the bonds herein provided for, the board of county commissioners and board of magistrates of Moore county shall assess, levy and cause to be collected annually, at the time and in the manner that the regular county taxes are assessed, levied and collected, a tax not to exceed ten cents on the hundred dollars' worth of property and thirty cents on the poll. The said tax to be levied

Special tax.

Limitation of tax.

and collected of the real as well as the personal property of the county.

Application of
tax.

SEC. 5. That so much of the taxes collected, as provided for in the preceding section, as may be necessary for the purpose, shall be applied to the payment and discharge of the coupons becoming due in January of the year following the assessment of such taxes; and the balance of such taxes, should any balance there be, shall be applied to the redemption and payment of the bonds herein provided for, provided the holders of said bonds be willing to surrender the same; and should they be unwilling to surrender them before they become due, then and in that case the said board of county commissioners are hereby authorized to invest such balance in such manner as they may see fit: *Provided, however,* that they shall in all cases provide for the collection of such investment or investments on or before the first day of January in the year following the date of such investment.

Proviso.

Commissioners
to keep record.

SEC. 6. That the said board of commissioners of Moore county shall cause a record to be kept by their clerk, in which shall be entered the name of every purchaser of a bond, the numbers of the bonds purchased and the price paid for same. They shall also cause to be kept a record of all bonds and coupons paid off and discharged; after the entering of which the said bonds and coupons shall, in the presence of the board of county commissioners, be destroyed by fire.

Bonds and coupons
cancelled
to be destroyed.

SEC. 7. 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. 1885.

CHAPTER 267.

An act to prohibit the manufacture and sale of spirituous liquors within two miles of Concord church and Liberty station, in Randolph county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to manufacture, sell or otherwise dispose of any spirituous, vinous, or other malt liquous within two miles of Concord church in Pleasant Grove township, and of the church and school house at Liberty station in the township of Liberty [making the depot a central point] 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 more than fifty dollars or imprisoned not more than thirty days.

Unlawful to sell &c., liquor within two miles.

Misdemeanor.

Penalty.

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. 1885.

CHAPTER 268.

An act to pay a judgment recovered by Michael Clements against the State of North Carolina.

WHEREAS, Michael Clements in accordance with article four, section nine of the constitution, recovered a judgment against the State of North Carolina in the supreme court of said State at June term, one thousand eight hundred and seventy-seven thereof, for the sum of twenty thousand (\$20,000) dollars; and whereas, the said judgment has been duly certified and transmitted to the Gen-

Preamble.

eral Assembly according to law, with the recommendation of the supreme court that the General Assembly make provisions for its payment; now, therefore,

The General Assembly of North Carolina do enact :

Treasurer authorized to deliver \$20,000 in four per cent. bonds in satisfaction of judgment.

SECTION 1. That the Public Treasurer be and is hereby authorized and directed to satisfy said judgment and interest by delivering to said Michael Clements twenty thousand dollars (par or face value) of the four per cent. bonds of this State, with interest coupons attached only from the ratification of this act, and this to be as full discharge of the said debt and judgment as if paid in current funds.

Full receipt to be executed.

SEC. 2. That the said Clements shall be entitled to the benefits of this act only upon condition that he execute a full discharge and receipt of all claims, debts or judgments held by him against the State, to the Public Treasurer.

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. 1885.

CHAPTER 269.

An act to authorize the commissioners of Madison county to settle the public debt of said county.

The General Assembly of North Carolina do enact :

Commissioners authorized to fund outstanding indebtedness of county in six per cent. coupon bonds.

SECTION 1. That the board of county commissioners of Madison county are hereby authorized and empowered to fund the outstanding indebtedness of said county, and to issue for the same coupon bonds bearing interest at six per centum per annum, due and payable ten years from April the first, one thousand eight hundred and

eighty-five. Said bonds shall be signed by the chairman and clerk of the board, and countersigned by the clerk of the superior court, with his official seal attached thereto: *Provided*, that no larger an amount than fifteen thousand dollars shall be issued, and that the same may at any time be called in and paid by the county before maturity, and shall so set forth upon their face.

Issue of bonds limited to \$15,000.

SEC. 2. The bonds shall be issued to bearer, and shall be enrolled and numbered by the county treasurer in a book to be kept for that purpose. The coupons thereunto attached shall be paid on the first day of April of each year, and shall express upon their face, "Good for county taxes."

Bonds, how issued.

When coupons payable.

SEC. 3. The board of county commissioners, in order to meet the interest on said bonds, and to raise a sinking fund, shall each year levy a tax of forty-five cents on each three hundred dollars' worth of property, and the same on each poll, which fund when collected shall be paid to the county treasurer, and used solely for the purposes for which levied. Said tax is due and payable as other taxes for county purposes, but the commissioners may extend the time of collection for good reasons to April first of any year.

Special tax.

SEC. 4. That the sinking fund as herein provided for, shall be loaned by the county treasurer at six per cent. to such person as may offer good and sufficient security for the same, in three times the amount as loaned, and when said fund shall at any time amount to one-third of the debt, the said treasurer shall retire bonds to such amount, paying each holder rateably, as far as is practicable: *Provided*, that said treasurer shall be responsible on his official bond for the amount in his hands, the amount loaned, and interest on the same.

County treasurer authorized to loan sinking fund, &c.

Proviso.

SEC. 5. that the bonds issued under the provisions of this act shall be in denominations of not less than twenty nor more than five hundred dollars, and at any time notice is issued that a sufficient amount is in the treasury

Bonds, how issued.

When interest to cease.

To what claims
act applicable.

to pay said bond, interest shall cease to accrue on the same, unless it is presented for payment. That this act shall only apply to claims due and unpaid, and for which no provision is made for payment, and shall in no wise affect disputed indebtedness or accounts in litigation or subject thereto.

Settlement of out-
standing claims.

SEC. 6. That in order to settle outstanding claims held by persons to whom originally granted, or who purchased them for their par value, the commissioners may issue a claim on ten years' time, with interest at six per centum, payable April first of each year, or they may put such claims in tax-paying claims for the years one thousand eight hundred and eighty-six and one thousand eight hundred and eighty-seven, and in such cases as they think proper, may make them interest bearing:

Proviso.

Provided, that no claim shall be issued under this section unless the holder thereof shall file with the commissioners an affidavit in which he shall show that he or she is the party to whom such claim was issued, or that the same was purchased at par, and that the amount of any and all claims held by such person, or his or her family, is not more than fifteen dollars: *And provided further*, that no such claim shall be paid, except subject to the necessary current expenses of the county, and the current expenses herein meant are, jurors, State's witnesses, claims for the poor, jail fees, officers, etc.

Proviso.

Special tax when
debt is reduced so
as to enable its
payment in one
year.

SEC. 7. That at any time when the county commissioners find that by virtue of amount paid and the sinking fund on hand the debt is so reduced as to enable its payment in one year, then they are hereby authorized and empowered to levy such tax for the payment of said indebtedness: *Provided*, that this authority shall only apply to one year, and that all county, State and school taxes, together with the special tax herein provided for, shall not exceed (\$3.00) three dollars on the three hundred dollars' worth of property and the same on the poll: *And*

Proviso.

provided further, that in all levies the constitutional equa- Proviso.
tion shall be observed.

SEC. 8. That chapter of the laws of one thou- Chapter 324, laws
1883, repealed, ex-
cept as to bridge
tax.
sand eight hundred and eighty-three be and the same is
hereby repealed, save and excepting the authority of the
commissioners to levy a sufficient tax to meet the balance
due on the bridge claims.

SEC. 9. The sheriff of Madison shall endorse on all Duty of sheriff^{!!}
and treasurer as
to coupons and
claims taken up.
coupons, or any other county claim taken up by him, the
name of party from whom such coupon or other county
claim was taken, also the date of same, and a similar en-
dorsement shall be made by the county treasurer on such
claims as he may pay, also those taken up from the
sheriff. Any officer who fails, refuses or neglects to make Misdemeanor.
such endorsement, or who makes a false endorsement,
shall be guilty of a misdemeanor, and upon conviction Penalty.
shall be fined or imprisoned at the discretion of the court:
Provided, that nothing herein contained shall be construed Proviso.
to allow the sheriff to take up coupons or claims except
in actual payment of taxes.

SEC. 10. 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. 1885.

CHAPTER 270.

An act to amend section two thousand eight hundred and twenty-
four of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty, section two thousand Section 2824 of
The Code amend-
ed.
eight hundred and twenty-four of The Code, be amended
by adding thereto the following proviso: "*Provided*, that in

Additional special tax for building stock law fences.

Annual tax for keeping fences and gates in repair.

Act applicable only to Wake Forest township, Wake county.

the event the said one-fourth of one per centum shall be insufficient for building such fences, the said board of commissioners shall be authorized to levy an additional assessment of one-fourth of one per centum for such purpose. And said board of commissioners are also authorized to levy and collect an annual assessment as provided in this section not exceeding one-fourth of one per centum for the purpose of keeping said fences and gates in repair: *Provided*, that the provisions of this act shall apply only to the township of Wake Forest, in the county of Wake.

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. 1885.

CHAPTER 271.

An act to appoint H. Cabaniss and F. Brevard McDowell, justices of the peace.

The General Assembly of North Carolina do enact:

H. Cabaniss and F. B. McDowell appointed justices of the peace for Cleveland and Mecklenburg counties respectively.

Terms of office.

Allowed to practice law in their respective counties.

Allowed to practice law except in such cases as have been appealed from their courts.

SECTION 1. That H. Cabaniss for number six township, Cleveland county, and F. Brevard McDowell for Charlotte township, Mecklenburg county, be and are hereby appointed justices of the peace for the term of six years; their terms of office to begin upon the passage of this act and their acceptance and qualification.

SEC. 2. That section twenty-seven of The Code of North Carolina shall not be applicable to the said H. Cabaniss and F. Brevard McDowell.

SEC. 3. That the appointment of the said H. Cabaniss and F. Brevard McDowell and their acceptance and qualification as justices of the peace in and for said town-

ships and counties, shall in no wise affect their rights to practice as attorneys at law in the various courts of Cleveland and Mecklenburg counties, except on such cases as have been appealed from the court of the justices of the peace in which they presided or took part.

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. 1885.

CHAPTER 272.

An act to make an appropriation for the Oxford Orphan Asylum.

The General Assembly of North Carolina do enact :

SECTION 1. That the Treasurer be and he is hereby directed to pay to the board of directors of the Oxford Orphan Asylum, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars annually, payable quarterly.

Annual appropriation of \$10,000 to be paid by treasurer.

SEC. 2. That the board of directors of the Oxford Orphan Asylum are hereby required to make a detailed account of the operations of each year, stating fully all receipts and expenditures to the Governor of the State, which report shall be transmitted by the Governor to the General Assembly at each session.

Board of directors to make annual report to Governor.

SEC. 3. That all resolutions making appropriations by the State for the Oxford Orphan Asylum be and the same are hereby repealed, and that this act shall be in force from and after its ratification.

Former resolutions making appropriations repealed.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 273.

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

The General Assembly of North Carolina do enact :

Chapter 234, section 5, laws 1881, amended.

Sale of wine and cider prohibited within five miles of certain places.

Conflicting laws repealed in respect to this act.

SECTION 1. That chapter two hundred and thirty-four, section five, laws of one thousand eight hundred and eighty-one, ratified March twelfth, one thousand eight hundred and eighty-one, shall be amended by inserting in the first line of said section five, after the word "liquors," the words "wine or cider."

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed so far only as necessary to make the provisions of this act valid.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 274.

An act to incorporate the Southern and Western Air-Line Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That upon compliance with the provisions of this act Robert F. Hoke and John C. Winder, of Wake county; T. H. Cobb and George Phifer, of Lincoln county; Reuben McBrayer and John Z. Falls, Jr., of Cleveland county; Peter M. Mull, of Catawba county; I. I. Davis, John A. Dickson and James A. Cleywell, of Burke county; James C. Harper and James Spainhour, of Caldwell

county; M. A. Conley and A. A. Wiseman, of Mitchell county; C. N. Young and S. W. Carter, of Yancey county; E. F. Lovell, of Watauga county; Wiley Thomas and George Rives, of Ashe county, be created a body politic and corporate, under the name and style of the "Southern and Western Air-Line Railroad Company," and shall have a corporate existence in perpetuity, and shall have the right to sue and be sued, to have a common seal, and to make by-laws for the government of said company not inconsistent with the laws of this State or of the United States.

Corporate name.

Corporate powers.

SEC. 2. That the capital stock of said company shall be one million dollars, to be divided into shares of fifty dollars each, with the right, after said company shall have been organized, to increase the same to five millions of dollars.

Capital stock.

SEC. 3. That said company shall have the right to construct a line of railway from any point on the Carolina Central Railway at or between the town of Shelby and the town of Lincolnton to Cranberry, in Mitchell county, and down Toe river from a point where said line may intersect the valley of said river to the Tennessee State line, and also another line of railway from some point in Ashe county, on the Virginia State line, through the counties of Caldwell, Burke and Rutherford, to the South Carolina State line, and also shall have the right to extend its line from its initial point on the Carolina Central Railway in a southern direction, so as to connect with any railroad which has been or may hereafter be constructed in South Carolina, and shall have the power to construct double or single tracks, to adopt any gauge that may be deemed best, to change the gauge adopted at any time on any part or the whole of either of the lines herein described, to condemn and hold during the corporate existence of the company all land within one hundred feet of the centre of the track or tracks of said company, on either side, and to purchase and hold such other tracts of

Terminal points.

Corporate powers.

land as may be needed to conduct the business of the company or to increase the amount of freights shipped over its road.

Condemnation of land for right of way.

SEC. 4. That upon the location and construction of any part of either of the lines herein described, if no agreement with the owners of land through which the road shall be constructed shall have been made by the company, the land on either side of the centre of the track for a distance of eighty feet shall be vested in said company, and the proceedings for the condemnation of the said land, and for the recovery by the owners of the value thereof, shall be the same as prescribed in the acts of the General Assembly of North Carolina incorporating the North Carolina Railroad Company and the Western North Carolina Railroad Company, and in making the valuation the commissioners shall take into consideration the loss of [or] damage that may accrue to the owner in consequence of the right of way being surrendered and the common benefit and advantage the owner may receive from the existence of the railroad, and shall state particularly the amount of each, and the excess of loss and damage over and above said advantage and benefit shall form the measure of valuation of the right of way.

Commissioners to open books of subscription.

SEC. 5. That Robert F. Hoke, of Wake county; E. D. Hall, of New Hanover county; D. McBee, of Lincoln county; J. A. Cleywell, of Burke county; P. M. Mull, of Catawba county; James Andrews, of Rutherford county; E. W. Faucette, of Caldwell county; and Wiley Thomas, of Ashe county, are hereby appointed commissioners and are authorized to open books for subscription to capital stock of said company at any time after the ratification of this act and before the organization of the company, and upon the subscription of one hundred thousand dollars, and the payment of five per cent. of said amount, the said commissioners, or any three of said commissioners, shall be empowered, after publishing a notice of such meeting for one month in two or more newspapers pub-

Organization of company.

lished in the counties of Lincoln, Cleveland, Burke or Caldwell, to call a meeting of the subscribers to the capital stock of said company and to complete the organization of said company.

SEC. 6. That the stockholders of said company, either in person or by proxy, verified by the seal of the clerk of a court of record, shall have the right, by a vote of a majority of the stock subscribed and upon which five per centum of the amount has been paid, to elect a president, nine directors and a treasurer of said company, and to make by-laws providing for the appointment or election of such other officers as they may deem necessary to manage the business of the company.

Election of officers.

SEC. 7. That the said company after it shall have been organized shall have the power to consolidate with and assume the corporate name of any railroad company that has been already organized, or that may hereafter be organized, or to sell or lease any part or the whole of either of the lines hereinbefore described to any other railroad company, and if a portion or the whole of either of said lines shall be sold to any other company, then the company purchasing shall take the line so purchased, with all the franchise herein granted as appurtenant, and may manage said line under its own corporate name.

Authorized to consolidate with any other road, and to sell, lease, &c.

SEC. 8. That said company shall have the power to issue bonds of the company, not exceeding in amount fifteen thousand dollars per mile, and to secure the payment of said bonds shall have power to execute a mortgage deed upon the property and franchise of the company, and any mortgage deed so issued and registered in the county of Burke shall constitute a lien upon the franchise and property of the company wherever situated as effectual and valid as if said mortgage deed was registered in every county in which the said company may hold property, real or personal, or in every county through which the said road may pass.

Authorized to issue mortgage bonds.

Where mortgage to be registered.

Subscriptions to
capital stock.

SEC. 9. That the said company shall have the power to take subscriptions of shares of capital stock either in money, labor, or cross-ties at their value.

Election upon
question of coun-
ty subscription.

SEC. 10. That any county through any portion of which either of said lines may pass, may subscribe to the capital stock of said company such number of shares and upon such conditions as the commissioners of said counties may deem proper: *Provided*, that at an election regularly held, and after notice of the holding of such election shall have been given in some newspaper published in said county, or posted at some public place in every township in said county two months, a majority of the qualified voters of such county shall vote for such subscription, and that at such election voters who are in favor of making such subscription shall cast a ballot upon which shall be written or printed the word "Subscription," and voters who are opposed to making such subscription shall deposit a ballot upon which shall be written or printed the words "No Subscription."

Ballots.

Corporate pow-
ers.

SEC. 11. That said company shall have all of the franchises and privileges heretofore granted to any railroad company organized under the laws of the State of North Carolina, except exemption from taxation, and for the purpose of affording facilities for the transportation of timber or minerals, or developing the resources of any section or locality, shall be empowered to construct lines, connecting with either of the lines described in this act, and extending to any other point in the State.

Authorized to
purchase land,
build hotels, &c.

SEC. 12. That said company shall have the right to purchase and hold land at any points on either of its lines, or in any of the counties through which either of said lines may pass, and erect hotels or other buildings on said lands, and to purchase, hold and work any mineral lands in either of said counties, and to hold shares of stock in any corporation organized for the purpose of mining.

Convict labor

SEC. 13. That in order to facilitate the early completion

of that part of said company's line between Carolina Central Railroad and the Western Insane Asylum, the North Carolina Penitentiary authorities shall furnish and cause to be worked upon such line any convicts not otherwise appropriated or required in the prison, and receive as compensation from said railroad company for the labor performed on said railroad such reasonable hire as will protect the public interest, and which shall in no event be less than ten dollars and fifty cents each per month for every convict worked on said railroad.

Compensation.

SEC. 14. That if work is not begun and prosecuted with reasonable diligence within five years from the ratification of this act, then this charter is to become void, otherwise to remain in full force and effect.

Act to become void if work not begun and prosecuted within five years.

SEC. 15. That this act take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 275.

An act to amend chapter two hundred and thirty-six of the acts of the General Assembly passed during the session of one thousand eight hundred and eighty-three, being "An act to establish a graded school in the town of Kinston, Lenoir county."

WHEREAS, Section one of the "act to establish a graded school in the town of Kinston, in Lenoir county," includes the entire territory embraced within Kinston township as the limits of said graded school district: therefore, for the purpose of amending said section one and also section five of the said act:

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of said act be and the same is hereby amended so as to include the territory only em-

Chapter 236, section 1, laws 1883, amended.

Boundary of
school district.

braced within the following boundary as the limits of the said school district, viz: Beginning on the north side of Neuse river at the foot of the Neuse river bridge, just below Kinston and runs up with the various courses of the said river to Desmond's landing on said river above Kinston; then a direct line to the entrance of the Hull road into the Kinston and Goldsboro road; then up the various courses of the said Hull road to the line of the heirs-at-law of Joseph Williams, deceased, and J. F. Rouse; then eastwardly including the lands of the said heirs-at-law of the said Joseph Williams, deceased, J. W. Aldridge, Mrs. Theresa Chadwick and others, to the run of the Yadkin branch at the Kinston and Snow Hill road; then with the said road to the road leading from the Kinston and Snow Hill road, beginning at the road leading from Snow Hill and Kinston road beyond John Phillip's farm; then with said road leading from Snow Hill and Kinston road to the dividing line between Evert Rouse and James Faulkner; thence with said dividing line to Mrs. Cynthia Dunn's line, including her farm; then to the dividing line between S. H. Rountree and John Tull; thence with said line to Neuse river; then up the various courses of the run of Neuse river to the beginning.

SEC. 2. That section five of said act be amended by adding to the names of the trustees therein mentioned the names of who, together with those mentioned in said section five, shall constitute a board of trustees for the said graded school for the whites.

SEC. 3. That all laws or clauses of laws coming 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 9th day of March, A. D. 1885.

CHAPTER 276.

An act to repeal chapter one hundred and twenty-three, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and twenty-three, laws [of] one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three of North Carolina, be and the same is hereby repealed.

Chapter 123, laws 1872-'3, repealed.

Sale of liquor in Statesville.

SEC. 2. The board of commissioners of the city of Statesville shall hereafter be empowered to grant license to retail spirituous liquors in the city of Statesville. They are hereby empowered to levy a tax on each license granted, to be applied as other taxes of said city, not exceeding five hundred nor less than three hundred dollars, and they shall levy a tax on each license to retail malt liquors, to be applied in like manner, not to exceed one hundred nor less than seventy-five dollars.

Commissioners authorized to grant license to retail liquor in Statesville.

License tax to be not less than \$300 nor more than \$500.

License tax to retail malt liquors to be not less than \$75 nor more than \$100.

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. 1885.

CHAPTER 277.

An act to prevent live stock from running at large in portions of the county of Franklin.

The General Assembly of North Carolina do enact :

SECTION 1. It shall be unlawful for any live stock to run at large within that section of Franklin county embraced within the following boundaries, to-wit: In Frank-

Unlawful for live stock to run at large in Franklin county within certain boundaries.

linton, Hayesville, Louisburg and Sandy Creek townships, beginning at the Vance county line on Tar river, then down said river to the south corner of E. W. Timberlake's land; thence along the line of said land to the Warrenton and Louisburg road; thence north along said road to the forks of said road and the Express road; thence along said Express road to the forks thereof at J. G. Myrick's store; thence north along the Poorhouse road to the forks of said road at Mrs. Evans' residence; thence along the north fork of said road to T. G. Hunt's mill; thence in a northerly direction to the Warren county line; thence along Warren county line to Vance county line; thence along said line to the beginning.

Impounding of stock running at large.

Charges.

Stock detained until damages ascertained and paid.

SEC. 2. It shall be lawful for any person to take up any live stock running at large in said described territory and impound the same in the township where it is taken up, and such impounder may demand fifty cents for each animal so taken up, and twenty-five cents for every day such stock is kept impounded, and may retain the same with proper care until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders, to be elected one by the owner of said stock and one by said impounder, said freeholders to elect an umpire if they cannot agree, from whose decision the right of appeal shall be allowed to either party.

Wilfully permitting stock to run at large a misdemeanor.

Penalty.

SEC. 3. Any person who shall wilfully permit his or her live stock to run at large in the said described territory shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars.

Sale of impounded stock on neglect or refusal of owner to redeem after notice.

SEC. 4. If the owner of said stock be known to such impounder, he shall immediately inform such owner where his stock is impounded, and if such owner shall for two days after such notice wilfully refuse or neglect to redeem his stock, then the impounder, after ten days' written notice posted at three or more public places in

the township where such stock is impounded, and describing the said stock, and stating the place, day and hour of the sale; or if the owner be unknown, after twenty days' notice in the same manner, and also at the court house, shall sell the stock at public auction and apply the proceeds of such sale in accordance with the provision of section two of this act, and the balance of such proceeds, if any such be remaining, he shall pay over to the owner if known, and if the owner is not known to the county commissioners for the use of the school fund of the district wherein said stock was taken up and impounded, subject in their hands within six months to the claim of the legal owner.

When owner is unknown.

Proceeds, how applied.

Legal owner may claim proceeds for six months.

SEC. 5. Any impounder misappropriating any money received by him under this act, or in any manner wilfully violating any of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Misappropriation of money by impounder a misdemeanor.

Penalty.

SEC. 6. Any person unlawfully receiving [rescuing] or releasing any impounded stock, or wilfully attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Unlawful receiving or releasing impounded stock a misdemeanor.

Penalty.

SEC. 7. The word stock in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats and all neat cattle and swine.

Definition of "stock."

SEC. 8. That in the case of the failure or refusal by either the owner or impounder of said stock to select the freeholders as provided in section two of this act, and the said impounder shall make written application to any justice of the peace of the township in which said stock is impounded, under oath stating that he hath suffered damage by reason of stock running at large, then the said justice of the peace shall appoint three disinterested freeholders, who shall, after having been first duly sworn by the said justice to do equal and impartial justice between

Procedure when owner and impounder fail to select freeholders to assess damages.

Justice to appoint three disinterested freeholders.

Duties.

Lien of im-
pounder on stock
for damage, &c.

the parties, estimate said damages, which shall be paid by the person claiming such stock, together with the cost of the proceedings, before the said stock is delivered to the owner thereof, or in case of sale before such owner shall be entitled to demand any part of the proceeds of such sale.

County commis-
sioners to erect
fence, &c.

SEC. 9. It shall be the duty of the board of county commissioners of Franklin county to erect a good and lawful fence around the entire territory herein described, or so much thereof as may be necessary to fully carry out the provisions of this act, and to erect gates on all public highways leading into said territory, and to keep the same in good repair.

Condemnation of
land when owner
objects to build-
ing fence.

SEC. 10. If the owners of any land shall object to the building of any fence herein provided for, his or her land, not exceeding twenty feet in width, shall be condemned for the fence-way as land has been heretofore condemned for railroad purposes by the Raleigh and Gaston Railroad Company: *Provided*, that no fence shall divide a tract of land against the consent of the owner, but may follow the boundaries thereof: *Provided further*, that when a public road divides a tract, the fence may follow the highway even against the consent of the owner of the land so divided.

Fence not to di-
vide land with-
out consent of
owner.

When public
road divides land
fence to follow
highway.

Special tax.

SEC. 11. That for the purpose of carrying out the provisions of section nine of this act, the county commissioners of Franklin county may levy and collect, as other taxes are levied and collected, a special tax upon all the real property taxable by law by the State and county within the limits of said described territory.

Wilful injury to
fence or gate a
misdemeanor.

SEC. 12. Any person or persons wilfully tearing down or in any manner breaking a fence or gate erected in pursuance of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Penalty.

All streams now
lawful fences con-
tinued so.

SEC. 13. That all water courses or streams in or bound-
ing said territory herein described which are now by law

declared lawful fences, are hereby declared good and lawful fences for the purposes of this act.

SEC. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 15. That this act shall take effect and be in force from and after fifteenth July, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 278.

An act to establish a public ferry across Black river at Nelson Bluff.

The General Assembly of North Carolina do enact:

SECTION 1. That John H. Murphy of Pender county, his heirs and assigns, are hereby authorized to establish a ferry across Black river at the terminus of the public road at Nelson Bluff.

John H. Murphy, his heirs and assigns, authorized to establish a ferry.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in said John H. Murphy, his heirs and assigns, during the full term of ten years.

Right to establish ferry vested in John H. Murphy, his heirs and assigns, for ten years.

SEC. 3. That it shall be lawful for the said John H. Murphy, 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 Pender and Bladen counties, and it shall be unlawful for any one to establish another ferry within three miles of said ferry: *Provided, however,* that this act shall not be construed to prevent the commissioners of Bladen and Pender counties or other proper authorities of the same from erecting or building at any time a free or public bridge across the said river at Nelson Bluff for the pur-

Tolls to be prescribed by commissioners of Pender and Bladen counties.

Unlawful to establish another ferry within three miles.

Act not to be construed to prevent building of free bridge.

pose of connecting the public road of Pender county terminating on said Nelson Bluff, with a public road leading through Bladen county.

SEC. 4. That this act shall be in force from and after the first day of July, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 279.

An act to amend chapter (70) seventy of the laws of one thousand eight hundred and eighty-three, entitled an act to prevent live stock from running at large in the counties of Greene and Lenoir.

Chapter 70, section 5, laws 1883, amended.

The General Assembly of North Carolina do enact:

Stock crossing Contentnea creek not to be impounded at expense of owner.

SECTION 1. That chapter seventy of the laws of one thousand eight hundred and eighty-three be amended by striking out in section five of said act the following words, viz: "that no stock crossing Contentnea creek shall be impounded at the expense of the owner of said stock."

Section 10 amended.

"Stock" to include geese.

Section 12 amended.

Contentnea creek from its mouth to mouth of Nahunta creek not a lawful fence.

Section 15 amended.

Condemnation of timber for fence.

SEC. 2. That section ten of said act be amended by adding "geese" after goats in line three.

SEC. 3. That section twelve of said act be amended by striking out the following words, viz: "and the said creek from its mouth to the mouth of Nahunta creek."

SEC. 4. That section fifteen of said act be amended by adding after the word "provided" in line four, "and such timber as may be necessary to build and keep said fence in good repair," and also to add the word "timber" after "fenceway," in line nine of said section.

SEC. 5. That nothing in said act shall be construed to prevent persons living in the stock-law territory from allowing their stock to run upon their own lands lying outside of said territory.

Act not to be construed to prevent stock from running at large on owner's land outside of stock-law territory.

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. 1885.

CHAPTER 280.

An act to amend chapter three hundred and twenty of the laws of one thousand eight hundred and eighty-three—an act for the better drainage of the lowlands on Reed[y] Fork and Horsepen creeks in Guilford county.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter three hundred and twenty of the laws of one thousand eight hundred and eighty-three be amended by striking out all of said section after the word "practicable," in line ten thereof, and inserting in lieu thereof the words "to select and employ some suitable person to superintend and oversee the hands which they are hereby authorized to employ for the purpose of clearing out, straightening and deepening said creeks so as to better drain the lowlands through which they run, each set of commissioners to employ their own hands and overseer."

Chapter 320, section 1, laws 1883, amended.

Commissioners authorized to employ overseer to superintend hands, &c.

SEC. 2. That section two be amended so as to read: "That said commissioners or a majority of them shall have power to elect one of their number chairman, respectively for each set of commissioners, who shall also be treasurer, and they may fill vacancies in their number when such occur by death or removal from the county or otherwise, and in case of their neglect so to do, the county

Section 2 amended.

Each set of commissioners authorized to elect chairman who shall be treasurer also.

Vacancies.

commissioners of Guilford shall appoint to fill such vacancy upon the application of any person interested."

Section 3 amended.

Duties of commissioners.

SEC. 3. That section three shall be amended so as to read: "That said commissioners, each set for their own creek, shall estimate the number of acres of bottom lands on their respective creeks, belonging to each land owner from Foulks' mill on Reedy Fork, and from McQuiston's bridge on Horsepen, and from time to time not oftener than once a year, in order to raise money for the purposes contemplated in this act, they shall levy an assessment not exceeding twenty-five cents per acre of the estimated amount of bottom land on the landowners aforesaid, of which estimate of the number of acres, and the names and amounts of each owner thereof, and also the rate of assessment, they shall make a report to the commissioners of Guilford county, who shall file the same among their records and spread the same upon their minutes."

To levy special assessment.

To make report to commissioners of Guilford county.

Report when made to commissioners to be filed in register's office and heard at next meeting of commissioners.

Notice to be given.

Parties interested authorized to file exceptions, and matters in dispute to be settled by commissioners.

Assessment list to be given sheriff for collection and to constitute lien, &c.

Sheriff to collect assessment.

SEC. 4. That upon the making and filing of said report in the office of the board of county commissioners as aforesaid, the same shall be filed in the office of the register of deeds, their clerk, until the succeeding meeting of the board, and notice thereof shall be given for twenty days prior to said succeeding meeting by publication at the court house door in Greensboro, and at said meeting of the board any parties interested may file exemptions [exceptions] or objections to said report, and thereupon said county commissioners shall hear and determine the matters complained of, and shall make out and deliver an assessment list in the manner tax lists are made and place the same in the hands of the sheriff of Guilford for collection, said tax list when placed in the hands of the sheriff to be a lien on the bottom lands of such land owner as may be assessed under the provisions of this act.

SEC. 5. That the sheriff upon the delivery to him of the assessment list aforesaid shall, within thirty days thereafter, proceed to collect the same, and to that end he shall have the same power and remedies as he has for the col-

lection of the public taxes, and receive for such service the same compensation as in the collection of State and county taxes; and the sum so collected the sheriff shall at the end of sixty days, or sooner if collected, pay over to the board of county commissioners, whose duty it shall be to pay over the same at once to the respective treasurers of the creek commissioners; the amount collected from the bottom lands on such creek to be used and expended in the draining and cleaning of said creeks under such rules and instructions as said creek commissioners respectively may make.

Compensation.

Assessment when collected to be paid to county commissioners and by them to treasurers of creek commissioners.

How used and expended.

SEC. 6. That the treasurers of said creek commissioners shall each keep a book in which they shall record their proceedings, and also keep an account of receipts and expenditures, and said books shall be kept open to the inspection of any party interested therein at all times.

Treasurers to keep records, &c.

SEC. 7. That upon the written petition of a majority of the land owners on Haw river or any other stream in Guilford county, filed with the board of county commissioners of Guilford, setting forth the stream and defining the territory to be drained or cleared out, it shall be the duty of said board to appoint five commissioners resident in said county and owning lands on the stream or streams proposed to be drained or cleaned out; and when so appointed they shall be vested with full power and authority to proceed under the provisions of chapter three hundred and twenty, laws of one thousand eight hundred and eighty-three, and this act amendatory thereof, to drain and otherwise improve the condition of the bottom lands of the stream or streams for which these are respectively appointed, all things as in this act authorized and directed.

Upon petition of majority of land owners interested other streams in Guilford county to be brought within the provisions of chapter 320, laws 1883, and this act.

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 powers and in the same way and under the same rules and regulations as are prescribed in chap-

Powers of commissioners.

ter three hundred and twenty, laws of one thousand eight hundred and eighty-three, and the act amendatory thereto, 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 overseer and hands shall have the right to cut bushes and timber and gather stones from the lands of the several and respective owners.

SEC. 9. 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. 1885.

CHAPTER 281.

An act to make fishing with seines or nets in Beaver Dam swamp, Nash county, a misdemeanor.

The General Assembly of North Carolina do enact:

Misdemeanor to fish with seines and nets, &c., in Beaver Dam Swamp, Whitaker's township, Nash county.

Penalty.

SECTION 1. That any person who shall fish with seines or nets in Beaver Dam swamp, Whitaker's township, Nash county, or who shall muddy the waters of said swamp within said township for the purpose of catching fish, shall be guilty of a misdemeanor, and on conviction shall be fined not to exceed twenty dollars or imprisoned not to exceed twenty 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. 1885.

CHAPTER 282.

An act to pay off the balance of the indebtedness of the North Carolina Insane Asylum.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of thirty-five hundred dollars be and the same is hereby appropriated to pay off the balance of the indebtedness of the North Carolina Insane Asylum, not provided for in the bill to make appropriation for the support of said asylum, passed at this session of the General Assembly.

\$3,500 appropriated to pay balance of indebtedness of N. C. Insane Asylum.

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. 1885.

CHAPTER 283.

An act for the relief of R. P. Waring, Esq.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty seven of The Code shall not be applicable to R. P. Waring, Esq., of Mecklenburg, except to prohibit him from appearing as attorney in any case which has been appealed from the court of justice of the peace in which he presided or took part.

R. P. Waring, justice of the peace, allowed to practice law except in cases appealed from his 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 9th day of March, A. D. 1885.

CHAPTER 284.

An act to amend an act to incorporate the Highland Railroad Company.

The General Assembly of North Carolina do enact:

Chapter 40, section 5, laws 1883, amended.

Time within which work on road shall commence.

SECTION 1. That section five of chapter forty, laws of one thousand eight hundred and eighty-three, ratified January twenty-sixth, one thousand eight hundred and eighty-three, be amended by striking out "eighteen hundred and eighty-five" and inserting "two years from the ratification of this act."

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. 1885.

CHAPTER 285.

An act providing for the cutting of a canal connecting Elizabeth river and Lockwood Folly sound.

The General Assembly of North Carolina do enact:

Commissioners of Brunswick county authorized and directed to survey and locate canal connecting waters of Elizabeth river and Lockwood Folly sound.

Canal not to exceed $2\frac{1}{2}$ miles in length and 50 feet in width.

Right of way, how obtained.

SECTION 1. That the county commissioners of Brunswick county are hereby authorized and directed to immediately survey and locate a canal connecting the waters of Elizabeth river with the waters of Lockwood Folly sound in said county; that said canal shall not exceed two and one-half miles in length, nor fifty feet in width.

SEC. 2. The right of way for said canal shall be obtained by the commissioners of Brunswick county, as is now provided by law for the right of way for a public county road.

SEC. 3. That when the requirements of the first section of this act shall have been complied with, the commissioners of Brunswick county shall make report to the board of directors of the penitentiary, and the said directors shall, as soon thereafter as they shall have fifty convicts or more unappropriated, send the same to the location of said canal to engage in the digging of the same, and there remain until the canal is completed, under the charge of sufficient guard to be selected by said board and subject to their control and the prison rules and regulations as far as practicable; that said convicts shall be furnished with necessary tools to construct a suitable stockade or quarters, and to work upon said canal; shall be fed and clothed and transported to and from said canal by the said board of directors and paid for out of the funds appropriated for the penitentiary.

Convict labor, when and how to be furnished.

How paid for.

SEC. 4. The county commissioners of Brunswick county are hereby authorized and directed to pay for the survey of said canal and to furnish the lumber necessary for a stockade and other quarters for convicts and guards.

Commissioners of Brunswick county to pay for survey, &c.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 286.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of repairing the court house, the board of county commissioners of the county of Columbus be and the same are hereby authorized and

Authorized to levy special tax not exceeding \$2,000 to repair court house.

Proviso.

When to be levied.

empowered to levy a special tax, not to exceed two thousand dollars in the aggregate, on all the property, real, personal or mixed, subject to taxation in said county, and twenty-five cents on each poll in said county: *Provided*, the constitutional equation between property and polls be observed. The said tax to be levied only for the year one thousand eight hundred and eighty-five.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 287.

An act supplementary to and amendatory of an act entitled “An act to prevent live stock from running at large in Goldsboro township, Wayne county,” ratified the twenty-third day of February, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Provisions of chapter 115 *ante*, extended.

Additional territory.

SECTION 1. That the provisions of an act entitled “An act to prevent live stock from running at large in Goldsboro township, Wayne county,” ratified the twenty-third day of February, A. D. one thousand eight hundred and eighty-five, shall extend and be applicable to the following additional territory on the south side of Neuse river, to-wit: Beginning at Neuse river on the line between W. R. Hollowell and John R. Overman, runs with said line to the Fayetteville road; thence with said road to the west corner of W. R. Davis’ field; thence with his fence to the run of Bradbury branch; thence up said branch to the corner of Thomas Thompson’s land; thence with said Thompson’s and W. H. Overman’s line to Reedy branch; thence a direct line to the corner of the fence near John Davis’; thence with the old path running along by the

fence to Everettsville; thence to the mouth of the lane between the Potts' heirs and J. H. Egerton; thence along said lane to its end; thence to John Carroway's; thence to Ashby Jones'; thence with the county road to Neuse river at Wm. Potts'.

SEC. 2. That D. E. Stevens, John Carroway and John Roberts are added to the committee appointed in said act to cause the boundary fence to be erected.

Additional committeemen to have fence erected.

SEC. 3. That the commissioners of Wayne county shall appoint, as provided in the act of which this act is an amendment, one registrar for the territory embraced in this act.

One registrar to be appointed for added territory.

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. 1885.

CHAPTER 288.

An act to provide for the appointment of justices of the peace in certain cases.

The General Assembly of North Carolina do enact:

SECTION 1. That all appointments of justices of the peace by the General Assembly shall be void, unless the person so appointed shall qualify within three months thereafter.

Appointment of justices by General Assembly void unless appointee qualify within three months.

SEC. 2. That all unfilled appointments occurring under the provisions of the preceding section in the office of justice of the peace shall be filled for the term by appointment by the Governor.

Unfilled appointments to be filled by Governor.

SEC. 3. That all laws in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 289.

An act to exempt druggists from jury duty.

The General Assembly of North Carolina do enact :

Section 1723 of
The Code amend-
ed.

Licensed drug-
gists exempt
from jury duty.

SECTION 1. That The Code, section seventeen hundred and twenty-three, be amended by inserting after the word "physician," in line three, the words "licensed druggist."

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 290.

An act to amend an act to allow James R. Blacknall, late sheriff of Durham county, to collect arrears of taxes.

The General Assembly of North Carolina do enact :

Chapter 9, section
1, *ante* amended.
J. R. Blacknall
allowed to collect
arrears of taxes
for 1884.

SECTION 1. That an act to allow James R. Blacknall, late sheriff of Durham county, to collect arrears of taxes, ratified the twenty-first day of January, one thousand eight hundred and eighty-five, be and the same is hereby amended by inserting the words "one thousand eight hundred and eighty-four" after the words "one thousand eight hundred and eighty-three," in the first section of said act.

Section 2 amend-
ed.

SEC. 2. That the words "first day of December, Anno Domini one thousand eight hundred and eighty-five," at the end of the second section of said act be stricken out, and the words "first day of May, Anno Domini one thousand eight hundred and eighty-six" be inserted in lieu thereof.

Authority to
cease May 1st,
1886.

SEC. 3. That this act 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. 1885.

CHAPTER 291.

An act to establish a State flag.

The General Assembly of North Carolina do enact :

SECTION 1. That the flag of North Carolina shall consist of a blue union, containing in the centre thereof a white star with the letter N. in gilt on the left and the letter C. in gilt on the right of said star, the circle containing the same to be one-third the width of said union. Description of flag of North Carolina.

SEC. 2. That the fly of the flag shall consist of two equally proportioned bars; the upper bar to be red, the lower bar to be white; that the length of the bars horizontally shall be equal to the perpendicular length of the union, and the total length of the flag shall be one-third more than its width. Fly of the flag. Length of flag.

SEC. 3. That above the star in the centre of the union there shall be a gilt scroll in semi-circular form, containing in black letters this inscription: "May 20th, 1775," and that below the star there shall be a similar scroll containing in black letters the inscription: "April 12th, 1776." Inscriptions on flag.

SEC. 4. 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. 1885.

CHAPTER 292.

An act to secure the completion of that part of the Western North Carolina Railroad, between the mouth of the Nantahala river and the town of Murphy.

Preamble.

WHEREAS, that part of the Western North Carolina Railroad, between the mouth of the Nantahala river and the town of Murphy in the county of Cherokee, is incomplete; and whereas, it is greatly to the interest of the State that said railroad to Murphy shall be speedily completed; and whereas, it is the settled policy of the State to contribute her convict labor to aid in the building of railroads; now, therefore,

The General Assembly of North Carolina do enact:

Of the 500 convicts heretofore appropriated to Western N. C. R., force at work between mouth of Nantahala river and Murphy to be increased to at least 125 within forty days.

To be kept continuously at work until road completed to Murphy.

Company to iron and operate road as fast as ten miles sections are graded.

Company empowered to pay present dues for convict labor and dues for labor on road from Nantahala river to Murphy in first consolidated mortgage bonds, when road to Murphy is completed and in operation.

SECTION 1. That of the five hundred convicts heretofore appropriated to work on the Western North Carolina Railroad, the force at work on that part of said road between the mouth of the Nantahala river and the town of Murphy shall be increased within forty days after the ratification of this act to at least one hundred and twenty-five; and the force shall not be decreased below that number by any act of the company, if the State shall furnish the necessary convicts, but may be increased under the provisions of this act to one hundred and fifty. This force shall be kept continuously at work on the line until the same is completed to the town of Murphy, and the said company, or their assigns, shall iron and put in operation the line from the mouth of the Nantahala river as fast as sections of ten miles shall be graded and ready for the superstructure.

SEC. 2. That the said company shall have full power and authority to pay all present dues to the State for convict labor, and all dues for convict labor to be used and employed on the line from the Nantahala river to Murphy in the first consolidated mortgage bonds of the company,

authorized and issued by law, if the said company shall faithfully comply with the first section of this act. But said company shall not have the privilege to pay said dues in bonds till said line of railroad is completed and put in operation to the town of Murphy. After such completion said company may pay all dues for convict hire in bonds as aforesaid, and all liens and claims in favor of the State shall thereupon be discharged; but until such payment is made the indebtedness to the State shall remain a lien upon that portion of the railroad from the mouth of Nantahala river to the town of Murphy. But nothing in this act shall apply to any existing debt or dues to the State other than for convict labor heretofore employed, and for convict labor hereafter to be used on the line from the mouth of the Nantahala river to Murphy.

Indebtedness to State to be a lien on road from Nantahala river to Murphy until completed and payment made in bonds.

Act to apply only to dues for convict labor heretofore employed or hereafter used on road from Nantahala river to Murphy.

SEC. 3. That when the said railroad shall be completed and in operation to the town of Murphy, all the bonds of said company held by the State, or to which the State may be entitled for convict labor used upon the line between the mouth of Nantahala river and Murphy, or for present dues for convict labor shall be returned to said company.

When road completed and in operation to Murphy, bonds held by State or to which State may be entitled for convict labor used between Nantahala river and Murphy, to be returned to company.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 293.

An act to amend section thirty-six hundred and sixty-seven of The Code, volume two.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-six hundred and sixty-seven of The Code, volume two, be amended by adding

Section 3667 of The Code amended.

the following clause, to immediately succeed the word "congregation" in line seven from top of page five hundred and twenty-five, to-wit: "And also the power to sell and mortgage their real and personal property to aid in the construction or repairing of their church edifices."

Trustees of religious societies empowered to sell or mortgage property to aid in construction or repair of church edifices.

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. 1885.

CHAPTER 294.

An act empowering the Western North Carolina Railroad Company to construct telegraph and telephone lines on its right of way.

The General Assembly of North Carolina do enact:

Authorized to construct telegraph line along its right of way.

SECTION 1. That the Western North Carolina Railroad Company be and it is hereby empowered to construct and equip a telegraph line on and along its right of way; to send and receive messages and charge for the same and perform the several duties of a telegraph company on said line.

Authorized to construct telephone line.

SEC. 2. That it is also authorized to construct or permit the construction of telephone lines along its right of way or any part thereof for the transmission of messages.

Wilful injury to pole, wire, &c., a misdemeanor.

SEC. 3. That it shall be a misdemeanor to wilfully injure any pole, wire, insulator, instrument or any other fixture, implement or appurtenance to the telegraph or telephone lines constructed on said 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. 1885.

CHAPTER 295.

An act to allow Z. F. Long, clerk of the superior court of Richmond county, to be absent from his office on Monday, the thirteenth, and Monday, the twentieth of April, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and fourteen, chapter nine of The Code, shall not apply to Z. F. Long, clerk of the superior court, of Richmond county on Monday, the thirteenth day of April, and Monday, the twentieth day of April, one thousand eight hundred and eighty-five.

Z. F. Long, clerk of Richmond superior court, allowed to be absent from his office on April 13th and 20th, 1885.

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. 1885.

CHAPTER 296.

An act in relation to the stock law in Robeson county.

The General Assembly of North Carolina do enact:

SECTION 1. That the township of Shoe Heel, or any township of Robeson county adjoining any territory where the stock law prevails, and in the event that two-thirds of the landowners as shown by the tax-lists, shall petition the board of county commissioners to grant them an order allowing said township or parts of a township to adopt or come under the operations of the stock law, then and in that event the said board of county commissioners shall grant said order to said township or parts of townships:

Townships in Robeson county, adjoining stock-law territory, allowed to come under operation of stock law upon petition, &c.

Townships adopting stock law to be governed by laws in relation to other stock-law territory.

Lumber river and Shoe Heel creek, in Robeson county declared lawful fence.

Provided, that said stock-law territory or township as ordered by the board of county commissioners shall be subject alike and governed in every respect by the laws of North Carolina in relation to other stock-law territory:

Provided further, that Lumber river and Shoe Heel creek, in Robeson county, are hereby declared a lawful fence.

SEC. 2. That this law shall not be in force till the first day of January, one thousand eight hundred and eighty-six.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 297.

An act to amend chapter one hundred and sixty-nine of the laws of 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 session of the General Assembly of one thousand eight hundred and eighty-three, to prevent live stock from running at large in the counties of Greene, Lenoir, Pitt and Craven, be amended as follows, so far as applies to the county of Pitt: Commencing at the Greene county line near the bridge, near Scuffleton, with the main road to A. R. Holton's farm, on Snow Hill and New Berne road, then with the fences on the road down to the Pugh plantation at Mrs. W. J. Laughinghouse's; then with the back fence of the Pugh plantation to T. P. Bland's fence; then with said Bland's fence to S. V. Laughinghouse's back fence; then with Laughinghouse, Raspberry, M. A. Pugh, E. S. Laughinghouse and T. P. Bland, Jr.'s fence to Fellow's chapel; then with the road to the widow Mewborn's fence; then along her fence and the line fence of W. A.

Chapter 169, section 1, laws 1883, amended.

Boundaries of stock-law territory in Pitt county.

Pugh and Bryant Mewborn and F. W. Kilpatrick and J. B. Kilpatrick to Miller Kilpatrick's; thence with his fence to E. Powell's fence; thence from the E. Powell place to the Arnold Greene farm fence along the line to be included in this bill.

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. 1885.

CHAPTER 298.

An act for the relief of R. B. Harper, tax collector of Cherokee county.

The General Assembly of North Carolina do enact:

SECTION 1. That R. B. Harper, tax collector of Cherokee county for the year one thousand eight hundred and seventy-seven, and his bondsmen and legal representative, are hereby authorized and empowered to collect arrears of taxes for the year one thousand eight hundred and seventy-seven, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

R. B. Harper, tax collector of Cherokee county, authorized to collect arrears of taxes for 1877.

SEC. 2. That the authority given in section one of this act shall not be exercised until the said tax collector and his bondsmen have settled in full and paid all taxes due for said year: *And provided further*, that the authority given in this act shall not authorize said tax collector nor his bondsmen to collect any insolvent taxes when the same have been credited to him.

Authority not to be exercised until after full settlement made for taxes due for 1877.

Not authorized to collect insolvent taxes credited to him.

SEC. 3. 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 to administer oaths that he or she has paid the same, nor shall any executor or

No person compellable to pay who will make oath that he has paid his tax.

Executors and administrators not compelled to pay.

Authority given in this act to cease Dec. 31st, 1886.

administrator be compelled to pay any arrears of taxes under this act.

SEC. 4. That the authority hereby given shall cease and determine on the thirty-first day of December, one thousand eight hundred and eighty-six.

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. 1885.

CHAPTER 299.

An act to allow the Oxford and Clarksville Railroad Company to settle with the board of directors of the penitentiary for work to be done for said company by convicts, with coupon bonds of the town of Oxford, and with like bonds of the townships of Oxford and Sassafras Fork.

The General Assembly of North Carolina do enact :

Oxford and Clarksville R. R. Co. authorized to settle for convict labor in bonds of town of Oxford or townships of Oxford or Sassafras Fork.

Penitentiary directors to accept bonds at face value to amount of \$12,000.

SECTION 1. That the Oxford and Clarksville Railroad Company may settle with the board of directors of the penitentiary for work to be done by convicts for said railroad company with six per cent. coupon bonds of the town of Oxford, or of the township of Oxford, or of the township of Sassafras Fork, or with the bonds of all three or any two of said corporations. And the board of directors of the penitentiary are authorized and directed to accept said coupon bonds at the face value, to the amount of twelve thousand dollars, in settlement and discharge of any contract they have made or may make with said 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 9th day of March, A. D. 1885.

CHAPTER 300.

An act to prohibit the manufacture and sale of spirituous liquors within two miles of the M. E. church on Beaverdam creek, in Haywood county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful to manufacture, sell or otherwise dispose of any spirituous, vinous or malt liquors, within two miles of the M. E. church on Beaverdam creek in Haywood county. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction in the superior court shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Misdemeanor to manufacture, sell, &c., liquor within two miles of M. E. Church on Beaverdam creek, Haywood county.

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 March, A. D. 1885.

CHAPTER 301.

An act to prevent the felling of timber in certain creeks in the county of McDowell.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to fell timber in North Muddy creek, Armstrong creek, Buck creek or Crooked creek, in the county of McDowell, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, in any court of record, shall be punished for the same by fine of not more than thirty dollars, or imprison-

Misdemeanor to fell timber in North Muddy, Armstrong, Buck or Crooked creeks, McDowell county.

Penalty.

ment in the county jail for not longer than thirty days, in 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 11th day of March, A. D. 1885.

CHAPTER 302.

An act to make it a misdemeanor to mutilate or otherwise deface notices, signs or advertisements.

The General Assembly of North Carolina do enact :

Misdemeanor to mutilate, deface, &c., notices, &c., put up for a lawful purpose before the object for which notice, &c., was posted shall have been accomplished.

SECTION 1. That any person or persons who shall wantonly or maliciously mutilate, deface, pull or tear down, destroy or otherwise damage any notice, sign or advertisement, whether put up by an officer of the law in performance of the duties of his office, or other person for a lawful purpose, before the object for which such notice, sign or advertisement shall have been posted shall have been accomplished, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding twenty-five dollars or imprisoned not exceeding thirty days at the discretion of the court.

Penalty.

Mutilating, &c., obscene or immoral notices, &c., not punishable under this act.

SEC. 2. *Provided*, that nothing herein contained shall make punishable the mutilating, defacing, pulling down or tearing down, destroying or otherwise damaging notices, signs or advertisements which are immoral or obscene in themselves.

Act not applicable to any person pulling down, &c., notice posted on his own land, &c., without his consent, except those put up by an officer of the law.

SEC. 3. *Provided further*, that nothing herein contained shall apply to any person mutilating, defacing, pulling or tearing down, destroying or otherwise damaging notices, signs or advertisements put up on his or her own land or lands of which he or she may have charge or

control, unless consent of such person to put up such notice, sign or advertisement shall have first been obtained, except those put up by an officer of the law in the performance of the duties of his office.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 303.

An act to authorize Nelson Slough, late sheriff of Cabarrus, to collect arrears of taxes.

The General Assembly of North Carolina do enact :

SECTION 1. That Nelson Slough, late sheriff of Cabarrus county, is hereby authorized and empowered to collect all arrears of taxes due for the years one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, and one thousand eight hundred and eighty-four, under such rules and regulations as are now prescribed by law for the regular collection of taxes, or which may hereafter be prescribed by law; and the power and authority hereby granted shall cease on the first day of January, one thousand eight hundred and eighty-seven.

Nelson Slough, ex-sheriff Cabarrus county, authorized to collect arrears of taxes from 1880 to 1884 inclusive.

Authority to cease Jan. 1st, 1887.

SEC. 2. That this act shall not authorize said Nelson Slough or his legal representatives to collect any insolvent taxes which have been credited to him.

Not authorized to collect insolvent taxes credited to him.

SEC. 3. That nothing herein contained shall be construed to relieve said Slough or his bondsmen from any liability for which he or they may be now or hereafter responsible.

No relief from any liability.

No person compellable to pay who will make oath that he has paid his tax.

Executors and administrators not compelled to pay.

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, administrator or trustee be compelled to pay any arrears of taxes under this act.

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 11th day of March, A. D. 1885.

CHAPTER 304.

An act to re-enact certain local acts passed at the sessions of one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-three.

Preamble.

WHEREAS, an act was passed at the session of the General Assembly of one thousand eight hundred and eighty-three, and ratified on the sixth day of March, one thousand eight hundred and eighty-three, and entitled "an act to amend chapter one hundred and two of the laws of one thousand eight hundred and eighty-one," which act was amendatory of chapter forty-eight of Battle's Revisal, relating to fences; And whereas, section twenty-seven hundred and ninety-nine of The Code re-enacts said section one, chapter forty-eight of Battle's Revisal, with additional legislation added thereto; And whereas, there exists doubts as to status of said acts, since the adoption of The Code: therefore, to relieve the doubts that exist, and to with certainty define the status of said acts,

The General Assembly of North Carolina do enact :

SECTION 1. That chapter nineteen of the laws of North Carolina, passed at the session of one thousand eight hundred and seventy-nine, and that chapter one hundred and two (102) of the laws passed at the session of one thousand eight hundred and eighty-one, and chapter two hundred and thirty-one (231) of the laws passed at the session of one thousand eight hundred and eighty-three, be and the same are hereby re-enacted.

Fence four feet high a lawful fence in Carteret, Pamlico and Hyde counties.

SEC. 2. That all indictments that may have been instituted, or may be instituted, by reason of the uncertainty of the legal status of said acts, since the adoption of The Code, the court or courts having jurisdiction of said indictments shall construe the same as not having been repealed by The Code, but that said acts and all parts thereof have been in full force and effect since their ratification.

As to indictments found, &c., Code to be construed as not repealing chapter 19, laws 1879, chapter 102, laws 1881, and chapter 231, laws 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 11th day of March, A. D. 1885.

CHAPTER 305.

An act to repeal chapter one hundred and thirty-seven of the laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four so far as relates to Stump Sound meeting-house or church in Onslow county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and thirty-seven of the laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four be and the same are hereby repealed so far as it relates to Stump [Sound] church or meeting-house in Onslow county.

Prohibitory law, (chapter 137, laws 1873-4,) repealed as to Stump Sound church, Onslow 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 11th day of March, A. D. 1885.

CHAPTER 306.

An act to prohibit the sale of spirituous liquors within two miles of Rock Grove church, Mecklenburg.

Sale of liquor prohibited within two miles of Rock Grove Baptist church, Mecklenburg county.

The General Assembly of North Carolina do enact:

SECTION 1. That the sale of spirituous and malt liquors and bitters shall be prohibited within two miles of Rock Grove Baptist church, Lemley township, in the county of Mecklenburg.

Misdemeanor.

SEC. 2. That all persons violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding fifty dollars or imprisoned not exceeding 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 11th day of March, A. D. 1885.

CHAPTER 307.

An act to prevent live stock from running at large in a portion of Franklin county.

The General Assembly of North Carolina do enact:

Unlawful for live stock to run at large in Franklin county within certain boundaries.

SECTION 1. That it shall be unlawful for any live stock to run at large within that portion of Franklin county embraced within the following boundaries, to-wit: Beginning on the Wake line at the corner of Granville and Franklin, running thence with the line between Granville and Franklin to Tar river; thence down Tar river

to the lower line of Miss Nina W. Ruffin's land; thence along her line to Z. T. Terrell's line; thence along his line to the Franklinton and Louisburg road; thence along said road to the old Farmer's Inn; thence along the old stage road to J. P. Timberlake's line; thence along his line to Mrs. Mary Sherrod's line; thence along her line to Cedar creek; thence up said creek to the ford on the road from A. C. Perry's to Flat Rock church; thence along said road via Harris' cross roads and Nathan May's to the Wake line; thence along the Wake line to the beginning, including part of Franklinton, Freeman's and Louisburg townships.

SEC. 2. That the following sections of The Code, to-wit: sections twenty-eight hundred and sixteen, twenty-eight hundred and seventeen, twenty-eight hundred and eighteen, twenty-eight hundred and nineteen, twenty-eight hundred and twenty, twenty-eight hundred and twenty-one, twenty-eight hundred and twenty-two, twenty-eight hundred and twenty-three, twenty-eight hundred and twenty-four, twenty-eight hundred and twenty-five, twenty-eight hundred and twenty-eight, twenty-eight hundred and twenty-nine and twenty-eight hundred and thirty, shall be and the same are hereby made a part of this act, and declared to be in full force and effect in the territory described in section one of this act.

Certain sections of The Code concerning fences and stock law made part of 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 the 11th day of March, A. D. 1885.

CHAPTER 308.

An act to establish and maintain an industrial school.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Agriculture is hereby authorized and directed to seek proposals, of donations

Board of Agriculture to seek proposals of donations for establishment of industrial school

School to be located in city or town offering adequate amount.

If more than one city or town make proposals, board to locate school at place offering greatest inducements.

Board of Agriculture to organize, equip and manage school in conjunction with three directors to be selected by aldermen of city or town where school is located.

Powers of local board.

What instruction to be provided, &c.

Board of Agriculture to apply to establishment, &c., of school such part of their funds as may not be required for regular work of department, not exceeding \$5,000.

for the establishment of an industrial school, and when any city or town shall donate in lands, buildings, machinery or other materials, or money, an amount adequate in the judgment of said Board, for the establishment of said industrial school, it shall be their duty to locate the same at such place. And if there be more than one city or town making such proposals, it shall be the duty of the Board to locate it at the place offering the greatest inducement.

SEC. 2. The Board of Agriculture shall direct the organization and equipment of the said school, and shall manage and control the same in conjunction with a board of three directors, appointed by the Board of Aldermen of the city or town whose proposal is accepted. The local board of directors may sit with the Board of Agriculture in advisement upon all matters pertaining to the said school, but shall not have power to vote upon questions involving appropriations from the funds of the Department of Agriculture.

SEC. 3. That instruction shall be provided in this school in wood-work, mining, metallurgy, practical agriculture, and in such other branches of industrial education as may be deemed expedient.

SEC. 4. That the Board of Agriculture shall apply to the establishment and maintenance of said school such part of their funds as is not required to conduct the regular work of the Department: *Provided*, that not more than five thousand dollars of their funds shall be applied to the establishment of the school in one year.

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 11th day of March, A. D. 1885.

CHAPTER 309.

An act to provide for the republication of the supreme court reports of this State.

The General Assembly of North Carolina do enact :

SECTION 1. That the Secretary of State is authorized and directed to have such of the reports of the supreme court of the State of North Carolina as he has not on hand for sale, republished and numbered consecutively, retaining the present numbers and names of the reporters, and by means of star pages in the margin retain the original number of pages.

Secretary of State authorized to re-publish such of the supreme court reports as he has not on hand.

SEC. 2. That the Secretary of State is ordered and directed to have republished not less than five numbers of said reports in editions of not less than seven hundred and fifty and not more than one thousand volumes during the year one thousand eight hundred and eighty-five, and the State Treasurer is hereby authorized to pay the cost 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: *Provided*, the amount of money so expended shall not exceed twenty-five hundred dollars for the year one thousand eight hundred and eighty-five.

To republish not less than five numbers in 1885, in editions of not less than 750 and not more than 1,000.

Expenses, how paid.

Expense not to exceed \$2,500 in 1885.

SEC. 3. That the Secretary of State shall, so soon as a sufficient sum of money is realized from the sale of the five hundred volumes of any one number of the reports republished and first sold, or of different numbers of the republished reports first sold, cause to be republished such of said reports as he may not have on hand, and are scarcest and in greatest demand. And the moneys arising from a sale of the reports in excess of the five hundred volumes first republished shall be covered into the treasury of the State to the credit of the general fund.

Secretary of State to re-publish other volumes when sufficient sum received from proceeds of first five hundred volumes sold.

Money arising from sales in excess of five hundred volumes to be covered into treasury to credit of general fund.

Re-publication to continue until State has on hand all of said reports.

Editions exhausted to be re-published.

Secretary of State to make special contract for printing and binding, &c.

Proviso.

Secretary of State to exchange reports with other States, &c.

At what price Secretary of State to sell re-published reports and "Mason Collection."

Compensation of Secretary of State

Treasurer to pay to Secretary of State annually moneys arising from sale of reports to carry out provisions of this act.

SEC. 4. That said republication shall thus continue as provided in the foregoing sections until the State shall have on hand for sale all of said reports, and that thereafter when the edition of any number or numbers of said reports shall be exhausted, it shall be the duty of the Secretary of State to have the same republished and pay the cost thereof out of the money realized from sales as above set forth.

SEC. 5. The Secretary of State is authorized and directed to make a special contract for the printing and binding of said reports upon the best practicable terms either in or out of the State, and to that end shall correspond with publishing companies and shall let said contract to the lowest responsible bidder: *Provided*, he may, in his discretion from time to time, have such numbers bound as will meet the demand, not exceeding one hundred volumes of any one report at a time.

SEC. 6. The Secretary of State is authorized to exchange such reports with the Governors or other proper authorities of State, and thus complete the number of reports of such States in the supreme court library.

SEC. 7. That said Secretary of State is authorized and directed to sell the reports thus republished and such of the "Mason collection" as he may have on hand at a price sufficient to cover all cost and a profit of forty per cent. to the State, not to exceed nevertheless two dollars and fifty cents per bound volume, and one dollar and fifty cents for unbound volume, and said Secretary shall receive as compensation for the sale of said reports such commissions as are now allowed by law for a sale of other reports.

SEC. 8. The Treasurer is hereby authorized and directed to pay over to the Secretary of State annually all moneys arising from a sale of the reports, to be expended in carrying out the provisions of this act.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

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

SEC. 11. All laws authorizing a republication of the supreme court reports are hereby repealed.

Laws authorizing re-publication of supreme court reports 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 11th day of March, A. D. 1885.

CHAPTER 310.

An act to constitute water course commissioners, and provide for the drainage and improvement of the water courses and bottom lands of Cabarrus and Mecklenburg counties.

The General Assembly of North Carolina do enact :

SECTION 1. That on a petition in writing of a majority of the owners of bottom land on any water courses in any county to the county commissioners of any county, the said county commissioners shall appoint as water course commissioners for said stream three or five responsible persons, all of whom shall be owners of bottom land on said water course, whose duty it shall be as soon as practicable after their appointment to lay off said water course into sections of such length as they deem proper, and for each section to appoint one overseer who shall be the owner of bottom land in the section for which he is appointed, and who shall hold his office for two years. But no overseer shall be compelled to serve as such more than one term successively. And as compensation for their services, each water course commissioner shall be exempt from furnishing one hand, and each overseer shall be exempt from furnishing two hands for the work herein designated.

County commissioners to appoint water course commissioners on petition of majority of bottom land owners on any water course.

Water course commissioners to lay off streams into sections.

To appoint overseers.

Term of office.

Compensation of water course commissioners and overseer.

Officers.

SEC. 2. That a majority of the water course commissioners on any water course shall have power to elect one of their own number chairman, and one secretary, and may fill vacancies in their own number or that of overseer; and if they fail or neglect to fill any of said vacancies, however occasioned, for thirty days, the county commissioners shall, on petition of two or more persons interested, fill any of said vacancies.

Vacancies.

Duties of water course commissioners.

SEC. 3. That said water course commissioners shall estimate the number of acres of bottom land lying within one quarter of a mile of their respective water courses belonging to each land owner on said water course, and shall furnish each overseer with a copy of the estimate for his section, and said land owners, when required, after seven days' notice, served personally, or left at the usual place of abode of said land owner, by the overseer, shall furnish one hand, with the tools mentioned in said notice, for each ten acres of bottom land owned by said land owner and so estimated, and on failing to do so shall forfeit and pay two dollars to said overseer on his demand, and for each failure to pay the same, on demand, shall be guilty of a misdemeanor.

Hands to be furnished overseer on notice.

Penalty for failure.

Overseer authorized to hire labor with funds coming into his hands, &c.

SEC. 4. That with the sanction of the water course commissioners supervising his section, and at such wages per day as may be fixed by said water course commissioners, any overseer may, with the funds coming into his hands under this act, hire laborers to do the work herein provided for. And any land owner may, instead of furnishing the hands herein provided for, pay to the overseer of the section wherein said land owner's lands lie such a sum of money as may be agreed upon between said land owner and the water course commissioners having control of said section.

Land owner instead of furnishing hand, allowed to pay amount to be agreed upon, &c.

Duty of overseers.

SEC. 5. That it shall be the duty of each overseer, with the hands furnished by the land owners of his section or hired as aforesaid, to work not less than four nor more than twenty days, in the discretion of the water course

commissioners, in each and every year, on the channel of the water course in his section, with power to straighten the same when necessary within the bounds of his section, remove all obstructions, and improve the banks thereof, under such directions as said water course commissioners may prescribe.

SEC. 6. That the overseer of each section of land shall, as he prosecutes the work provided for in this act, clear or clean off from both banks of the water course in his section, for the space of not less than ten feet from each bank, all undergrowth, cane or other thing which is liable in time of a freshet or increased flow of the water to catch logs, trash or other substance, or to impede the flow of water. But when the stream runs through uncleared or forest land, the overseer shall not be required to, but may when necessary, fell and remove large trees from the banks of said stream in his section. And when the overseer of any section has once cleared the banks of said water course as herein provided, it shall be the duty of each owner of bottom land, so cleared, once in each and every year, to clear off said banks on his own land in the manner and form prescribed above. And every land owner who fails to perform said duty shall be guilty of a misdemeanor.

Duties of overseer.

Duty of land owner.

Misdemeanor.

SEC. 7. That any person who shall wilfully or knowingly fell timber in, or in any way obstruct the flow of water in the channel of any stream in any county embraced in the operations of this act, and shall permit the same to remain therein for twenty days, shall be guilty of a misdemeanor. But this section shall not apply to any person erecting a mill dam or such other obstruction to the flow of water as he may be lawfully entitled to place upon his own land.

Misdemeanor to obstruct stream, &c.

Not applicable to person building milldam, &c.

SEC. 8. That all persons who shall have for any purpose a dam across any water course, subject to this act, shall put into said dam at such place as shall be directed by the proper water course commissioners a gate or gates,

Gates to be put in dams, &c.

which shall extend downward fully to the mudsill of said dam, which gate shall be of such width as the proper water course commissioners may direct. And at all times when there is more water in said dam than is sufficient for the ordinary purposes for which said dam was erected, the owner thereof shall raise said gate or gates, and keep them raised to such a height as will allow the sand and other sediments accumulated above said dam to pass out and until the stream across which said dam is built shall have fallen to its ordinary proportions. And the owner of said dam shall also raise said gate or gates and keep them raised at such other times and for such periods as the proper water course commissioners may direct. And every person who should put in and fails to put into his dam said gates, or fails to raise and keep them raised, as provided in this act, shall be guilty of a misdemeanor. And if the owner of said dam shall fail to put in said gate and neglect to do so for twenty days after this act applies to the water course on which his dam is located, the water course commissioners for said stream are authorized and empowered to put in such gate or gates as they may deem proper, at the cost of owner of said dam.

SEC. 9. That before or after any work, herein provided for, is perfected or begun, the water course commissioners who have control of said work shall carefully view the premises, and take into consideration the loss or injury that may accrue to the owner of said land, in consequence of the work, and the common benefit and advantage said owner may receive from said work, and the difference between said loss and injury and said common benefit and advantage shall constitute the measure of damages to be awarded said land owner; or the sum to be assessed upon his land and paid by him for the advantages from the work done. And the sum so assessed on said land for benefits from said work shall be paid by the owner thereof to the overseer of the section in which said land lies, at a time to be named by the water course commissioners.

Gates to be raised when there is more water than is sufficient, &c.

Gates to be raised when water course commissioners direct.
Misdemeanor.

When water course commissioners authorized to put in gates.

Damages and benefits, how ascertained, &c.

Assessments for benefits to be paid to overseer.

And if said land owner fails at said time to pay said assessment, he shall be guilty of a misdemeanor. And the sum found to be due said land owner as damages shall be paid to him as soon as practicable after it is ascertained, from such fund as said water course commissioners may determine. And for any wilful injustice done any land owner by said water course commissioners in said assessment for benefits or injury or any other way, the said water course commissioners doing the injustice shall be guilty of a misdemeanor.

Misdemeanor.
Damages, when and how paid.

Misdemeanor.

SEC. 10. That in order to equalize the cost of the work done under this act, the sum so assessed for benefits shall be applied in payment of the work done on the tract of land assessed. But in case other land owners in the section wherein the land assessed lies shall pay the cost of said work, then the overseer to whom the assessment is paid, shall pay the money collected under said assessment to said last named land owners in such proportion as each of them has contributed to the cost of said work.

Assessment for benefits to be expended on land assessed.

When other land owners pay the cost of work on land assessed, assessment to be paid to them.

SEC. 11. That the overseers, for their respective sections, shall collect and receive all money arising under this act, from assessment or otherwise; and they shall expend the same as the water course commissioners under whom they act may direct. And each overseer shall annually render to the water course commissioners supervising his section, an itemized and verified account of all his moneyed receipts and expenditures. And the water course commissioners may require each overseer under them to give a justified bond, payable to the county commissioners, in such sum as the water course commissioners may deem proper, for the safe keeping and proper use of all money coming into his hands. And any water course commissioner or overseer, appointed under this act, failing or neglecting to perform the duties required of him by this act shall be guilty of a misdemeanor.

Overseers to collect and expend moneys arising under this act.

To render itemized account to water course commissioners.

Water course commissioners authorized to require bond from overseers.

Misdemeanor.

SEC. 12. That nothing contained in this act shall prevent the building of public bridges, or the erection of

Building of bridges, &c., not prevented.

private bridges and water gates by land owners for their own convenience across any stream subject to this act.

Land owner performing work on his own lands, &c., exempt from furnishing hands for such work, &c.

SEC. 13. That if any land owner, subject to the provisions of this act, will, on his own land and streams, perform the work herein required, in a manner and time acceptable, in all respects, to the water course commissioners having supervision of his lands and streams, he shall be exempt from furnishing hands for said work on his own lands, and doing the same under the overseer of the section in which the lands lie.

County commissioners to divide streams of more than eight miles into divisions, &c.

SEC. 14. That when there is more than eight miles of any stream in any county, the county commissioners of said county shall within sixty days after the ratification of this act, by such officer or officers as they deem proper, divide so much of said stream as is within their county into divisions of four or more miles each, beginning as near the mouth of said stream as the county line will permit, and keep a record, in a book for the purpose, of said divisions, clearly indicating the termini of each division of said stream. The length of these divisions shall be determined for the best interest of the land owners on each stream. And this act shall apply to each of said divisions as fully as if said division was an entire stream or water course.

Act applicable to each division.

Penalty on conviction of misdemeanor under this act.

SEC. 15. That the persons guilty of the misdemeanors herein mentioned shall be punished, on conviction thereof, by fine or imprisonment or both at the discretion of the court.

Act applicable to Mecklenburg county and part of Cabarrus county.

SEC. 16. That this act shall apply only to the counties of Mecklenburg and Cabarrus; but shall not apply to that part of Coddle creek in Cabarrus county between the Iredell county line and the point where the Statesville and Concord road crosses said creek.

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 311.

An act to enable Chatham county to issue bonds.

The General Assembly of North Carolina do enact :

- SECTION 1. That the board of justices of Chatham county shall have full power and authority to authorize and empower the board of county commissioners of Chatham county to issue coupon bonds to an amount not to exceed ten thousand dollars, to be due one-tenth every year for ten years, bearing interest at the rate of six per cent. per annum and to be of the denomination of fifty, one hundred and five hundred dollars, in such proportion for each year when the same shall mature as the said county commissioners may determine; said bonds to have coupons attached for the amount of interest due, which shall be received by the sheriff or tax collector of said county in payment of county taxes at any time after the maturity of the same: *Provided*, that the bonds so issued shall not be sold for less than their par value: *And provided further*, that the proceeds from the sale of such bonds shall be applied exclusively, first to the payment of the outstanding indebtedness of the county, and then if any moneys shall remain over to the construction or repairs of such bridge or bridges as the said board of justices may determine.
- SEC. 2. It shall be the duty of the board of justices to provide for the prompt payment of the bonds and coupons provided for in section one of this act upon their maturity, and if necessary for this purpose they are hereby authorized and empowered to levy a special tax annually for ten years, which shall be sufficient to pay the said bonds and coupons, and which said tax shall be collected at the same time and in the same manner as the several taxes: *Provided*, that in the levy and collection of the same
- Board of justices authorized to empower commissioners to issue bonds not to exceed \$10,000.
Description of bonds.
- Coupons receivable for county taxes.
- Bonds not to be sold for less than par.
- Proceeds, how to be applied.
- Board of justices to provide for prompt payment of bonds, &c.
- Authorized to levy special tax.
- Proviso.

they shall observe the constitutional equation between the tax on the property and on the poll.

Commissioners to convene board of justices not later than first Monday in July, 1885, to consider question of issuing bonds.

SEC. 3. That for the purpose of considering the question of the issue of such bonds, it shall be the duty of the county commissioners to call the board of justices together at the court house in Pittsboro at some time not later than the first Monday in July, one thousand eight hundred and eighty-five.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 312.

An act to amend an act entitled "An act to establish a criminal circuit to be composed of the counties of New Hanover and Mecklenburg," ratified the sixteenth day of February, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 63 *ante* amended.

SECTION 1. That section twenty-one (21) of an act entitled "an act to establish a criminal circuit to be composed of the counties of New Hanover and Mecklenburg," ratified the sixteenth day of February, one thousand eight hundred and eighty-five, be amended by adding to said section the following clauses, to-wit :

Criminal actions pending in superior court on appeal from inferior court transferred to criminal court, &c.

SEC. 2. That all criminal actions pending in the superior court upon appeal from the inferior court and undisposed of at February term of one thousand eight hundred and eighty-five of the said superior court be transferred to the criminal court in like manner as other criminal causes are transferred; and that upon the determination of the questions of law raised by said appeals, or any of them, the said criminal court shall award such judgment

or grant such relief as may be agreeable to law, subject to the right of appeal to the supreme court in cases when such appeal is allowed by law.

SEC. 3. That it shall be the duty of the clerk of the inferior court to deliver to the clerk of the criminal court all the records and papers of said inferior court, which said records and papers shall thereby become a part of the records of said criminal court.

Clerk of inferior court to deliver records, &c., to clerk of criminal court.

SEC. 4. That a certificate of either of said clerks that he has transferred and removed all criminal causes and all proceedings in said superior or inferior courts, and not disposed of at said term, to the said criminal court, and that he has delivered to the clerk of the criminal court all the records and papers of said court required by law to be so transferred, shall be a sufficient certificate under this section, and shall in all respects be deemed a compliance with this section, and shall vest in said criminal court the full possession and control of the said records and papers and full jurisdiction over said criminal causes and proceedings.

Certificate by clerk as to transfer of criminal causes, records, &c., sufficient to vest jurisdiction in criminal court.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 313.

An act concerning the stock law in Chapel Hill township, Orange county.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever three-fourths in number of all the freeholders in Chapel Hill township, Orange county, shall petition the board of commissioners thereof the said board of commissioners shall declare chapter

Commissioners of Orange county to declare stock law in force in Chapel Hill township on petition of three-fourths of the freeholders, &c.

twenty of The Code to be in full force and effect in the said township without any further election thereon and without levying any tax to build fences.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 314.

An act to amend chapter four hundred and nineteen of the laws of one thousand eight hundred and eighty-three, entitled "An act to make appropriations for the support of the several insane asylums of the State."

The General Assembly of North Carolina do enact :

Chapter 419, section 2, laws 1883, amended.

\$43,000 per annum appropriated for Western N. C. Insane Asylum.

SECTION 1. That chapter four hundred and nineteen of the laws of one thousand eight hundred and eighty-three be amended by striking out in section two the words "forty thousand" and insert in lieu thereof the words "forty-three thousand;" also the figures "40,000" and insert in lieu thereof "43,000."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 315.

An act to provide for the reduction of costs in the enforcement of the stock law in Orange county.

The General Assembly of North Carolina do enact :

Commissioners of Orange county to provide for enforcement of stock law in Chapel Hill township on petition of majority of qualified voters.

SECTION 1. That the county commissioners of the county of Orange are hereby authorized and instructed to provide for the enforcement of the stock law in Chapel Hill township as contained in chapter twenty, volume two of The Code, whenever a majority of the qualified voters

thereof shall petition therefor: *Provided*, that before granting any such petition the said commissioners shall give thirty days' public notice of the time and place and where they will hear such petition. 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 11th day of March, A. D. 1885.

CHAPTER 316.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Mitchell county be and they are hereby authorized and empowered to levy a special tax not to exceed the sum of ten thousand dollars, one-fourth to be levied for the year one thousand eight hundred and eighty-five, and the remainder to be levied and collected in three equal annual amounts of twenty-five hundred dollars, for the years one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, for the purpose of paying the indebtedness of said county already incurred. And such special taxes shall be paid out *pro rata* upon the judgment debts annually till all are discharged.

Authorized to levy special tax not exceeding \$10,000 to pay county indebtedness.
When to be levied.
To be paid *pro rata* on judgment debts.

SEC. 2. That said tax shall be levied and collected as other taxes are levied and collected for said county.

How levied and 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 11th day of March, A. D. 1885.

CHAPTER 317.

An act to prohibit the sale of intoxicating liquors within three miles of Red Hill Baptist church (colored) in Anson county.

The General Assembly of North Carolina do enact :

Unlawful to sell liquor within three miles of Red Hill Baptist church, Anson county.

SECTION 1. That it shall be unlawful for any person to sell intoxicating liquors within three miles of Red Hill Baptist church (colored) in Anson county, situated near Pee Dee river.

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 fifty dollars or imprisoned 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 11th day of March, A. D. 1885.

CHAPTER 318.

An act to amend the charter of "The Goldsboro, Snow Hill and Greenville Railway Company," which was ratified the seventh day of March, one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact :

Chapter 133, section 25, laws 1879, amended.

SECTION 1. That the act incorporating "the Goldsboro, Snow Hill and Greenville Railway Company," ratified the seventh day of March, one thousand eight hundred and seventy-nine, being chapter one hundred and thirty-three, laws of one thousand eight hundred and seventy-nine, be and is hereby amended by adding to the end of

the proviso in the end of section twenty-five of said act, the words, "in any of the bonds authorized by this act." How convict labor to be paid for.

SEC. 2. That the charter of the said "Goldsboro, Snow Hill and Greenville Railway Company" is hereby declared to be in force, and the said company shall have four years to complete the construction of its said railroad. The board of directors of the said company last elected shall call a meeting of the stockholders and subscribers to the capital stock of the said company at an early day for the purpose of re-organizing the said company and re-opening books of subscription to the capital stock of the same. Charter declared to be in force and company to have four years to complete construction of road. Directors to call meeting of stockholders and subscribers for re-organization of company.

SEC. 3. That all laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 319.

An act to appoint certain additional justices of the peace for Johnston county.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Tisdale be and he is hereby appointed a justice of the peace in and for O'Neal's township, Johnston county, for the term of six years from the first Monday in August, one thousand eight hundred and eighty-five. J. H. Tisdale appointed justice for O'Neal's township, Johnston county. Term of office.

SEC. 2. That S. M. P. Tart be and he is hereby appointed a justice of the peace for Meadow township, Johnston county, for the term of six years from the first Monday in August, one thousand eight hundred and eighty-five. S. M. P. Tart appointed justice for Meadow township, Johnston county. Term of office.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 320.

An act for the protection of fish in the waters of New river, in Watauga county.

The General Assembly of North Carolina do enact :

Unlawful to take fish with net, &c., in south fork of New river, Watauga county, for five years from Jan. 1st, 1885.

SECTION 1. That it shall be unlawful for any person to take fish with a net, seine or drag in any of the waters of the south fork of New river, in the county of Watauga, for the space of five years from the first day of January, one thousand eight hundred and eighty-five.

Misdemeanor.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned 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 11th day of March, A. D. 1885.

CHAPTER 321.

An act to prohibit the sale of spirituous, vinous and malt liquors at and within two miles of the village of Newton Grove, in Sampson county.

The General Assembly of North Carolina do enact :

Unlawful to sell liquor within two miles of Newton Grove, Sampson county.

SECTION 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors at and within two miles of the village of Newton Grove, in Sampson county: *Provided*, that nothing herein contained shall be construed to forbid the sale of wine or cider manufactured from fruit grown upon the premises of the vendor, and sold in accordance with the general laws regulating the same: *Provided, however*, that if any part of

Proviso.

Johnston county is within two miles of Newton Grove this act shall not apply to that territory. Not applicable to any part of Johnston county.

SEC. 2. That any person or persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Misdemeanor. Penalty.

SEC. 3. That this act shall be in force and effect from and after the first day of May, Anno Domini one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 322.

An act to incorporate the Raleigh Road District.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of all that portion of the county of Wake embraced within the following bounds: Beginning at a point four miles due north of the centre of the capitol building in the City of Raleigh, running thence due east four miles, thence due south eight miles, thence due west eight miles, thence due north eight miles, thence due east four miles to the beginning, be and they are hereby constituted a municipal corporation, and said corporation shall bear the name of the Raleigh Road District, and under such name and style may sue and be sued, shall have perpetual succession and a common seal, may acquire and hold personal property and shall have all such powers and privileges as are incident to and necessary for the carrying into effect the purposes and objects of its incorporation according to the will, intent and meaning of this act. Inhabitants of Wake county within certain boundaries around Raleigh constituted a municipal corporation. Corporate name. Corporate powers.

- Board of commissioners.** SEC. 2. The affairs of said corporation shall be managed by a board of commissioners to consist of five members, to-wit: W. G. Upchurch, S. F. Mordecai, R. H. Lewis, R. S. Tucker, W. A. Myatt, who shall hold their offices for the period of five years from and after the date at which this act shall go into effect as hereinafter provided, and until their successors are duly elected and qualified. In the event that a vacancy shall at any time occur in the said board by the death, resignation or removal out of the limits of said district of any of said commissioners, such vacancy shall be filled by appointment of a majority of the other commissioners, and when the term of office of said commissioners shall expire by limitation, their successors shall be elected by the board of aldermen of the City of Raleigh, and said board of aldermen shall thereafter elect such commissioners at the expiration of each ensuing period of five years.
- Term of office.**
- Vacancies.**
- Successors to be elected by board of aldermen of Raleigh.**
- Powers and duties of commissioners.** SEC. 3. The said commissioners shall have the power and it shall be their duty to take complete and exclusive control and management of all the public roads within the limits of said corporation, to employ all such persons and enter into all such contracts as may be in their judgment necessary for the permanent improvement of, and keeping in repair of the said public roads within said corporate limits, and they may buy and hold such implements and draft animals as they may deem expedient for use upon such roads. And it shall be the duty of said commissioners to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in said road district, the same to keep in repair, and remove or cause to be removed all obstructions that may from time to time be found thereon; for which purpose the said commissioners are hereby authorized to enter upon any uncultivated lands, or improved lands unencumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted

or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as they may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber as the nature of the case and the public good will permit; and the drains and ditches so made shall be kept open by said commissioners, and shall not be obstructed by the owner or occupier of such lands or any other person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offence, to be collected by the said commissioners and paid over by them to the treasurer and applied to the road fund of the district. If the owner of any lands, their agent or agents, or the guardian of any ward, or executor or administrator having lands in charge from which timber, stone or gravel were taken as aforesaid, shall present an account for the same at any regular session of the said commissioners within one year after the taking and carrying away of such timber, stone or gravel, it shall be the duty of said commissioners, if they are satisfied the amount charged is just and equitable, to cause the same to be paid out of the treasury; but if not so satisfied they shall determine what sum in their opinion would be just.

SEC. 4. Said commissioners shall elect one of their number chairman, whose duty it shall be to preside at their meetings, and they shall make such by-laws as they think best for the regulation of their meetings and transaction of their business. They shall appoint a competent person as secretary and treasurer of said corporation, who shall hold such position during their pleasure. They shall cause full minutes to be kept of their proceedings, and exact accounts to be kept of the receipts and disbursements of all moneys coming into the hands of the

Penalty for obstructing drains, &c.

Just accounts for stone, timber, &c., to be paid by commissioners.

Chairman.

By-laws.

Secretary and treasurer.

Records to be kept.

treasurer by virtue of this act, and said commissioners shall annually file with the mayor of the City of Raleigh, and with the sheriff of Wake county, for the inspection of the public, a full report of the receipts and disbursements of all moneys coming into the hands of such secretary and treasurer. It shall be the duty of the secretary and treasurer to act as secretary to said commissioners, and to perform all such duties as the by-laws which said commissioners shall adopt may prescribe. He shall receive all moneys directed to be paid over to him by this act, and shall disburse the same upon the warrants of said commissioners, to be authenticated in such manner as the by-laws of said commissioners shall prescribe. He shall deposit immediately upon receipt thereof all moneys which shall be paid to him by virtue of his office, in such bank in the City of Raleigh as the commissioners shall direct, and shall pay all warrants by check upon such bank. Before entering upon his duties he shall enter into bond with sureties payable to said corporation in the penal sum of fifty thousand dollars for the faithful performance of his duties and faithful preservation of and accounting for all moneys that may come into his hands by virtue of his office; and for payment over to his successor of all moneys which shall come into his hands by virtue of his office which he shall not have expended by authority of said commissioners. There shall be at least four sureties to said bond, who shall justify as to their solvency before some justice of the peace of Wake county. The justification of said sureties shall be the same as that required by law for the justification of sureties to bonds of administrators and guardians. *Provided, nevertheless,* that said bond may be rejected by said commissioners, if it shall not be sufficient in their opinion. Said bond and the justification of said sureties shall be recorded in the office of register of deeds of Wake county, upon due proof or acknowledgment of the signatures of the persons executing the

Annual report to be filed with mayor and sheriff.

Duty of secretary and treasurer.

To give bond for \$50,000.

Bond to have at least four sureties and to be justified.

Proviso.

Bond, &c., to be recorded in office of register.

same as required by law for probate of deeds, and a certified copy of such bond and justification shall be received in evidence in all the courts of the State in any action or judicial inquiry in which the original would be competent evidence.

Certified copy receivable in evidence.

SEC. 6. Said corporation shall have power to borrow fifty thousand dollars to be expended in the improvement of said public roads within its limits and in defraying the expenses of carrying into effect the provisions of this act, and for the purpose of raising said sum of money, or such portion thereof as said commissioners may deem necessary, said commissioners shall issue coupon bonds bearing six per cent. interest, said coupons to be payable every six months from date of the bond, the principal to be due at expiration of twenty-five years from the date of issue, in sums of five hundred dollars, and one thousand dollars, which bonds they shall cause to be sold by the treasurer of said corporation at such times and in such amounts as to them shall seem proper: *Provided*, that none of said bonds shall be sold for less than their face value.

Corporation empowered to borrow \$50,000 and to issue coupon bonds, to carry into effect provisions of this act.

Bonds, how issued and sold.

Proviso.

SEC. 7. For the purpose of paying the interest on said bonds and creating a sinking fund for the payment of the principal thereof and for keeping said public roads in repair, there shall be annually levied by the county commissioners of Wake county upon all the property, real and personal, and all other subjects of taxation within the limits of said corporation required by the present or any other act or acts to raise revenue, enacted or to be enacted by the General Assembly of North Carolina to be listed on the general tax lists for taxation by the county of Wake and State of North Carolina, and upon the taxable polls within said corporation, such sum as the said commissioners of said corporation shall notify said commissioners of Wake county at any time prior to June first in each and every year shall be necessary: *Provided*, that the sum to be levied in any one year shall not exceed

Commissioners of Wake county to levy special tax annually within said corporation, on notice from commissioners of corporation.

Limitation of tax

such amount as shall require a greater tax than one-tenth of one per cent. upon the taxable property within the limits of said corporation and thirty cents on each poll.

Tax, how collect-
ed and to whom
paid over.

SEC. 8. Said taxes so levied shall be collected by the sheriff of Wake county and paid over to the treasurer of said corporation on or before the first day of December in each and every year upon said commissioners filing with him a written certificate that said treasurer has given the bond herein required of him, and that the sureties thereto are in their opinion amply solvent at the date of said certificate. Said commissioners shall elect a suitable

Commissioner of
sinking fund.

person to act as commissioner of the sinking fund, to whom they shall cause to be paid by the treasurer annually, out of the moneys raised by taxation, a sum equivalent to two per centum of the principal of the outstanding bonds of the corporation. The commissioner of the sinking fund shall hold office during the pleasure of the commissioners, shall give bond annually with four sureties in double the amount in his hands, and his bond shall be justified and approved in the manner as bond of treasurer. The commissioners shall receive no compen-

Compensation of
treasurer and
commissioner of
sinking fund.

sation. The compensation of the treasurer shall be fixed by commissioners, not to exceed three hundred dollars, and the compensation of the commissioner of sinking fund to be fixed by commissioners not to exceed one hundred dollars, of sheriff shall be same commissions as allowed by law on other taxes, sheriff's bond to be liable for taxes raised under this act.

Commissions of
sheriff.

Election to be
held in road dis-
trict within six
months on ques-
tion of adoption
of this act.

SEC. 10. That within six months from and after the ratification of this act the board of county commissioners of Wake county shall submit to the qualified voters in the said district designated in section one of this act, at an election to be held within said district under such rules and regulations as said board of county commissioners shall prescribe, whether this act shall go into effect and become a law, and said bonds shall be issued or not. Each voter at such election shall vote on a written or

Ballots.

printed ballot with the words "For Road District" or "Against Road District," written or printed thereon, and said election shall be conducted under the same rules and regulations as are prescribed by law for the election of members of the General Assembly: *Provided*, that no new registration of the voters shall be required within that portion of said district which lies within Raleigh township, but for that portion of said district not embraced in Raleigh township said board of county commissioners shall appoint such number of registrars and fix such places for registration of voters as to them shall seem necessary and proper, and shall cause a registration of the voters within said portion of said district to be made; and said board of county commissioners shall divide said portion of said district into as many voting precincts as to them shall seem proper. That if at said election a majority of the qualified voters within said district shall vote "For Road District," then it shall be the duty of said board of county commissioners of Wake county to so declare, and thereupon this act shall immediately go into effect, and said commissioners of said Raleigh Road District shall have power to issue the said bonds and to exercise all the other powers conferred upon [them] by the terms of this act.

Election, how held.

No new registration in Raleigh township.

New registration in portion of road district not in Raleigh township.

Voting precincts.

Act to go into effect upon affirmative vote.

SEC. 11. That after the expiration of two years from the date at which this act shall go into effect, persons living within said district shall be no longer liable for road duty. But within said two years all persons liable to road duty under the laws of this State shall continue to work the public roads within said district in accordance with the requirements of the public laws of the State: *Provided*, that the said roads shall be worked under the direction of said commissioners of said corporation herein provided for.

After two years persons living within road district not liable to road duty.

Within two years persons now liable to road duty to continue so.

Proviso.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 323.

An act to enable the board of commissioners of Tyrrell county to ascertain the indebtedness of the county.

The General Assembly of North Carolina do enact :

Persons holding county orders or bonds issued before Dec. 1st, 1879, to present same to clerk of commissioners by Jan. 1st, 1886.

Clerk to record orders and bonds presented, &c.;

Persons failing to present orders or bonds before Jan. 1st, 1886, to be barred of recovery.

Clerk to post notices within thirty days.

Compensation of clerk.

SECTION 1. That in order to enable the county commissioners of Tyrrell county to ascertain the indebtedness of the county, every person holding or owning any county order or bond issued before the first day of December, one thousand eight hundred and seventy-nine, by the board of commissioners of said county for the payment of any money out of the county treasury shall, on or before the first day of January, one thousand eight hundred and eighty-six, present the same to the clerk of the board of commissioners aforesaid, at his office in Columbia, who shall record an abstract of the said order or bond in a book to be furnished by the commissioners for that purpose, showing the date, number and amount of the same, the name of the person to whom issued, the purpose for which it was issued, the person holding the same, and the date when it was presented by [to] the treasurer for payment if so shown.

SEC. 2. If any person owning or holding any such bond or order as mentioned in the preceding section shall fail or neglect to present the same as required or provided by this act on or before the first day of January, one thousand eight hundred and eighty-six, then such person and his assignees shall from and after that date be forever barred of any and all right to recover or collect said order or bond, or any amount that may have been due thereon.

SEC. 3. The clerk of the said board of commissioners shall post a notice of the requirements and provisions of this act in some conspicuous place in each township in the county, within thirty days from the ratification of the same; and for each notice and each abstract of orders or

bonds recorded he shall be allowed by the board of commissioners the sum of fifteen cents.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 324.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Greene county be and they are hereby authorized and empowered to levy a special tax, not to exceed the sum of six thousand dollars, one half of said amount to be levied on all subjects of taxation in the year one thousand eight hundred and eighty-five in said county, and the other half to be levied in like manner in the year one thousand eight hundred and eighty-six.

Authorized to levy special tax not to exceed \$6,000.

When to be levied.

SEC. 2. That said special tax shall be applied to the payment of the present indebtedness of said county.

To be applied to payment of county indebtedness.

SEC. 3. That said special tax shall be levied in the same manner and at the same time the other taxes are levied in said county.

How levied.

SEC. 4. That said special tax shall be collected and accounted for by the sheriff or other collecting officer in the same manner, and under the same penalties, and at the time other taxes are accounted for by him.

How collected.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 325.

An act in relation to the mortgage bonds of the Western North Carolina Railroad Company.

Preamble.

WHEREAS, under section eleven of the "act to provide for the sale of the State's interest in the Western North Carolina Railroad and for other purposes," acts one thousand eight hundred and eighty, chapter twenty-six, it is provided that the interest upon the mortgage bonds authorized under said act to be issued by the Western North Carolina Railroad Company shall be payable on the first days of January and July; and whereas, the interest upon the first mortgage bonds of said company is payable at such times, and it is desirable that the interest on the second mortgage bonds shall be payable at other dates, in order that the interest charges shall not all fall due upon the same days :

The General Assembly of North Carolina do enact :

Western N. C. R.
R. Co. authorized
to pay semi-annual
interest
upon second
mortgage bonds
on such days as
may be designa-
ted in coupons.

SECTION 1. That the Western North Carolina Railroad Company is hereby authorized and empowered to make the semi-annual coupons for interest upon its second mortgage bonds payable upon any days it shall designate in said coupons.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 326.

An act to compel the jailer of Montgomery county to live in the jail, and for other purposes.

Preamble.

WHEREAS, the board of commissioners of the county of Montgomery having provided comfortable quarters and

apartments in the jail or public prison of said county for the accommodation of the sheriff or duly authorized jailer thereof; therefore

The General Assembly of North Carolina do enact :

SECTION 1. That the keeper of the public prison of Montgomery county shall occupy or reside in the same.

Keeper of jail in Montgomery county shall occupy or reside in the same.

SEC. 2. That the keeper aforesaid shall not at any time carry on, nor permit to be carried on, any traffic or trade in the prison aforesaid, nor upon the premises thereof, nor enact [erect] any buildings, nor in any manner change those erected by the county, unless it be by consent of the board of commissioners of said county, and for every violation of this section the keeper aforesaid shall for every such violation be held and deemed guilty of a misdemeanor, and upon conviction thereof shall be fined at the discretion of the court not less than ten dollars nor more than one hundred dollars.

No traffic, &c., to be carried on in the jail, &c.

Misdemeanor.

Penalty.

SEC. 3. That no person other than the sheriff of said county shall be authorized to keep the jail of said county unless said person be a male resident of said county over the age of eighteen years and of good moral character, and for every violation of this and the first section of this act, the sheriff of said county shall be guilty of a misdemeanor, and upon conviction thereof shall be fined at the discretion of the court.

No person other than sheriff authorized to keep jail except male resident of county over eighteen years of age and of good character.

Misdemeanor.

SEC. 4. The provisions of this act shall apply to the counties of Granville and Stokes.

Act applicable to Granville and Stokes counties.

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 11th day of March, A. D. 1885.

CHAPTER 327.

An act concerning trustees and declaratory of the meaning of so much of chapter two hundred and four of the laws of one thousand seven hundred and eighty-four, and other statutes, as abolishes survivorship in estates in joint tenancy.

The General Assembly of North Carolina do enact :

Construction of section 1326 of The Code.

When there are two or more trustees having only a naked trust not coupled with any beneficial interests, the survivor can execute trust.

SECTION 1. That in so much of section six (6), chapter chapter two hundred and four (204) of the laws of this State, enacted in the year seventeen hundred and eighty-four (1784), as provides that in all estates, real or personal, held in joint tenancy, the part or share of any tenant dying shall not descend or go to the surviving tenant, but shall descend or be vested in the heirs, executors, or administrators or assigns, respectively of the tenant so dying, in the same manner as estates held by tenancy in common, and all other laws of this State re-enacting the same, it was not the intent, meaning or effect of the same to embrace within the purview thereof the estates of trustees having only a naked trust not coupled with any actual beneficial interest, but that in all cases where only such naked trust has been created or exists; and in all cases where the same shall be hereafter created, and the conveyance is to two or more trustees, the right to perform the trust and make estates under the same shall attach to and may be exercised by any one of such trustees, in the event of the death of his co-trustee or co-trustees (as the case may be), or the refusal or inability of the co-trustee or co-trustees to perform the trust; and that in cases of trusts herein named the trustees shall hold as joint tenants, and in all respects as joint tenants held before the said act of Assembly.

Co-trustees to hold as joint tenants held before act of 1784.

Surviving mortgagee or trustee authorized to execute power of sale in mortgage, &c.

SEC. 2. That in all mortgages and deeds of trusts wherein two or more persons, as trustees or otherwise, are given power to sell the property therein conveyed or embraced, and one or more of such persons shall be dead,

any one of the persons surviving having such power may make sale of such property in the manner directed in such deed, and execute such assurances of title as are proper and lawful under the power so given; and the act of such person, in pursuance of said power, shall be as valid and binding as if the same had been done by all the persons on whom the power was conferred.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 328.

An act to establish a graded school in the city of Asheville.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Asheville may at any time after the ratification of this act submit to the qualified voters of the city of Asheville, under such rules and regulations as they may prescribe, whether an annual tax shall be levied for the establishment and support of [a] graded school for each race of said city. That such qualified voters at such election shall vote a ticket on which shall be written or printed the words "For School," or "Against School," and the penalty for illegal voting shall be the same as in other elections for said city. In case a majority of the qualified voters in such election shall favor the tax, the same shall be levied and collected by the authorities of the city of Asheville, and the tax collector shall be subject to the same liabilities for the collection and payment of such taxes as he is by law for other taxes. The taxes thus levied and collected shall be one-tenth of one per centum and the

Election to be held in Asheville upon question of graded school.

Ballots.

Special tax to be levied and collected upon affirmative vote.

Limitation of tax.

tax on the poll shall be equal to the amount levied on the three hundred dollars' worth of property.

Board of Education.

SEC. 2. If a majority of the votes cast shall be "For School," then the aldermen of said city shall elect six persons who shall constitute a "Board of Education for the City of Asheville." Of these six persons two shall be

Terms of office.

elected for one year, two for two years, and the other two for three years, and at the expiration of the term the suc-

Mayor, *ex officio*, chairman.

cessor shall be elected for three years. The mayor of the city shall be *ex officio* chairman of the board but shall have no vote in any matter except in case of a tie. The members of the board before entering upon the discharge of their duties shall take an oath to faithfully discharge all the obligations and duties devolving upon him as a member of the board.

Oath of office.

Duty of board to secure suitable places for schools, &c.

SEC. 3. That it shall be the duty of the board as soon as possible to secure by purchase or gift suitable places for the schools contemplated by this act, and to that end may solicit contributions and gifts, and if they think best use the first year's money, or so much thereof as is necessary.

Persons through whose land city line runs entitled to benefits of this act.

SEC. 4. That those persons through whose land the city line runs shall have all the rights, powers and benefits of this act: *Provided*, that said person prior to the election held shall signify to the aldermen in writing his desire, and subject that portion of the tract of land outside the city limits to the taxes imposed by this act.

Proviso.

Board to elect officers and teachers.

SEC. 5. That the "Board of Education for the City of Asheville" shall, so soon as they determine to open the school, elect such officers and teachers as may be necessary to carry on the work they have in charge, and they

Salaries.

may fix the salary of each at such an amount as they may deem proper, any other law to the contrary notwithstanding, and shall have power to make such rules, by-laws and regulations as may be necessary for the good of the school.

By-laws.

SEC. 6. The board of education shall have full charge of the school fund raised by virtue of this act [and] such other fund as may be apportioned to the city of Asheville, and shall use the same for school purposes and in such manner as to promote the best interest of both races: *Provided*, that equal facilities with equal terms shall be given both races.

Board to have charge of school fund, &c.

Equal facilities to be given both races.

SEC. 7. The tax when voted shall remain the same from year to year unless reversed or reduced by a vote of the people on the subject.

Tax to continue from year to year unless reversed or reduced by popular vote.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 329.

An act to empower the county commissioners of Brunswick county to pay certain school claims.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Brunswick county be and they are hereby authorized and empowered to pay all such school orders or school drafts for teachers' wages as were issued between the first day of January, one thousand eight hundred and seventy-five, and the first day of January, one thousand eight hundred and eighty, and remain unsettled, if said commissioners should in their discretion deem it expedient to do so; said school claims to be paid out of the general county funds not levied for any other special purpose: *Provided*, that the amount paid under the provisions of this act shall not exceed the sum of five hundred dollars.

Commissioners given discretionary power to pay outstanding school orders for teachers' wages issued between Jan. 1st, 1875, and Jan. 1st, 1880.

To be paid out of general county fund.

Not to exceed \$500.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 330.

An act to change the line between Macon and Graham counties.

The General Assembly of North Carolina do enact :

Line between
Macon and Gra-
ham counties.

SECTION 1. That the line between the counties of Macon and Graham be changed as follows: Beginning on the line of Macon at the head of the Big Meadows in Graham county on the head of Tallula creek, and run in an east direction so as to include the Jeff. George farm, now owned by Jenkins, in Graham 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 11th day of March, A. D. 1885.

CHAPTER 331.

An act to amend section thirty-six hundred and twenty-two, chapter fifty-two, of volume two of The Code.

The General Assembly of North Carolina do enact :

Section 3622 of
The Code amend-
ed.

Accounts of pub-
lic printer not to
be approved
oftener than for-
ty-eight times in
any year.

SECTION 1. That section three thousand six hundred and twenty-two of The Code be amended by striking out in line thirteen the words "twenty-four" and insert in lieu thereof the words "forty-eight."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 332.

An act to facilitate the construction of a railroad to Danbury, in the County of Stokes.

The General Assembly of North Carolina do enact :

SECTION 1. That section ten of chapter one hundred and ninety of the laws of one thousand eight hundred and eighty three, be amended so as to provide that for every two miles of the Danbury branch of railroad mentioned in said section to be constructed from a point at or west of Walnut Cove that the Cape Fear and Yadkin Valley Railroad Company shall grade, or cause to be graded, the State Treasurer shall turn over to said company five thousand dollars of the bonds offered in aid of the construction of said branch of railroad to Danbury: *Provided*, that the amount of the bonds thus delivered shall not exceed twenty-five thousand dollars, and so much as is thus delivered shall be in lieu of that amount of the twenty-five thousand dollars mentioned in section ten of said act.

Chapter 190, section 10, laws 1883, amended.

For every two miles of Danbury branch of C. F. & Y. V. R. R. graded, State Treasurer to turn over to said railroad company \$5,000 of bonds offered in aid of construction of said branch road.

Proviso.

SEC. 2. That R. B. Glenn, N. M. Pepper and S. B. Taylor are hereby appointed commissioners, whose duty it shall be to examine and have measured the grading when done and certify the same under their hands to the State Treasurer, upon which certificate he shall deliver to said company said bonds as herein directed.

Commissioners to examine and measure grading and certify same to State Treasurer.

SEC. 3. That this act shall be submitted to the stockholders of the Cape Fear and Yadkin Valley Railway

Act to be submitted to stockholders.

If ratified, to be certified to State Treasurer.

Company, at their next meeting after the passage of this act for their ratification or rejection, and if ratified by said stockholders, the same shall be certified to the State Treasurer, and this act shall be in full force and effect, and if rejected by said stockholders then this act shall be of no effect and of no force.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 333.

An act to prohibit the sale of spirituous liquors within three miles of Marvin academy in Anson county.

The General Assembly of North Carolina do enact:

Unlawful to sell, &c., liquor within three miles of Marvin academy, Anson county.

Misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person or persons to sell or give away any intoxicating liquors within three miles of Marvin academy in Anson county.

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 thirty days.

SEC. 3. This act shall be in force from and after the tenth day of March, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 334.

An act to amend section thirty-three hundred and sixty of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-three hundred and sixty of The Code be amended by inserting in line five after the word "Treasurer" the following words: "and Auditor."

Section 3360 of The Code amended.

Annual accounts of Auditor to be examined by commissioners appointed by General Assembly.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 335.

An act to amend section twenty hundred and fifty-three of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty hundred and fifty-three of The Code be amended so as to read as follows: The county or counties which may erect bridges shall, by their boards of commissioners, provide and keep up draws in all such bridges, where the same may be necessary, to allow the convenient passage of vessels: *Provided*, that such counties shall not be required to open and close such draws for the passage of vessels.

Section 2053 of The Code amended.

Counties building bridges to provide draws when necessary for passage of vessels.

Counties not required to open and close draws, &c.

SEC. 2. That it shall be the duty of any and all persons, running, owning or having the control of any vessel, steamboat or other floating craft, to use care in opening, and to securely close the draws in said bridges when it is necessary for them to use the said draws for the passage of their vessels. And any person owning, run-

Persons running, &c., vessels, &c. to use care in opening and closing draws, &c.

Misdemeanor.

ning, or having control of any vessel, who shall abuse any draw in any such bridge, or shall leave open or insecurely closed any draw in such bridge, shall be guilty of a misdemeanor, and upon conviction of the same before a justice of the peace, shall be fined not less than twenty-five nor more than fifty dollars, or imprisoned not exceeding thirty days: *Provided*, that this act shall only apply to the county of Pender.

Penalty.

Act applicable only to Pender county.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 336.

An act to amend section thirty-one hundred and thirteen of The Code.

The General Assembly of North Carolina do enact:

Section 3113 of The Code amended.

Time for holding local option election.

SECTION 1. That section thirty-one hundred and thirteen of The Code be amended by striking out in line five the word "May" and insert in lieu thereof the word "June."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 337.

An act for the support of the penitentiary and convicts, and other purposes.

The General Assembly of North Carolina do enact:

\$121,900 appropriated annually for support of penitentiary for two years from Dec. 1st, 1884.

SECTION 1. That the sum of one hundred and twenty-one thousand and nine hundred dollars per annum for

the next two years, beginning on the first day of December, one thousand eight hundred and eighty-four, is hereby appropriated for the support of the penitentiary and for the maintenance, guarding and working of the convicts in said penitentiary, on the Western North Carolina Railroad and the Cape Fear and Yadkin Valley Railroad. The board of directors of the penitentiary may also use, as aforesaid, any and all revenue that may be derived from said institution and from the hire of convicts within or without the prison enclosure, except as hereinafter provided.

Directors authorized to use revenues of institution, &c.

SEC. 2. That to provide for an existing deficiency, on account of previous year's appropriation, the sum of thirteen thousand and three hundred and thirty-two dollars and fifty-nine cents, is hereby appropriated out of any money in the State Treasury not otherwise appropriated.

\$13,332.59 appropriated to provide for existing deficiency.

SEC. 3. That the board of directors of the penitentiary, for the purposes mentioned in the first section of this act, are hereby authorized, in their discretion, if necessary, to sell any bonds deposited with the Treasurer *ex officio* of said board in the payment of the hire of convicts worked on any railroad, except the bonds for those assigned to the Cape Fear and Yadkin Valley Railroad and to the Western North Carolina Railroad from the mouth of the Nantahala river to Murphy.

Directors authorized to sell bonds deposited with Treasurer for payment of convict hire if necessary.

Exceptions.

SEC. 4. That all laws and clauses of laws in conflict with 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 11th day of March, A. D. 1885.

CHAPTER 338.

An act to authorize the hiring of convicts to the Raleigh and Augusta Air-Line Railroad Company.

The General Assembly of North Carolina do enact :

R. & A. Air Line R. R. Co. authorized to hire convicts not to exceed 150 to work on road from C. C. R. R. to South Carolina line.

Convicts to be cared for by the State.

Convicts to be hired for not less than \$125 per annum.

How paid for.

Commissioners of any county authorized to work on road or hire to company convicts in jail.

Section 1986 of The Code not applicable to R. & A. Air-Line R. R. Co.

Work to be begun within four years.

SECTION 1. That it shall be lawful for the Raleigh and Augusta Air-Line Railroad Company to contract with the Board of Directors of the State Penitentiary for the hire of such convicts as have not been otherwise appropriated, not exceeding one hundred and fifty, for the purpose of extending its road from some point on the Carolina Central Railroad in the county of Union or of Mecklenburg to the South Carolina line; and such convicts are hereby assigned to said road. Said convicts shall be cared for and secured by the State according to law.

SEC. 2. That said Raleigh and Augusta Air-Line Railroad Company shall be permitted to hire said convicts at not less than the rate of one hundred and twenty five dollars per annum each, payable in cash or North Carolina four per centum bonds, or in the bonds of Union or Mecklenburg counties, at their par value.

SEC. 3. The board of county commissioners of the said several counties of the State are authorized to work on said railroad or to hire to said company upon such terms as may be agreed upon, the convicts in the jails of their several counties, and to make any and all contracts with said company that shall be necessary to carry out the provisions of this section.

SEC. 4. That section nineteen hundred and eighty of The Code of North Carolina shall not be applicable to the Raleigh and Augusta Air-Line Railroad Company: *Provided*, that work shall be begun on said road within four years from the ratification of this act.

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 11th day of March, A. D. 1885.

CHAPTER 339.

An act to establish a true meridian in the several counties of North Carolina for the correct retracing of surveys.

SECTION 1. That the Secretary of State within six months of the passage of this act shall cause to be erected under the supervision of expert surveyors in each and every county at some suitable, secure and convenient point as near the county seat as may be, upon ground having a regular and uniform grade, two monuments in a meridian or true north and south line with each other, of cut stone not less than seven feet long, twelve inches square at the base and four inches at the top, let into the ground three feet, set firm and plumb, one of the vertical angles of each directed towards one of the vertical angles of the other at a distance of not less than three hundred and thirty feet, that is to say five gunter chains from centre to centre, and in the centre of the top of each there shall be firmly set and leaded a bolt of brass let into the stone vertically five inches and rising above the stone one inch. Such bolt shall not be less than one-half inch square below and shall be buried conical above the surface of the monument.

Secretary of State to have erected in every county within six months two meridian monuments.

Description.

SEC. 2. Every surveyor operating in any of the counties of this State with magnetic instruments, whether in a public or private capacity, shall, between the first and thirty-first days of December in each and every year, carefully test his needle upon said meridian by adjusting his instrument upon one of the cones of said monuments and sighting to the other, noting the variation of the magnetic from the true meridian and the direction thereof; and shall test the chain or other instrument of linear measurements upon the distance from centre to centre of said monuments or some established sub-

Surveyors to test needles in December of each year and note magnetic variations, &c.

Chains, &c., to be tested.

division thereof, noting the error of such instrument as compared with the standard of the monuments. Such tests, or the corrections, if any resulting therefrom, shall be returned by the surveyor in writing and under oath to the register of deeds for the county in which such meridian is situate within ten days from the taking of the observations aforesaid, setting forth the name of the surveyor, his residence, the character of the instruments tested, the date of the observations, the variation east or west of the magnetic needle from the true meridian, and the variation of the chain or other instrument of linear measurements from the true standard of the monument, together with a fee of ten cents for filing and recording the same; and such return shall be filed and recorded by the register of deeds in a book properly ruled and lettered, to be furnished by the board of commissioners of the county, to be used for such purpose exclusively and entitled "The Meridian Record."

SEC. 3 It shall be the duty of the board of county commissioners to maintain such meridian monuments in good order and condition; and no survey made more than six months after the passage of this act in any county adopting the provisions of this act shall be legal or binding upon any party in interest, unless it shall appear upon the meridian record of the county in which such survey is made, that such observations have been taken and recorded within the current year.

SEC. 4. Any person or persons who shall in any manner injure, deface, remove or destroy such monuments, or any part thereof; or who shall fail, neglect or refuse to do and perform any act, matter or thing by this act required of him or them to be done, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine for every such offence of not less than fifty dollars each, and in case of default in the payment thereof shall be imprisoned three months.

Surveyor to return test and corrections under oath to register.

What report to contain.

Register's fee.

Register to record return.

County commissioners to keep meridian monuments in good order.

Surveys made more than six months after this act, when legal.

Misdemeanor to injure, &c., meridian monuments, &c.

Penalty.

SEC. 5. The county commissioners of the several counties in this State shall be required to purchase a surveyor's instrument and chain, which shall be delivered to the county surveyor upon his qualification to office, and surveyor's bond shall be conditioned for the safe keeping of the said surveyor's instrument and chain, and its delivery to his successor.

County commissioners required to purchase surveyor's instrument and chain for county surveyor.

Liability of surveyor's bond.

SEC. 6. The expense incurred by any county under this act shall be paid by the board of commissioners of said county out of the county treasury.

Expense incurred under this act to be paid by county commissioners.

SEC. 7. That the Secretary of State shall not carry out the provisions of this act in any county until he is requested so to do by the board of commissioners of such county, and the Secretary of State is instructed to send a printed copy of this act to the chairman of the board of county commissioners of the several counties in the State.

Secretary of State not to carry out provisions of act in any county until requested by county commissioners.

Copies of act to be sent to commissioners of each county.

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 11th day of March, A. D. 1885.

CHAPTER 340.

An act to amend the charter of the upper division of the Yadkin Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter granted to the upper division of the Yadkin Railroad Company and ratified on the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-two, be and the same is hereby re-enacted in every respect.

Chapter 78, laws 1871-'2, re-enacted.
Charter of upper division Yadkin R. R. Co.

SEC. 2. That section two of said charter be and the same is hereby amended by striking out all that follows after the word "and" in line seven of said section down

Section 2 amended.

Commissioners
of subscription.

to the word "are" in line twelve, and in lieu thereof the following names inserted: Moses L. Holmes, Jno. D. Gaskill, Jas. S. McCubbins, Theo. F. Kluttz, Lee S. Overman, Wilson Scott, H. C. Bost, John Foard, Thos. A. Bes- sent, John N. Charles, S. J. Tatum, J. A. Kelly, T. B. Bailey, A. M. Booe, H. E. Robertson, W. C. Wilson, J. W. Wiseman, F. M. Johnson, James M. Johnson, S. A. Jarvis, W. W. Barber, H. C. Cowles, J. F. Finley, W. H. Reaves, N. R. Gwyn, J. N. Foote, John Cooper, Alfred Hanes, J. A. Hampton, At'y, Dr. Leroy Hampton.

SEC. 3. This act shall be in force from and after its rat- ification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 341.

An act to incorporate the Durham and Roxboro Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. T. Blackwell, E. J. Parrish, J. S. Carr, Eugene Morehead, S. W. Holman, Duncan Cameron, A. J. Hester, J. A. Long, C. S. Winstead, James Holeman, John S. Lockhart, James R. Blackwell, and their asso- ciates and their successors, be and they are hereby created

Corporate name.

Corporate pow-
ers.

a body politic and corporate under the name and style of the Durham and Roxboro Railroad Company, with all the powers and privileges conferred upon railroad com- panies in chapter forty-nine (49) of The Code of North Carolina entitled "Railroad Companies," together with the power to construct and operate such branch roads from Durham or Roxboro or any intermediate point as the board of directors may desire.

SEC. 2. That in order to carry into effect the purposes and objects of this act, the said railroad company may survey one or more routes for such railroad 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 its 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 operation of said railway and its branches, under the same rules and terms as are prescribed for the acquisition and condemnation of land by the charter of The North Carolina Railroad Company, and shall have authority to transport passengers, freight and merchandise over said 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 said company.

Authorized to survey one or more routes, to condemn land for right of way, &c., to transport passengers, &c.

SEC. 3. The railroad company hereby created is hereby vested with power to construct a line or lines of railway with one or more tracts of such gauge as the board of directors thereof may agree upon, to Roxboro in the county of Person, or Franklinton in the county of Franklin, or Raleigh, Cary or Apex in the county of Wake, or Oxford in the county of Granville, from Durham in the county of Durham, or to any one or all [of] said points, with power and authority to continue said road to some point on the Cape Fear and Yadkin Valley Railroad between Greensboro and Sanford and to some point on the Richmond and Danville Railroad in the vicinity of Danville or Bellfield.

Terminal points.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same from time to time as the stockholders may determine, to two million dollars, the same to be divided up into shares of one hundred dollars each.

Capital stock.

SEC. 5. The corporators named in this act, or any one or more of them, may open books of subscription to the

Books of subscription.

capital stock of said company, at such times as [and] places as they may prefer, and receive subscriptions to said capital stock, and when ten thousand dollars of said stock shall have been subscribed for, the subscribers thereto shall elect a board of directors to consist of not less than five, who shall serve until the next annual meeting, or until their successors are elected and qualified, and upon the subscription of said sum of ten thousand dollars and the election of said board of directors, said company shall be deemed and held fully organized for all intents and purposes, and may proceed to carry out the objects of this charter.

When directors to be elected.

Organization.

Authorized to merge with other roads, to change name, &c.

SEC. 6. The said company shall have power to merge with any other railroad company now created or which may hereafter be created by the laws of this State, and may change its name whenever a majority of the stockholders so desire, and shall have power to contract with individuals, firms and corporations, for the construction or operation of said road, and also for the equipment thereof.

Board of directors.

By-laws.

Officers.

SEC. 7. The management of the said company shall be vested in the board of directors, to be elected annually at such time and place as the stockholders may designate, and they may have the power to make such by-laws, rules and regulations for the management of said corporation, and create and appoint such officers as may be necessary for the transaction of its business and as may be consistent with the constitution and laws of the United States and of this State.

Other railroad companies authorized to subscribe to capital stock, &c.

SEC. 8. Any railroad company whether incorporated under this or the laws of any other State is hereby authorized to subscribe to the capital stock of the said railroad company, or to lend money to or endorse the bonds or other evidences of debt of the same, and may pay for their subscription to the capital stock of said Durham and Roxboro Railroad Company in cash or by the issue of their bonds or otherwise, and said Durham and Roxboro

Railroad Company may mortgage its road-bed, rolling stock and franchises, and may issue bonds as the directors thereof may determine, and may provide for the conversion of such bonds into the capital stock of said company. Company authorized to issue mortgage bonds.

SEC. 9. That said railroad company may buy, sell, lease, exchange, hold and convey, use, operate and work any and all lands and mines along and near the main or branch lines of said railroad. Authorized to buy, &c., land and mines.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws 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 11th day of March, A. D. 1885.

CHAPTER 342.

An act to renew the charter of the Roxboro Railroad Company, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the act of the General Assembly of North Carolina entitled "An act to renew the charter of the Roxboro Railroad Company, to change the name and for other purposes," ratified the fourth day of February, Anno Domini one thousand eight hundred and eighty one, be re-enacted and continued in force in each and every particular and provision. Chapter 45, laws 1881, re-enacted.

SEC. 2. That the act of the General Assembly of North Carolina [entitled] "An act to assign convicts to the Roxboro Railroad Company," ratified the first day of February, Anno Domini one thousand eight hundred and eighty-one, be re-enacted and continued in force and amended as follows : by striking out the proviso in section Chapter 39, laws 1881, re-enacted and amended.

Convict labor
how paid for.

two of said act and inserting the following words: "that the board of directors of the penitentiary shall be authorized to accept in payment for guarding, feeding and clothing the said convicts the first mortgage bonds of said railroad company or the bonds of the county of Person or of any township authorized to issue bonds to aid in building or completing said railroad."

Chapter 329, laws
1883, re-enacted
and amended.

SEC. 3. That the act of the General Assembly of North Carolina entitled "An act to authorize the board of county commissioners of Person county to subscribe to the capital stock of the Roxboro Railroad Company," ratified the ninth day of March, Anno Domini one thousand eight hundred and eighty-three, be re-enacted and continued in force and amended as follows: by striking out of line three of section one of said act after the word "Person" the words "the sum of" and inserting in lieu thereof the words "a sum not to exceed."

Section 1, amend-
ed.

Commissioners of
Person county
authorized to
subscribe to capi-
tal stock not ex-
ceeding \$50,000.

Section 2 amend-
ed.

Coupon bonds
issued by county.

SEC. 4. That section two of said act be amended by striking out of line two the words "of sixty thousand dollars," and by striking out of line five the words "sixty thousand dollars" and insert in lieu thereof the words "said subscription," and by striking out of line six the words "one hundred" and inserting in lieu thereof the word "fifty."

Section 6 repeal-
ed.

Delivery of bonds
to president of
company.

When bonds is-
sued by county or
by townships to
be delivered to
president of com-
pany.

SEC. 5. That section six of said act of one thousand eight hundred and eighty-three be and the same is hereby repealed.

SEC. 6. That the chairman of the board of county commissioners of Person county is hereby authorized to deliver to the president of said Roxboro Railroad Company the said bonds of the county of Person or of any township in said county which may subscribe to the capital stock of said company in the following manner: one-fifth of said bonds when the first five miles of the road-bed of said railroad shall be finished and the cross-ties furnished; one-fifth of said bonds when the second five mile of said

road-bed is completed and cross-ties furnished, and so on until the whole length of the line shall be complete.

SEC. 7. That section eight of said act of one thousand eight hundred and eighty-three is hereby repealed and the following substituted in its place: "That the board of commissioners of Person county, upon the application of fifty freeholders of said county stating the amount they wish subscribed to the capital stock of said company, shall hold an election for the purpose of ascertaining the sense of the qualified voters of said county of Person as to whether they will subscribe the amount specified in the application, having first given thirty days' notice of said election by public advertisement in some newspaper published in Person county.

Section 8 amended.

Election in county upon question of subscription to capital stock.

SEC. 8. That the board of commissioners of Person county is authorized, whenever twenty-five freeholders of any township of said county shall in writing request that a proposition to subscribe a specific sum not to exceed ten thousand dollars to the capital stock of said Roxboro Railroad Company may be submitted to the voters of such township, to cause an election to be held in such township at the different precincts therein after due notice and publication in the usual manner of said election and to submit to the qualified voters of such township the question of subscribing to the capital stock of said railroad company the sum of money specified in the written request of the freeholders calling for said election as aforesaid, at which election those in favor of said subscription shall deposit their ballot "For Subscription," and those opposed shall deposit their ballot "Against Subscription." The returns of said election shall be made to the board of commissioners aforesaid who shall canvass the same, and if a majority of all the votes cast shall be for subscription, the subscription so authorized shall be made to the capital stock of said railroad company for said township by any agent properly commissioned to do so by the board of county commissioners. Any township subscribing as

Election in townships upon question of subscription to capital stock.

Not to exceed \$10,000.

How held.

Ballots.

Subscription to be made on affirmative vote.

Township representation in stockholders' meetings.

aforesaid to the capital stock of said railroad company shall be entitled to be represented in all general meetings of the stockholders, and for this purpose the justices of the peace of such township may from time to time, under their hands and seals, commission some suitable person to represent said township in said meeting: *Provided*, a majority of the justices of said township may make out said commission: *And provided further*, that a commission so made out shall be good for one year and until another is made out as herein provided.

Proviso.

Proviso.

County commissioners to issue bonds in payment of township subscription.

SEC. 9. That in payment of any subscription made as provided in section eight of this act, the board of commissioners of Person county shall have power to issue bonds to an amount not exceeding the sum so authorized to be subscribed, and such bonds shall indicate on account of what township subscription they were issued; said bonds shall be in denominations of not less than fifty dollars nor more than five hundred dollars, and shall run for ten years, and shall have coupons attached calling for interest at the rate of six per cent. per annum, payable semi-annually on the principal of each bond.

Bonds, how issued.

Special tax to be levied in townships making subscription.

SEC. 10. That to provide for the interest on said bonds and their redemption at maturity, the board of commissioners of said county shall, in addition to the other taxes, each year compute and levy upon all property in each of the townships so subscribing to the capital stock of said railroad company a sufficient amount to pay the interest on the bonds issued on account of the subscription of said township, and to provide a sum equal to one-tenth of said subscription for a sinking fund, which amount shall be annually paid over to the county treasurer and invested by him in the bonds issued on account of the subscription of said township at not more than par; and the amount of taxes collected for each of said townships for interest shall be paid to the county treasurer, and used by him in the prompt and regular payment of the

Sinking fund.

Interest.

coupons upon the bonds issued on account of the subscription of said township.

SEC. 11. That if any township in any county adjoining said county of Person wish to subscribe to the capital stock of said railroad company, they may do so upon complying with the terms of this act, and the same powers, privileges and duties are imposed upon the board of county commissioners of said counties as upon the county commissioners of Person county.

Subscriptions by adjoining townships in other counties.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 343.

An act to settle the line between the counties of Cherokee and Clay.

The General Assembly of North Carolina do enact:

SECTION 1. That, William A. Bryson, D. T. Sudderth, of Cherokee county, and N. W. Moore, R. S. Pass, of Clay county, and A. P. Munday, of Macon county, be and they are hereby appointed commissioners to settle and locate the line between the counties of Cherokee and Clay according to the true intent and meaning of the act creating the same, as follows: From the butt of the divide ridge between Fires creek and Peach Tree creek to the butt of the ridge between Big and Little Brass Town creeks.

Commissioners.
Dividing line.

SEC. 2. That it shall be the duty of the said commissioners, at such time as they shall agree within sixty days from the first day of May next, to proceed to the end of the divide ridge between the waters of Fires creek and Peach Tree creek with a surveyor, to be chosen by them, who is capable to perform the duty whether he be a

Commissioners to choose surveyor and have line marked.

Line, how marked. county surveyor of any county or not, and that the said commissioners or a majority of them, with the aid of the said surveyor, shall run and plainly mark a line, to be the line between the counties of Cherokee and Clay from the aforesaid place of beginning to the point of the divide ridge between the said Brass Town creeks; that the line shall be marked thus: all trees standing in the line shall be marked by three hacks on the side of approach and that of departure, and all side line trees shall be marked with three hacks facing to the line, that the line so run and marked shall hereafter be the county line between the said counties.

Compensation of commissioners and surveyor.

SEC. 3. That the said commissioners shall be paid the sum of four dollars each per day for the time employed in the discharge of their said duties, and that the surveyor chosen by them shall receive a like sum, one-half of which expense shall be paid by each of the counties named, to be paid by the treasurer of such county upon the order of the chairman of the board of county commissioners of such county.

How paid.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 344.

An act to amend The Code, section thirty-seven hundred and forty-seven, in relation to the pay of jurors.

The General Assembly of North Carolina do enact:

Section 3747 of The Code amended.

Pay of jurors summoned on a special venire.

SECTION 1. That The Code, section three thousand seven hundred and forty-seven, be amended as follows: Strike out all after the word "incurred" in line fifteen

down to and including the word "mileage" in line nineteen, and insert in lieu thereof as follows: The same *per diem* and mileage shall be allowed to jurors summoned upon a special *venire*, who shall attend in pursuance of the summons, whether they are chosen to serve upon the jury or not; and the same *per diem*, but no mileage, tolls or ferriage, to talesmen: *Provided*, this act shall apply only to Wake county.

Talesmen.
Act applicable only to Wake 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 11th day of March, A. D. 1885.

CHAPTER 345.

An act supplemental to and amendatory of an act to prevent live stock from running at large in Edgecombe county, ratified the twentieth day of February, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That all of that portion of the county of Edgecombe embraced within the following boundaries, to-wit: beginning at the point where the lines of the counties of Wilson, Nash and Edgecombe intersect, thence down the line separating Wilson and Edgecombe counties to a branch which forms the boundary line of Jesse Taylor's lands, thence down said branch to the Temperance Hall road, thence north along said road to John E. Calhoun's, thence east along the south side of the Coky road to the lands of Joshua Killebrew, thence north along the woods fence of Joshua Killebrew, C. J. Killebrew, Dr. A. B. Nobles and Nettles to Moore's branch boundary line of township No. 11, thence along said township line to Gen. W. R. Cox's fence, thence along Gen. W.

Chapter 106, *ante*, amended.

Part of county excepted from provisions of act.

R. Cox's wood fence to and across the Rocky Mount and Tarboro road, thence along the north side of said road to the boundary line of the town of Rocky Mount, thence north and west with the town of Rocky Mount to the Wilmington and Weldon railroad, thence with the Wilmington and Weldon railroad to Tar river, be and the same is hereby excepted from the provisions of an act entitled "An act to prevent live stock from running at large in Edgecombe county," ratified February twentieth, one thousand eight hundred and eighty-five, and the fence therein provided for shall run upon the line of said portion of said county, and gates erected at all public roads leading into and out of said territory as provided for by said act.

Fence, how to be run.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 346.

An act to amend section thirty-seven hundred and fifty-one of The Code.

The General Assembly of North Carolina do enact:

Section 3751 of The Code amended.

Misdemeanor to obtain marriage license for persons under age by misrepresentation, &c.

Penalty.

SECTION 1. That section thirty-seven hundred and fifty-one of The Code be amended by adding at the end of said section the following: And any person who shall obtain a marriage license for the marriage of persons under lawful age by misrepresentation or false pretences, shall be deemed guilty of a misdemeanor, and upon conviction shall for each offence be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, or both, at 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 11th day of March, A. D. 1885.

CHAPTER 347.

An act to amend section five hundred and nineteen of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section five hundred and nineteen of The Code be amended by adding thereto the following :

“ When an increase of the exemption or an allotment in property other than that set apart shall be demanded, the party objecting shall in his objections specify the property from which the increase or re-allotment is to be had. If the appraisal or assessment shall be reduced, the jury shall assess the value of the property embraced therein ; if increased, the value of the property specified in the objections from which the increase is demanded shall also be assessed ; but if the allotment shall be made in property other than that first set apart, the jury shall assess the value of the property so allotted. The court shall appoint three disinterested commissioners to lay off and set apart the homestead and personal property exemption in accordance with the verdict of the jury and the judgment of the court, and in the manner prescribed by law. The commissioners, who shall be summoned by the sheriff, shall meet upon the premises and after being sworn by the sheriff or a justice of the peace to faithfully perform the duties of appraisers [or assessors, as the case may be] in allotting and laying off the homestead or personal property exemption [or both, as the case may be] in accordance with the verdict and judgment aforesaid,

Section 519 of The Code amended.

Procedure when an increase of exemption, &c., is demanded on appeal to the Superior court in homestead and personal property exemption proceedings.

Court to appoint commissioners to lay off homestead, &c., in accordance with verdict.

Duty of commissioners.

allot [and] lay off the same and file their report to the next term of the court, when the same shall be heard by the court upon exceptions thereto.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 348.

An act to protect the merchants of this State.

The General Assembly of North Carolina do enact :

No peddler's license to be granted unless applicant files affidavit that he is a native born or naturalized citizen of the United States.

SECTION 1. That no license shall be hereafter issued to any person to carry on the business of a peddler of goods, wares or merchandise, unless the applicant shall file with the officer issuing the same an affidavit made before some officer having authority to administer oaths, setting forth that such applicant is a native born or naturalized citizen of the United States.

Misdemeanor.

SEC. 2. That any person who shall procure license by swearing falsely to the statements contained in such affidavit shall, for each day during which he shall do business under such license, be guilty of a misdemeanor, and upon conviction thereof be fined not exceeding fifty dollars, or imprisoned not exceeding 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 11th day of March, A. D. 1885.

CHAPTER 349.

An act to amend sections thirty-two hundred and sixty and thirty-two hundred and sixty-one of The Code, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand two hundred and sixty of The Code is hereby repealed.

Section 3260 of The Code repealed.

SEC. 2. That section three thousand two hundred and sixty-one of The Code be stricken out and the following substituted therefor: "Two or more white companies or two or more colored companies may form a battalion and elect a major; five or more white or five or more colored companies may form a regiment, not to exceed ten companies, and elect a colonel, lieutenant-colonel and major. Each battalion or regiment shall be designated by number, and each company by letter, and a record thereof made in the office of the adjutant-general. The commander-in-chief may in his discretion organize the State Guard into one or more brigades and divisions, and appoint brigadier and major-generals to command the same, who shall hold their commissions at the pleasure of the commander-in-chief, and whenever commander-in-chief shall form a battalion or regiment of the State Guard he shall order an election to be held for the field officer or officers of such battalion or regiment, such election to be conducted as hereinafter provided."

Division of the State into three military districts.

Section 3261 amended.

Formation of battalions and regiments.

Organization of State Guard into brigades and divisions.

Election of officers of battalions and regiments.

SEC. 3. That it shall be unlawful for any persons to organize a military company, or drill or parade under arms as a military body, except under the militia laws and regulations of this State; and no persons shall exercise or attempt to exercise the power or authority of a military officer in this State unless he holds a commission from the Governor; and any person offending against this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

Misdemeanor to organize military company, &c., except under militia laws.

Penalty.

Section 3290
amended.

Governor authorized to sell ordnance, &c., and apply proceeds to organization, &c., of State Guard.

SEC. 4. That section three thousand two hundred and ninety (3290) of The Code be amended by adding after the word "guard," in line four, the following: "And he is hereby authorized whenever in his judgment it shall be deemed necessary to cause to be sold, in such manner as will produce the best price, any portion or all of the ordnance or ordnance stores, arms and equipments, received from any source for the militia of this State and apply the proceeds of such sales to the more efficient organization, drilling, discipline, instruction and expenses of encampment and transportation of the State Guard."

Section 3286
amended.

Vacancies in field offices.

SEC. 5. That section three thousand two hundred and eighty-six of The Code be amended by adding the following clause at the end of said section: "And vacancies occurring in said offices shall be filled for the unexpired term by appointment of the commander-in-chief."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 350.

An act to empower the sheriff of Alamance county to collect arrears of taxes.

The General Assembly of North Carolina do enact :

J. T. Hunter, sheriff of Alamance county, authorized to collect arrears of taxes from 1877 to 1881 inclusive.

SECTION 1. That James T. Hunter, sheriff of Alamance county, is hereby authorized and empowered to collect arrears of taxes for the year eighteen hundred and seventy-seven to eighteen hundred and eighty-four, both inclusive, under such rates[rules] and regulations as are or may be prescribed by law for the collection of taxes.

How tax payer to be relieved from payment.

SEC. 2. 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 to administer oaths that the same has been paid; nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

Executors and administrators not compelled to pay.

SEC. 3. That the authority given by this act shall cease on the first Monday of December, one thousand eight hundred and eighty-six.

Authority to cease on first Monday in Dec., 1886.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 351.

An act to improve the running streams of water in Polk county, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That all land owners of the county of Polk shall remove from the running streams of water upon their lands, all trash, trees, rafts and timber, during the months of March and September in each year in the small streams, and in July and August in the large streams.

Land owners to remove obstructions from streams on their land during certain months.

SEC. 2. Any person convicted of a violation of this section shall be punished by a fine of not less than five nor more than fifty dollars, in the discretion of the court before which the case may be tried.

Misdemeanor.

Penalty.

SEC. 3. Any person convicted of cutting down trees across or into running streams upon the lands of another, in the county aforesaid, shall be liable to the same punishment as above prescribed.

Misdemeanor to cut down trees across, &c., stream on another's land.

SEC. 4. That the county commissioners of Polk county are authorized, in addition to the duties now imposed on them by law, to act as commissioners of health and drainage, and are empowered as such commissioners of health

Commissioners of Polk county to act as commissioners of health and drainage.

Duties upon application of land owner to drain his land through adjoining land.

and drainage, to act as follows, to wit: in all cases where a land owner desires to drain his lands, and is refused a necessary outlet upon or through adjoining lands, the county commissioners are hereby empowered to hear the case on petition and personal service, and to decide and fix either compensation on the one side or assessment on the other; and their decision in such cases shall have the force of a legal judgment.

Duties upon petition of land owners for drainage of lands lying on water course.

SEC. 5. In cases where one-third of the land owners upon any water course, for a distance of not less than five miles up and down the stream in said county, shall desire to drain the lands upon such water course, the county commissioners shall upon petition, personal service and the testimony of one or more competent engineers, be empowered to make contracts for such drainage, and impose the proper assessment upon the various properties benefited by the same, and the said assessment shall have the force of a legal judgment: *Provided*, that in both the above mentioned cases, should any party feel aggrieved by the decision or action of the county commissioners in the premises, it shall be lawful for him to appeal to the judge of the circuit court at the term of the court next ensuing, whose decision in the matter shall be final, unless an appeal is taken to a higher court.

Right of appeal.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 352.

An act to amend section thirty-seven hundred and twenty-six of The Code.

The General Assembly of North Carolina do enact:

Section 3726 of The Code amended.

SECTION 1. That section thirty-seven hundred and twenty-six of The Code be amended by striking out the

words "five hundred" in the last line of said section and inserting "one thousand." Additional clerical assistance to Auditor.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 353.

An act to provide for better schools in certain school districts in the counties of Surry and Stokes.

The General Assembly of North Carolina do enact:

SECTION 1. That when it shall appear to the committee of any school district lying between the Pilot mountain and Stony Ridge in the county of Surry, and the Little Yadkin river in the county of Stokes, that the school fund allotted to their district any year is insufficient to maintain a school for a term of reasonable length, may agree in writing with the committee of a district adjoining either in the same county or in the adjoining county, and jointly maintain a school for the children of the two districts, which school shall be taught at such time and place as the committees of the two districts may agree, and after such agreement in writing as to the time and place of teaching such school, the two committees shall be the committee of such joint school till the expiration of the term. When school fund insufficient to maintain school in certain school districts in Surry and Stokes counties, adjoining districts authorized to maintain joint school.

SEC. 2. That the school fund allotted to the two districts that year shall, if necessary, be expended in the maintenance of such school, but if it is not desired to expend the whole fund, then the same fraction of the two funds allotted to each that year shall be expended. School fund, how expended.

SEC. 3. That it shall be the duty of the teacher teaching such school to keep a record for the two districts Teacher to keep separate record, &c.

separate, and to make separate reports for the districts to the superintendents of the two counties respectively, and the order for the amount to be paid by each district for the maintenance of such school shall be signed by the committee of that district respectively.

Certificate of teacher.

SEC. 4. That it shall be sufficient if the teacher teaching such school shall have a certificate from the superintendent of one of the counties concerned, but he shall note on his report to the county superintendent from whom he has no certificate the fact that he has a certificate from the superintendent of the adjoining county.

Procedure where children desire to attend school in a district other than the one in which they reside.

SEC. 5. That in case it shall be desirable that the children of any family or families in any district in said territory attend a school in an adjoining district the committee of the district in which such children reside may make an agreement with the committee of such adjoining district in the adjoining county, or in the same county, for the children of such family or families to attend the school of such adjoining district, for which attendance the committee of the district in which said children shall reside shall contribute to the maintenance of such school by giving an order to the teacher of such school for the amount which the children of such family or families drew in the apportionment of the school fund of that county that year, which shall be paid by the treasurer as other orders for school purposes are paid, which amount shall be determined by reference to the census report of the committee for that year, and the order shall be accompanied with a report of the term as in other cases in which orders are given for teaching.

Act applicable only to territory described.

SEC. 6. That this act shall apply only to the territory herein described.

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 the 11th day of March, A. D. 1885.

CHAPTER 354.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Beaufort county be and are hereby authorized to levy a special tax of thirteen and one-third cents on the hundred dollars' worth of property and forty cents on the poll annually for two years, one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, to enable them to pay the county debt.

Authorized to levy special tax to pay 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 11th day of March, A. D. 1885.

CHAPTER 355.

An act to provide for the analysis of poison in case of death therefrom.

The General Assembly of North Carolina do enact :

SECTION 1. That when at any coroner's inquest held over the dead body of any person it shall be ascertained on the opinion of the county superintendent of health or other physician who may be employed as an expert in the investigation of the cause of the death of the deceased person, that said person came to his or her death by any such poison as in the opinion of such superintendent of health or other physician, as may be employed as aforesaid, is susceptible of an analysis, it shall be the duty of such

In cases at coroner's inquests of suspected homicide by poison, duty of county superintendent of health or other physician employed to send matter to chemist of agricultural department for analysis.

superintendent of health or other physician to collect such matter taken or thrown off from the stomach or bowels of the deceased as in his judgment is necessary for a correct analysis, or shall remove the stomach of the deceased, or any other portion of the intestines or body as he shall deem necessary, together with any poison, a portion of which is suspected as being used for poisoning the deceased person, and prepare and carefully seal up the same in a well cleaned vessel, in the presence of the coroner, or in the presence of one other physician, and transmit the same by express or a messenger at the expense of the county where the said person deceased may have been poisoned, to the chemist of the State Department of Agriculture, who shall make such analysis of the matter transmitted as aforesaid as will afford satisfactory proof of the nature and character of the poison, as well as what the poison really is; and the said chemist making the analysis as aforesaid shall use all necessary caution in the care of the material sent as aforesaid and analyzed; and shall upon subpoena duly issued by the clerk of the court having jurisdiction, the same being issued upon the order of the solicitor for the district wherein such testimony is required, shall duly attend said court with all the necessary material and analysis, and give such evidence relative thereto as the court may require.

Duty of chemist to make analysis.

To attend court upon subpoena.

Chemist to receive no compensation except three dollars per diem and travelling expenses while attending court.

SEC. 2. That the said chemist of the State Department of Agriculture shall make no charges, nor receive any fees for making the analysis as aforesaid, nor shall he receive any compensation for attending said court and testifying in said cause except three dollars *per diem* and his actual travelling expenses, which shall be paid in cash by the treasurer of the county where the aforesaid inquest shall have been held.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 356.

An act to prohibit the sale of intoxicating liquors within two miles of Lawingville in Paw Creek township, Mecklenburg county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell or give away any intoxicating liquors within two miles of Lawingville in Paw Creek township, Mecklenburg county, that is from a point ten feet in front of J. A. Williams' corner and extending two miles in every direction.

Unlawful to sell, &c., liquor within two miles of Lawingville, Mecklenburg Co.

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 thirty days.

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 11th day of March, A. D. 1885.

CHAPTER 357.

An act to prevent live stock from running at large in Franklin 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 Franklin county: *Provided*, that the provisions of this act shall not apply to that portion of Franklin county embraced in the following boundaries, to-wit: Beginning at the intersection of the Nash line by Tar river and running thence up said river to the mouth of

Unlawful for live stock to run at large in Franklin county except within certain boundaries.

Cedar creek, thence up said creek to the Alford mill-place on the road from A. C. Perry's to Flat Rock church, thence along said road via Harris' cross-roads and Nathan May's to the Wake county line, thence along said line to the Nash line, thence along the Nash line to Tar river.

Impounding of live stock.

SEC. 2. That it shall be lawful for any person to take up any live stock running at large in said county and impound the same; and such impounder may demand fifty cents for each animal so taken up and twenty-five cents for each animal for every day such animal is kept impounded, and may retain the same with right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders to be selected by the owner and said impounder, said freeholders to select an umpire if they cannot agree, and their decision to be final.

Compensation of persons impounding stock.

Damages, how ascertained.

Certain sections of The Code concerning fences, &c., declared part of this act.

SEC. 3. That sections twenty eight hundred and seventeen, twenty-eight hundred and eighteen, twenty-eight hundred and nineteen, twenty-eight hundred and twenty, twenty-eight hundred and twenty-two, twenty-eight hundred and twenty-three, twenty-eight hundred and twenty-four and twenty-eight hundred and twenty-five of The Code shall be and are hereby declared incorporated into and made a part of this act.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed, and that this act shall be in force from and after the first day of January, Anno Domini one thousand eight hundred and eighty-six.

Act to take effect Jan. 1st, 1886.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 358.

An act for the protection of the traveling public.

The General Assembly of North Carolina do enact:

SECTION 1. That the ticket agent of any railroad, steam-boat, or other transportation company, doing business in this State, shall at all times have power to refuse to sell a ticket to any person applying for the same who may be at the time intoxicated.

Ticket agent of railroad and other transportation companies empowered to refuse to sell ticket to intoxicated person.

SEC. 2. That the conductor, captain or other person in charge of any train of railroad cars, steam boat, or other conveyance for the use of the traveling public, shall at all times have power to prevent any intoxicated person from entering such train, boat, or other conveyance.

Conductor, &c., of railroad train or other public conveyance empowered to prevent intoxicated person from entering train, &c.

SEC. 3. That it shall be unlawful for any intoxicated person after being forbidden by the conductor, captain, or other person having charge of any railroad train, steam boat, or other conveyance for the use of the traveling public, to enter such train, boat or other conveyance, and for every violation of this section the person so offending shall be guilty of a misdemeanor.

Misdemeanor to attempt to enter train, &c., after being forbidden, &c.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 359.

An act to amend sub-section four, section five hundred and one of
The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That sub-section four of section five hundred and one of The Code be amended by striking out all

Section 501, sub-section 4, of The Code amended.

Lien of judgment
on homestead.

the words between the word "subject" in the third line and the word "to" in the fourth line, and by adding after the word "taxes" in the ninth and last line the following clause: "*Provided*, the statute of limitations shall not run against any payment owing by the owner of a homestead or homestead interest during the existence of such homestead or homestead interest whether the same has been, or shall hereafter be allowed, assigned and set apart under execution or otherwise."

Statute of limita-
tions not to run
against payment
owing by owner
of homestead, &c.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 360.

An act to prevent the sale of any spirituous or malt liquors, bitters or any intoxicating drinks of any kind within the corporate limits of the town of Company Shops, in Alamance county, also within one and one-half miles of the E. M. Holt plaid mills, in said county.

The General Assembly of North Carolina do enact :

Unlawful to sell,
&c., liquor within
corporate limits
of Company
Shops or within
one and a half
miles of E. M.
Holt's mills, Ala-
mance county.

SECTION 1. That it shall be unlawful for any person to sell any spirituous or malt liquors, bitters or any intoxicating drinks of any kind within the corporate limits of the town of Company Shops, in Alamance county, also within one and one-half miles of the E. M. Holt plaid mills situated in said county.

Misdemeanor.

SEC. 2. That if any one shall violate the provisions of this act he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned for not more than thirty days, or both at the discretion of the court.

Penalty.

SEC. 3. This act shall be in force from and after May the first, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 361.

An act to enable defendants who are administrators or executors of deceased debtors to testify in certain cases.

The General Assembly of North Carolina do enact :

SECTION 1. That in all actions now pending or which may be hereafter instituted upon judgments rendered before the first day of August, one thousand eight hundred and sixty-eight, or upon any bond or promissory note under seal executed prior to said date, wherein a reference has been or may be ordered by the court to ascertain the condition or state of the assets belonging to the estate of any deceased debtor in the hands of his administrator or executor, who is or may be defendant in such actions, it shall be competent for the defendant administrator or executor of such deceased debtor to testify and be examined as a witness in his own behalf concerning his administration upon the estate of his intestate or decedent.

In action upon judgment rendered on bond executed before Aug. 1st, 1868, where there is a reference to ascertain condition of assets of deceased debtor, the defendant executor or administrator shall be a competent witness as to his administration of estate.

SEC. 2. That when in such cases the defendant administrator or executor shall have testified or been examined as a witness in his own behalf, it shall also be competent for the plaintiff to testify and be examined in the same in regard to such administration.

In such case after examination of defendant plaintiff to be a competent witness.

SEC. 3. That all laws and parts of laws in conflict with the provisions of 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 11th day of March, A. D. 1885.

CHAPTER 362.

An act supplemental to and amendatory of an act to give clerks of inferior courts authority to probate deeds, ratified the twentieth day of February, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Clerk of Pitt inferior court authorized to take probate of deeds, &c., under chapter 105, ante.

SECTION 1. That the provisions of an act passed at the present session of the General Assembly entitled "an act to give clerks of the inferior court authority to take probate of deeds," shall apply to the county of Pitt.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 363.

An act to abolish Brindletown township in Burke county, and to appoint E. R. Tilley a justice of the peace for Lower Creek township in said county.

The General Assembly of North Carolina do enact:

Brindletown township, Burke county, abolished.

SECTION 1. That Brindletown township in Burke county be and is hereby abolished, and the territory comprising said township be consolidated and merged with Silver Creek township.

E. R. Tilley appointed justice for Town Creek township.

Term of office.

SEC. 2. That E. R. Tilley be and is hereby appointed an additional justice of the peace for Lower Creek township in said county of Burke for the term of six years.

When act to be in force.

SEC. 3. That this act be in force from and after the first Monday in April next.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 364.

An act to provide for the collection of fines and costs before justices of the peace and other courts.

The General Assembly of North Carolina do enact:

SECTION 1. That sections seven hundred and forty-nine and seven hundred and fifty of The Code be applicable to the courts of justices of the peace, mayors and other chief officers of cities and towns.

Confession of judgment to secure fine and costs in criminal actions before justice of the peace, &c., not to operate as discharge of original judgment.

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

Defendant falling to pay may be again arrested.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 365.

An act to amend 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 two of 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 therefrom the words "McManin Chapel M. E. Church in Orange county."

Chapter 234, section 2, laws 1881, amended.

McManin Chapel, Orange county, stricken from prohibitory law.

SEC. 2. That section one of chapter two hundred and thirty-four of the acts of one thousand eight hundred and eighty-one be amended by adding to the end of said section the words "McMannen Chapel M. E. Church, in Durham county."

Section 1 amended.

Sale of liquor prohibited within one mile of McMannen Chapel, Durham county.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 366.

An act for the benefit of farmers in White Oak township in Bladen county.

The General Assembly of North Carolina do enact :

Fence to be built along a designated line in Bladen county.

SECTION 1. That a good and sufficient fence, at least five feet high, shall begin on the bank of Cape Fear river at the mouth of Harrison's creek and running with or near the bank of said creek on the south side, the most convenient way to Robert Melvin's lower line; then with his line to G. Lemmons' western gate; then with the fences of said Lemmons, D. M. Melvin, Johnston Melvin, N. J. Melvin to David R. Melvin, from there as straight as practicable to Harrison's creek; thence to the fence of I. J. Cain; thence with the fences of John T. Melvin, I. J. Cain, David Tatom, G. W. Melvin, Jas. T. Melvin, Daniel Tatom; thence to the fence of Johnston Melvin, deceased; thence to C. Dunham, Johnston Dunham, T. B. Dunham, John W. Cain, G. Singletary, Samuel Dunham, David B. Melvin and with his fence to the public road; then with said road on the west side to the upper line of the lands of William Young, deceased; then with the upper line of Samuel Cain; then to the lower line of the land of Frank Burney; then as direct as practicable to the old main road at Mrs. Lenora Jones's lower line to the Cape Fear river.

Fence and Cape Fear river to be only fence required for protection of crops in enclosed district.

Stock not to run at large within district enclosed.

Owners liable for damages.

Misdemeanor.

SEC. 2. The said fence and the Cape Fear river shall be the only fence required by law for the protection of crops in the district enclosed, and all owners of stock of any kind in said district shall prevent said stock from running at large by keeping good and sufficient pastures, or otherwise as they may choose. Owners of stock at large in the district shall be liable for all damages done by said stock, and shall for knowingly or negligently permitting any stock to go at large, be guilty of a misdemeanor for each and every offence, and upon conviction thereof shall

be fined not more than twenty-five dollars or imprisoned not more than thirty days. Penalty.

SEC. 3. The board of commissioners for Bladen 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. County commis-
sioners to ap-
point registrar to
register impound-
ed stock.

Said registrar shall keep said register open at all times for inspection, Sundays excepted. Fee.

SEC. 4. The commissioners of said county shall have power to remove said registrar and appoint his successor. Commissioners
authorized to re-
move registrar
and appoint suc-
cessor.

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 was taken up: *Provided, however,* that the person taking up said stock shall file a description of said stock with the registrar of said district, and such person taking up and impounding the said stock may demand twenty-five cents Impounding of
live stock.

for each animal so taken up, and twenty cents per head for each day 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 damages Description of
impounded stock
to be filed with
registrar.

caused by said stock are paid. Compensation of
person impound-
ing stock.

SEC. 6. That if the owner of any live stock so impounded refuse or neglect to redeem said stock within twenty days Damages.

after said description is filed with the registrar, the im- Sale of impound-
ed stock.

pounded stock, after ten days' written notice posted at Notice.

three or more public places in said district where said stock is impounded describing the same, and stating the place, day and hour of sale, shall sell 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 the balance he shall turn over to the owner, if Application of
proceeds.

known, and if the owner is not known, to the township trustees in the township where said stock is impounded for the public schools therein. When owner is
unknown.

Damages suffered from stock running at large, how estimated and paid, &c.

SEC. 7. That upon the written application under oath of any person, stating that he has suffered damages by reason of any stock running at large in the said enclosed district, any justice of the peace in said township shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming 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 owners of said stock; and if any person shall with gun, 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.

Action against owner for damages.

Misdemeanor to unreasonably chase, &c., stock.

Penalty.

Wilful misappropriation of money, &c., by impounder a misdemeanor.

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 more than fifty dollars or imprisoned not more than thirty days.

Penalty.

Definition of "stock."

SEC. 9. The word "stock" in this act shall be construed to mean horses, mules, jacks, jennies, colts, cows, calves, sheep, goats, hogs and all such cattle or swine.

Commissioners to appoint overseers to put up fence, &c.

SEC. 10. The commissioners of said county shall at their first sitting in July, one thousand eight hundred and eighty-five, or at any regular meeting prior to the first Monday in September, appoint one or more land owners 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 November, Anno Domini one thousand eight hundred and eighty-five, 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

Cost to be apportioned among land owners.

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.

On failure to pay, sheriff to collect.

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.

Commissioners to annually appoint overseer to keep fence in repair.

Misdemeanor.

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 owner of said timber may receive for it what may be agreed upon, or if there be disagreement, what two men may say it is worth, one of said persons to be selected by the overseer and the other by the owner of the timber, and if the two do not agree they shall select a third person as umpire.

Overseer empowered to take timber, &c.

Damages, how ascertained.

SEC. 13. Said fence shall be built with gates upon all the public highways leading through said district, 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.

Gates.

Notice of completion of fence.

When act to take effect.

SEC. 14. It shall be lawful to erect gates across the public road, 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.

Land owner authorized to erect gates.

SEC. 15. That any person who shall wilfully leave open, impair or destroy any fence or gate 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 wilfully leave open, &c., gates, &c.

Penalty.

SEC. 16. That whenever a majority of the citizens of White Oak township, who are freeholders and own land

Commissioners authorized to declare act in force in White Oak township upon petition, &c.

in said township, as compared with the tax list of said township for the year one thousand eight hundred and eighty-four, shall petition the board of commissioners of Bladen county, the said board shall declare this act to be in full force and effect in said township.

SEC. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 367.

An act to establish stock law in a part of Richmond county.

The General Assembly of North Carolina do enact :

County commissioners to let out contract for construction of fence, gates, &c., along certain boundaries.

Boundaries.

SECTION 1. That the board of commissioners of Richmond county shall on the first Monday of April, one thousand eight hundred and eighty-five, let out at the court house door in Rockingham in said county a contract to construct a lawful fence along the following boundaries: Beginning on the Pee Dee river where the Montgomery and Richmond county line leaves said river and running to McGill's or Mount Carmel's church, thence to Bostick's Mills, thence to Ellerbee Springs, thence to the old Fair Ground, thence with road by Gum Lake church, thence by Ledbetter's factory, thence with road to Sand Hill depot on Carolina Central Railroad, thence with said railroad to the Wire Road, and thence with said road to Col. Charles Malloy's mill on Gum swamp, and thence up said swamp to Poly bridge, thence to Andrew McMillan's mill, thence to Sneed's bridge on the Big Juniper, thence east to turnpike road, thence up said road to the road leading by J. B. McNeill's house, thence with said latter road to Rockingham and Gilchrist bridge

road, thence east to Drowning creek, thence with said creek to the place where Richmond county line leaves said creek, thence with said Richmond county line to the South Carolina line, thence with said State line to Pee Dee river, thence with said river to the beginning; also gates on all public roads where said fence crosses said roads; and to keep said fence and gates in repair for the remainder of the year one thousand eight hundred and eighty-five, and annually on the first Monday of January shall let out contracts for the keeping of the said fence and gates for the next ensuing year, and the said board of commissioners are hereby authorized and empowered 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 above described boundaries: *Provided*, that should that portion of Montgomery county adjacent to the county line from Pee Dee river to McGill's or Mount Carmel's church adopt the "stock fence law," then that portion of the county line is to be considered a lawful fence, also that portion of Drowning creek called for in this section, the North and South Carolina line called for, and that portion of the Pee Dee river from the South Carolina line to the Montgomery county line to be considered a lawful fence; also should that portion of Robeson county adjacent to that portion of Richmond county line between Drowning creek and the South Carolina line adopt the "stock fence law," then, in that event, that portion of the line from Drowning creek to the South Carolina line is to be considered a lawful fence.

SEC. 2. Persons cultivating crops within the boundaries comprised in section one shall not be required to keep the same enclosed by a fence.

SEC. 3. If any horse, cow, mule, hog or any other stock is found within said boundaries 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

Commissioners to let out annually contract for keeping fence and gates in repair.

Special tax.

Proviso.

Person cultivating crops within boundaries not required to keep same enclosed.

Stock on any crop liable to be taken up by owner of crop and held until double damages, &c., are paid.

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 thereof, if known, if not, by notice posted at the court house door in Rockingham in said county.

Notice to be given.

Sale of stock taken up.

Notice.

Application of proceeds.

Sections 2, 3 and 4 not to take effect until completion of fence and notice.

SEC. 4. If the owner of the stock taken up under section three 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 advertisement, then it shall be lawful to sell said stock to the highest bidder at said court house door, 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: *Provided*, that the provisions of sections two, three and four of this act shall have no force or binding effect till the fence authorized by the first section of this act shall have been completed, and notice of such construction shall have been advertised for twenty-one days in some newspaper published in the county of Richmond, or in lieu thereof, posted at the court house door in the town of Rockingham, in said county of Richmond, and at one or more public places in every township in said county.

Disputes as to damage done by stock, how determined.

Possession pending controversy.

SEC. 5. If any dispute shall arise as to the amount of damage 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 Richmond county, and during the pending 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.

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 11th day of March, A. D. 1885.

CHAPTER 368.

An act supplemental to an act passed at the present session of the General Assembly, entitled an act to prevent live stock from running at large within the county of Edgecombe.

The General Assembly of North Carolina do enact :

SECTION 1. That the provisions 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 county of Edgecombe, shall not be in force and effect until the first day of September, one thousand eight hundred and eighty-five.

Chapter 106, ante, (Edgecombe stock law) not to go into effect until Sept. 1st, 1885.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 369.

An act to charter the Reidsville and Dan River Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That a company may be formed with a capital stock not to exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as the Reidsville and Dan River Railroad Company, for the purpose of constructing a railroad from Reidsville to Stoneville by way of Wentworth, with the privilege of extending their road to the Iron Ore Knob or any other point in Stokes county, North Carolina. The company, when formed as hereinafter directed,

Incorporation authorized.

Corporate name.

Terminal points.

Corporate powers.

shall have power to receive, own and transfer real and personal property and estate, to have a common seal, and to pass such by-laws not inconsistent with the laws of this State as may be necessary to carry out the objects of this corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State, and have the exclusive right to transfer and carry persons, produce and merchandise at such price as they may fix.

Commissioners.

SEC. 2. That for the purpose of creating the capital stock of such company, Col. A. J. Boyd, Wm. Lindsay, Hugh K. Reid, Robert Harris, J. H. Hall, A. J. Ellington, Dr. Whitsett, Dr. John Redd, T. R. Penn, D. Barnes, E. R. Harris, Hon. Jas. W. Reid, Thos. A. Ratliff, W. M. Mebane, T. J. Stone, L. C. Grogan, W. P. Grogan and R. H. Lewis be appointed commissioners, whose duty it shall be, as soon after the passage of this act as may be practicable, to appoint such commissioners to open books of subscription at such time and places, under such rules and regulations as they may prescribe; such subscriptions or any part thereof may be received in money, lands, labor, or material necessary in the construction of said road.

To appoint commissioners to open books of subscription.

When general meeting of stockholders to be called.

SEC. 3. Whenever the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners above named, or any five of them, to call a general meeting of the stockholders, after giving sufficient notice, at such time and place as they shall determine, and at all general meetings of said stockholders a majority of the stock shall be represented, and shall constitute a quorum for the transaction of business, and said stockholders at a general meeting shall have power to elect a president and five directors of said company, whose term of office shall be one year and until others are chosen. In the election of president and directors and enacting such laws as may

Quorum.

President and directors.

be necessary, the stockholders shall be entitled to one Stock vote.
vote for each share of stock.

SEC. 4. That it shall be the duty of said stockholders at Payment of sub-
their first general meeting to prescribe the manner and scriptions, how
time in which payment of stock on the subscription books made.
shall be made.

SEC. 5. That it shall be the duty of the president and Treasurer.
directors of said company to appoint a treasurer who shall
remain in office such a length of time as the company may
determine. The president and directors shall have a Powers of presi-
general direction and management of the affairs of said dent and direc-
company, shall appoint a suitable engineer whose duty tors.
it shall be to locate the road and furnish the directors
with reports of said surveys and estimates of costs. The
directors shall have power to fill any vacancy that may Vacancies.
occur in their board until their next meeting, and in
absence of the president may elect one for the time; they
shall also appoint a secretary whose duty it shall be to Secretary.
keep a correct record of the proceedings of the stockhold-
ers at their general meetings.

SEC. 6. The president of board of directors shall once President to
a year make full report of the affairs of the company, make annual re-
and oftener if required by the law of the company, also port, &c.
call a general meeting of the stockholders whenever they
may deem it expedient.

SEC. 7. That whenever land may be required for the Condemnation of
construction of the road, or for depots, water stations, land for right of
turn-outs, workshops or other buildings or purposes, and way, &c.
for any cause the same cannot be purchased from the
owner, the same may be taken by the directors at a valu-
tion to be ascertained as follows: The sheriff of the county,
at the request of the president, shall summons five (5)
disinterested freeholders to ascertain the value, under
oath, of said land: *Provided*, that either party may ap- Right of appeal.
peal to the superior court of the county upon the ques-
tion of the amount assessed: *Provided further*, that not
more than one hundred feet of land shall be allowed to Not more than
one hundred feet
to be condemned.

be so condemned, measuring from the centre of the road on each side.

President and directors authorized to borrow money on mortgage, &c.

SEC. 8. That the president and directors of said company shall have power at any time to borrow money upon the bonds of the company and to secure the same by mortgage or other legal assurance, and authority is hereby given the board of directors to issue bonds of said company for the construction and management of said road, as the necessity of such issue may arise, and the said bonds, so issued, shall be signed by the president of said company under its common seal, and under such rules and regulations as the company from time to time may adopt.

Bonds, how issued.

Convict labor.

SEC. 9. That the board of directors of the penitentiary shall, on application of the president of said company, approved by the Governor, turn over to said company as many convicts as may be agreed upon between the president of the company and the Governor: *Provided*, that the number of convicts shall not be less than fifty (50), 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 penitentiary board: *Provided, however*, that the authorities of the road upon which convicts may work shall pay the hire of the superintendent and guard; feed, clothe and properly care for the convicts while employed on said road, and pay for the labor of the said convicts such sum as may be agreed on: *Provided*, that this act shall not be construed so as to take convicts from works to which they have already been granted.

Number not to be less than fifty, &c.

Maintenance and labor of convicts, how paid for.

Act not to be construed to take convicts from other works, &c.

Authorized to consolidate with other roads, &c.

SEC. 10. That it may be lawful for the Reidsville and Dan River Railroad Company to consolidate with the Richmond and Danville Railroad Company, or any other railroad company, upon such terms as may be agreed upon by the directors of said roads; that in case of such consolidation, the Reidsville and Dan River may become a branch of the Richmond and Danville Railroad, and as

such enjoy all its privileges and advantages. Nothing in this act shall be construed to exempt the property of this company from taxation.

SEC. 11. The gauge of the said Reidsville and Dan River Gauge. Railroad shall be fixed by the stockholders of said company at their first meeting.

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 11th day of March, A. D. 1885.

CHAPTER 370.

An act to incorporate the Caswell Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing a rail- Terminal points.
road from Milton in the county of Caswell, to Yancey-
ville in said county, and to such other points in the State
of North Carolina as may be determined upon by the
incorporators herein mentioned, Monro Oliver, Joseph C. Body politic.
Pinnix, Calvin D. Vernon, Ezekiel Slade, J. P. Poteat,
Lewis M. Neal, Giles Mebane, James D. Neal, James M.
Chandler, Livingston Brown, B. S. Graves, George Wil-
liamson, A. E. Henderson, George N. Thompson, L. H.
Hunt, W. M. Watkins, W. B. Graves, Eustace Hunt,
Robert B. Walker, Daniel M. Hines and W. M. Harold-
son, and their associates, successors and assigns, are hereby
created a body politic and corporate under the name and
style of the Caswell Railroad Company, with a capital Corporate name.
stock of fifty thousand dollars, with power to increase the Capital stock.
same to two hundred thousand dollars, to be divided into
shares of twenty-five dollars each, which shall have a
corporate existence as a body politic for ninety-nine years, Corporate exist-
ence.

Corporate powers.

and as such exercise the powers, privileges and franchises herein granted and which other railroad corporations may lawfully exercise under the general laws of the State, and to make all necessary and needful by-laws and regulations for its government not inconsistent with the constitution of this State and the United States, and by its corporate name may sue and be sued, plead and be impleaded in any court in North Carolina; may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real and personal and mixed, and acquiring the same by gift or devise for the purposes herein contemplated.

Subscriptions to capital stock.

SEC. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations in shares of the denomination aforesaid, which may be in lands, timber, labor, material or money, as may be stipulated.

Commissioners to open books of subscription.

SEC. 3. It shall be the duty of the corporators named in the first section of this bill to appoint commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe, and that said commissioners, or any three of them, after the books of subscription have been kept open for thirty days and the sum of five thousand has been subscribed to the capital stock of said company, and five per centum paid thereon, shall have power to call together the subscribers to said stock for the purpose of completing the organization of said company, and said subscribers from among their number shall elect seven, who shall constitute a board of directors for said company, and said board of directors shall from their number choose a president, and also shall choose such other officers as may be necessary for the proper management of said company, and the term and compensation of all officers shall be fixed by the by-laws of said company.

Organization of company.

Directors.

President and other officers.

Survey and location of road.

SEC. 4. That the president and directors shall, as soon

as a sufficient amount is paid in, proceed to have the route surveyed and the road located from the depot of the Milton and Sutherlin Narrow Gauge Railroad Company, in Milton, or some other point in or near Milton, to Yanceyville and to such points as they may deem advisable. That said company shall have exclusive right of transportation or conveyance of persons or merchandise and produce on said road, to be by them constructed at such charges as may be fixed by the majority of its directors. That said company may assign or lease their franchise or their rights of transportation on said road to any person, persons or corporation.

Exclusive right of transportation.

Authorized to assign or lease franchise, &c.

SEC. 5. That the said company shall have the power to use and enforce the payment of stock subscribed, and shall have power to condemn lands as is provided for other railroads under the general railroad laws of the State: *Provided*, said road shall not pass through the yard or garden of any person without his or her consent: *And provided further*, that not more than fifty feet from the centre of said road-bed on either side shall be condemned for the purpose of said railroad.

Authorized to enforce payment of subscriptions and to condemn lands.

Proviso.

Proviso.

SEC. 6. That upon the petition in writing of fifty freeholders of the said county of Caswell, stating the amount they wish subscribed, the board of county commissioners of said county shall order an election to be held in sixty days in said county, of which they shall give due notice in each township of at least thirty days, for the purpose of ascertaining the sense of the qualified voters of the county of Caswell as to whether they will subscribe the sum mentioned in the petition.

Election in Caswell county upon question of subscription.

SEC. 7. That said election shall take place and be conducted under the laws prescribed for the election of members of the General Assembly; and those voting for subscription shall vote on a written or printed ticket "Subscription," and those voting against subscription shall vote on a written or printed ticket "No Subscription."

Election, how held.

Ballots.

County commis-
sioners to make
subscription on
majority vote.

SEC. 8. That if a majority of the votes cast shall be for "Subscription," then the board of county commissioners of said county shall subscribe to the capital stock of said railroad company the amount mentioned in the petition for said election.

County commis-
sioners to issue
coupon bonds.

SEC. 9. That to provide for the payment of said subscription, the county commissioners of said county of Caswell shall make and issue coupon bonds of said county in denominations of not less than fifty or of more than one hundred dollars.

Bonds, how
issued.

SEC. 10. That said bonds shall be signed by the chairman of the board of county commissioners of Caswell county, and countersigned by the clerk of the board of said county commissioners, and shall bear interest at the rate of six per cent., to be paid annually.

Interest.

When bonds to
become due.

SEC. 11. The said bonds shall be divided into ten classes: the first class to be due on the first day of January in the second year after their issue, and the second class on the first of January of the succeeding year, and so on, until the whole amount, together with the interest, be paid.

Election in town-
ships upon ques-
tion of subscrip-
tion.

SEC. 12. That any township in said county of Caswell, or any adjoining county, shall have power and authority to subscribe for and take any number of shares of capital stock of said company that a majority of the voters of said township may elect to take therein, not to exceed the sum of ten thousand dollars. That upon the request, in writing, of twenty resident freeholders of any such township, the board of county commissioners of the county in which said township is located, shall order an election to be held in said township within sixty days after said request is filed, upon giving at least thirty days' notice in said township of said election, which shall be conducted in the manner prescribed by law for holding elections for members of the General Assembly. Those who favor said subscription shall vote on a written or printed ballot "Railroad," and those opposing said sub-

How held.

Ballots.

scription shall vote "No Railroad." The returns of said election shall be made to said county commissioners, who shall canvass the same, and if a majority of all votes cast in such township shall be for "Railroad," then the subscription, so authorized, shall be made to the capital stock of said railroad company for the said township by an agent properly commissioned to do so by the county commissioners. Such township shall be entitled to be represented according to the number of shares subscribed in all the general meetings of the stockholders; and for this purpose the justices of the peace of said township may, from time to time, under their hands and seals, commission some suitable person to represent said township in said meetings, for the term of one year.

Upon majority vote, county commissioners to appoint agent to make subscription.

Township representation in stockholders' meetings.

SEC. 13. That in payment of such subscription as provided for in the preceding section, the board of commissioners of the county in which said township is situated shall have power to issue bonds in denominations not less than fifty dollars, which shall run ten years and have coupons attached for interest at six per centum per annum not exceeding the sum so authorized to be subscribed, and such bonds shall indicate on account of what township subscription they were issued.

Commissioners authorized to issue coupon bonds for township subscription.

SEC. 14. That to make provision for the interest on said bonds and their redemption at maturity, the said board of commissioners shall, in addition to the other taxes, each year compute and levy upon all property in the township so subscribing to the capital stock of said railroad company a sufficient tax to pay the interest on the bonds issued as aforesaid; and to provide a sum equal to one-tenth of such subscription for a sinking fund, which amount shall be annually collected by the sheriff and paid over to the treasurer of the county and invested by him in the bonds issued on account of the subscription of said township at par, and the amount of taxes collected for such township for interest shall be paid to the county

Special tax to be levied in township to pay interest and provide sinking fund.

Sinking fund tax.

Interest tax.

treasurer and used by him in the regular payment of the coupons upon the bonds invested as above specified.

Convict labor.

SEC. 15. The board of directors of the penitentiary shall, upon application of the president of said railroad company, deliver to the board of directors of said company such number of convicts as may be agreed upon, not less than fifty, who shall be supported, clothed, guarded and transported to the locality of said railroad at the expense of the State, and the State shall be reimbursed in cash or bonds of the township or county subscribing to the capital stock of said railroad in an amount equivalent to the actual expense in supporting, clothing, guarding and transporting such convicts. The said railroad company shall be entitled to said convicts until the completion of said road, or until their terms of imprisonment expire.

Expenses.

SEC. 16. That this act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 371.

An act relating to live stock running at large on mountain ranges.

The General Assembly of North Carolina do enact:

Section 2827 of The Code making it a misdemeanor for persons living in stock-law territory to allow stock to run at large outside of territory not applicable to counties west of the Blue Ridge.

SECTION 1. That the provisions of section twenty-eight hundred and twenty-seven of The Code shall not apply to counties lying west of the Blue Ridge.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 372.

An act to amend section eight hundred and twenty-eight of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section eight hundred and twenty-eight of The Code be amended by inserting after the word "docket" in line five the words, "The Code and other books furnished him as a justice of the peace." Section 828 of The Code amended.
Justice going out of office to deliver Code, &c., to his successor.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 373.

An act to incorporate the Murfreesboro Railroad and Telegraph Companies.

The General Assembly of North Carolina do enact :

SECTION 1. That a company by the name and style of the Murfreesboro Railroad and Telegraph Company be and the same is hereby incorporated, with a capital stock of five hundred thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of constructing a railroad and telegraph line from Boykin's depot, by the way of Murfreesboro, through the counties of Northampton, Hertford and Bertie, to some point on the Roanoke river in Bertie county. Corporate name.
Capital stock.
Terminal points

SEC. 2. That for the purpose of creating capital stock of this company the following persons be and they are hereby appointed general commissioners, to-wit: David Commissioners.

Books of subscription to be opened.

A. Barnes, B. B. Winborne, R. W. Winborne, James M. Wynn, Uriah Vaughan, Jr., John X. Lawton, John C. Lawrence, John C. Vimen, John W. Howell, Uriah Vaughan, Sr., S. C. Lawrence and Henry Cook, to open books of subscription at such place 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 twenty 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 return of the subscriptions of stock by them respectively received.

When company to become incorporated.

SEC. 3. That wherein 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 "Murfreesboro Railroad and Telegraph 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 devise, so far as may be necessary for the purpose 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 having jurisdiction, and may have 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 govern-

Corporate name.

Corporate powers.

ment 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.

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 at Murfreesboro, 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 president, treasurer and five 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 of 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.

When general meeting of stockholders to be called.

Organization.

Annual election of officers.

Terms of office.

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.

SEC. 6. That the board of directors may call for the sum subscribed as stock in said company in such installments as the interest of the company in their opinion may require; due notice of such call shall be given at least one month before the day of payment, and on failure of any stockholders to pay such installments as then required, the directors may sell at public auction on a

Stock subscriptions, how paid.

Sale of stock on default.

previous notice of twenty days for cash all the stock subscribed for in said company by such delinquent stockholders 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 stockholders in the company, then in that case the whole of such balance shall be held to be due to the company, and may be recovered of such stockholders or his executors, administrators or assigns at the suit of said company in any court of this State having jurisdiction of the amount due.

Unpaid balance recoverable.

Certificates of stock.

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.

Authorized to borrow money on mortgage, to make contracts with other companies, &c.

SEC. 8. That for the purpose of constructing said road and telegraph line, 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 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 companies, telegraph company or companies, or corporations, as they may deem necessary to effect the construction, equipment, completion or operating of said railroad or telegraph line, either or both of them.

Condemnation of land for right of way, &c.

SEC. 9. That when any lands or right of way may be required by said company for the purpose of constructing their road, buildings, warehouses, water stations, work-shops and depositories, and for want of agreement as to the value thereof, or for 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

Damages, how ascertained.

jury of five good and lawful men, freeholders, to be summoned by the sheriff of the county in which said land may be; and in making said valuation the 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 telegraph line, 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 which 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 parties so dissatisfied may appeal to the next court having jurisdiction thereof, to be held thereof, and the sheriff shall return to said court the verdict of the jury, with all the proceedings thereon, and the land or right of way so valued by the jury shall rest in said company so long as the same shall be needful for the purposes of said railroad and telegraph line, so soon as the valuation shall be paid or tendered to the owner or owners of said lands.

Appeal.

SEC. 10. Upon the written application of the president of said company to the sheriff of any county in which any land is situated, which is needed for the use of said company, stating that the company is unable to agree with the owner or owners thereof as to the value thereof, it shall be the duty of said sheriff to proceed in the manner directed in the next preceding section.

Condemnation of land needed for the use of company in any county.

SEC. 11. That said railroad company and telegraph company may receive subscriptions in real estate, stocks, labor, timber, money, etc., at such valuation as the president and directors may accept.

Authorized to receive subscriptions in land, &c.

SEC. 12. 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

Exclusive right of transportation.

such charges as may be fixed on by a majority of the directors, subject 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; and the said telegraph company shall have the exclusive right to transmit messages along said line at such rate as may be fixed by said company.

Dividends.

Exclusive right as to telegraph line.

Authorized to sell, lease, consolidate, &c.

SEC. 13. That the said railroad and telegraph 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 and telegraph line for a term of years, or permanently, as they may deem proper, or to consolidate with any other railroad or telegraph line upon such terms as may be deemed expedient.

Other corporations authorized to subscribe to capital stock.

SEC. 14. That it shall be lawful for any other corporation in their corporate capacity to subscribe to the stock of said company.

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 11th day of March, A. D. 1885.

CHAPTER 374.

An act to repeal so much of the school law as exempts school committeemen from jury and road duty.

The General Assembly of North Carolina do enact:

Section 2580 of The Code amended.

SECTION 1. That section twenty-five hundred and eighty of The Code of North Carolina be amended by striking

out all of said section after the word "services" in line nineteen of said section.

School commit-
teemen not ex-
empt from jury
and road duty.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 375.

An act authorizing and instructing the State Treasurer to issue bonds to Charles S. Mills, executor of Nicholas Mills, deceased.

WHEREAS, three bonds of the State of North Carolina, Preamble.
issued in the year one thousand eight hundred and fifty-six, and due January first, one thousand eight hundred and eighty-six, of the denomination of one thousand dollars each and numbered forty-eight (48), one hundred and twenty-seven (127) and one hundred and thirty-nine (139), were destroyed by fire in the city of Richmond, State of Virginia, on the third day of April, A. D. one thousand eight hundred and sixty-five, the said bonds being then the property of the estate of Nicholas Mills, deceased; and whereas, Charles S. Mills is the only acting executor of the estate of the said Nicholas Mills; and whereas, the said Charles S. Mills desires to have substituted for said bonds the bonds of the State of North Carolina bearing date January first, A. D. one thousand eight hundred and eighty, and payable thirty years after date, with interest at the rate of four per centum per annum, payable semi-annually on the first days of July and January, at the rate of forty cents on the dollar of the principal of said bonds destroyed as aforesaid: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of the State of North Carolina be and is hereby authorized and instructed to issue to Charles S. Mills, executor of the estate of Nicholas

State Treasurer
instructed to is-
sue to Charles S.
Mills, executor,
four per cent.
coupon bonds to
amount of \$1,200.

Indemnifying
bond to be filed.

Mills, deceased, bonds of the State of North Carolina bearing date January first, one thousand eight hundred and eighty, and payable thirty years after date with interest at the rate of four per centum per annum, payable semi-annually on the first days of July and January, to the amount of one thousand and two hundred dollars principal, together with the coupons on said bonds for the interest due thereon from January first, A. D. one thousand eight hundred and eighty-five: *Provided*, that the said Charles S. Mills shall file in the office of the Treasurer of the State of North Carolina a bond, with good and sufficient surety in the sum of two thousand and four hundred dollars, approved by the Governor, Auditor and Treasurer, to save the State harmless from any loss or damage which may be sustained from the existence of the bonds alleged to have been destroyed by fire as aforesaid.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 376.

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

The General Assembly of North Carolina do enact :

Chapter 280, section 1, laws 1883, amended.

Prohibitory limit around Caney Fork church, Madison county, reduced to one mile.

SECTION 1. That section one of chapter two hundred and eighty (280) of the laws of one thousand eight hundred and eighty-three, be amended by adding the following proviso: "*Provided*, that it shall be unlawful for any person or persons to sell or give away any intoxicating liquors within one mile [of] said Caney Fork church on Little Pine creek, instead of two miles. That Laurel Fork

church be incorporated for one mile, and that it shall be unlawful for any person or persons to sell or give away intoxicating liquors within one mile of said church.”

Unlawful to sell, &c., liquor within one mile of Laurel Fork church.

SEC. 2. That all laws heretofore enacted conflict[ing] with this act be and are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 377.

An act in relation to the Western turnpike road in Macon county.

The General Assembly of North Carolina do enact :

SECTION 1. That so much of the Western turnpike road as is situated in the county of Macon is hereby made a part of the public road system of the State, and subject to the general laws of the State as is provided by chapter fifty, volume one of The Code, except as provided in this act.

Western turnpike road in Macon county made part of public road system.

SEC. 2. That the proceeds of the toll-gates on said road may be continued to be used by the county commissioners to keep in repair the mountain section on said road, or to supplement the labor assigned to said sections, as may in the discretion of the said commissioners seem best.

County commissioners to use tolls to keep in repair mountain section of road.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 378.

An act to repeal section thirty-four hundred and fifteen of The Code.

The General Assembly of North Carolina do enact :

Section 3415 of
The Code repeal-
ed.

Lay or embargo
days in Pamlico
and Tar rivers.

SECTION 1. That section thirty-four hundred and fifteen of The Code 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 11th day of March, A. D. 1885.

CHAPTER 379.

An act to provide for the increase of the commutation of convicts, and for other purposes.

The General Assembly of North Carolina do enact :

Section 3445 of
The Code amend-
ed.

Diminution of
time of imprison-
ment on account
of good behavior.

On the death of
convict directors
to investigate
cause of death
and report to
Governor.

SECTION 1. That section thirty-four hundred and forty-five of The Code be amended as follows: Insert after the word "behavior" in line nineteen of said section, "during the first three years or less of his imprisonment, four days during the fourth and fifth years, and five days per month for each subsequent month of his term of sentence."

SEC. 2. That it shall be the duty of the board of directors, or some member thereof, upon information of the death of a convict, other than by natural causes, to investigate the cause thereof, and report the results of such investigation to the Governor, and for this purpose said board of directors, or any member thereof, shall have power to administer oaths, and send for persons and papers.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 380.

An act to amend section two hundred and eighteen of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and eighteen of The Code be amended as follows, viz: Add at the end of said section an additional sub-section to be numbered "six" in the words following, viz: "(6.) Where the stockholders of any corporation are deemed to be necessary parties to an action and their names or residence are unknown; or where the names or residence of parties interested in real estate the subject of an action are unknown, the court having jurisdiction may upon affidavit that after due diligence the names and residence of such parties cannot be ascertained, authorize service by publication in one or more newspapers, at the court's discretion, of any summons, notice or order deemed necessary in the premises, with a brief recital of the subject matter of the suit, and such publication shall be deemed sufficient summons or notice to all parties warned in such publication, or interested in the subject matter, whether residing in this State or so named or not: *Provided*, that the name of at least one of the parties to the action and interested in the subject matter thereof shall be known and he be a resident of the State."

Section 218 of The Code amended.

Service of summons by publication upon stockholders of corporations and parties interested in real estate whose names or residences are unknown.

Proviso.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 381.

An act supplemental to an act to repeal chapter three hundred and sixty-nine, laws one thousand eight hundred and eighty-three, and section sixteen, chapter one hundred and twenty-six, laws one thousand eight hundred and eighty-one.

The General Assembly of North Carolina do enact :

Chapter 163, *ante*,
(Wake county
stock law) not to
go into effect un-
til Sept. 1st, 1885.

SECTION 1. That the provisions of an act passed at the present session of the General Assembly entitled an act to repeal chapter three hundred and sixty-nine, laws one thousand eight hundred and eighty-three, and section sixteen, chapter one hundred and twenty-six, laws one thousand eight hundred and eighty-one, ratified February twenty-eighth, one thousand eight hundred and eighty-five, shall not go into effect until September first, one thousand eight hundred and eighty-five.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 382.

An act to amend section thirty-six hundred and three of The Code of North Carolina concerning the distribution of the laws and public documents, &c.

The General Assembly of North Carolina do enact :

Section 3603 of
The Code amend-
ed.

Governor to sup-
ply departments
of general gov-
ernment and
such libraries as
he may deem
proper with
copies of laws,
supreme court re-
ports, &c.

SECTION 1. That section thirty-six hundred and three of The Code of North Carolina be amended so as read as follows: "The Governor shall supply the different departments of the general government and such libraries as he may deem proper with copies of the acts, both private and public, and the public documents and journals

of the General Assembly and with the reports of the supreme court of this State, and the journals of the General Assembly to the clerk of the superior court of each 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 11th day of March, A. D. 1885.

CHAPTER 383.

An act to prohibit the killing of live stock in the range when the owner of which stock shall be unknown.

The General Assembly of North Carolina do enact :

SECTION 1. That section ten hundred and two of The Code be and the same is hereby amended by adding at the end of said section the following: “And in any indictment under this section it shall not be necessary to name in the bill or prove on the trial the owner of the stock maimed, killed or injured.”

Section 1002 of
The Code amend-
ed.

In indictment for
wilful killing,
&c., of live stock
running at large
in the range, not
necessary to
name owner, &c.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 384.

An act to amend section thirty-six hundred and sixty-seven of
The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand six hundred and sixty-seven of The Code of North Carolina be amended

Section 3667 of
The Code amend-
ed.

Trustees of religious societies empowered to raise money by mortgage to build or repair church, &c.
 Proviso.

by adding after the word "congregation" in the seventh line from the top of page five hundred and twenty-five of the second volume of The Code, the words "and also to sell or mortgage said real and personal property to raise money with which to build or repair the church edifice, or other church buildings: *Provided*, the consent of a majority of the congregation for whose benefit the property is held shall have first been obtained."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 385.

An act to protect fish in Mingo swamp in Sampson and Cumberland counties.

The General Assembly of North Carolina do enact:

Unlawful to take fish from Mingo Swamp with seines, &c.

SECTION 1. That it shall be unlawful to take fish from the waters of Mingo swamp in Cumberland and Sampson counties, with seines, pod nets, or by stirring or muddying the waters of said stream.

Misdemeanor.

SEC. 2. That every person violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding twenty days.

Penalty.

SEC. 3. That this act shall be in force from and after the first day of May, one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 386.

An act to prevent the sale of intoxicating liquors to the inmates of the penal and charitable institutions of this State.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell or give except for medical purposes, and upon the prescription of a physician, any intoxicating drink to any inmate of any of the penal or charitable institutions of this State.

Unlawful to sell, &c., liquor to inmate of penal or charitable institution except for medical purposes, &c.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned 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 11th day of March, A. D. 1885.

CHAPTER 387.

An act to require the destruction of certain coupons in the State Treasury.

The General Assembly of North Carolina do enact :

SECTION 1. That the State Treasurer is hereby directed to cancel all coupons of the four per cent. and six per cent. bonds of this State whenever paid by him, and after examination and verification by the commissioners appointed by the General Assembly to examine the accounts of the State Treasurer, said coupons shall be destroyed by the Treasurer.

State Treasurer to cancel coupons on State bonds when paid.

Coupons to be destroyed after examination of Treasurer's accounts.

State Treasurer to destroy in presence of Governor and Attorney General cancelled coupons paid to the close of the last fiscal year, &c.

SEC. 2. The State Treasurer is hereby directed to destroy, in the presence of the Governor and Attorney General, all cancelled coupons paid to the close of the last fiscal year, and coupons that were detached from the four per cent. bonds and retained by the Treasurer under the requirements of chapter six of the laws of one thousand eight hundred and eighty-three.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 388.

An act to prohibit the sale of intoxicating liquors within one mile of either of the Liberty Grove churches in Trinity township in Randolph county.

The General Assembly of North Carolina do enact:

Unlawful to sell, &c., liquor within one mile of either of the churches known as Liberty Grove church in Randolph county.

SECTION 1. That it shall be unlawful for any person to sell or in any way dispose of any intoxicating liquors for gain within one mile of either of the churches known as Liberty Grove churches in Trinity township in Randolph county.

Misdemeanor.

SEC. 2. That any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 389.

An act to amend section fifteen hundred and ninety-four of
The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section fifteen hundred and ninety-four of The Code be amended so as to read as follows: "Guardians, trustees, and others acting in a fiduciary capacity, having surplus funds of their wards and *cestui que trusts* to loan, may invest in United States bonds, or any securities whereof the United States are responsible, or in consolidated bonds of the State of North Carolina, and in settlements by guardians, trustees and others acting in a fiduciary capacity, such bonds or other security of the United States, and such bonds of the State of North Carolina, shall be deemed cash to the amount actually paid for same, including the premium, if any paid for such bonds or other securities, and may be paid as such by the transfer thereof to the persons entitled."

Section 1594 of
The Code amend-
ed.

Guardians, &c.,
having surplus
funds authorized
to invest in U. S.
bonds or in N. C.
consolidated
bonds.

In settlements
bonds to be re-
ceived as cash,
&c.

SEC. 2. This act shall be in force from and after its rati-
fication.

In the General Assembly read three times, and ratified
this the 11th day of March, A. D. 1885.

CHAPTER 390.

An act to amend section three (3) of The Code, concerning the
adoption of minor children.

The General Assembly of North Carolina do enact :

SECTION 1. That section three (3) of The Code be amended
by adding thereto: "*Provided further*, that for proper cause
shown in said petition the court may decree that the
name of such child may be changed to that of the peti-
tioner."

Section 3 of The
Code amended.

On adoption of
minor child, name
may be changed
to that of peti-
tioner by decree
of 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 11th day of March, A. D. 1885.

CHAPTER 391.

An act to amend section thirty-four hundred and twenty-two of volume two of The Code.

The General Assembly of North Carolina do enact :

Section 3422 of
The Code amend-
ed.

Use of traps per-
mitted in Neuse
river.

SECTION 1. That section thirty-four hundred and twenty-two of The Code, volume two, be and the same is hereby amended by striking out the word "trap" in line one, and inserting the word "traps" after the word "seines" in line 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 11th day of March, A. D. 1885.

CHAPTER 392.

An act to amend section twenty hundred and twenty of The Code, so as to bring said section under the jurisdiction of magistrates.

The General Assembly of North Carolina do enact :

Section 2020 of
The Code amend-
ed.

Person failing to
work on road lia-
ble to fine or im-
prisonment, not
both.

SECTION 1. That section twenty hundred and twenty of The Code be amended by striking out in line six the words "or both."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 393.

An act to amend section twenty-one hundred and fifty-six of
The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-one hundred and fifty-six of The Code be amended so as to make the first clause thereof read as follows: "Whenever any will made by a citizen or subject of any other State or country is duly proved and allowed in such State or country according to the laws thereof, a copy or exemplification of such will, duly certified and authenticated by the clerk of the court in which such will has been proved and allowed, if within the United States, or by any ambassador, minister, consul or commercial agent of the United States under his official seal, when produced or exhibited before the clerk of the superior court of any county wherein any property of the testator may be, shall be allowed, filed and recorded in the same manner as if the original and not the copy had been produced, proved and allowed before such clerk."

Section 2156 of
The Code amend-
ed.

Will of citizen or
subject of other
State or country,
how allowed and
recorded in this
State.

SEC. 2. That said section be further amended by striking out the word "such" in the twelfth line.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 394.

An act to permit counter affidavits in all applications for continuance.

The General Assembly of North Carolina do enact :

Section 402 of The Code amended.

Counter affidavits allowable in applications for continuance in civil cases.

When judge to grant continuance.

SECTION 1. That section four hundred and two of The Code be amended by adding to said section the following :
 “ And it shall be competent in all civil cases only for the other side to controvert the allegations of fact in said applications, and to offer counter affidavits to that end. And the judge shall not allow such continuance unless he shall be satisfied, after thorough examination of the evidence as aforesaid, that the ends of justice demand it.”

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 395.

An act to exempt the counties of Clay, Cherokee, Jackson, Swain, Macon and Graham from the provisions of section twenty-eight hundred and thirty-four, chapter twenty-one of The Code.

The General Assembly of North Carolina do enact :

Section 2834 of The Code (bird law) not applicable to certain counties.

SECTION 1. That section twenty-eight hundred and thirty-four of chapter twenty-one of The Code shall not apply to the counties of Clay, Cherokee, Jackson, Swain, Macon and Graham.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 396.

An act to protect partridges in Currituck county.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-eight hundred and thirty-four of The Code be and the same is hereby amended by adding at the end thereof the following: "And any person who shall kill or shoot, trap or net any partridge or quail in Currituck county between the first day of April and the first day of December in each year shall be guilty of a misdemeanor and fined not exceeding ten dollars or imprisoned not exceeding ten days for each offence."

Section 2334 of
The Code amend-
ed.

Misdemeanor to
kill, &c., par-
tridge in Curri-
tuck county be-
tween April 1st
and December
1st.

Penalty.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 397.

An act in relation to the correction of a grant.

WHEREAS, on the nineteenth day of October, one thousand eight hundred and seventy-two, a grant for one hundred and seventy-eight acres to Andrew Watkins, assignee of Nathan Pilkenton, under the great seal of State, was issued and duly recorded in the office of the Secretary of State; and whereas, upon the face of said grant there is an apparent error, in that in the body of said grant and in the plot thereto attached one of the bearings reads, "east one hundred and sixty poles to a black oak," when it should read, "west one hundred and sixty poles to a black oak." therefore,

Preamble.

The General Assembly of North Carolina do enact :

Secretary of State instructed to correct grant issued to Andrew Watkins.

Register of deeds of Macon county to make correction.

SECTION 1. That the Secretary of State be and is hereby authorized and instructed to correct the said grant and plot so as to read, "west one hundred and sixty poles to a black oak," and the register of deeds of Macon county be and is hereby authorized and instructed to correct the said grant in book "G," pages sixteen and seventeen, where the same is registered, so as to conform to the correction herein authorized to be made by the Secretary of State, and correct said registration so as to read, "west one hundred and sixty poles to a black oak," instead of "east one hundred and sixty poles to a black oak."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 398.

An act supplemental to an act entitled "An act to provide a suitable room for the supreme court and State library."

The General Assembly of North Carolina do enact :

Suitable and convenient offices to be provided for Superintendent of Public Instruction.

SECTION 1. The Governor and his Council in the alterations and construction of the building provided for at this session by an act entitled "An act to provide a suitable room for the supreme court and the State library," may provide suitable and convenient offices therein, or in the agricultural building or capitol as they may deem best for the use of the Superintendent of Public Instruction and his clerk and employees, and the said Superintendent shall occupy the rooms which may be so provided for and assigned to him.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 399.

An act to amend section twenty-eight hundred and thirty-four of
The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-eight hundred and thirty-four of The Code be amended by adding the following proviso: "*Provided*, that this section shall not apply to the counties of Cherokee, Swain, Clay, Graham, Macon, Jackson, Transylvania and Henderson."

Section 2834 of
The Code amend-
ed.

Bird law not ap-
plicable to cer-
tain 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 11th day of March, A. D. 1885.

CHAPTER 400.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Person county be and they are hereby authorized and empowered to levy a special tax to pay off any and all indebtedness which may have been created in building a court house in

Authorized to
levy special tax
to pay indebted-
ness for building
court house.

When tax to be levied.

Not to exceed \$4,000.
Proviso.

said county, the said tax to be levied for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, not to exceed four thousand dollars for each year: *Provided*, that the constitutional equation between the property and poll shall be observed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 401.

An act providing for the issuing of injunctions to prevent trespasses in cutting timber trees.

The General Assembly of North Carolina do enact :

In application for injunction to restrain continuing trespass on land or destruction of timber not necessary to allege insolvency of defendant.

SECTION 1. That in an application for an injunction to enjoin a trespass on land it shall not be necessary to allege the insolvency of the defendant when the trespass complained of is continuous in its nature, or is the cutting or destruction of timber trees.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 402.

An act to amend section eight hundred and twenty-nine of The Code of North Carolina.

The General Assembly of North Carolina do enact :

Section 829 of The Code amended.

SECTION 1. That section eight hundred and twenty-nine of The Code be amended by adding the following words:

“and on failure to comply with the duties imposed by said section, said justice or his personal representative shall be guilty of a misdemeanor.”

Misdemeanor for justice, if living, or his personal representative, if dead, to fail to deliver docket, &c., to successor.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 403.

An act to amend section thirty-five hundred and seventy-seven of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven of chapter ninety-eight of the laws of one thousand eight hundred and seventy-nine as brought forward in section thirty-five hundred and seventy-seven of The Code, be amended by striking out of said section all after the words “Governor and the Auditor” in the fourth line, and inserting “to invest the surplus in such of the consolidated bonds as he can buy at the lowest price; and the Treasurer may, with the approval of the Governor and Auditor, sell any portion of the bonds so purchased if necessary to enable him to pay promptly the interest on the consolidated debt of the State.”

Section 3577 of The Code amended.

Excess of fund accruing from taxes applicable to payment of interest on consolidated bonds of State to be invested by Treasurer with sanction of Governor and Auditor, in said bonds, &c.

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

Treasurer, with approval of Governor and Auditor, authorized to sell bonds so purchased, if necessary to pay interest on State consolidated debt.

In the General Assembly read three times, and ratified this 11th day of March, A. D. 1885.

CHAPTER 404.

An act in relation to fishing in Hannah's creek in Johnston county.

The General Assembly of North Carolina do enact :

Unlawful to fish otherwise than with hook and line in certain portion of Hannah's creek, Johnston county, without permission of adjoining land owner.

SECTION 1. That it shall be unlawful for any one to fish in any manner except with hook and line in the waters of Hannah's creek in Johnston county between the head waters of said creek and a bridge over said creek known as Williams' bridge, without first obtaining the permission of the owner of the land whereon the fishing shall be done.

Misdemeanor.

SEC. 2. That every person violating section one of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace, shall be fined not exceeding ten dollars for each and every offence.

Penalty.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 405.

An act to provide for the reduction of costs in the enforcement of the stock law in Chatham county.

The General Assembly of North Carolina do enact :

Commissioners of Chatham county to provide for enforcement of stock law in any township upon petition, &c.

SECTION 1. That the county commissioners of the county of Chatham are hereby authorized and instructed to provide for the enforcement of the stock law as contained in chapter twenty of volume two of The Code, in any township or district of said county, whenever a majority of the qualified voters thereof shall petition therefor: *Provided*, that before granting any such petition the

Notice.

said commissioners shall give thirty days' public notice of the time and place when and where they will hear said petition.

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

In the General Assembly read three times, and ratified this 11th day of March, A. D. 1885.

CHAPTER 406.

An act to carry into effect judgments of the courts declaring title to office.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever in any civil action brought under sections six hundred and seven and six hundred and eight of The Code to try the title or right to hold any office, the judgment of the court shall be in favor of the relator in such action, it shall be the duty of the court to issue a writ of mandamus or other process in such action which may be necessary and proper to carry such judgment into effect, and to induct the party so entitled into such office.

SEC. 2. That no appeal by the defendant from the judgment of the superior court in such action to the supreme court shall stay the execution of the judgment, unless a justified undertaking be executed on the part of the appellant by one or more sureties, in a sum to be fixed by the court, conditioned that the appellant will pay to the party entitled to the same the salary, fees, emoluments and all moneys whatsoever received by such appellant by virtue or under color of his said office: *Provided*, that in no event shall said judgment be executed pending said appeal, unless a justified undertaking be executed on the

Upon judgment in favor of relator in any action for recovery of office court to issue mandamus, &c., to carry judgment into effect.

On appeal by defendant execution not to be stayed unless undertaking be executed to pay party entitled the salary, fees, &c., received by appellant, &c.

Judgment not to be executed pending appeal, unless undertaking be executed by appellee to pay party entitled the salary, fees, &c., received by him.

part of the appellee by one or more persons in a sum to be fixed by the court, conditioned that the appellee will pay to the party entitled to the same the salary, fees, emoluments and all moneys whatsoever received by the appellee by virtue or under color of his said office during his occupancy thereof: *Provided*, this act shall not apply to any pending suit.

Act not applicable to pending suits.

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

In the General Assembly read three times, and ratified this 11th day of March, A. D. 1885.

CHAPTER 407.

An act to amend the charter of the Alma and Little Rock Railroad Company.

The General Assembly of North Carolina do enact :

Chapter 233, laws 1881, amended.

SECTION 1. That chapter two hundred and thirty-three of the laws of one thousand eight hundred and eighty-one incorporating the Alma and Little Rock Railroad Company, ratified the ninth day of March, one thousand eight hundred and eighty-one, be amended by adding thereto the following section, to wit: "That the said company be and is hereby authorized and empowered to construct, maintain and operate one or more telegraph lines along and in connection with said railroad as a part of their property and business."

Authorized to construct telegraph lines.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 408.

An act to amend an act establishing a public road in Stokes county.

The General Assembly of North Carolina do enact :

SECTION 1. That the act entitled an act to establish a public road in Stokes county, ratified the thirteenth day of February, Anno Domini one thousand eight hundred and seventy-nine, be hereby amended by providing that said road shall be declared to be a public road, and the same may be completed as is provided for by law for the establishing of other public roads in the county of Stokes.

Chapter 39, laws
1879, amended.

Declared a public
road.

When to be com-
pleted.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 409.

An act to authorize the board of commissioners of McDowell county to sell the poor house lands and premises in said county and to re-invest elsewhere.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of McDowell county be and they are hereby authorized and empowered to sell the poor house lands and premises in said county so as to secure the best price for the same, and that they are further hereby authorized and empowered to purchase other lands and premises for the purpose of a residence for the paupers of said county at such place and price as in their judgment shall seem most fit.

Authorized to sell
poor house lands
and purchase
other lands for
residence for
county paupers.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 410.

An act to prevent the introduction of distemper into the counties of Ashe, Alleghany and Watauga.*The General Assembly of North Carolina do enact :*

Unlawful to drive cattle into Ashe, Alleghany and Watauga counties between March 15th and Nov. 1st from certain other sections.

SECTION 1. That it shall be unlawful for any person to drive or cause to be driven into the counties of Ashe, Alleghany and Watauga, or either of them, any cattle from any place south of the Yadkin river, east of the mouth of King's creek in Caldwell county, and south of the Warrior mountains, in said county, after the fifteenth day of March and before the first day of November in each year.

Unlawful to drive cattle into said counties between May 10th and Nov. 1st from east of the Blue Ridge.

SEC. 2. It shall be unlawful for any person to drive or cause to be driven into the said counties of Ashe, Alleghany and Watauga, or either of them, any cattle from any county east of the Blue Ridge after the tenth day of May and before the first day of November in each year.

Misdemeanor.

SEC. 3. Any person violating the provisions of section one or section two of this act shall be deemed guilty of a misdemeanor.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 411.

An act to incorporate certain churches in the county of Cleveland.*The General Assembly of North Carolina do enact :*

Certain churches in Cleveland county incorporated.

SECTION 1. That Beaver Dam church in township number seven, Sandy Run church in township number seven, Elizabeth church in township number six, New Hope

church in township number three, New Prospect church in township number six, and Pleasant Grove church, all in Cleveland county, be and the same are hereby incorporated by the name and style of Beaver Dam church, Sandy Run church, Elizabeth church, New Hope church, New Prospect church and Pleasant Grove church respectively.

Corporate names.

SEC. 2. That the corporate limits of said churches 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.

Misdemeanor to manufacture, &c., liquor within two miles.

SEC. 3. That the present pastor and ruling elder or deacon of each of said churches shall be constituted commissioners of said churches respectively, and they and their successors shall have all the power conferred on like corporations not inconsistent with the constitution of North Carolina and the United States.

Commissioners.

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 11th day of March, A. D. 1885.

CHAPTER 412.

An act for the improvement of the public roads in Centre township in the county of Chatham.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of improving the public roads in Centre township in the county of Chatham, the commissioners and board of justices of the peace in said county are hereby authorized at their joint meeting

County commissioners and justices authorized to levy special tax in Centre township, Chatham county, not exceeding one tenth of one per cent. to improve roads in said township.

on the first Monday in June of every year to levy annually a special tax in said township not exceeding ten cents on the one hundred dollars' valuation, and said tax shall be collected in the same manner as the ordinary county taxes.

Moneys collected by sheriff to whom to be paid.

SEC. 2. That the moneys collected by the sheriff of Chatham county from such special tax shall be paid by him to such person as may be designated by the board of supervisors of the public roads of said township; and such person shall execute and deposit with the chairman of said board a bond to be approved by him in double the sum of taxes to be paid such person by said sheriff, conditioned for the faithful discharge of his duties.

Bond.

Moneys collected to be expended by township supervisors of roads, &c.

SEC. 3. That said taxes when collected shall be expended upon the order of said board of supervisors in such manner as they may deem best for the working and improving of the highways of said township; and said board shall annually on or before the first Monday of June, make an itemized statement to the county commissioners of all disbursements made by them for this purpose.

Annual statement to be made to county commissioners.

When provisions of this act to be extended to other townships.

SEC. 4. That the provisions of this act shall be extended to any township in said county of Chatham whenever a majority of the board of supervisors of the public roads of such township, together with a majority of the registered voters thereof, shall petition in writing therefor to said commissioners and board of justices of the peace.

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 11th day of March, A. D. 1885.

CHAPTER 413.

An act for the relief of jurors in the counties of Granville and Madison.

The General Assembly of North Carolina do enact :

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

In Granville and Madison counties \$500 of taxes annually collected to be set apart for payment of jurors.

Surplus to be paid into general county fund.

Act only applicable to jurors regularly drawn.

SEC. 2. That the board of commissioners of Granville and Madison counties shall set apart from the taxes collected or to be collected for the year one thousand eight hundred and eighty-four the sum of five hundred dollars for each of said counties for the payment of jurors for said counties for the year one thousand eight hundred and eighty-five.

\$500 of taxes collected or to be collected for 1884 to be set apart for payment of jurors in 1885.

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

Duty of county treasurer to pay off jurors, &c.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 414.

An act supplemental to an act entitled an act to establish a criminal circuit, to be composed of the counties of New Hanover, and Mecklenburg, ratified February sixteenth, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 63, section 11, *ante*, amended.

Clerk's fee for taking affidavit.

Section 19 amended.

Sheriff's fee for summoning special venire.

SECTION 1. That section eleven of said act be amended by adding: "*Provided*, the fee for taking an affidavit to witness or juror's ticket, or any other affidavit, shall be ten cents," and that section nineteen of said act be amended by substituting the word "*petit*" in the place of "*tales*," in the last 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 11th day of March, A. D. 1885.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SESSION 1885.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SESSION 1885.

Resolution of instruction to our Senators and members of Congress.

Senators and
Congressmen re-
quested to use
efforts to repeal
internal revenue
system.

Resolved by the House of Representatives, the Senate concurring: 1. That our Senators and members of Congress from the State of North Carolina are hereby requested to use their utmost efforts to secure the immediate repeal of the present internal revenue system.

Copies to be sent
each Senator and
member.

2. That copies of this resolution be sent to each Senator and member aforementioned.

Ratified this the 17th day of January, A. D. 1885.

Resolution to provide for the expenses of the inaugural ceremonies.

Resolved by the House of Representatives, the Senate concurring: 1. That the sum of two hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the inaugural ceremonies to be held on the twenty-first instant, and that the same or so much thereof as may be necessary be paid to the chairman of the joint legislative committee upon the warrant of the Auditor.

\$250 appropriated
for expenses of
inaugural cere-
monies.

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

Ratified this the 20th day of January, A. D. 1885.

A resolution in regard to pensioning Mexican soldiers.

The General Assembly of North Carolina do resolve :

Senators and
Congressmen re-
quested to favor
pension to sol-
diers of Mexican
war.

1. That the Senators and Representatives in Congress from North Carolina are hereby requested to make every exertion within their power to have Congress enact a law at an early day to pension Mexican soldiers, and especially to restore to the pension rolls the names of all Mexican soldiers which were dropped therefrom during the late war, without prejudice.

Copies to be sent
each member.

2. That a copy of this resolution be forwarded to the Senators and Representatives from this State in Congress.
Ratified this the 27th day of January, A. D. 1885.

Resolution to authorize the keeper of the capitol to provide a urinal.

Keeper of Capitol
to provide urinal.

Resolved by the Senate, the House of Representatives concurring : That the keeper of the capitol be required to provide a urinal for the convenience of the officers and members of the General Assembly.

Ratified this the 27th day of January, A. D. 1885.

Resolution endorsing the administration of Governor Jarvis and recommending him for a Cabinet position.

The General Assembly of North Carolina do resolve :

Governor Jarvis
commended for
his administra-
tion.

1. That in the administration of his office for the last six years Governor Thomas J. Jarvis has demonstrated his possession of the rare statesmanlike qualities of unselfish devotion to duty, clear and well balanced judg-

ment, pre-eminent capacity to master and manage details, firm and unswerving principles of rectitude, strong and vigorous intellect, uncommon practical business talent, far-sighted conceptions of plans for the public good, and indomitable perseverance and energy in carrying them into effect, as illustrated by the remarkable progress made in material and educational development in this State.

2. That we cordially and earnestly commend him to President Cleveland for a position in his Cabinet, and we would regard such an appointment not only as a wise selection of an able and competent man, but as a deserved recognition of the conservatism and devotion to principle of the people of North Carolina.

Governor Jarvis recommended for a position in the Cabinet of President Cleveland.

Ratified this the 2d day of February, A. D. 1885.

Resolution for the relief of C. E. Graham.

WHEREAS, C. E. Graham, a merchant of the county of Buncombe, in ignorance of the statute and through inadvertence on the part of the sheriff, paid for the year one thousand eight hundred and eighty-three the sum of forty-two dollars and thirty cents merchants' tax, although he had for the same year paid one hundred dollars for a drummer's license, his purchases not exceeding one hundred thousand dollars; and whereas, under the provisions of the revenue act of one thousand eight hundred and eighty-three, schedule B, section twenty-five, said Graham was entitled to a rebate of his said merchants' tax; and whereas, the sheriff who collected said tax paid the same into the treasury of the State and went out of office before discovering the error: therefore

Resolved by the House, the Senate concurring: That the Treasurer of the State be authorized and directed to refund to the said C. E. Graham the sum of forty-two dol-

Treasurer directed to refund to C. E. Graham \$42.30 merchants' tax paid through inadvertence.

lars and thirty cents out of any moneys in the treasury not otherwise appropriated.

Ratified this the 9th day of February, A. D. 1885.

Resolution to pay the per diem and burial expenses of Robert H. Kennedy, an employee of the Senate.

Resolved by the Senate, the House of Representatives concurring: 1. That the expenses attending the sickness and burial of Robert H. Kennedy, late an employee of the Senate, be paid out of the public treasury, and a sum sufficient therefor is hereby appropriated out of any funds in the treasury.

Sufficient sum appropriated to pay expenses attending sickness and burial of R. H. Kennedy, employee of Senate.

2. *Resolved further,* That the sum of ninety dollars, balance due him to the end of the session, be paid to..... his widow, out of the treasury of the State, and that the said sum is hereby appropriated for that purpose.

Balance due him for salary to end of session to be paid to widow.

Ratified this the 12th day of February, A. D. 1885.

Resolution of instruction to our Senators, and request to our Representatives in the Congress of the United States, in regard to the surplus funds in the treasury.

Resolved by the Senate, the House of Representatives concurring: 1. That our Senators be instructed, and our Representatives be requested, to urge the passage of a bill appropriating so much of the surplus funds now in the United States treasury as they may deem proper for school purposes in the different States, 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 under the same rules and regulations as the school funds of the States are disbursed.

Senators instructed and Representatives requested to favor bill appropriating surplus fund in U. S. treasury for school purposes, &c.

2. That a copy of this resolution be forwarded at once to each of our Senators and Representatives in Congress by the Secretary of State.

Copy to be sent to Senators and Representatives.

Ratified this the 17th day of February, A. D. 1885.

Resolution to pay Wm. W. Shaw the reward offered by the Governor for apprehending Irving Long, a fugitive from justice.

Resolved, That the Auditor issue his warrant upon the Treasurer to Wm. W. Shaw, of New Hanover county, for three hundred dollars, the amount of a reward offered by the Governor for the arrest and delivery to the proper authorities of Pitt county, of one Irving Long, a fugitive from justice.

\$300 appropriated to pay W. W. Shaw for arrest of Irving Long, fugitive from justice.

Ratified this the 13th day of February, A. D. 1885.

Resolution in relation to the rents of the Governor's mansion.

WHEREAS, it is provided in section thirty-three hundred and twenty-six of The Code that "until such dwelling house shall be provided, the rent of the property known as the Governor's mansion shall be paid to the Governor; and whereas, the said Governor's mansion was sold and delivered to the City of Raleigh January first, one thousand eight hundred and eighty-four, thus depriving the Governor from receiving the rents, which by law were a part of his compensation: therefore,

Preamble.

1. *Resolved*, That the Treasurer shall pay, upon the warrant of the Auditor, to the Governor, from the first of January, one thousand eight hundred and eighty-four, until such time as the new residence shall be ready for occupancy, three hundred and sixty dollars per annum,

Treasurer directed to pay \$360 per annum to Governor until new residence is ready, as compensation for rent of old mansion, &c.

as compensation for the rents of which the Governor has been deprived by reason of the sale of the old mansion.

2. This resolution shall be in full force and effect from and after its passage.

Ratified this the 17th day of February, A. D. 1885.

Resolution to reimburse H. W. Reinhardt of Davidson county.

Preamble.

WHEREAS, H. W. Reinhardt, of Davidson county, is the owner of a four per cent. bond of this State of the denomination of one thousand dollars, numbered fifteen hundred and thirty-two; and whereas, on or about August last the coupons maturing on said bond on the first of July, one thousand eight hundred and eighty-four, and the first of January, one thousand eight hundred and eighty-five, were detached from said bond, accidentally destroyed by fire: therefore,

Treasurer authorized to pay H. W. Reinhardt for certain coupons detached from a four per cent. State bond and accidentally destroyed.

Resolved, That the State Treasurer be and he is hereby authorized, upon the affidavit of said Reinhardt to the fact set forth herein, and upon filing a sufficient bond of indemnity to hold the State harmless by reason of such payment, to pay to said Reinhardt the interest due upon said bond, as represented by said coupons, so destroyed by fire, to wit, forty dollars.

Ratified this the 19th day of February, 1885.

Resolution in favor of J. G. Martin.

Preamble.

WHEREAS, J. G. Martin paid one hundred dollars as a tax fee for the incorporation of the Scottish Land Company; and whereas, the fee has been reduced to twenty-

five dollars; and whereas, said bill has not been considered by the General Assembly: therefore

1. *Resolved by the Senate, the House of Representatives concurring:* That the Auditor shall audit the claim of the said J. G. Martin for seventy-five dollars and the same shall be paid by the State Treasurer out of any money not otherwise appropriated.

Claim of J. G. Martin for \$75, on account of overpayment of tax fee for incorporation of Scottish Land Co., to be audited and paid.

2. This resolution shall take effect from and after its adoption.

Ratified this the 21st day of February, A. D. 1885.

Resolution authorizing the Treasurer to pay the expenses of the joint committee appointed to visit and investigate the Western and Eastern Insane Asylums.

Resolved by the House of Representatives, the Senate concurring: That the Treasurer be and he is hereby authorized to pay to J. L. King, chairman, the sum of one hundred and nine dollars and seventy-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 the Eastern Insane Asylum at Goldsboro.

\$109.75 appropriated to pay expenses of committee appointed to investigate Western and Eastern Insane Asylums.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1885.

Resolution concerning delinquent counties.

Resolved by the Senate, the House of Representatives concurring: That the State Auditor be and is hereby authorized and directed to prepare and transmit to the chairman of the board of county commissioners for the counties of

Auditor directed to send chairman of commissioners of certain counties letter concerning delinquent taxes on hotels, &c.

Alexander, Alleghany, Anson, Buncombe, Camden, Chatham, Cumberland, Davie, Gates, Graham, Hyde, Jackson, Jones, Lincoln, Madison, McDowell, Northampton, Onslow, Perquimans, Rutherford, Stanly, Stokes, Surry, Swain and Warren, a circular letter calling attention to the fact that the said counties neglected to return any State taxes on hotels, boarding houses and restaurants, &c., as is required in schedule B of the revenue act for the year one thousand eight hundred and eighty-three.

Chairman of county commissioners to make examination, collect tax, &c.

Resolved, That it shall be the duty of the chairman of the board of commissioners of the several counties above mentioned, on receipt of such circular letter, to at once make a thorough examination into the cause of such delinquency, and require such persons as may be liable for such taxes to report and pay the same without delay, and the amount so collected shall be forwarded to the Auditor by the sheriffs of said counties with a statement of the amount and from whom collected.

Resolved, That the inquiry herein provided shall extend to the year one thousand eight hundred and eighty-four as to such counties as made no returns for that year.

Ratified this the 6th day of March, A. D. 1885.

Resolution to refund certain taxes to persons and corporations.

Resolved by the Senate, the House of Representatives concurring: That the State Treasurer be and is hereby authorized to refund to any persons or corporations any tax they may have paid during the present session to secure the passage of a corporation act under sections six hundred and ninety-six and twenty hundred and four of The Code in excess of the requirement of the law as now existing.

Treasurer authorized to refund any tax paid during session for any incorporation act exceeding \$25.

Ratified this the 2d day of March, A. D. 1885.

Resolution for the appointment of a committee to select trustees for the University.

Resolved by the House of Representatives, the Senate concurring: That a joint committee composed of nine upon the part of the House and six upon the part of the Senate be appointed to select and report the names of suitable persons for trustees of the University.

Joint committee appointed to select trustees of University.

Ratified this the 28th day of February, A. D. 1885.

Resolution in favor of Thomas J. Willis.

Resolved by the House of Representatives, the Senate concurring: That the Auditor be instructed to draw his warrant and that the Treasurer be directed to pay Thomas J. Willis the sum of nine dollars and seventy-five cents for summoning witnesses to appear before the committee on penal institutions under House resolution number thirty-nine.

\$9.75 appropriated to pay Thos. J. Willis for summoning witnesses before committee, &c.

Ratified this the 6th day of March, A. D. 1885.

Resolution in favor of James W. Newsom.

Resolved by the Senate of North Carolina, the House of Representatives concurring: That the contestant, James W. Newsom, in the contest of James W. Newsom against Thomas W. Mason, be allowed fifty dollars as the amount appropriated under this resolution, to be paid out of any money of the State not otherwise appropriated.

\$50 appropriated to pay J. W. Newsom for expense of contesting seat in Senate.

Ratified this the 6th day of March, A. D. 1885.

Resolution requesting our Senators and Representatives in Congress to use their best efforts to obtain appropriations for work on Beaufort Harbor and the Newbern and Beaufort canal route.

Senators and Representatives requested to use every effort to obtain appropriation for continuing work on Newbern and Beaufort canal, &c.

Resolved by the Senate of North Carolina, the House of Representatives concurring: That our Senators and Representatives in Congress be and they are hereby requested to use every exertion in their power to obtain from the Congress of the United States an adequate appropriation for the continuance of the work of opening the short water route of inland navigation between the waters of Neuse river and Beaufort harbor, known as the Newbern and Beaufort Canal route, and for the improvement of the inner harbor of Beaufort.

Ratified this the 7th day of March, A. D. 1885.

Resolution concerning captions.

Secretary of State instructed to have fifty copies of annotated captions of laws passed at this session printed for each member.

Resolved by the House of Representatives, the Senate concurring: That the Secretary of State is hereby authorized and instructed to have fifty copies of annotated captions of all bills and resolutions passed at this session of the General Assembly printed for each member.

Ratified this the 9th day of March, A. D. 1885.

Resolution relating to the board of directors of the penitentiary and North Carolina State Exposition Company.

Penitentiary directors to furnish convicts to take down and remove exposition building, &c.

Resolved by the Senate, the House of Representatives concurring: The board of directors of the penitentiary, with the consent of the Governor, are authorized to furnish the

North Carolina State Exposition Company with such number of convicts as they the board of directors of the penitentiary may deem expedient, for the purpose of taking down and removing the Exposition buildings from the grounds of the North Carolina Agricultural Society.

Ratified this the 7th day of March, A. D. 1885.

Resolution to distribute copies of The Code of North Carolina.

WHEREAS, There are now several thousand copies of Preamble.
The Code of North Carolina in the hands of the Secretary of State which ought to be distributed in the State, to the end that the laws of the State may be better understood by the people: therefore,

Resolved by the House of Representatives, the Senate concurring: That each member of this General Assembly be allowed to retain for his own use the two volumes of The Code of North Carolina now in their hands by resolution of this General Assembly. Members of General Assembly allowed to retain copy of Code.

Ratified this the 9th day of March, A. D. 1885.

Resolution in regard to publishing the act re-districting the State into judicial districts.

The General Assembly of North Carolina do resolve: That the Secretary of State is requested and authorized to publish in four such papers in this State as he deems proper, Senate bill nine hundred and four, House bill nine hundred and seventy-eight, a bill to be entitled "an act supplemental to an act ratified the day of Feb- Judicial district act to be published in four newspapers to be selected by Secretary of State.

ruary, one thousand eight hundred and eighty-five, entitled 'an act to increase the number of judges and judicial districts.'"

Ratified this the 11th day of March, A. D. 1885.

Resolution for the benefit of T. C. Stricker.

The General Assembly of North Carolina do resolve:

Treasurer authorized to issue T. C. Stricker license exempting him from taxation on account of peddling, &c.

SECTION 1. That the Treasurer of this State is hereby authorized and empowered on such information as he deems proper and sufficient, to issue to T. C. Stricker, of Concord, North Carolina, a license exempting said Stricker from all taxation within this State on account of peddling such articles as the said Stricker may desire to peddle.

Agent of Stricker not exempted.

SEC. 2. That said license shall not be construed to exempt from taxation any agent of said Stricker, and shall not extend for a period at any one time of more than twelve months.

Ratified this the 11th day of March, A. D. 1885.

Resolution to pay Henry W. Miller.

Resolved by the House of Representatives, the Senate concurring: That Henry W. Miller, who has acted in the capacity of clerk to the judiciary committee, also as engrossing clerk, be paid fifty dollars for said services out of any money in treasury not otherwise appropriated.

H. W. Miller allowed \$50 dollars for services as clerk to judiciary committee, &c.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of Henry Reitzell.

Resolved by the House of Representatives, the Senate concurring: That Henry Reitzell, an employee of the House, be allowed forty dollars extra for service.

Ratified this the 11th day of March, A. D. 1885.

Henry Reitzell allowed \$40 for extra services as employee of House.

Resolution in favor of the reading clerks, &c.

Resolved by the House of Representatives, the Senate concurring: That the reading clerks and the engrossing clerks of the General Assembly be allowed each one hundred dollars for extra work, and the Auditor shall draw a warrant and the Treasurer shall pay the same immediately after the adjournment of the General Assembly.

Ratified this the 10th day of March, A. D. 1885.

Reading and engrossing clerks each allowed \$100 for extra services.

Resolution in regard to the oyster industry of the State.

WHEREAS, it is necessary for the furtherance of the oyster interest of this State that the areas and positions of the natural oyster beds and private oyster gardens should be accurately known and located; and whereas, it is probable that a better knowledge of the present condition of our shell fish industries would conduce to the future benefit of the people of the State; therefore be it

Preamble.

Resolved, That the State Board of Agriculture shall cause to be made a survey of said natural oyster beds and private oyster gardens, together with an examination of the waters of the State with reference to their

State Board of Agriculture to have survey made of natural oyster beds, &c.

Governor requested to ask federal government to detail expert to make survey.

Expenses.

possibilities for the culture of shell fish, and shall report upon the same to the next session of the General Assembly of North Carolina. And his excellency, the Governor, is hereby requested to ask the federal government to detail some person of the public service who is an expert in these matters to make the necessary surveys and examinations: *Provided*, that the expenses entailed by this resolution shall be in the discretion of the said Board of Agriculture.

Ratified this the 11th day of March, A. D. 1885.

Resolution of instruction to the keeper of the capitol.

Keeper of capitol instructed to buy settees and chairs for use of Senate and House.

Resolved, That the keeper of the capitol be instructed to buy five settees for the use of the House of Representatives, six settees and two dozen chairs for the use of the Senate.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of W. H. & R. S. Tucker & Company, &c.

\$9.99 allowed W. H. & R. S. Tucker & Co. and \$6.48 allowed Allen & Cram for goods furnished.

Resolved by the Senate, the House concurring: That the Treasurer be directed to pay to W. H. & R. S. Tucker & Company nine dollars and ninety-nine cents for goods furnished the General Assembly according to the accompanying account rendered to and approved by the superintendent of the capitol, and to Allen & Cram six dollars and forty-eight cents.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of W. H. & R. S. Tucker & Company.

Resolved, That the Auditor shall issue his warrant upon the Public Treasurer for ten and ninety-six one hundredths dollars in favor of W. H. & R. S. Tucker & Company for articles furnished the House of Representatives.

W. H. & R. S. Tucker & Co. allowed \$10.96 for goods furnished House, &c.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of Alfred Williams and Company and John D. Cameron.

Resolved, That the Auditor shall issue his warrant upon the Public Treasurer to Alfred Williams and Company for forty-seven dollars and ninety-five cents for necessary stationery furnished the House of Representatives during the present session; and also a like warrant for eight dollars to John D. Cameron, being for amount paid by him for post office box rent during this session, and to a laborer of last session for balance due him after adjournment.

\$17.95 allowed Alfred Williams & Co. for stationery, and \$8.00 allowed J. D. Cameron for post office box rent.

Ratified this the 11th day of March, A. D. 1885.

Resolution requesting our Senators and Representatives in Congress to ask for appropriation to render navigable the Lumber, Little Pee Dee and Great Pee Dee rivers.

WHEREAS, Congress has seen fit to order surveys made, and to appropriate money to improve the harbors and rivers on our coasts; and whereas, Lumber river, Little Pee Dee and Great Pee Dee rivers can be made valuable streams for navigation and inland commerce;

Preamble.

Senators and Representatives requested to ask for appropriation to remove obstructions in Lumber river, &c.

Therefore, the House of Representatives do resolve, the Senate concurring: That our Senators and Representatives in Congress be requested to ask for a sufficient appropriation from the government of the United States to remove the obstructions to navigation in said rivers, and to make said rivers navigable as far as may be found practicable upon surveys.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of the clerk to the committee on election of justices of the peace.

\$50 allowed W. W. Willson for services as clerk to committee on election of justices, &c.

Resolved by the House of Representatives, the Senate concurring: That the Treasurer be and is hereby authorized to pay W. W. Willson fifty dollars for extra service rendered as clerk to the joint committee on election of justices of the peace, 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 11th day of March, A. D. 1885.

Resolution authorizing the Secretary of State to correct a grant.

Secretary of State directed to alter third course of grant issued to J. Dean, assignee of E. M. Kilpatrick.

Resolved by the House of Representatives, the Senate concurring: That the Secretary of State be and he is hereby authorized and directed to alter the third course of a grant issued to Julius Dean, assignee of E. M. Kilpatrick, for ninety-three acres of land in the county of Macon, on the twenty-fifth day of December, one thousand eight hundred and forty-eight, the number of the grant being

eight hundred and seventy-five, from N. 60 W. to N. 60 E., and that he be further authorized to amend the record of the said grant in his office so as to correspond with the alteration in the grant hereby authorized.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor T. H. Briggs & Sons.

Resolved by the House of Representatives, the Senate concurring: That the Auditor be required to audit and the Treasurer pay T. H. Briggs & Sons fifty-eight dollars and seventy-five cents for hardware furnished the General Assembly as per bill rendered and certified by C. M. Roberts, keeper of the capitol.

T. H. Briggs & Sons allowed \$58.75 for hardware, &c.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of Robert M. Furman.

Resolved by the Senate, the House of Representatives concurring: That the Auditor of the State be and he is hereby directed to issue a warrant to Robert M. Furman, principal clerk of the Senate, for nine dollars for amount expended by him for postage for the committee on insurance and for box rent at the post office for the use of the Senate, and the Treasurer of the State is hereby ordered and directed to pay the same out of any money in the treasury not otherwise appropriated.

R. M. Furman, principal clerk of Senate, allowed \$9.00 for postage and post office box rent.

This resolution shall take effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of Thomas G. Gordon.

Thos. G. Gordon allowed \$25 for services as special messenger to get election returns from Hyde county by order of Board of State Canvassers.

Resolved by the Senate, the House of Representatives concurring: That Thomas G. Gordon of Washington, a special messenger sent for the election returns from Hyde county by order of the board of State canvassers, be and he is hereby allowed the sum of twenty-five dollars for his services in that behalf, and that the Treasurer pay said sum out of any money in the treasury not otherwise appropriated.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of George H. Parker and Ned R. Rawls.

G. H. Parker and N. R. Rawls allowed \$50 each for expense of contesting seats in House.

Resolved by the House of Representatives, the Senate concurring: That George H. Parker and Ned R. Rawls, contestants from Northampton county, be allowed fifty dollars each.

Ratified this the 11th day of March, A. D. 1885.

Resolution authorizing the Public Treasurer to issue bonds to E. H. Pullen.

Treasurer authorized to issue to E. H. Pullen, cashier, &c., bonds in exchange for twenty-one bonds class 1 and five bonds class 2 under pending act.

Resolved by the House of Representatives, the Senate concurring: That the Public Treasurer be and he hereby is authorized to issue to E. H. Pullen, Cashier National Bank of the Republic, City of New York, agent, bonds of the State bearing four per cent. interest in exchange for twenty-one bonds of one thousand dollars each of class one, and five bonds of one thousand dollars each, class two, under the funding act of March fourth, one thou-

sand eight hundred and seventy-nine, as amended by act of January sixteenth, one thousand eight hundred and eighty-three.

Ratified this the 11th day of March, A. D. 1885.

Resolution concerning adjournment.

Resolved by the House, the Senate concurring: That no business will be done by this General Assembly, except receiving reports of the committee on Enrolled Bills and ratifying bills, after Tuesday next at twelve o'clock M., and that the General Assembly do adjourn *sine die* on Wednesday next at twelve M.

No business to be done after March 10th except reports from committee on enrolled bills, &c.

Ratified this the 11th day of March, A. D. 1885.

Resolution of instruction to the committee appointed to examine the Treasurer's books.

Resolved by the House of Representatives, the Senate concurring: That the committee appointed to examine the Treasurer's books are hereby authorized and instructed to examine the books of the charitable and penal institutions of the State, and report to the next General Assembly.

Committee to examine Treasurer's books to examine books of charitable and penal institutions, &c.

Ratified this the 11th day of March, A. D. 1885.

Resolution in favor of Alfred Williams and Company.

Resolved by the Senate, the House of Representatives concurring: That the Auditor of the State be and he is hereby directed to issue a warrant to Alfred Williams and Com-

Alfred Williams & Co. allowed \$12.45 for stationery, &c.

pany for the sum of forty-two dollars and forty-five cents for stationery and supplies furnished the clerk of the Senate for the use of the Senate; and the Treasurer of the State is 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 11th day of March, A. D. 1885.

Resolution in favor of M. M. Blount.

Resolved by the House of Representatives, the Senate concurring: That the State Treasurer be and is hereby authorized to issue to M. M. Blount consolidated four per cent. State bonds of the State of North Carolina for such amount as he is entitled to by reason of the loss or destruction of two bonds of the State of North Carolina, one number 4492, issued in the year one thousand eight hundred and sixty-two, and due in the year one thousand eight hundred and ninety-two; and one numbered 0898, issued in the year one thousand eight hundred and sixty-six, and due in the year one thousand nine hundred, and owned by him: *Provided*, that said Blount shall furnish to said Treasurer satisfactory evidence of his ownership and loss of said bonds, and that he give proper and sufficient indemnity against the further liability of the State on account of said bonds so lost or destroyed.

Treasurer authorized to issue to M. M. Blount four per cent. State bonds for bonds lost, &c.

Evidence of ownership and loss to be furnished and indemnity given, &c.

Ratified this the 11th day of March, 1885.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1885.



PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1885.

CHAPTER 1.

**An act to incorporate the Law Library Association, of Charlotte,
North Carolina.**

The General Assembly of North Carolina do enact:

SECTION 1. That H. C. Jones, W. H. Bailey, A. Burwell, Body corporate.
T. R. Robertson, P. D. Walker, John E. Brown, Geo. E.
Wilson, C. E. Grier, F. I. Osborne, W. C. Maxwell, T. M.
Pitman, Heriot Clarkson, H. W. Harris, W. W. Flem-
ming, R. D. Johnston, E. K. P. Osborne, their associates
and assigns, be and they are hereby made a body cor-
porate under the name of "The Law Library Association Corporate name.
of Charlotte, North Carolina," for the purposes of establish-
ing and maintaining in the city of Charlotte a library for
the promotion of legal, literary and scientific knowledge.

SEC. 2. That the capital stock of said corporation shall Capital stock.
be as fixed by the association from time to time not to
exceed twenty thousand dollars, and the shares thereof
shall be of the par value of two hundred dollars. The
said stock shall be subscribed for, paid in, and certificates
therefor issued and transferred in such manner and upon
such terms and conditions as shall be prescribed by the
by-laws.

SEC. 3. That said corporation shall have power to make Corporation shall
have power to
make by-laws.
all by-laws which any other library association incor-

porated under the laws of this State possesses and which are appropriate to such associations, and to carry out the objects of said corporation, the same not being inconsistent with the constitution and laws of this State or the United States.

Officers.

SEC. 4. That the officers of said corporation shall consist of a president, secretary, treasurer, executive committee, and such other officers as said corporation may create by its by-laws, and their respective duties shall be as prescribed in the by-laws.

Duties.

SEC. 5. That books of subscription for stock shall be opened by the said A. Burwell and R. D. Johnston, and when ten (10) shares of stock shall have been subscribed for they shall call a meeting of the stockholders, at which meeting the officers of the corporation shall be elected, who shall hold their offices for one year and until their successors shall have been elected.

Books of subscription to be opened.

Meetings.

SEC. 6. The time of holding the meetings after the first shall be as prescribed in the by-laws, and the officers shall be elected in such manner and for such terms as the by-laws may declare.

Mode of election and terms of officers.

Empowered to purchase and sell property.

SEC. 7. The said corporation shall have power to purchase and hold such real and personal property as may be necessary for its purposes, and may sell the same or such part thereof as may not from time to time be required.

Stock not to be sold.

SEC. 8. It shall not be lawful to sell, convey or transfer said stock to any person, nor shall any person hold or own any part thereof except in accordance with the provisions of the by-laws of said corporation.

Empowered to levy assessments.

SEC. 9. The corporation shall have power to levy assessments upon members for purposes of increasing the library and for such other purposes as may promote the objects of the corporation: *Provided, however,* the assessments upon each share of stock for one year shall not exceed fifty dollars: *And provided further,* that no assessment shall be made except by a two-thirds vote of all the

Proviso.

Proviso.

stockholders. The corporation shall also have power to prescribe and collect dues and to impose fines and penalties upon members for any breach of its by-laws and regulations; and to secure the payment of assessments, dues, fines and penalties, the same shall be a lien on the stock of the delinquent, and said stock may be sold under such regulations as shall be prescribed in the by-laws, and the corporation shall have a right to purchase the stock at such sale.

Dues, fines and penalties.

Assessments, dues and penalties lien on stock.

SEC. 10. The corporation shall have power to admit new members from time to time, and to sell additional shares of stock to them upon such terms and conditions as the by-laws shall declare: *Provided*, that one share of stock shall entitle the holder to full membership, but no person shall be entitled to the privileges of membership in said association or be deemed a stockholder therein who does not own exclusively at least one share of stock of said corporation.

Empowered to admit new members and sell additional stock.

SEC. 11. That said corporation shall exist for the term of ninety-nine years.

Term of corporate existence.

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

In the General Assembly read three times, and ratified this the 13th day of January, A. D. 1885.

CHAPTER 2.

An act to incorporate the "Citizens' Bank" of Reidsville, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That William Lindsey, Robert Harris, H. C. Harris, F. R. Penn, S. C. Penn, H. K. Reid, J. M. Cox and Hugh R. Scott and their associates and successors are

Corporators.

- hereby constituted and declared to be a body politic and corporate, by the name and style of "Citizens' Bank," and by such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations.
- Corporate powers and liabilities.** **SEC. 2.** That the office and place of business of said bank shall be in the town of Reidsville, North Carolina, and the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, in shares of one hundred dollars each, and the corporators in the first section named or any five of them are hereby empowered to cause books to be opened at such time or times, at such places, and for such periods as they may determine, and by such persons as they may name as commissioners, for the purpose of receiving subscription to said stock.
- Location.**
- Capital stock.**
- Books of subscription to be opened.**
- First meeting.** **SEC. 3.** That whenever five hundred shares of stock shall have been subscribed, and twenty-five per centum of the same paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place, and upon such notice as they may deem sufficient, when such stockholders, a majority of the stock subscribed being represented, shall elect five directors; said directors shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank; shall hold office for one year and until their successors are duly elected and assume office; and shall elect one of their number to be president of said bank during their continuance in office.
- Directors.**
- President.**
- Seal, by-laws and corporate powers.** **SEC. 4.** That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure; may make and adopt such by-laws for their government as by them are deemed proper and necessary; may make and appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties; may 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 the State, and in general have the privileges conferred on corporations by the general laws of the State relating to corporations.

SEC. 5. That said bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed on banks in the revenue laws of the State.

Lien on stock
against stock-
holders' debts.

Taxes.

SEC. 6. That said bank may receive and pay out the lawful currency of the country and deal in exchange, gold and silver coin, bullion, uncurrent paper, and public and other securities, may purchase and hold a lot of ground for a place of business, and at pleasure sell or exchange the same, may purchase and hold such personal and real property and estate as may be conveyed to secure debts due said bank, and may sell and convey the same, may discount notes and other evidences of debt; may lend money on such terms as may be agreed on, not inconsistent with the laws of the State, and may receive on deposit moneys on terms to be agreed upon between its officers and depositors, not exceeding the rate allowed by law, and issue certificates of the 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.

Banking powers.

Hold real estate,
&c.

Bank of deposit.

Legal rate of in-
terest.

SEC. 7. That the president and directors of said bank shall direct when, to whom, and in what manner dividends of profits may be made, and shall be allowed to open the subscription books from time to time at their discretion, until the whole of the stock is taken. They may call meetings extraordinary of the stockholders whenever they think proper, and shall call annual and

Dividends.

Books of sub-
scription.

Stockholders'
meetings.

other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws; 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 thereof, printed in some newspaper published at Reidsville, North Carolina. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Notice.

Proxies.

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 24th day of January, A. D. 1885.

CHAPTER 3.

An act to repeal the clause prohibiting the sale of spirituous liquors in the town of Burgaw, as provided in chapter one hundred and thirty-six, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five.

The General Assembly of North Carolina do enact:

Prohibitory law
of Burgaw re-
pealed.

SECTION 1. That the clause forbidding the sale of spirituous liquors in the town of Burgaw, in the county of Pender, as provided in section twenty-one of chapter one hundred and thirty-six of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, 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 26th day of January, A. D. 1885.

CHAPTER 4.

An act to appoint a cotton weigher for the town of Newton in Catawba county.

The General Assembly of North Carolina do enact :

SECTION 1. That there shall be appointed for the town of Newton a public cotton weigher by the county commissioners of Catawba county at their regular meeting in August, Anno Domini one thousand eight hundred and eighty-five, and every two years thereafter, and any vacancy occurring in the office of cotton weigher shall be filled in like manner for the unexpired term at the first meeting of the said county commissioners after any vacancy occurs, and should a vacancy occur at a time when it is necessary that a weigher be appointed before the regular meeting of the board of county commissioners, the chairman of said board of commissioners shall appoint a weigher to fill the vacancy until the next regular meeting of said board.

Cotton weigher for Newton.
County commissioners to appoint.

Term.
Vacancies.

SEC. 2. That the said weigher before entering upon his duties of office shall take the following oath of office before some justice of the peace, viz: "I,, do solemnly swear that I will faithfully perform the duties of the office of cotton weigher, and that I will take no interest, near or remote, in buying or selling cotton in the town of Newton: So help me, God."

Oath of office.

SEC. 3. That it shall be the duty of said weigher to weigh all baled cotton sold in the town of Newton at its true weight, making just and proper deductions for water or damage; and that no other person than the said weigher shall weigh cotton sold in said town of Newton under a penalty of ten dollars for each offence, said fine to be applied to the school fund upon the conviction of the offender before any justice of the peace of said county of Catawba.

Duties.

Penalty for other person to weigh.

Bond.

SEC. 4. That said weigher shall give bond in the sum of five hundred dollars, payable to the State of North Carolina, conditioned for the faithful performance of his duty. Said bond shall be taken by the county commissioners of Catawba county and filed in the office of the register of deeds of said county; and said weigher shall receive such compensation as may be allowed by the county commissioners of said county, the said compensation to be paid by the seller.

Compensation,
how fixed.Abuse of priv-
ileges a misde-
meanor.

SEC. 5. That any cotton weigher appointed under the provisions of this act, who shall wilfully or corruptly abuse the trust or power conferred on him by this act, shall, upon conviction thereof by the board of county commissioners by which he was appointed, or their successors, be dismissed from his office, and any damage sustained by any party by such wilful or corrupt abuse of trust or power shall be recoverable out of the bond of such cotton weigher so offending.

SEC. 6. That this act shall be in force from and after the first day of August, Anno Domini one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1885.

CHAPTER 5.

An act supplemental to and amendatory of "an act to incorporate the town of Maiden in the county of Catawba," ratified the seventh day of March, one thousand eight hundred and eighty-three.

The General Assembly of North Carolina do enact:

Name of Mayor.

SECTION 1. That section three of chapter one hundred and three, private laws of one thousand eight hundred and eighty-three, be amended by inserting the names of

Commissioners.

J. F. Rabb for mayor, and D. M. Carpenter, J. P. Rabb and

S. A. Ramsour for commissioners or aldermen, instead of J. P. Rabb, Alexander Keener, Alexander Cline and Amzi Stine, and that Robert Winters be appointed constable instead of Daniel Boyd, and that mayor, aldermen and constable, when qualified, shall hold their offices until the first Monday in May, one thousand eight hundred and eighty-five, or until their successors are duly elected and qualified.

SEC. 2. That said chapter one hundred and three, private laws of one thousand eight hundred and eighty-three, as so amended, is hereby declared to be in full force and effect.

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. 1885.

CHAPTER 6.

An act to ratify and confirm the marriage of William Edmundson and Nancy Moring (white) of the county of Wayne.

WHEREAS, William Edmundson and Nancy Moring, white persons of the county of Wayne, the latter being the half aunt of the former, were married in said county on the twenty-seventh day of December, one thousand eight hundred and eighty-three, with the solemnities required by law: and whereas, said marriage is void under section eighteen hundred and ten of The Code; and whereas, said marriage was contracted and solemnized by said parties in ignorance of the law: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said marriage between the said William Edmundson and Nancy Moring be and the same

Marriage of Wm. Edmundson and his half aunt, Nancy Moring, validated.

is hereby validated, confirmed and made legal to all intents and purposes.

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 January, A. D. 1885.

CHAPTER 7.

An act to amend the charter of the town of LaGrange in the county of Lenoir.

The General Assembly of North Carolina do enact:

No interments in corporate limits of La Grange.

SECTION 1. That the act to incorporate the town of LaGrange in the county of Lenoir, ratified the tenth day of April, one thousand eight hundred and sixty-nine, private acts of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, chapter, be and the same is hereby amended as follows, to-wit: "That no person shall be permitted to be interred within the corporate limits of said town of LaGrange under a penalty of one hundred dollars."

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1885.

CHAPTER 8.

An act to authorize the sale of Newton Male and Female Academy in Catawba county.

The General Assembly of North Carolina do enact:

Trustees Newton Male and Female Academy may sell academy and lot.

SECTION 1. That the trustees of Newton Male and Female Academy in the town of Newton, Catawba county,

together with the board of town commissioners, a majority of said trustees and commissioners or aldermen agreeing thereto, be and they are hereby authorized to sell and transfer by proper deed of conveyance the said academy, together with the lot on which it stands, and out of the proceeds of said sale they are authorized to pay any outstanding debt or debts against said property, and the remainder of the proceeds to be invested or applied for the benefit of the said town of Newton in whatever way may seem best by said trustees and board of aldermen.

Deed.

Pay debts.

Balance proceeds to go to town.

SEC. 2. That all laws or 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 30th day of January, A. D. 1885.

CHAPTER 9.

An act to incorporate the Bank of Goldsboro.

The General Assembly of North Carolina do enact :

SECTION 1. That L. W. Humphrey, J. F. Southerland, B. M. Privett, J. B. Edgerton, B. F. Aycok, W. J. Exum, J. C. Eason and W. J. Jones, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Bank of Goldsboro, and shall continue for the term of sixty 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.

Corporators.

Name.

Term.

Powers.

SEC. 2. That the capital stock of said corporation shall not be less than fifty thousand dollars, in shares of fifty dollars each; and such capital stock may be increased

Capital stock.

Shares.

Increase.

from time to time, as said corporation may elect, to a sum not exceeding five hundred thousand dollars.

Books of subscription.

SEC. 3. That 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 corporation, 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 corporation, may, at their discretion, from time to time, re-open books of subscription to said capital stock, until the same as herein limited be wholly taken.

First meeting.

SEC. 4. That whenever twenty-five thousand dollars shall be subscribed, and fifteen thousand dollars shall be paid into the capital stock of said corporation, 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 chosen; and said directors shall elect a president to serve during their continuance in office.

Directors.

President.

Seal, by-laws, corporate powers.

SEC. 5. That the president and directors of said corporation may adopt and use a common seal, and may alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation, and take security for the faithful discharge of their duties; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as is now provided by law. The said corporation shall have a lien on its stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity.

General banking business.

Lien on stock for debts.

Banking powers.

SEC. 6. That the said corporation may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper and public or other securities; may purchase and hold such real and personal

estate and property as may be conveyed to secure debts to the said corporation, or may be sold under execution to satisfy any debt due to said corporation, and may sell and convey the same; may purchase and hold real and personal estate and property, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money on such terms as is now provided by law; may receive deposits and issue certificates therefor bearing interest, which certificates may be assignable and transferable, under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposit, signed by the proper officers of the said corporation, shall be as binding as if under the seal of the same.

May hold real estate.

SEC. 7. That if any subscriber shall fail to pay for 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 corporation, 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 ordinary civil action; or the entire stock of such delinquent may be sold by order of the directors, for cash, at the banking house of said corporation in the city of Goldsboro, after advertisement of such sale for twenty days in some newspaper published in said city, and if at such sale the price should not be sufficient to discharge the amount unpaid with all costs of such sale, the subscriber shall be liable for the delinquency in a civil action.

Stock not paid for.

Debt, how collected.

Stock may be sold.

SEC. 8. That if any subscriber shall assign his stock before its full payment, he and his assignees and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action; in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the said corporation, as well

Assignees of stock liable.

in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Powers of president and directors.

SEC. 9. That the president and directors of said corporation shall exercise and have all such powers and authority as may be necessary for governing their affairs of the said corporation; they shall have power to prescribe the rules for the conduct of said corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this State, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the corporation, and they shall direct when dividends of profits shall be made and declared. They may call a meeting of the stockholders whenever they think proper, and any number of stockholders holding one-tenth of the stock may call a special meeting on giving thirty days' notice in some newspaper published in the city of Goldsboro. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Discounts.

Deposits.

Dividends.

Meetings.

Proxies.

SEC. 10. That all laws and parts of laws in conflict with this act are hereby 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 31st day of January, A. D. 1885.

CHAPTER 10.

An act to incorporate the town of Yadkinville in the county of Yadkin.

The General Assembly of North Carolina do enact :

Corporate name.

SECTION 1. That the town of Yadkinville in the county of Yadkin be and the same is hereby incorporated by the

name and style of the town of Yadkinville, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town be limits. as follows: One thousand yards east, west, north and south from the southwest corner of the court house, and shall run with the four cardinal points of the compass, forming an exact square.

SEC. 3. That the officers of said town shall consist of a Officers. mayor, five commissioners and a constable, and the com- Mayor, &c. missioners shall have power to appoint a secretary and treasurer.

SEC. 4. There shall be an election for officers mentioned Election, when to be held. in this act on the first Monday in May, one thousand eight hundred and eighty-five, and every year thereafter, under the same restrictions that county and State elections are held. All male citizens over twenty-one years Voters. of age, who have resided in the State twelve months and ninety days in said corporation previous to the day of election, shall be entitled to vote at said election.

SEC. 5. That said commissioners shall have and exercise Commissioners to have corporate powers. all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code, volume second, chapter sixty-two, entitled "Towns and Cities," and in addition thereto they shall have power to By-laws, &c. pass by-laws, rules and regulations for the 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, and that said chapter shall be applicable in every respect to said town.

SEC. 6. That all fines collected for the violation of any Fines to go to treasury. town ordinance shall go to the town treasury for the benefit of the town.

SEC. 7. That until their successors are elected on the Names of officers until election. first Monday in May, one thousand eight hundred and eighty-five, and qualified, the following named persons

shall fill said offices, viz: Mayor, J. R. Nance; commissioners, R. C. Puryear, A. E. Holton, E. W. Allred, W. L. Kelly and V. A. Long; and for constable, W. A. Royal.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1885.

CHAPTER 11.

An act to enlarge the corporate limits of the town of Madison.

The General Assembly of North Carolina do enact :

Corporate limits
of Madison ex-
tended $\frac{1}{4}$ mile.

SECTION 1. That chapter sixty-six of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three be amended as follows: "Strike out in section two the words 'half mile' wherever they occur and insert 'three-fourths of a mile;' strike out 'three-fourths of a mile' where the words occur and insert 'seven-eighths of a mile.'"

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1885.

CHAPTER 12.

An act to incorporate the town of Grover in the county of Cleveland.

The General Assembly of North Carolina do enact :

Name of Whitaker
changed to
Grover.

SECTION 1. That the town now known as "Whitaker," in Cleveland county, be and the same is hereby incorpo-

rated by the name and style of the town of Grover, and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns, not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: From a central point in the centre of the Atlanta and Charlotte railroad track at the centre of Stonewall street, where it crosses the track in front of the depot, shall be included all that territory in Cleveland county lying within a radius of one half a mile from said central point. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-five, viz: Mayor, B. Frank Wood; commissioners, J. T. Williams, R. Roberts and B. F. Turner; marshal, R. C. Gladden. Officers: Mayor, commissioners, marshal.

SEC. 4. That there shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-five, and each succeeding year thereafter, with the same restrictions under which county and State elections are held, and all citizens within said incorporation, who have resided twelve months within the State and sixty days within the corporate limits previous to the day of election, shall be entitled to vote at said election. Election.
Voters.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and United States, and levy and collect a tax on all subjects of State taxation, not to exceed one-half of the State tax, and to impose fines for the violation of town ordinances and collect the same. Powers of commissioners.

SEC. 6. That the manufacture and sale of intoxicating liquors of any name, distilled, fermented or malt, are forever prohibited within the corporate limits. No liquor to be made or sold.

No repeal of acts
1879, chapter 232.

SEC. 7. That nothing in this act shall be so construed as to repeal or in way affect any provision of chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, entitled "An act to prohibit the sale of intoxicating liquors in certain localities."

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1885.

CHAPTER 13.

An act to amend an act entitled "An act to extend the corporate limits of the town of Concord and to amend the charter of said town," it being chapter one hundred and nineteen, private laws of one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact:

Private acts 1879,
chapter 119,
amended.

SECTION 1. That an act entitled "An act to extend the corporate limits of the town of Concord and to amend the charter of said town," ratified the fourteenth day of March, Anno Domini one thousand eight hundred and seventy-nine, be amended as follows: Add two new sections after section one to read thus:

Board of commis-
sioners power to
prescribe fire
limits and regu-
late erection of
wooden houses,
&c.

"SEC. 2. That the board of commissioners of said town shall have power to establish certain limits in said town to be known as the fire limits, within which it shall not be lawful for any person to erect or build any wooden house, make any wooden additions to any building, or cover any building with any material other than metal or slate. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same. And the board of commissioners are authorized and em-

powered to pass such regulations, rules and ordinances as they may deem necessary to enforce and carry out the provisions of this section.

“SEC. 3. The board of commissioners shall have power to cause the sidewalks within the corporate limits of said town to be graded, curbed, paved and repaired when deemed necessary, according to such plans and specifications as may be ordered by said board, and to recover from the owner of the lot adjoining the sidewalk on which grading, curbing, paving or repairing shall be made, one-half of the expense of the work, which expense shall be a lien on the lot; and the proceedings to enforce the lien thus created shall be in the name of the board of commissioners, and the same as those which relate to real estate prescribed in chapter forty-one of The Code: *Provided*, that the owner or the guardian of the owner or owners of the lot adjoining the sidewalk upon which such grading, curbing, paving or repairing shall have been ordered, shall have thirty days’ notice in writing of said order of the board.”

Power to regulate sidewalks and make owner pay for repairs.

Lien.

Owner &c., to have notice.

SEC. 2. Strike out the word “April” in the ninth line of section five and insert the word “June.” And at the end of said section add the following words: “*Provided*, that the board of commissioners may order the town clerk to make his list from the copy of State and county tax list of township number twelve of Cabarrus county, when filed in the office of the clerk of the county commissioners, or whenever directed to be filed by law; and the town clerk may add to his lists the name of any person subject to pay a poll tax who resided within the limits of said town on the first day of April next preceding, or any property subject to taxation, when there shall be an omission of such name or property in said copy of township number twelve.”

To list in June.

Tax list, how made.

SEC. 3. Insert after the word “mentioned,” in line two of section seven, the words “but the board may for good cause extend the time for return of said warrants.”

Time of return of warrants may be extended.

Daguerrean artist, &c., may be taxed.

SEC. 4. Insert after the word "chiropodist," in line two in sub-section fourteen of section twelve, the words, "or daguerrean artist, or person taking likenesses of the human face, houses or scenery."

Sections to be re-numbered.

SEC. 5. That the sections of said act shall be renumbered in accordance with the changes made necessary by the foregoing amendments.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1885.

CHAPTER 14.

An act to amend an act to incorporate the Wilmington and Coast Turnpike Company.

The General Assembly of North Carolina do enact :

Private acts 1874-75, chapter 163, amended.

SECTION 1. That section nine of chapter one hundred and sixty-three, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, entitled "An act to incorporate the Wilmington and Coast Turnpike Company," be amended so as to read as follows :

Use of bicycle or tricycle forbidden except by permission of superintendent on Wilmington and Coast Turnpike.

"SEC. 9. No person shall use upon the road of said company a bicycle or tricycle or other non-horse vehicle, without the express permission of the superintendent of the said road, nor shall any person in any manner injure or obstruct the said road or any of the branches or connections, or any bridge connected therewith. Any person violating any of the provisions of this section shall be liable for damages in a civil action and shall be deemed guilty of a misdemeanor, and shall be punished in any

Penalty.

court having jurisdiction by fine or imprisonment, or both, in the discretion of the court.”

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1885.

CHAPTER 15.

An act to amend the charter of the town of Elizabeth City.

The General Assembly of North Carolina do enact:

SECTION 1. The corporate limits of Elizabeth City shall be bounded as follows: Beginning at a point on Pasquotank river which would be intersected by the continuation of the south side of Railroad avenue, a street as laid down in the map of the property of Conrow, Bush and Lippincott; thence a northwesterly course along the south side of Railroad avenue to the centre of Second street; thence southerly along the west side of Second street to a point directly opposite the northeast corner of the John S. Burgess estate property; thence a northwesterly course along the line of the John S. Burgess estate to Road street; thence in the same direction crossing Road street until the projection of said line reaches the centre of the north branch of Poindexter creek; thence down the centre of Poindexter creek, branch or swamp, southerly and easterly various courses to the intersection of the centre of Poplar street as laid down in the map of the Conrow, Bush and Lippincott property; thence southerly along the east side of Poplar street to the centre of Parsonage street; thence westerly along Parsonage street until it intersects a line which being projected from Doughty's lane and Main street north ten degrees east; thence south ten degrees west to the centre of Doughty's lane at Main street;

Corporate limits
of Elizabeth City.

thence along west side of Doughty's lane and in the same direction to and across the lands of Samuel Cartright, the estate of Geo. W. Brooks, deceased, until this line will intersect a line to commence at the old mill dam or Harrington bridge and running north eighty degrees west; thence along said line south eighty degrees east to the Harrington bridge; thence southerly and easterly down the centre of Charles creek to Gaskins' bridge on Factory avenue; thence south eighty degrees east a straight line to Butler's lane; thence northerly and easterly along the west side of Butler's lane to Pasquotank river; thence along Pasquotank river to the first station place of beginning.

To be divided into five wards.

SEC. 2. The town of Elizabeth City shall be divided into five wards known respectively as the First, Second, Third, Fourth and Fifth wards. The First ward shall be

First ward.

bounded as follows: Beginning at the centre of the mouth of Poindexter creek on Pasquotank river, thence up the north branch of said creek to and across Road street to the northwest corner of the town boundary line, thence easterly along the town boundary line to and across Road street to Second street, thence along said street northerly to Railroad avenue, thence easterly along Railroad avenue and the town boundary to Pasquotank river, thence southerly along Pasquotank river to place of beginning. The Second ward shall be bounded as follows: Beginning at the centre of the mouth of Poindexter creek on Pasquotank river, thence up the north branch of said creek to Martin street, thence down centre of Martin street to Tiber creek bridge, thence easterly down Tiber creek to Pasquotank river, thence northerly along Pas-

Second ward.

quotank river to place of beginning. The Third ward shall be bounded as follows: Beginning on Martin street at the centre of the north branch of Poindexter creek, thence up the north branch of Poindexter creek to Poplar street, thence along Poplar street southerly to Parsonage street, thence westerly along Parsonage street to town

Third ward.

boundary, thence southerly along the town boundary to Church street, thence easterly along Church street to Dyer street, thence southerly along Dyer street in the same direction to the Tiber creek swamp or branch, thence easterly down the centre of Tiber creek swamp to and across Road street to Martin street, thence northerly along Martin street to north branch of Poindexter creek to place of beginning. The Fourth ward shall be bounded as follows: Beginning on Tiber creek at a point where it would be intersected by the northerly continuation of Green street, thence westerly up the said creek and branch to Dyer street, thence northerly along Dyer street to Church street to the town boundary, thence southerly along the west boundary of the town to the southwest corner of its boundary, thence along the south boundary of the town to Harrington bridge, thence down Charles creek to a point on the same that would be intersected by the projection of Green street (or the first street west of Factory avenue), thence northerly down said Green street to Tiber creek to place of beginning. The Fifth ward shall be bounded as follows: Beginning at the mouth of Tiber creek, thence up said creek to a point that would be intersected by the northerly projection of Green street, thence southerly down said Green street to Charles creek, thence down said creek easterly to Gaskin's bridge on Factory avenue, thence along the south boundary of the town to Butler's lane, thence northerly along said lane to Pasquotank river, thence along the Pasquotank river northerly and westerly to the mouth of Tiber creek to place of beginning.

Fourth ward.

Fifth ward.

SEC. 3. In each of said wards there shall be elected annually by the qualified voters therein one town commissioner. The five commissioners thus elected shall constitute the board of commissioners of Elizabeth City.

Each ward to elect one commissioner.

SEC. 4. The election for commissioners shall be held on the first Monday in May of each year.

Election 1st Monday in May.

SEC. 5. On the first Monday in April, or as soon there-

Registrar and judges of election in each ward.

after as a meeting of the commissioners can be had, the said board of commissioners shall appoint in each ward of said town one registrar and two judges of election. Said registrar and judges of election shall each be a qualified voter in the ward in which he is appointed.

Voters.

SEC. 6. Every male person of the age of twenty-one years, who is qualified to vote for a representative in the Legislature of North Carolina and who has resided in the ward in which he offers to vote for ninety days immediately preceding the election, shall be a qualified voter in said ward.

Books to be opened one week.

SEC. 7. The registrars in their respective wards shall open their books for the purpose of registering such persons as apply for registration one week prior to the coming election, and keep the same open until sunset of the Saturday preceding the election.

Who shall be registered.

SEC. 8. The said registrar shall register all such persons as make application and who shall take the following

Oath of voter.

oath to be administered by said registrar: "I do solemnly swear that I will support the constitutions of North Carolina and of the United States; that I am twenty-one years of age, and have lived in the State of North Carolina for one year, and in ward of Elizabeth City for ninety days immediately preceding the election; that my residence herein is *bona fide*, and that I have not moved herein for the purpose of voting at this or any other election: So help me, God."

Oath of registrar.

SEC. 9. Before entering upon his duties the registrar shall take an oath before the mayor of Elizabeth City, or some one authorized by the laws of North Carolina to administer oaths, that he will faithfully and impartially perform the duties of his office.

SEC. 10. A certificate of the administration of said oath in section nine shall be made in the registration book by the party administering the same, with the date of the administration.

To compare books of registration.

SEC. 11. The registrar and the judges of election in

their respective wards shall meet at the polling precinct in their ward on the Saturday before the election to hear and determine challenges that may be made of any person registered to vote in said ward. But before they proceed to determine the right of any person to vote, they shall require proof of notice to the party of the challenge. Said notice must be in writing; it may be signed by any voter in Elizabeth City, but must be served by the constable or other officer of the corporation authorized to execute civil process. But nothing herein shall preclude the right of challenge on the day of election.

Challenge, how made.

Notice.

SEC. 12. Whenever it is decided that a party registered is not entitled to vote, the registrar shall erase his name from the book, writing opposite the date of the erasure and the cause thereof. And in case the judges of election cannot decide, the registrar shall.

Name of party not entitled to vote to be erased.

SEC. 13. On the morning of the election the registrar and judges of election of each ward shall meet at the polling precinct in their respective wards before the hour of seven a. m. After the judges of election have been duly sworn by the registrar, they shall proceed to open the polls at seven a. m. and receive the votes, depositing the same in the box prepared for that purpose. The polls shall be closed at sunset.

Polls to be opened.

SEC. 14. The registrars of the several wards shall check off the name of each man as he votes, and the judges of election in their respective wards shall keep a list of those who vote, and to enable them to do so, they may appoint a recorder of the votes. In case they cannot agree upon the recorder, the registrar shall appoint.

How election shall be conducted.

SEC. 15. Immediately after the closing of the polls the judges of election and registrar shall proceed to count the votes cast in the presence of such voters as desire to attend, and make certificate thereof to the board of commissioners. Said certificate shall state the number of votes cast for each candidate, the ward in which they

Votes to be counted.

Certificate.

were cast and the date of the election, and be signed by at least two of them.

Fraudulent votes to be certified to commissioners.

SEC. 16. Should there be more votes in the box than the recorder's list shows to have voted, and the judges of election shall be of opinion that the excess was placed there fraudulently, and the result of the election is thereby affected, they shall certify such to the commissioners elect at their first meeting, who shall declare the election in said ward void, and proceed to fill the vacancy; but should the excess appear to the judges to be accidental, they shall select some child who cannot read to draw said excess from the box, said child drawing one vote at the time. Should two or more votes be folded together, the judges of election shall reject those folded together.

In case of fraud, election void.

Method of correcting error.

Ballots.

SEC. 17. The ballots shall be without device and shall contain only the name of one person printed or written on white paper. All ballots not in accordance with this section shall be rejected.

Certificates, books, &c., filed with clerk of commissioners.

SEC. 18. The certificates of the judges of election, the books of the registrars and the lists kept by the recorder, shall be filed with the clerk of the board of commissioners within three days after the election. But should the judges of election of any ward make the certificate mentioned in section sixteen to the commissioners elect, they shall make certificate thereof to the board of commissioners in office without stating the number of votes cast.

Notice to commissioners elect.

SEC. 19. The clerk of the board of commissioners shall thereupon notify the commissioners elect of their election within ten days from the filing of the certificates.

In case of failure of duty by commissioners, sheriff to act.

SEC. 20. Should the board of commissioners of Elizabeth City fail to perform the duties imposed upon them in any or all of the preceding sections within ten days from the time the same ought to be done, the sheriff of Pasquotank county is hereby directed and empowered to make the appointments and perform the acts imposed upon the said commissioners, and each and every one of said commissioners shall be deemed guilty of a misde-

Misdemeanor.

meanor and imprisoned or fined, or both, in the discretion of the court.

SEC. 21. The commissioners elect shall take their seats on the first Monday in June and continue in office until their successors have fully organized. They shall organize by appointing one of their number chairman, and shall first proceed to fill vacancies caused by death or failure to elect in any ward, whether by virtue of a tie or on a certificate of fraud: *Provided*, there be three present duly elected. But if from any cause there should be only two duly elected and living on the said first Monday in June, they shall certify such fact to the acting board, who shall thereupon order a new election in wards in which there are vacancies. Said election shall be held after ten days of advertisement without new registration.

When commissioners to qualify.

Organization.

New election, when to be held.

SEC. 22. After the said board has organized they shall proceed to the election of mayor, treasurer, clerk, constable and two fire commissioners, a port physician, city attorney and five policemen, who shall hold their office during the term of the board of commissioners appointing same, subject to be removed at any time for misconduct: *Provided*, the board can at any time, even after the appointment, reduce the number or entirely discontinue the whole of the police.

Mayor, clerk, treasurer, constable, fire commissioners, &c, to be elected by board.

Power of removal.

SEC. 23. Every person resident in the corporate limits of Elizabeth City, who is entitled to vote for a commissioner of said town, shall be eligible to any office under this charter.

Eligibility to office.

SEC. 24. The board of commissioners of Elizabeth City shall have power to make and provide for the execution thereof such ordinances for the government of the city as they may deem necessary, not inconsistent with the laws of the land, and they shall have power by all needful ordinances to secure order, health, quiet and safety within the same and for one mile beyond the city limits; to establish and regulate a market and to require the sale of such articles therein as they deem right; to take all

Powers to make ordinances.

Market.

Fire.
 Sunday observance.
 Nuisances.
 Infectious disease.
 Powder.
 Fast riding.
 Sidewalks.
 Streets.

proper means to prevent and extinguish fires; to make regulations to cause due observance of the Sabbath; appoint and regulate town watches; suppress and remove nuisances; preserve the health of the town from contagious and infectious diseases; to control and regulate the keeping of powder within town; to regulate the speed of riding and driving on the public streets, and to keep or require to be kept the sidewalks 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 on five days' notice from the mayor of the town; to regulate building and building material within specified limits.

Vacancies, how filled.

SEC. 25. The board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office.

May guard against contagious disease.

SEC. 26. The board of commissioners may take such measures as they may deem effectual to prevent the entrance into the town of any contagious or infectious disease, may stop, detain and examine for that purpose every train, conveyance or vehicle 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 health, to be removed to the hospital, may remove from the town or destroy any furniture or other articles which may 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 disease.

Hospital expenses may be recovered.

SEC. 27. That in case any person be removed to the hospital, the board of commissioners 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 in case of death, of his legal representative, and in that event, burial expenses also, if the board of commissioners incur that expense.

SEC. 28. That the board of commissioners may take such measures as they may deem effectual to stop, detain and examine within three miles of the town limits all railroad trains and other public conveyances bringing passengers or goods to said town: *Provided*, that the compensation shall not exceed two dollars for each visit; *Also provided*, this section shall not apply to vessels or steamers, or subjects now governed by the general marine quarantine laws.

Railroad trains may be examined for disease.

SEC. 29. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof: *Provided, however*, that this section shall not apply to the property of the Norfolk Southern Railroad Company lying between Pennsylvania avenue, Knobb's creek, Pasquotank river and Pleasant street. But in case the owner of the land and the commissioners cannot agree upon the price, the said commissioners shall appoint five disinterested freeholders, residents of Elizabeth City, who shall assess the value of the land to be condemned, and make report to the commissioners. If the commissioners accept the report they shall pay or tender to the said land owner the amount assessed in legal tender of this country, and thereupon the title shall become vested in the said commissioners and their successors. If the land owner

New streets.

Not to apply to N. S. R. R.

Appraisers to assess damage.

- shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of his right of appeal or suit *de novo* for damages against the corporation for the value of the land taken.
- Appeal.
- Taxes. SEC. 30. That the board of commissioners of the town shall have power not oftener than annually to impose, levy and collect a tax for general corporation purposes not exceeding fifty cents on the one hundred dollars' assessed valuation, upon all real and personal estate within the corporate limits of said town, and also upon all money in hand, solvent credits, and a tax of one dollar upon all polls, and may also levy a tax equal to the State tax upon all other subjects of taxation taxed by the General Assembly for public purposes.
- License taxes. SEC. 31. That in addition to subjects liable to taxation for State purposes, the commissioners shall have power to levy and collect a specific or license tax on the following subjects, to-wit: All itinerant auctioneers, merchants or peddlers vending or offering to vend in town, each express company, each telegraph office, each broker or banker's office, dealer in patent rights, commission merchants and commercial brokers, each distiller of fruit or grain, each livery stable keeper, every non-resident huckster or trader or agent of such who buys produce for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise or lottery, each dray, each omnibus, each circus, each traveling theatrical company, each person or company making any exhibit or show for compensation, each billiard table or pool table, each ten pin alley used by the public.
- Auctioneers, peddlers.
- Telegraph companies.
- Bankers.
- Commission merchants.
- Livery stables.
- Liquor sellers, drays, &c.
- Theatrical companies, &c.
- Billiard table.
- Retail license. SEC. 32. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous or malt liquors by a less measure or in less quantity than three gallons within the corporate limits, without first having obtained a license therefor from the board of commissioners.

SEC 33. 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 sell the same, and the commissioners may at their option impose a fine of fifty dollars upon the owner or owners of said animals running at large; or may treat the same as a nuisance and have it abated in such way as seems to said commissioners best: *Provided*, nothing mentioned herein shall be construed to prevent the commissioners issuing a license permitting his dogs or cattle going at large upon said streets.

Horses and live stock.

Fine on owners.

SEC. 34. That the commissioners may require and compel the abatement and the removal of all nuisances within the town at the expense of the persons causing the same, or the owner or tenant of the ground wherever the same may be. They may also prevent the establishment of and may regulate, if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy business, trade or employment.

Nuisances.

Slaughter houses.

SEC. 35. In addition to the tax hereinbefore permitted to be levied upon the real and personal property within the corporate limits of Elizabeth City, the said commissioners are hereby permitted and empowered to levy a tax not exceeding seven cents on the one hundred dollars' assessed valuation of said real and personal property for the purpose of purchasing a fire engine and extinguishing apparatus. The money thus raised shall be put in the hands of two fire commissioners to be appointed by the board of commissioners, and kept by them until the amount realized shall be sufficient to purchase a good fire engine. Said fire commissioners shall give bonds payable to the corporation of Elizabeth City in the sums to be fixed year by year by the town commissioners, and shall hold their office for one year. Said fire commissioners shall have control of the fire department, but shall have no authority to disburse the funds without the approval of the board of commissioners. It shall be the duty of

Special tax for fire engine.

Fire commissioners to be appointed.

Bonds.

Duties.

To purchase engine.

To file receipts, &c.

Fire commissioners to be present at fire.

Powers.

To have engine at fires.

the fire commissioners to make inquiry about the best and most improved fire extinguishing apparatus and engines, their cost and the kind best adapted to the need of Elizabeth City, and when in their opinion a sum has been raised sufficient to purchase same, to recommend the same to the board of town commissioners in writing, and if said recommendation shall be approved, to purchase same from funds in their hands. After the purchase and equipment of said fire engine, the commissioners may still continue so much of said tax as may be necessary to defray the expense of keeping said engine in good condition and repair and defraying the expenses of this department. The fire commissioners shall always take receipted bills for money expended and file same with clerk of board of commissioners at the end of each year, with report of their expenses, receipts, the fires extinguished, estimated amount saved, &c., the working and doing of their department generally, loss of property and estimated, and such other statements as may be beneficial to the department.

SEC. 36. One of said fire commissioners shall be present at each fire and have control of the engine, and if he deem it necessary to check the progress of any fire, he may cause any house or houses to be pulled down or blown up, and shall not be liable to any person for the damages caused thereby. But should neither fire commissioner be present, the mayor, or if he be absent, a member of the board of town commissioners present at the fire shall be vested with the powers herein conferred on the fire commissioners.

SEC. 37. The fire commissioners shall use their best endeavors to have the engine at each fire, and for that purpose they may use such means and aid as they deem best. And the town commissioners are hereby authorized and permitted to make appropriations from the amount collected from the special tax mentioned in section thirty-five to be disbursed and used as they direct: *Provided*,

the appropriations shall never exceed the amount in the hands of the fire commissioners.

SEC. 38. The town commissioners shall allow the fire commissioners a sum for their services not exceeding twenty-five dollars per annum, together with their actual necessary expenses, to be paid out of the special tax mentioned in section thirty-five.

Compensation of fire commissioners.

SEC. 39. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any tax or any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

May work out fines on streets.

SEC. 40. The mayor shall preside at the meeting of the board of commissioners, but shall have no vote except in case of a tie.

Mayor to preside and vote in case of tie.

SEC. 41. It shall be the duty of the mayor to communicate in writing, whenever he shall deem it expedient, a general statement of the situation and condition of the town in relation to its government and improvement; second, to recommend to the adoption of the board of commissioners all such measures connected with the police, security, health and cleanliness of the town as he shall deem expedient; third, to be vigilant and active in causing the laws and ordinances for the government of the town to be duly executed and enforced; fourth, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every regular monthly meeting of the board of commissioners the total amount of costs and fines that have been imposed by him in all his judicial proceedings for the violation of town ordinances during the previous month.

Duties of mayor.

Reports.

When mayor absent or office vacant, a commissioner to perform duties.

SEC. 42. Whenever there shall be a vacancy of 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 the continuance of such vacancy, absence or disability.

Mayor given powers of justice of the peace.

SEC. 43. 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 mayor or court, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the common jail of the county. If the accused is dissatisfied with the judgment of the mayor or court, he may appeal in like manner as prescribed for appeal from judgments of a justice of the peace.

Powers of mayor.

To be a special court.

Power to fine and imprison.

Appeal.

Constable to execute process.

SEC. 44. That the mayor may issue his precepts to the town constable who may execute the same any where in Pasquotank county, or to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the name of the witnesses upon a summons or warrant shall be authority for the officer to execute the same. The mayor shall keep a faithful min-

ute of the precepts issued by him and of all his judicial proceedings.

SEC. 45. The mayor shall be paid a salary from the general funds of the town not exceeding two hundred dollars, to be fixed by the board of town commissioners at their first meeting. In the trial of criminal matters the mayor shall be allowed the same fees as are allowed to justices of the peace.

Salary of mayor.

SEC. 46. Treasurer shall give bond payable to the corporation of Elizabeth City in a sum to be fixed by the board of town commissioners, with sureties to be approved by said board. For his services he shall be paid a sum not exceeding two hundred dollars, to be fixed by the board of town commissioners at their first meeting. He shall disburse no funds except upon order signed by the clerk of the board of commissioners and countersigned by the mayor. He shall make report of the funds coming to his hands at the end of his term, and for failure to do so he shall be fined two hundred and twenty-five dollars, to be recovered by suit in the superior court, for which his bond shall be responsible.

Bond of treasurer.

Compensation.

Duties.

SEC. 47. The clerk shall keep a faithful record of all the proceedings of the board of commissioners. He shall keep and file all papers presented to the board of commissioners, all reports made to same, and all bonds. He shall also keep an order book with stub. The orders shall be consecutively numbered, and shall state on the face for what the order is issued. He shall not deliver the order to the payee until countersigned by the mayor. He shall sign all licenses granted by the board and collect the money therefor. He shall settle with the treasurer at the end of each month. In failure to settle at said times, he shall be fined for each failure the sum of ten dollars. He shall give bond payable to the corporation, and with security to be approved by the board in a sum to be fixed by them. His compensation shall be fixed by said board.

Clerk's duties.

Bond.

Town constable.

SEC. 48. That the board of commissioners shall appoint a fit and proper person, who shall be a qualified voter of the town, to the office of town constable, who shall give bond with approved sureties in a penal sum to be fixed by the board and payable to the corporation of Elizabeth City, with conditions that he will diligently perform all duties imposed upon him by virtue of his office, and faithfully pay to the treasurer all sums of money collected or recovered by him to and for the use of the town, and shall hold the office during the term of the board appointing him, subject to be removed at any time for misconduct.

Duties and powers.

To pay over money collected to treasurer.

SEC. 49. It shall be the duty of the town constable to pay over to the town treasurer all money that may be collected by him to or for the use of the town at least once every month, and shall communicate to the board of commissioners at their regular monthly meeting in writing a full statement of all costs, fines, taxes, fees collected and the disposition made of the same.

To preserve the peace.

SEC. 50. It shall be the duty of said constable and the police to preserve the peace by suppression of disturbances and the apprehension of all offenders, and the constable or any policeman shall have power to summon as many persons as he may deem necessary to assist in the performance of the above duties.

Suits to be in the name of "Corporation of Elizabeth City."

SEC. 51. That all suits on bonds given by any officer under this charter shall be in the name of the corporation of Elizabeth City, and moneys collected from said bonds shall be paid to the treasurer of the town. That all suits or actions by or against said corporation of Elizabeth City and by the name of the "Corporation of Elizabeth City," the said corporation is hereby incorporated a body politic with power to sue and defend, hold property and do all other works which a corporation can do.

Who liable to work on streets.

SEC. 52. All able-bodied male persons residing within the corporate limits, between the ages of eighteen and forty-five years, shall be liable to contribute or work upon

the streets or public improvements of the corporation for two days in each year or pay the sum of one dollar per day, and any person after being duly notified by the mayor and refusing to work or contribute for work, shall be fined not more than five dollars.

SEC. 53. All acts in conflict with these laws heretofore enacted are hereby repealed. Repealing clause.

SEC. 54. 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. 1885.

CHAPTER 16.

An act to amend an act granting charter to Mars Hill College, chapter seventy-three, section three, private laws of one thousand eight hundred and sixty and one thousand eight hundred and sixty-one.

The General Assembly of North Carolina do enact:

SECTION 1. That the act entitled "An act to amend an act to incorporate Mars Hill College," passed at the session of one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, be and is hereby amended by striking out all the following words in chapter seventy-three, section three, lines seven and eight: "Western North Carolina Baptist Convention with the concurrence and approval of the."

Chapter 73, section 3, laws 1860-1, amended.

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

Vacancies in board of trustees to be filled by board.

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1885.

CHAPTER 17.

An act to extend the charter of the Carolina City Company.

The General Assembly of North Carolina do enact :

Charter of Carolina City Co. extended for thirty years.

SECTION 1. That the charter of the Carolina City Company, as ratified on the fifteenth day of February, one thousand eight hundred and fifty-five, chapter three hundred and twelve of the laws of one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, be and the same is hereby extended for the term of thirty years from and after the ratification of this act: *Provided*, that the following portion of said chapter three hundred and twelve, laws of one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, viz., the words in lines seventeen, eighteen and nineteen of said chapter, "and shall have all other rights which other corporate bodies may of right enjoy and exercise," are excepted from the operation of this act, and the same are not hereby re-enacted.

Exception.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1885.

CHAPTER 18.

An act to amend chapter twenty-eight, private laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as amended by private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, chapter one hundred and twenty-six.

The General Assembly of North Carolina do enact :

Albemarle Bank changed to "Land and Banking Company of N. C."

SECTION 1. That chapter twenty-eight of the private laws of North Carolina of one thousand eight hundred and sixty-eight and one thousand eight hundred and

sixty-nine, as amended in the private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, in chapter one hundred and twenty-six, be and the same is hereby amended as follows: Strike out "Albemarle Bank" wherever it occurs, and insert in lieu thereof, "Land and Banking Company of North Carolina."

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1885.

CHAPTER 19.

An act to incorporate Asheville Division, number fifteen, Sons of Temperance of Asheville, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the officers and members of Asheville Division, number fifteen, Sons of Temperance of Asheville, Buncombe county, North Carolina, be and they are hereby constituted a body politic and corporate, under the name and style of Asheville Division, number fifteen, Sons of Temperance, and by that name and style shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of property, both real and personal, as their interest or convenience may require, and may have all such rights and privileges for ninety-nine years as are incident to such corporations.

Constituted a
body politic.

Powers.

SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its own govern-

By-laws, &c.

ment which may not be inconsistent with the constitution and laws of this State or of the United States.

The receiver of corporation of same name upon termination of suit to convey certain property to new corporation.

SEC. 3. That upon the termination of the suit now pending in Buncombe county superior court by a corporation chartered on the twenty-eighth day of January, Anno Domini one thousand eight hundred and fifty-one, and known as Asheville Division, number fifteen, Sons of Temperance, in favor of said corporation, the receiver appointed by the court and made a party plaintiff to said suit be and is hereby authorized and empowered to convey by deed or otherwise in fee simple to Asheville Division, number fifteen, Sons of Temperance, created by this act, all the property both real and personal heretofore or now belonging to or vested in Asheville Division, number fifteen, Sons of Temperance, created by the act of January twenty-eighth, one thousand eight hundred and fifty-one.

SEC. 4. That any and all acts or parts of acts inconsistent with 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 14th day of February, A. D. 1885.

CHAPTER 20.

An act to authorize the town of Wilson to issue bonds.

The General Assembly of North Carolina do enact:

May issue coupon bonds.

\$5,000.

SECTION 1. That the town of Wilson be and the same is hereby authorized and empowered to issue coupon bonds in denominations of one hundred dollars and five hundred dollars to the amount of five thousand dollars, due January first, one thousand eight hundred and ninety-six,

but redeemable at any time after January first, one thousand eight hundred and ninety, said bonds to draw eight (8) per centum interest payable annually until paid. That the proceeds of said bonds, which shall not be sold for less than par, shall be held by the treasurer of the said town of Wilson, and applied by the board of commissioners to the purchasing of a suitable lot and building a market house for the said town, so far as necessary, and with any balance remaining in the treasurer's hands to purchasing a fire engine or such other appliances as they may deem best for the protection of the property of said town from fire.

Interest.

Proceeds to buy lot and build market house.

Fire engine.

SEC. 2. That the said bonds and their coupons shall be signed by the mayor of the town of Wilson and the secretary and treasurer of said town. No bond shall be disposed of except by the secretary and treasurer of said town of Wilson, who shall number each bond as he disposes of the same and keep a record thereof, showing the number and amount of said bond and to whom sold.

How executed.

How sold.

Record.

SEC. 3. That the coupons attached to said bonds shall be receivable for taxes due the town of Wilson, and when so used shall be cancelled and delivered to the treasurer of said town.

Coupons receivable for taxes.

SEC. 4. That the commissioners of said town of Wilson for the purpose of paying the interest on said bonds as it falls due and providing a sinking fund to discharge the bonds as they fall due or become redeemable, shall have the power and it shall be their duty to levy a special tax on the taxable property and polls of said town, under the same rules and regulations as are now prescribed by law for collecting either taxes, not to exceed one-tenth of one per centum on the property and one dollar on the poll. The said taxes so collected shall be applied to the payment of the interest on said bonds as it falls due and to the creation of a sinking fund to discharge the said bonds as they fall due or become redeemable.

Special tax.

One-tenth of one per cent.

Sinking fund.

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 16th day of February, A. D. 1885.

CHAPTER 21.

An act to repeal chapter two hundred and fifteen of the laws of one thousand eight hundred and fifty-two, and to charter the town of Oxford.

The General Assembly of North Carolina do enact :

Oxford a body corporate.

SECTION 1. That the inhabitants of the town of Oxford 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 Board of Commissioners of Oxford, and under such name and style is hereby invested with all the property and rights of property which now belong 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, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value one hundred thousand dollars; and the same may from time to time sell, dispose of and invest, as shall be deemed advisable by the proper authorities of the corporation.

Name.

Powers.

Corporate boundaries.

SEC. 2. That the corporate boundaries of the town of Oxford shall be the same that they have been, to wit: One thousand yards from the court house in said town in all directions.

Election of mayor.

SEC. 3. There shall annually on the first Monday in May in each year be elected by the qualified voters of said

town a mayor and four commissioners, who shall hold their offices until their successors shall have qualified.

Four commis-
sioners.

SEC. 4. That no person shall be entitled to vote for mayor or commissioners, nor shall any person be eligible as mayor or commissioner, or other officer, unless he shall be an elector of the State of North Carolina, and shall have resided next preceding the day of his election ninety days within the corporation.

Qualifications of
voters.

SEC. 5. That the mayor shall, thirty days before the first Monday in May in each year, appoint a suitable person to act as registrar within the corporation of said town, and the registration books shall be open at least twenty days. The constable shall notify said person of his appointment, and said registrar shall at once post a notice at the court house door of his appointment, and shall designate the place where he will keep the registration books, and the time after which the books will be closed, and when and for what the election will be held.

Registrar.

Registration.

Notice to be
given.

SEC. 6. That in all elections the polls shall be opened at any place in the corporation that may be designated by the board of commissioners.

Polling places.

SEC. 7. That the book of registration of the voters of the town shall be furnished the poll-holders, and no person shall be allowed to vote unless his name be found thereon.

Voters must be
registered.

SEC. 8. That the registration shall be closed five days before the election, and after the closing of the same no person shall be allowed to register; however, the registrar is authorized and empowered before said book shall be closed to register therein all persons who, not then being of the age of twenty-one years but otherwise qualified to register, may arrive at the age of twenty-one years on or before the day of election.

How registration
to be conducted.

SEC. 9. Any person offering to register may be required to take and subscribe an oath that he is a citizen of the State of North Carolina, and has resided in the town of Oxford ninety days next preceding that date, or is other-

Oath of person
offering to regis-
ter.

Penalty for false oath.

wise entitled to register; and if any person shall wilfully swear falsely in such affidavit he shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars or be imprisoned thirty days in the county jail.

Registration books, where deposited.

SEC. 10. That within twenty-four hours after the close of the registration for each election the registration books shall be deposited in the office of the mayor of the town and be opened for the inspection of the citizens.

Challenges.

SEC. 11. It shall be lawful to challenge the right of any person to vote, either on the day of the election when he offers to vote or on the day of registration when he offers to register, and if it shall appear to the judges of election, or a majority thereof, or to the registering officer that such person is disqualified, he shall be excluded from registering, or if registered, from voting.

Inspectors of election.

SEC. 12. That for the purpose of electing said officers the commissioners shall, at least twenty days before the election, appoint three inspectors, who shall be qualified voters; and the inspectors before they proceed to act shall be sworn by the mayor or a justice of the peace to conduct the election fairly and impartially and according to law, and in case of the absence of any inspector his place shall forthwith be supplied by the commissioners.

Oath.

SEC. 13. That on the day of the election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes and conduct the election in like manner and during the same hours of the day as elections for members of the General Assembly.

To conduct election.

SEC. 14. The candidates for mayor and commissioners shall be voted for in separate boxes and on a separate ballot, written or printed.

Mayor and commissioners in separate boxes.

SEC. 15. That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be declared duly elected mayor, and such persons voted for as commissioners having the largest number of votes shall

Result of election, how ascertained and announced.

be declared duly elected commissioners, and the mayor and commissioners shall be notified of their election by the inspectors.

Notice to persons elected.

SEC. 16. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the commissioners elect shall proceed within five days after their qualification to select a mayor of such persons; and if among the persons voted for as commissioners there shall be a like tie, the remaining commissioners, within five days after their qualification, shall select of such the person or persons to be commissioners.

Duty of commissioners elect in case of tie vote for mayor.

Or for a commissioner.

SEC. 17. That the inspectors shall certify and subscribe two poll lists, and return one of them to the clerk of the board and one to the registrar of deeds of the county for safe keeping. The result of the election shall be proclaimed by the inspectors at the court house door.

Poll lists.

SEC. 18. That the mayor, immediately after his election and before entering on the duties of his office, shall take the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of the town of Oxford while I continue therein, and will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town; and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of Mayor.

SEC. 19. That each commissioner before entering on the duties of the office shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment.

Oath of commissioners.

SEC. 20. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.

Term of office.

Vacancy in mayoralty, how filled.

SEC. 21. 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 the unexpired portion of the term, as the case may be; and on like occasion and in like manner the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and all vacancies which may occur; and such persons only shall be chosen as are heretofore declared to be eligible.

In office of commissioner, how filled.

In case of refusal to hold office, penalty.

SEC. 22. That any person elected mayor or commissioner who shall refuse to be qualified and act as such shall forfeit and pay to the equal use of the town and of him who will sue therefor, twenty-five dollars.

Mayor constituted an inferior court.

Powers and duties.

SEC. 23. 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 to determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation therefor, 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 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.

Power to enforce punishment.

SEC. 24. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Granville 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.

Precepts of the mayor, how issued.

To whom directed.

SEC. 25. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the county of Granville 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 Granville.

A minute of precepts to be kept.

Force of mayor's judgments.

SEC. 26. That the mayor shall keep his office in some convenient part of the town. He shall perform such duties as shall from time to time be prescribed, and when present shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise the duties of the mayor.

Office of mayor, where to be kept.

Duties of presiding at meetings of board.

Vote in case of tie.

Place filled when absent.

SEC. 27. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided; within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the commissioners may also be held on the call of the mayor, or a majority of the commissioners; and of every such meeting when called by the mayor, all the commissioners, and when called by a ma-

Commissioners to form board.

First meeting.

Regular meetings.

Special meetings.

- Fine for non-attendance. jority of the commissioners, such as shall not join in the call shall be notified in writing. The mayor or commissioner failing to attend any such meeting, unless prevented by a cause satisfactory to the board, shall forfeit and pay four dollars.
- Ordinances, &c. SEC. 28. That the commissioners when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act, and be consistent with the law of the land.
- Vacancies in board, how filled. SEC. 29. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe 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 absence of the mayor or his inability to perform the duties of his office.
- Board to appoint officers. SEC. 30. 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 cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them to preserve the peace and order and execute the
- Mayor *pro tempore*.
- Board may borrow money.
- By vote of people.
- Water.
 Streets.
 Market.
 Fire.
 Sunday.
 Town watch.
 Nuisances.
 Contagious diseases.
 Constables.

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. They shall have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicle, and to issue license to omnibuses, hacks, drays or other vehicles used for transportation of persons or things for hire.

Other officers.

Regulate hack fare.

Licenses.

SEC. 31. That in order to raise a fund for the expenses incident to the government of said town the commissioners may annually levy and collect the following taxes, namely:

Taxes.

1. On real and personal estate in the town a tax not exceeding fifty cents on every hundred dollars' value.

Real and personal property.

2. On all taxable polls a tax equal to the present constitutional limit who may be resident in the town on the first day of April of each year, or may have been so resident within sixty days next preceding that day.

Polls.

3. On every hundred dollars' value of goods, wares and merchandise purchased for retail by any merchant trading in the town within one year next preceding the first day of April of the year in which the same is listed, a tax not exceeding ten cents.

Purchase tax.

4. Upon warehouses, a tax not exceeding ten dollars per year.

Warehouses.

5. Upon leaf dealers, a tax not exceeding five dollars per year.

Leaf tobacco dealers.

6. Upon each commission merchant and auctioneer, a tax not exceeding five dollars per year.

Auctioneers and commission merchants.

7. Upon all dogs kept in the town and which may be so kept on the first day of April, a tax not exceeding two dollars.

Dogs.

SEC. 32. That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the chief of police instantly, and if the same be not paid on demand the same may be recovered by suit and the articles upon which the tax is imposed or any other

Additional taxes.

To be collected by chief of police.

property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Peddlers, &c.

1. Upon all itinerant merchants or peddlers vending or offering to vend in the town, a tax not exceeding twenty-five dollars a year, except such only as sell books, charts, maps, pictures and paintings, and such as sell only goods, wares and merchandise and productions of the growth or manufacture of this State.

Billiard tables, &c.

2. Upon every billiard table or bowling alley, except those used in private families, or other game allowed by law, used or kept in town, a tax not exceeding fifty dollars a year, nor less than fifteen dollars a year.

Restaurant.

3. Upon every victualing house or restaurant established, used or kept in the town, a tax not exceeding fifty dollars a year.

Retail liquor dealers.

4. Upon every permission of the board of commissioners to retail spirituous liquors, a tax not exceeding one hundred and fifty dollars, nor less than twenty-five dollars per year.

Circus riders.

5. Upon every company of circus riders who shall exhibit within the town, or within one mile thereof, a tax not exceeding twenty-five dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled.

Theatrical companies, &c.

6. Upon every person or company exhibiting in the town, or within one mile thereof, stage or theatrical plays, sleight of hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding ten dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting or the same to be doubled.

Artificial curiosities, &c.

7. Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not to exceed ten dollars to be paid before exhibition or the same shall be doubled.

All other shows and concerts.

8. Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not to exceed five dollars, to be paid be-

fore exhibition, or the same shall be doubled, except for charitable and benevolent purposes, or to aid in any public improvement in the town.

9. Upon every goat or hog running at large in the corporation, a tax of one dollar. Goats and hogs.

10. Upon ever express company, and upon every telegraph company doing business in said town, a tax not exceeding one per centum of its gross receipts in said town; to be given in by the managing agent of such company annually, upon oath, at the time when other taxes are listed, and under the same penalties as those prescribed by the law of the State. Express and telegraph companies.
How given in and collected.

11. Upon all banks or banking institutions of any kind, the same tax as at present levied by the State. Upon each lawyer, doctor or physician, and upon each butcher doing business in said town, an annual tax not exceeding five dollars. Banks and banking houses.
Lawyers, doctors, and butchers.

12. Upon each itinerant physician, optician, vender of patent medicines or other itinerant selling, or offering to sell any commodities of any description not enumerated or excluded in article one of section thirty-two, a tax not exceeding fifty dollars a year. Travelling doctors, opticians, &c.

13. Upon each horse, mule or bull running at large within the corporate limits, a tax not exceeding ten dollars. Horse, mule or bull at large.

14. That the town of Oxford is hereby vested with all the rights, powers, privileges and immunities enumerated in chapter sixty-two of The Code of North Carolina, entitled Towns, not inconsistent herewith. All powers in Code, chapter 62.

SEC. 33. That on the first day of December of each year the board of commissioners shall examine the tax list, make out a list of the insolvents, which list the clerk to the board will at once copy and post at the court house door. Any person whose name is not so returned as insolvent, who shall fail to pay his tax on or before January first, besides the penalty given herein, shall be guilty of a misdemeanor, and, upon conviction, pay Tax list to be examined Dec. 1st.
Insolvents.
Failing to pay taxes made a misdemeanor.

Notice.

the sum of five dollars and costs, or in default, be imprisoned five days in the common jail. To carry out the provision of this section, the mayor shall notify each person whose name is so returned as not insolvent, at least twenty days prior to the first day of January, of the fact that his taxes are due and unpaid, and that the board of commissioners recognize him as solvent, and that unless said taxes are paid before January first, that the provisions of this section will be enforced. Unless said notice is given, the delinquent shall not be liable to indictment under this section.

Tax list, when and how to be given in.

SEC. 34. That the citizens of Oxford and others liable to be taxed under the charter shall on the day prescribed for listing State and county taxes render to the clerk of the town, who is hereby constituted a commissioner of affidavits for that purpose, on oath, a list of their property and subjects for which they may be liable to be taxed, under all the rules and penalties prescribed for listing State and county taxes; and if any person shall fail to render such list within the time prescribed for State and county taxes, he shall pay double the tax assessed on any subject for which he is liable to be taxed. The clerk shall procure from the register of deeds of Granville county a duly certified list of the assessments of the value of the property made by the county assessors, and such other records pertaining to matters taxable by the town as shall be kept in his office. The board of commissioners shall have all the power given to the board of commissioners of a county to revise the tax list, except to alter valuations of real estate, and shall as may be make the town tax list given into the county by the citizens of Oxford upon all subjects embraced in both lists.

Clerk to procure list from register of deeds.

Powers to revise list.

Board to levy tax in August.

SEC. 35. That as soon as the tax lists can be completed, and not later than the first day of August, the board shall proceed to lay the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall

proceed forthwith in the collection, and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer, and the tax collector for his compensation shall receive not more than five nor less than three per centum on the amount collected, as the board of commissioners shall determine. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

To be completed by Dec. 1st.

Penalty of one per cent. after Dec. 1.

SEC. 36. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, or at three public places if the property be personalty, and of twenty days if the property be realty.

Delinquent taxes to be collected by distress.

Advertisement.

SEC. 37. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of October, and there is no other visible estate but such lot or land of the person whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold upon the premises by the collector after advertising for twenty days in some newspaper published in the town, or in three public places, which the collector shall divide the said land into as many parts as may be convenient, (for which purpose he is authorized to employ a surveyor,) and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the

Taxes to be a lien on land.

How collected.

Advertisement.

How property to be sold for taxes.

whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to said town in fee.

Collector to re-
turn account of
his proceedings.

SEC. 38. That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land has been divided, and the purchaser or purchasers thereof and the prices of each, which shall be entered on the book of proceedings of the commissioners, and if there shall be a surplus after paying said taxes, the same shall be paid into the town treasury subject to the demand of the owner.

Record to be
made.

Owner's right to
redeem.

SEC. 39. 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 paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

If not redeemed
deed to be made.

SEC. 40. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser, or his assigns, and the recital of such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due as of any other matter required to be true or done, before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Recitals to be
prima facie evi-
dence.

Clerk to post
transcript of re-
ceipts and dis-
bursements.

SEC. 41. That it shall be the duty of the clerk annually to make out and post at the court house door a fair transcript of the receipts and disbursements on account of the town, for the general inspection of the citizens, which transcript shall be so posted at least ten days before the first Monday in May in each year. Any board failing to cause said transcript to be so posted shall be guilty of a misdemeanor, and punished by a fine of fifty dollars, to be used for benefit of town.

When and where
posted.

Opening new
streets.

SEC. 42. That when any land or right of way shall be

required by said town of Oxford for the purpose of opening new streets, or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the town to be chosen by the commissioners; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace for the county, or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, that if any person over whose lands the said street may pass or improvement be erected, or the commissioners be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next superior court of Granville county to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation, with the proceedings thereon; and the land so valued by the freeholders shall vest in the town, so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided, however*, that such appeal shall not hinder or delay the commissioners opening such street, or erecting such improvement: *And provided further*, that in case of the discontinuance of the use of the land and its reverter to the owner, the town shall have the right to remove any improvement under its authority erected.

Value to be assessed.

What to be considered.

Right of appeal.

Effect of appeal not to delay condemnation.

No cellar under sidewalk to hinder pedestrian.

SEC. 43. That no cellar shall be built under any sidewalk in the town or entrance established on the sidewalk

to any cellar whereby the free passage of persons may be delayed, hindered or interrupted, and every offender herein shall forfeit and pay to the town twenty-five dollars for every day the same may remain.

Sidewalks.

SEC. 44. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve in such manner as the commissioners may direct such sidewalk as far as it may extend along such lot; and on failure to do so within twenty days after notice by the constable to said owner, or if he be a non-resident of the county of Granville to his agent, or if such non-resident have no agent in said county, then after advertisement for twenty days on such lot and at the court house door, calling on the owner to make such repairs, the commissioners may cause the same to be repaired, either with brick, stone or gravel at their discretion, and the expense shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within six months after completion of the repairs, such lot may be sold or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes.

Commissioners may require them to be repaired.

Notice.

Expense to be a lien on the lot.

Officer not to be a contractor.

SEC. 45. That no mayor or commissioner or other officer of the town shall, directly or indirectly, become a contractor for work to be done for said town.

Abatement of nuisances.

SEC. 46. 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 the tenant of the ground whereon the same may be; may also prevent the establishment within the town, and may regulate the same if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

Slaughter houses.

SEC. 47. That they may prohibit and prevent by penalties the riding or driving of horses or other animals at a speed greater than six miles per hour within the town; and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town.

Fast driving, &c.

Firing guns, &c.

SEC. 48. That the commissioners may establish and regulate the market and 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 (if not packed in barrels), fodder, hay, or oats in straw; 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, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating.

Market.

Weigh-master.

Keeper of market.

SEC. 49. That they may provide grave yards in or near the town and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality; and they may prohibit interments within the town.

Grave yards and interments.

SEC. 50. That they may provide for the establishment, organization, equipment and government of fire companies; and, in all cases of fire, a majority of such of the commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down; for which they shall not be responsible to any one in damages.

Fire companies.

May blow up buildings.

SEC. 51. That they may divide the said town into fire districts, with such boundaries as they may determine, within which they may prescribe by general rules or special permits the kind of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. They may also provide for the inspection of all buildings now erected, or hereafter to be erected, and

Fire districts.

Precautions against fire.

condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction or dilapidation. And they may notify the owner or owners to remove or repair such as are condemned within thirty days, and if the owner or owners shall refuse to remove or repair the same, or shall neglect so to do for the space of thirty days, the commissioners shall have power to remove the same, and the owner or owners shall be liable for all such loss as may be incurred by the commissioners. And the commissioners shall not be responsible for damages.

Fines and penalties to belong to town.

SEC. 52. That all penalties imposed by law, relating to the town or by this act, by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Oxford, before the mayor, or any tribunal having jurisdiction thereof.

Limit of power to enforce fine or penalty.

SEC. 53. That the 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 for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Appeal.

Fees.

SEC. 54. That the mayor shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction of the offender, among the other costs; for every warrant to arrest individuals who may have

fled from other States or counties, two dollars, to be paid on removal of the offender by such as may convey him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than for town purposes, fifty cents.

SEC. 55. That every imprisonment or commitment by virtue of this charter shall be in the public jail of the county. The mayor may, however, if he thinks proper, order the commitment to be in the town lock-up. Imprisonment to be in jail or lock-up.

SEC. 56. That E. T. Crews, tax collector of the town of Oxford, be authorized and empowered, under the direction of the board of commissioners of said town, to collect all taxes and arrears due the said town for the years one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three: *Provided*, that if any taxpayer will make affidavit before a justice of the peace that he has paid said taxes he shall not be required to pay the same again: *Provided further*, that this act shall not apply to executors, administrators nor infants. Tax collector empowered to collect arrears. 1880 to 1883. Proviso.

SEC. 57. That the mayor and a majority of the commissioners shall have power at all times to sell at public outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the town and apply the means as they may think best. The mayor is authorized to make title to any property sold under this section. Mayor and board may sell property of town. Title.

SEC. 58. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of any incorporated town, and the person or persons against whom the same is adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person or persons so convicted to work on the streets or other public work until, at fair rates of wages, Person convicted may be sentenced to work on the streets.

such person or persons shall have worked out the full amount of judgment and costs of prosecution.

Mayor and officers indictable for failing to turn over property to successors.

SEC. 59. The mayor and commissioners, tax collector and all other officers of the town who shall on demand fail to turn over to their successors in office the property, books, moneys, seals or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of Granville county shall be imprisoned for not more than two years and fined not exceeding five hundred dollars, at the discretion of the court.

Tax lists under control of town authorities.

SEC. 60. All tax lists which have been or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction, and if the tax collector fail or refuse to surrender his list upon such demand, he shall be deemed guilty of a misdemeanor, and upon conviction be subject to the penalties imposed by the preceding section.

Repealing clause.

SEC. 61. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 62. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1885.

CHAPTER 22.

An act to amend an act entitled an act to incorporate the Hiwassee Turnpike Company and acts amendatory thereof.

The General Assembly of North Carolina do enact :

Acts 1838-'39, 1842-'43 and 1866 concerning Hiwassee Turnpike Co., re-enacted.

SECTION 1. That an act passed by the General Assembly of North Carolina at its session of one thousand eight

hundred and thirty-eight and thirty-nine, entitled an act to incorporate the Hiwassee Turnpike Company, together with an act passed at its session of one thousand eight hundred and forty-two and one thousand eight hundred and forty-three of the first named act; and another act amendatory of both of the aforesaid acts, passed at its session of one thousand eight hundred and sixty-six, ratified on the sixth day of March, one thousand eight hundred and sixty-six, be and the same are hereby in all things re-enacted.

SEC. 2. And it is hereby further enacted, that the stockholders in said company or their assigns at the expiration of said charter, are hereby invested with the same rights, privileges and powers as they were under the original act.

Stockholders in company invested with all their rights under these acts.

SEC. 3. That the said stockholders or their assigns are hereby authorized and empowered to make such changes in the location of said road and the terminus thereof, so as to intersect such road at the North Carolina and Tennessee State line with the road known as Dry Creek road in the State of Tennessee: *Provided*, that they shall not increase the number of gates nor rates of toll on said road.

Stockholders authorized to change location and terminus.

Gates and toll not to be increased.

SEC. 4. That this act shall extend to the period of twenty years and be in force from its ratification.

Extended 20 years.

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1885.

CHAPTER 23.

An act to amend and consolidate the act incorporating the town of Lenoir in Caldwell county, and the various acts amendatory thereof.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-six of the public laws of one thousand eight hundred and

Acts 1850-'51, chapter 326 and amendatory acts re-enacted.

fifty and one thousand eight hundred and fifty-one, and all acts amendatory or explanatory thereof, together with all acts conferring additional powers or privileges upon the authorities of the town of Lenoir in Caldwell county, are hereby re-enacted and consolidated.

Voters to elect mayor and three commissioners 1st Monday in May.

SEC. 2. The qualified voters living within the corporate limits of the town of Lenoir may, on the first Monday in May of each and every year, elect by ballot three commissioners and a mayor. The said commissioners and mayor and their successors in office shall be a body politic and corporate under the name and style of the "Town of Lenoir," and as such shall have all the powers and privileges incident to and usual to corporations of a like character in addition to the powers hereby conferred.

Corporate name.

Election to be held under inspectors to be appointed by board.

SEC. 3. Every election for commissioners and mayor shall be held under the inspection of such persons, not exceeding three, as the board of town commissioners may appoint, who shall advertise the election at three public places in the town for ten days immediately preceding such election. Said inspectors shall make out two statements of the election so held and return one to the register of deeds of Caldwell county and return the other to the secretary of the town board of commissioners; and the return of every such election shall be duly recorded by said register and secretary.

Notice of election.

Returns of election, how made.

Record.

Inspectors, how sworn.

SEC. 4. The inspectors of election shall be sworn by some justice of the peace, or by the mayor of the town; and they shall conduct the election as for members of the General Assembly, and at the close of the poll they shall declare elected such persons as shall have the highest number of votes, and they shall within five days notify the persons so elected, and the persons so notified shall within five days after such notification qualify by taking the oath of office.

Election, how conducted.

Notice to officers elect.

Result determined in case of a tie.

SEC. 5. If among the members voted for there should be any two or more having an equal number of votes and either would be duly elected but for the equal vote,

the inspectors shall determine by lot the election between them.

SEC. 6. The mayor and commissioners shall serve for one year or until their successors are duly qualified; and if no election should be held as provided for, the mayor and old board of commissioners shall hold over.

Term of mayor and commissioners.

SEC. 7. In case of a vacancy in the office of mayor or commissioner, the commissioners shall fill the same.

Vacancies.

SEC. 8. No person shall be mayor or commissioner of the town unless he shall be a qualified voter therein.

Qualifications of officer.

SEC. 9. The mayor, before some justice of the peace or clerk of the superior court, shall take an oath to obey the laws of the State of North Carolina and of the United States, and to faithfully administer the duties of his office. The commissioners shall likewise take a similar oath before some justice, or the clerk of the superior court, or before the mayor, after he shall have been qualified.

Oath to be taken by mayor and commissioners.

SEC. 10. The commissioners shall have power to make such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be not inconsistent with the laws of the land. Among the powers hereby conferred on them they may, not oftener than annually, levy a tax on real and personal property within the corporation not to exceed in any one year more than one per centum on the assessed valuation of such property; on all polls taxed by the General Assembly for public purposes, on all such shows, exhibitions and concerts given for reward as are taxed by the General Assembly, on all dogs, and on all horses, cattle, swine, goats or sheep running at large within the corporate limits; or they may impound such horses, cattle, etc., and keep the same until all fines, fees or charges shall be paid, and may, after ten days from such impounding, sell them at public auction, and out of the proceeds pay all costs and charges. They may also levy taxes for municipal purposes on all persons, property, privileges and subjects within the corporate limits,

Powers of commissioners.

By-laws.

Tax.

Real and personal property.

Polls.

Shows, &c.

Dogs.

Live stock.

Horses, cattle, &c.

Right to impound and sell.

Taxes.

- and on all itinerant or resident persons plying any trade, profession or calling which is liable for taxation for State and county purposes. They may appoint a town marshal and such other officers or agents as may be necessary to enforce their ordinances, by-laws and regulations, keep their records and conduct their affairs; may determine the amount of their salaries or compensation, and also the compensation of the mayor and other officers, may impose oaths of office upon them and require bonds from them, payable to the State, for the faithful discharge of their duties.
- Town marshal.**
- Ordinances.**
- Salaries.**
- Markets.** SEC. 11. The board of commissioners may establish and regulate their markets and prescribe at what place within the corporation shall be sold marketable things; whether by weight or measure may be sold grain, meal or flour, if the flour be not packed in barrels; fodder, hay, or oats in straw; may erect scales for the purpose of weighing the same, appoint a weigher and fix his fees, and direct by whom they shall be paid.
- Scales.**
- Weigh-master.**
- Streets, bridges and sidewalks.** SEC. 12. The town commissioners shall cause to be kept in repair the streets, bridges and sidewalks of the town, in the manner and to the extent they may deem best; and they shall have power to cause owners of lots to make and keep in good repair sidewalks around their lots at the expense of the owner of said lots; and for this purpose may make such rules, regulations and orders as they may deem best.
- Power to make owners repair sidewalks.**
- Fire limits.** SEC. 13. Power is hereby specially conferred upon the board of commissioners to establish by ordinance a fire limit by metes and bounds, within the boundary of which they may prevent by pains and penalties the erection of any buildings or structures of wood or other inflammable material. They may pass laws and make rules and regulations for abating or preventing public or private nuisances and for preserving the health of the citizens. They shall also have power to buy land for a town cemetery,
- Nuisances.**
- Cemetery.**

and make such rules and regulations for the government and control of such cemetery as they may deem best.

SEC. 14. Authority is hereby conferred upon the board of commissioners of the town of Lenoir to condemn to the public use such land as may be by them deemed necessary for the purpose of opening new streets or widening old ones. Whenever the board shall deem it necessary to condemn land, they shall notify through the mayor or the person or persons owning such land, or having control of the same, that they will on a day mentioned in the notice, which day shall not be sooner than the fifth day from the date of notice, proceed to have the condemned land surveyed and staked off, and a new street located or an old street widened, as the case may be. The mayor shall within ten days after the survey summon a jury of five disinterested freeholders not akin to the parties owning the land, and who shall be compelled to serve under a fine of ten dollars to be recovered before the mayor to the use of the town, and who shall be residents of the town. The jury so summoned shall, on a day mentioned in the summons, which day shall not be later than five days from the date of the summons, go upon the condemned premises and assess the damages, if any, to the owners of the property, due reference being had to the advantages and increased value of the residue of the premises by reason of the opening of such new street or the widening of any old street. The jury shall, within five days after viewing the premises, make a written report to be filed with the register of deeds of the county, setting forth the damage, if any, to the owner, and the finding of the jury shall be the measure of damages to be paid by the town, which it shall pay, together with all the other costs of the proceeding, and the register of deeds shall record the same. The jury shall be paid one dollar per day each for their services, if they demand the same. Upon the filing of the report of the jury, the title to the condemned property shall vest in the town.

New streets and extending old ones.

Proceedings to condemn land for streets.

Jury to assess damage.

Duty of jury in assessing damage.

To enforce ordinances, &c., by fines and penalties.

SEC. 15. The commissioners may enforce their ordinances, by-laws, rules and regulations, by imposing fines on such as violate them, and compel the performance of the duties they impose upon others, by proper penalties.

Duties of mayor.

SEC. 16. The mayor shall preside at the meetings of the board of commissioners, but shall have no vote except in case of a tie; and in the event of his sickness or absence, the board of commissioners may appoint one of their number to exercise his duties *pro tempore*.

Mayor *pro tem.*, how appointed.

Mayor to be executive officer.

SEC. 17. The mayor shall be the executive officer of the town and shall enforce the ordinances, by-laws, rules and regulations passed by the board of commissioners, and shall have power to appoint special policemen to preserve the peace.

To appoint special policemen.

Mayor constituted an inferior court.

SEC. 18. The mayor is hereby constituted an inferior court, to be called the municipal court, and as such court the mayor shall be a magistrate and conservator of the peace, and within the corporate limits shall have the criminal jurisdiction of a justice of the peace in all matters arising under the laws of the State, or the ordinances, rules or regulations of the town. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before the mayor, and the said mayor shall be entitled to the same fees as a justice of the peace.

Jurisdiction.

May hear and determine cases upon ordinances, &c.

SEC. 19. As such court the mayor shall have authority to hear and determine all cases that may arise upon the ordinances, by-laws, rules or regulations of the town, and to enforce penalties by issuing execution upon any adjudged violation thereof, but any person dissatisfied with the judgment of the mayor may appeal to the superior court.

Appeal.

May require person convicted to work on streets.

SEC. 20. In all cases where judgments may be entered up against any persons for fines or penalties according to the ordinances, by-laws, rules or regulations of the town, and the person against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor, before whom such judg-

ment is entered, to order and require such person so convicted to work on the streets or other public works until at a fair rate of wages such person shall have worked out the full amount of the judgment and cost of prosecution.

SEC. 21. The mayor or other suitable person shall by order of the board of commissioners take the list of taxes in the town in such manner and at such time as the commissioners shall prescribe. If any person fail to list his taxables within the time prescribed by the commissioners, he shall be liable to a double tax.

Tax list, how taken.

Failing to list, subjects to double tax.

SEC. 22. If any person residing in the town shall have therein any dog and shall not return the same for taxation, or shall refuse to pay the tax upon the same when required so to do, the person so failing may be fined double the tax; or the dog may be treated as a nuisance and its destruction ordered.

Failing to list dog or refusing to pay tax, makes dog a nuisance.

SEC. 23. The mayor shall revise the registration books of the town annually, and shall open the books twenty days before each annual election and register all qualified voters who shall apply.

Mayor to revise registration books.

Registration.

SEC. 24. The town marshal shall before some justice of the peace or the mayor take an oath to observe the laws of the State of North Carolina and the United States, and to faithfully perform the duties of his office. As a peace officer he shall have all the powers of a constable in the county; he may make arrests without warrant for violations of the laws of the State, or the ordinances, by-laws, rules and regulations of the town, committed in his presence; shall execute all process issued by the mayor and shall enforce the ordinances, by-laws, rules and regulations prescribed by the commissioners; he shall have all the powers to collect the taxes of the town that are given by law to sheriffs to collect county taxes; he may be required to give bond with sufficient sureties, payable to the State, upon which suit may be brought to the use of the town by the commissioners; he may serve all civil and crimi-

Oath, powers and duties of town marshal.

Bond.

Serve civil and criminal process.

nal process directed to him by any justices' court in Caldwell county, and shall be entitled to the same fees therefor as a constable.

Fees and compensation of marshal.

SEC. 25. The commissioners may in addition to the fees of the marshal allow him such monthly compensation for his services as may be just and reasonable.

Mayor's power to discharge marshal

SEC. 26. The mayor may at any time discharge the marshal from office for misconduct, or neglect of duty.

Policemen.

SEC. 27. The commissioners of the town shall have the power to appoint and keep in the pay of the town as many regular policemen as they may deem necessary; such policemen shall be under the control of the marshal and subject to his orders; and shall have the same powers of arrest as are by this act granted to the town marshal.

Powers.

Marshal, &c., to settle monthly.

SEC. 28. The marshal or other officers authorized to collect taxes, fines or penalties, shall make a settlement at least once a month of all moneys coming into his hands, with the town treasurer or other officer authorized to receive the same; and if he shall fail to make such settlement, he shall be guilty of a misdemeanor.

Failing to serve as officer when elected, subject to a fine of \$25.

SEC. 29. Every person elected or appointed commissioner, mayor, or town marshal, or assessor of real estate, who, after being duly notified, shall neglect or refuse to qualify and perform the duties of his office or appointment, shall pay twenty-five dollars, one half to the use of the town and the other half to the use of any person who will sue for the same.

Failure to turn over town property to successor in office, indictable.

SEC. 30. All municipal officers, mayor, commissioners or tax collector of the town, who shall on demand fail to turn over to their successors in office the property, books, moneys, seals, or other effects of the town, shall be guilty of a misdemeanor, and imprisoned not more than one year, and fined not exceeding two hundred dollars, at the discretion of the court.

Account of receipts and disbursements to be published.

SEC. 31. The commissioners shall annually publish an accurate statement of the taxes levied and collected in

the town, together with a statement of the amount expended, and for what purposes; and any board of commissioners failing to comply with this section shall forfeit and pay twenty-five dollars, one half to the use of the town and the other half to the use of any person suing for the same.

Failure subjects to \$25 forfeiture.

SEC. 32. The town tax lists shall at all times be under the control of the board of commissioners, and shall be subject to corrections by them, and shall be open to public inspection.

Tax lists under control of town commissioners.

SEC. 33. The board of commissioners may discontinue any streets they may deem unnecessary to the town and sell the same, and may sell all other property, real and personal, belonging to the town and not required for the use of the same, and apply the proceeds as they think best, and when any real property is sold the mayor shall make title to the purchaser.

Commissioners may discontinue and sell streets.

SEC. 34. The commissioners shall cause their ordinances to be printed and posted in five public places in the town, but all ordinances, by-laws, rules and regulations shall be in force from the date of their adoption by the board unless otherwise expressed therein.

Ordinances to be printed and posted.

SEC. 35. The corporate limits of the town of Lenoir shall be one mile square, with the court house as a centre.

Corporate limits.

SEC. 36. The violation of any ordinance, by-law, rule or regulation of the town of Lenoir shall be a misdemeanor, and shall be punished by a fine not to exceed fifty dollars or by imprisonment not exceeding thirty days.

Violation of ordinance a misdemeanor.

SEC. 37. All laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause

SEC. 38. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 19th day of February, A. D. 1885.

CHAPTER 24.

An act to incorporate Hope Mills Manufacturing Company of Cumberland county.

The General Assembly of North Carolina do enact :

Corporators.	SECTION 1. That William C. Houston of Philadelphia, in the State of Pennsylvania, and his associates, successors and assigns, are hereby created a body politic and corporate under the name of "Hope Mills Manufacturing Company," with a capital stock of one hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have the privileges and rights hereby specially granted, and such as may be necessary to the full exercise and enjoyment of the same.
Corporate name.	
Capital stock.	
Shares.	
Privileges.	SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the manufacture of cotton goods and woolen goods, either or both, of all descriptions whatsoever; and said corporation may erect and operate grist mills and saw mills, and buy and sell and deal in goods, wares and merchandise of every kind and description, at its will and pleasure.
Objects of the corporation.	
Manufacture cotton and woolen goods.	
Mills.	
Corporate powers.	SEC. 3. That said corporation shall have power to sue and be sued, to purchase, lease, hold, sell and convey real estate, and 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 into the capital stock of said corporation at such rates of interest and upon such terms as to said corporation may seem best and as may be agreed on.
Stockholders power to make regulations for government.	
	SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations necessary

for the government of the said corporation and the transaction of its business; they shall have power to elect, in such manner as a majority of the stockholders may prescribe, such officers as they deem necessary; prescribe their duties, compensation and terms of service, and in general said stockholders may make such by-laws and regulations for the government and 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.

Officers.

By-laws, &c.

SEC. 5. That the principal place of business of said corporation shall be at "Hope Mills," or as it is sometimes called, "Rockfish," in the county of Cumberland, but said corporation may open offices and transact its business at Fayetteville or elsewhere in said county of Cumberland, as the stockholders may find it more convenient.

Place of business,
Hope Mills or
Rockfish, Cum-
berland Co.

SEC. 6. That as such corporation they may have a common corporate seal, which they may break and alter at pleasure.

Seal.

SEC. 7. That said corporation shall have authority to construct a branch railway from the depot on the Cape Fear and Yadkin Valley Railway to its cotton factory, and operate the same with steam or otherwise, or may contract with the Cape Fear and Yadkin Valley Railway Company to operate the same upon such terms as may be agreed upon. For purposes of survey and rights of way, said corporation shall have the same powers and be subject to the same restrictions as are contained in chapter forty-nine of The Code, in the location of its line.

Branch railroad
to C. F. & Y. V.
Railway.

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

In the General Assembly read three times, and ratified this the 19th day of February, A. D. 1885.

CHAPTER 25.

An act to incorporate Zion Wesley College.

Preamble.

WHEREAS, the intellectual as well as the moral and industrial development of the people of a State is inseparably connected with its general prosperity; and whereas, educational centres of a high grade where young men and women can be thoroughly prepared for fields of usefulness in the professions and as artisans and citizens, are a most effective means in diffusing intelligence and promoting thrift; and whereas, the constitution authorizes the establishment of one or more colleges in the State; and whereas, the African Methodist Episcopal Zion church in America has established an institution of learning for the benefit of their race in Salisbury, Rowan county, North Carolina; and whereas, a charter from the General Assembly of North Carolina is desirable to make this institution a more efficient organization for good: therefore,

A. M. E. Zion church has established an institution.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That J. J. Moore, S. T. Jones, J. W. Hood, J. P. Thompson, T. H. Lomax, J. C. Price, C. R. Harris, W. H. Thurber, Z. T. Pearsall, A. York, William J. Moore, R. H. Simmons, A. B. Smyer, J. C. Clinton, Hugh Cale, J. R. Nashe, Thomas Scott, A. Hamon, G. H. Washington, J. H. Butler, C. C. Petty, Jackson Burks and Ezekiel Cooper, and their successors in office, duly elected and appointed as hereinafter provided, be and they are hereby declared a body politic and corporate in law and in fact, to have continuance for ninety-nine years by the name and style of the Trustees of Zion Wesley College, and by the name and title aforesaid to have perpetual succession and a common seal, and shall forever hereafter be persons able and capable in law to take, receive and hold all manner of lands, tenements, rents, annuities and other

Body politic.

Name.

Corporate powers.

hereditaments which at any time or times have been granted, bargained, sold, released, devised or otherwise conveyed; and the same lands, rents, annuities and other hereditaments are hereby vested in said corporation and their successors forever; also that the said trustees and their successors at all times hereafter shall be able and capable to purchase, have, receive, take, hold and enjoy in fee simple or lesser estate or estates any lands, tenements, rents, annuities or other hereditaments, by the gift, grant, bargain, sale, alienation, release, confirmation or devise of any person or persons, or bodies corporate or politic, capable and able to make the same; and further, that the said trustees and their successors under the corporate name aforesaid shall be able and capable in law to take, receive and possess all moneys, goods and chattels that have been given, sold, released or bequeathed by any person or persons for the use of said college, and the same to apply according to the will of the donors; and all such lands, rents, tenements, hereditaments, moneys, goods and chattels of what kind, nature or quality soever the same may be, the said trustees and their successors to have, hold, possess and use in special trust and confidence for the purpose of establishing and endowing said college at the site heretofore selected therefor in the town of Salisbury, Rowan county, North Carolina.

May hold lands,
&c.

Located at Salis-
bury, N. C.

SEC. 2. That the said trustees and their successors, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, convey and confirm to the purchaser or purchasers, such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them or the will of their devisor does not forbid it; and further, that the said trustees and their successors, by the name aforesaid, shall be able and capable in law to sue and be sued, to plead and be impleaded, answer and be answered, in all courts of record whatever, in all manner of suits, complaints, pleas, matters and demands.

Powers to sell
land, &c.

Corporate pow-
ers generally.

SEC. 3. That the said trustees and their successors shall

By-laws to gov-
ern college.

be and are hereby authorized and empowered to make, ordain and establish such by-laws, ordinances and regulations for the government of said college and the preservation of order and good morals therein as are usually made in such seminaries and to them may seem necessary and expedient: *Provided*, the same be not repugnant to the constitution and laws of this State or of the United States.

Seal.

SEC. 4. That the said trustees and their successors shall have power and authority to make and use a common seal, with such device and inscription as they may think fit and proper, and the same to alter and renew at their pleasure.

Board of trustees.

SEC. 5. That the said corporation of trustees shall consist of not more than twenty-four members, one-half of whom shall go out of office at every regular session of the general conference of the "African Methodist Episcopal Zion Church" in America, subject however to re-election, their successors to be elected by the said general conference. All vacancies occurring in the interim to be filled by the trustees.

How elected.

President and professors.

SEC. 6. That the trustees shall have the power to appoint a president and such professors and tutors for the said college as they shall think proper; said president and professors shall constitute the faculty of said college.

Power to confer degrees.

SEC. 7. That the faculty of said college, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges or universities.

President of board of trustees.

SEC. 8. That the aforesaid trustees and their successors shall and may, as often as they shall see proper, according to rules by them to be prescribed, elect out of their number a president, and shall have authority to appoint a treasurer, secretary, and such other officers or servants as shall by them be deemed necessary, to continue in office for such time, and to be succeeded by others in such manner as the trustees shall direct; and further, that not

Other officers.

less than seven of said trustees shall be required to constitute a quorum for the transaction of business.

SEC. 9. That it shall not be lawful for any person or persons to set up or continue any gaming table, or any device whatever for playing at any game of chance or hazard, by whatever name called, or to receive or use any license to retail spirituous liquors, or otherwise to sell, give or convey to any person any intoxicating liquors within one quarter of a mile of said college, and any person or persons who shall offend against the provisions of this act, or any of them, shall be guilty of a misdemeanor.

No gaming table, &c., and no liquor to be sold in a quarter of a mile from college.

Misdemeanor.

SEC. 10. That the whole amount of real and personal estate shall not at any time exceed in value the sum of five hundred thousand dollars.

Limit of possessions \$500,000.

SEC. 11. That whenever said college shall hold and possess lands exceeding in quantity one hundred acres, including the college buildings, it shall, for such excess, pay into the public treasury the usual tax.

Over 100 acres liable to tax.

SEC. 12. That the act incorporating Zion Wesley Institute, ratified the fourteenth day of March, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

Act of 1879 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 19th day of February, A. D. 1885.

CHAPTER 26.

An act to amend the charter of the town of Bayborough.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter fifty-four, private laws of one thousand eight hundred and eighty-one, be and the same is hereby amended by striking out all

Amendment to private acts 1881, chapter 54, section 2, as to corporate limits of Bayborough.

after the word "Babbitt's" in fifth line, and inserting in lieu thereof the following: "Thence west to the first deep branch, thence a straight line to James R. Jewell's north-west corner on the public road, thence south to Bay river, thence with the various courses of Bay river to the beginning."

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. 1885.

CHAPTER 27.

An act to incorporate the town of Keeverville in the county of Catawba.

The General Assembly of North Carolina do enact :

Keeverville,
Catawba county,
incorporated.

SECTION 1. That the town of Keeverville in the county of Catawba be and the same is hereby incorporated by the name and style of the town of Keeverville, 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 the United States.

Corporate limits.

SEC. 2. That the corporate limits shall be as follows: One-half mile east, west, north and south from the centre of Keever and Poston's drug store.

Mayor, commis-
sioners and con-
stable.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and a constable, and the following named persons shall hold said offices until the first Monday of May, one thousand eight hundred and eighty-five, or until their successors are elected and qualified, to-wit: For mayor, M. A. Poston; for commissioners, R. M. Hoyle, James Keever and Dr. A. P. Keever; for constable, John Hamlet.

Names of officers
until election.

SEC. 4. 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-five and each succeeding year thereafter, under the same rules and regulations that are prescribed by law for the election of members of the General Assembly; and all citizens residing in said corporate limits shall be allowed to vote in said election who are qualified to vote for members of the General Assembly and have resided thirty days in said corporate limits.

Election.

Voters.

SEC. 5. That it shall be the duty of said commissioners to meet and organize within thirty days after their election or appointment and take the following oath: "I, A. B., do solemnly swear or affirm that I will faithfully discharge the duties of commissioner of the town of Keeversville to the best of my knowledge and ability for the ensuing year; so help me, God."

Organization of board of commissioners.

Oath.

SEC. 6. That said commissioners shall have power to make by-laws, rules and regulations for the government of said corporation not inconsistent with the laws of this State or the United States, and to levy and collect taxes on all subjects of taxation, not to exceed one-half the amount levied by the State in any one year, and also to abate all nuisances, and for that purpose shall impose such fines as shall be necessary to enforce the by-laws of the incorporation; and it shall be the duty of the commissioners to expend the taxes and fines allowed by this act in repairing the streets of said town and for other necessary purposes and expenses.

Powers, by-laws, &c.

Taxes.

Nuisances.

Fines.

Streets.

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.

Oath of mayor.

SEC. 8. The constable provided for by this act shall, before entering upon the duties of his office, take and subscribe the oath prescribed by law for constables in this State, and shall also give a bond in such amount as shall

Constable.

Oath.

Bond.

be prescribed by the commissioners, which shall be approved by them.

Registrar, judges
of election.

SEC. 9. That the said commissioners, for the purpose of holding the election provided for in this act, shall have power to appoint a registrar and judges of election as prescribed by law for the election of members of the General Assembly.

Sale of liquor
prohibited with-
out license.

SEC. 10. That no person or persons shall sell any spirituous or intoxicating liquors within the corporate limits of said town without first having obtained a license from the said commissioners, and they shall fix the amount to be paid for such license.

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 20th day of February, A. D. 1885.

CHAPTER 28.

An act to amend chapter fifty-two, section one, private laws of one thousand eight hundred and eighty-three, changing the name of the town of Killquick in Edgecombe county.

The General Assembly of North Carolina do enact :

Killquick, Edge-
combe county,
changed to Hick-
ory Hill.

SECTION 1. That chapter fifty-two, private laws of one thousand eight hundred and eighty-three, be amended by striking out in section one of said act the word "Killquick" wherever it may occur in said section, and insert in place thereof the words "Hickory Hill."

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. 1885.

CHAPTER 29.

An act to incorporate "Princeville" in the county of Edgecombe.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Princeville, in the county of Edgecombe, be and the same is hereby incorporated by the name and style of "Princeville," and shall be subject to all the provisions of law applicable to the town of Tarboro, save in so far as they are modified by the further sections of this act.

Princeville, Edgecombe county, incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the upper side of the Albemarle and Raleigh Railroad bridge on the bank of Tar river, opposite Tarboro; thence running a straight line to Battle Bryan's lower spring; thence west two hundred and fifty yards; thence south-east a line parallel to the Albemarle and Raleigh Railroad, seven hundred and fifty yards; thence east six hundred yards to a stake in H. H. Shaw's field; thence north to Tar river bank; thence down said river bank to the beginning.

Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor, five commissioners, clerk, treasurer and a constable.

Officers of the corporation.

SEC. 4. The first election for mayor and commissioners shall be held in May, one thousand eight hundred and eighty-six, and until the officers under said first election qualify, the following shall be the officers of said corporation upon qualifying, by giving the proper bonds, and taking the prescribed oaths: Mayor, Milton Pittman; Commissioners, Turner Prince, M. S. Dancy, Harry Smith, Orren James and Henry Sparrow; Clerk, Victor E. Howard; Treasurer, Gordon Jenkins; Constable, John Henry Norfleet.

Election, when held.

Until election, officers named.

SEC. 5. That the authority to tax real and personal estate and polls shall be limited to ten cents annually on

Tax limited to 10 cents on \$100.

the one hundred dollars' valuation, and thirty cents on the poll: *Provided*, that this shall not restrict the right to tax retailers of liquors or wines, or privileges, or any power over animals likely to commit nuisances.

Laws concerning Tarboro's cotton weigher not in force.

SEC. 6. That the law about cotton weighers shall not be in force in Princeville; that the town shall vote as one ward, and be subject to such modifications of the laws relating to Tarboro as may be enacted by this General Assembly, and no other.

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, A. D. 1885.

CHAPTER 30.

An act to elect a cotton weigher for the city of Charlotte.

The General Assembly of North Carolina do enact:

Aldermen of Charlotte and county commissioners of Mecklenburg to elect one cotton weigher for Charlotte.

SECTION 1. That the mayor and board of aldermen of the city of Charlotte and the county commissioners of the county of Mecklenburg, in joint session, and presided over by the mayor of the city, on the first Monday in September, one thousand eight hundred and eighty-five, and every year thereafter, shall elect one cotton weigher for the city of Charlotte. And any vacancy occurring in the office of cotton weigher by death, resignation or otherwise, shall be filled at a call meeting of the said boards of aldermen and county commissioners; and they shall elect all assistant weighers and inspectors and prescribe their duties.

Vacancy, how filled.

Duty to weigh all cotton.

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

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

Oath of office.

SEC. 4. Said weigher shall give bond in the sum of one thousand dollars, payable to the State of North Carolina, conditioned for the faithful performance of his duty. Said bond shall be taken by the county commissioners and filed in the office of the register of deeds of said county; and said weigher shall receive such compensation as may be allowed by said county commissioners and board of aldermen.

Bond, \$1,000.

Conditions.

Compensation.

SEC. 5. That no other person than said weigher shall weigh any cotton sold in Charlotte under a penalty of ten dollars for each offence; said fine to be applied to the school fund of said county upon the conviction of the offender before any justice of the peace of the county.

No one else to weigh cotton.

Penalty.

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

Wilful abuse of power to cause dismissal from office.

Damage recoverable from bond.

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

Repealing clause.

SEC. 8. This act shall be in force from and after the 15th day of August, Anno Domini one thousand eight hundred and eighty-five.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1885.

CHAPTER 31.

An act to amend the charter of the town of Winston, North Carolina.

The General Assembly of North Carolina do enact :

Commissioners of Winston may collect license tax.

SECTION 1. That the commissioners of the town of Winston, in addition to the powers of taxation already granted in the charter to said town shall be and are hereby empowered to levy and collect annually a privilege or license tax on all trades, professions, agencies, business operations, exhibitions and manufactories in said town.

On all trades, professions, &c.

All license taxes to go to graded schools.

SEC. 2. That all moneys levied and collected by the board of commissioners or corporate government of said town of Winston as privilege taxes, that is to say, as licenses of all descriptions on all trades, occupations, professions, exhibitions and business, shall be paid to the treasurer of the Winston commissioners of graded schools for the use and benefit of the graded schools, white and colored, of said town.

Commissioners of graded schools may receive money and apply it to use of schools.

SEC. 3. That the Winston commissioners of graded schools shall be and are hereby authorized to receive and use the moneys herein provided for and to apply the same in such way as they may deem best for the benefit of the graded schools, white and colored, of said town, whether for suitable buildings and furniture for said schools, or repairs of the same, for salaries of teachers, or for other incidental expenses.

Owners of lots may be required to pave sidewalks.

SEC. 4. That in addition to the rights and powers heretofore conferred by the charter in relation to sidewalks, the commissioners of said town of Winston are hereby empowered to require owners of lots on all public thoroughfares to pave the sidewalks in front of or adjoining said lots with brick, and on failing to do so after reasonable notice, the board of commissioners shall have authority to do said work at the expense of the lot owner,

Procedure to enforce compliance.

and the cost of same shall be a charge or lien upon said property and shall be collected in same manner as taxes. All provisions in section twenty-two of the charter of said town in conflict herewith are hereby repealed.

SEC. 5. That in addition to powers conferred by section six of amended charter of one thousand eight hundred and eighty-one, the commissioners are hereby empowered at their discretion to prohibit the erection of wooden buildings, or buildings with wooden or shingle roofs, within one thousand feet of the court house square, and may at their discretion prohibit the erection of said buildings at any point within the corporate limits of the town when such buildings would endanger other valuable property.

Lien.
Commissioners may prohibit erection of wooden buildings in 1,000 yards of court house.

SEC. 6. That the commissioners are hereby empowered to impose and collect a penalty of five per centum on all taxes due the town not paid before the first day of January in each year.

Penalty of 5 per cent. on all taxes not paid before Jan. 1st, in each year.

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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1885.

CHAPTER 32.

An act to enable the commissioners of the town of Hickory to issue bonds to raise money to purchase a site for and to erect thereon a town hall, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of the town of Hickory are hereby authorized to issue coupon bonds in denominations of not less than fifty dollars or more than five hundred dollars, and in an aggregate amount of not

Commissioners of Hickory may issue coupon bonds.

Limit \$10,000.	more than ten thousand dollars, bearing date the first day of May, one thousand eight hundred and eighty-five,
How executed.	said bonds and coupons to be numbered and signed by the mayor, and countersigned by the secretary and treasurer of the board of commissioners of said town, and by him stamped with its corporate seal.
Payable 10 years after date.	SEC. 2. That said bonds shall mature, and the principal thereof shall be payable at the expiration of ten years from their dates, and shall bear interest at a rate not exceeding eight per centum per annum, and the coupons attached to said bonds shall be payable semi-annually on the first day of November and of May in each and every year, at the office of the secretary and treasurer of the board of commissioners of the town of Hickory; and all such coupons, when past due, shall be receivable by the authorities of said town in payment of any tax that may be due and payable to the same.
Interest.	
Coupons receivable for taxes.	
Bonds may be registered.	SEC. 3. That said bonds may be registered, at the option of their holders, by the secretary and treasurer of the board of commissioners of the town of Hickory, and after such registration, shall be transferable only by endorsement; and said secretary and treasurer shall keep a suitable book wherein he shall record the number of bonds issued, their amounts, the date of their issue, to whom issued, in whose name registered, when, by whom, and to whom transferred, and the number of bonds and of coupons received, paid, cancelled or exchanged, and of all material transactions connected therewith, so that upon inspection of said book, which shall be kept open to the public, the true state of the bonded indebtedness of said town may at all times be clearly seen.
How transferred after registration.	
To pay interest and sinking fund.	SEC. 4. That to pay the annual interest on, and to provide a sinking fund for the payment of the principal of said bonds at maturity, the board of commissioners of the town of Hickory are hereby authorized to levy and collect the necessary tax upon all franchises, professions and property, both real and personal, within the corporate
Special tax.	

bounds of the town of Hickory ; and the limit of taxation fixed in section eleven of " An act to incorporate the town of Hickory, in the county of Catawba," ratified the sixth day of March, A. D. one thousand eight hundred and seventy-nine, shall not be construed to curtail, restrict or in any way to limit the taxation authorized by this act: *Provided*, that such taxation shall not exceed eighty cents on every one hundred dollars' worth of property.

Limit of taxation in act 1879, not to apply.

Limit 80 cents on \$100.

SEC. 5. That J. G. Hall, A. Y. Sigmon, A. A. Shuford, O. M. Royster and A. L. Shuford, citizens of the town of Hickory, are hereby appointed and constituted a board of special commissioners, who shall serve without compensation, and shall have power to fill vacancies that may occur therein. Before entering upon the performance of the duties imposed upon them by this act, they shall each take an oath before some officer authorized to administer oaths to faithfully perform the same, and as a board shall have power to appoint a chairman and a secretary and treasurer, which secretary and treasurer shall give a bond with approved security in a sum to be fixed by the board of commissioners of the town of Hickory, and payable to the same, to faithfully account, whenever called upon to do so, to said board of commissioners of the town of Hickory for all money by him received and expended under this act.

Board of special commissioners.

Oath.

Chairman, secretary and treasurer.

Bond.

SEC. 6. That said board of special commissioners shall have sole custody of said bonds after they shall have been numbered, signed, countersigned and sealed as aforesaid, and shall have exclusive power to negotiate and sell the same, except that no bond shall be sold for less than its face or par value, and shall also have entire possession, control and expenditure of the money arising from such sale in order to enable them to carry out the purposes of this act.

To have custody of bonds.

Negotiate and sell the same.

SEC. 7. That with the money arising from the sale of said bonds, together with such other money and material as may be donated by private individuals, said board of

To purchase or acquire site and to build a town hall.

special commissioners shall, so soon as they shall deem it practicable, proceed to purchase a site for and to erect thereon a suitable public building to be used as a town hall, and to take a deed of conveyance therefor to the commissioners of the town of Hickory; to purchase grounds to be used for two public cemeteries of the town of Hickory, the one for white and the other for colored persons, and to take deeds of conveyance therefor to the commissioners of the town of Hickory; to erect at the most convenient point across the Catawba river a substantial high-water bridge that shall be free to the traveling public; and also after and not before said bridge shall have been built and completed, said board of special commissioners shall have power, whenever they shall deem it expedient, to contract for and to purchase and make free to the traveling public the bridge that is now across the Catawba river at Ramsour's mills, and shall in each case take deeds of conveyance therefor to the commissioners of the town of Hickory.

Cemeteries.

Free bridge over Catawba river.

May purchase bridge at Ramsour's mills.

To select site of bridge.

Lay off roads.

Condemn land.

May associate other persons and form board of directors for bridge.

SEC. 8. That said board of special commissioners shall have power to designate and fix the site of the bridge to be built across the Catawba river as aforesaid, and to lay off and cause to be opened public roads leading to the same, and extending a distance of ten miles from the town of Hickory, said public roads to be opened and afterwards kept in repair in the same manner as other public roads in the counties. The said board of special commissioners shall also have the right to have condemned for the use of the bridge and public roads aforesaid all necessary land, according to the provisions of chapter forty-nine of The Code of North Carolina.

SEC. 9. That said board of special commissioners, in care of each of the public bridges to be built or purchased across the Catawba river as aforesaid, shall have power to elect and to associate with themselves five other persons not citizens of the town of Hickory, who, together with them, shall constitute a board of directors of each of such

bridges, and as such board of directors shall have power to make and to enforce by proper penalties all needful rules and regulations for the preservation of the property and for the safety of the traveling public.

SEC. 10. That any member of said board of special commissioners who shall apply the proceeds of any bond or coupon issued under this act to any other purpose than such as is hereinbefore named and provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars or more than five hundred dollars, or be imprisoned not less than one month or more than six months, or both, in the discretion of the court.

Misappropriation of proceeds of bonds a misdemeanor.

Penalty.

SEC. 11. That so much of section twelve of "An act to incorporate the town of Hickory in the county of Catawba," ratified the sixth day of March, Anno Domini one thousand eight hundred and seventy-nine, as reads as follows, to-wit: "On an equal *ad valorem* basis with the State assessment, and shall place such list in the hands of the State assessors for Hickory Tavern township, whenever such assessment is ordered to be made for their benefit in-listing said town property," is hereby repealed.

Act of '79 amended in regard to making assessments.

SEC. 12. That no bonds authorized by this act shall be issued nor shall any of the aforesaid works of improvement be undertaken by said board of special commissioners, until after an election shall have been first held in the town of Hickory, under the direction of its board of commissioners, and at such time and place as they shall appoint, and until at such election a majority of the votes cast by the qualified voters of said town shall be in favor of issuing said bonds for the purpose of making said improvements. And at such election those favoring said improvements and the issuing of said bonds therefor shall vote a written or printed ballot upon which shall be inscribed the words "Public Improvements"; and those opposing the same shall vote a like ballot upon which shall be inscribed the words "No Public Improve-

No bonds issued until after election held.

Election regulated.

Ballots.

Returns.

ments." The returns of said election shall be placed upon the records of the board of commissioners of the town of Hickory, and shall also be recorded in the office of the register of deeds of Catawba county.

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 21st day of February, A. D. 1885.

CHAPTER 33.

An act to repeal the general laws of the State in regard to towns and cities so far as the town of Kinston, in the county of Lenoir, is concerned, inconsistent with this act; to repeal all special laws and charters in relation thereto, and to re-charter the said town.

The General Assembly of North Carolina do enact:

All other laws, special and general, inconsistent herewith repealed as to Kinston.

This to be the charter of Kinston.

Not to affect present officers or their action.

SECTION 1. That the general laws of the State in regard to towns and cities so far as the town of Kinston, in the county of Lenoir, is concerned, inconsistent with this act, and all special laws and charters in relation to said town are hereby repealed; and the said town of Kinston shall in the future be governed by the provisions of this act and the general laws of the State in relation to towns and cities not inconsistent herewith which are now in force, or which may hereafter be enacted, together with such by-laws, ordinances, rules and regulations as the board of commissioners of said town of Kinston may at their election from time to time make, pass or enact: *Provided, however,* that such repeal shall not in any manner invalidate the election of the present mayor and commissioners and all other officers acting in said town, or of any of the acts, by-laws, ordinances, rules or regulations of said mayor and commissioners which they had authority to

pass by the laws heretofore in force for the government of the said towns.

SEC. 2. That the corporate limits of said town of Kinston Corporate limits. shall hereafter be comprised within the following boundaries, viz: Beginning at the southwest corner of Heritage and South streets in Mrs. J. G. Cox's line and runs north eighty-seven and one-half degrees west four poles and twenty links to a point in said Cox's field, then running north seven and one-half degrees west to the north side of the Goldsboro road, then with the north side of the said road eastwardly to a tree on the east side of Kinston and Snow Hill road, nearly opposite to where the said Goldsboro road comes into the said Kinston and Snow Hill road, then a due east line one hundred and thirty-four poles to a point in Mr. J. C. Washington's field, then south two and one-half degrees west to the south side of Bright street, then westwardly along with the south side of Bright street to the southeast corner of Bright and East streets, then southwardly along the east side of East and South streets, then westwardly along the south side of South street to the beginning on Heritage street.

SEC. 3. That the said town of Kinston be and the same Divided into four wards. is hereby divided into four wards, denominated the first, second, third and fourth.

The first ward is bounded as follows: Beginning at the First ward. second corner of the corporate limits referred to in section two in this act, in Mrs. J. G. Cox's field, and runs south eighty-seven and one-half degrees east four poles and twenty links to the first corner of the said corporate limits, on Heritage street, then eastwardly along the south side of South street to the centre of Queen street, then northwardly along the centre of Queen street to the northern boundary of said corporate limits, then westwardly along the northern boundary of the said corporate limits to the third corner of the said corporate limits on the north side of the Goldsboro road, then south seven

and one-half degrees east with the western boundary of the said corporate limits to beginning in said Cox's field.

Second ward.

The second ward is bounded as follows: Beginning in the centre of Queen street, the third corner of ward number one, and runs eastwardly along the south side of South street to the centre of McIlvane street, then northwardly along the centre of said McIlvane street to the northern boundary of the said corporate limits, then westwardly along the said northern boundary of said corporate limits to the fourth corner of ward number one, then southwardly along the east boundary of ward number one down Queen street to the beginning.

Third ward.

The third ward is bounded as follows: Beginning in the centre of McIlvane street, at the second corner of ward number two, and runs eastwardly along the south side of South street to the centre of Independent street, then northwardly along the centre of Independent street to the northern boundary of the said corporate limits, then westwardly along the northern boundary of said corporate limits to the third corner of ward number two, then southwardly along the eastern boundary of ward number two, down the centre of McIlvane street to the beginning.

Fourth ward.

The fourth ward is bounded as follows: Beginning at the second corner of ward number three in the centre of Independent street, and runs eastwardly along the south side of South street to the south east corner of East and South streets, then northwardly along the east side of East street to the south east corner of Bright and East streets, then eastwardly along the south side of Bright street to the sixth corner of the said corporate limits, then north two and one-half degrees east to the fifth corner of the said corporate limits in Mr. J. C. Washington's field, then westwardly along the northern boundary of said corporate limits to the third corner of ward number three, then southwardly along the eastern boundary of

ward number three, down Independent street to the beginning.

SEC. 4. That the inhabitants of the said town of Kinston shall be and continue as they heretofore have been a body politic and corporate, and shall bear the name and style of the "Town of Kinston," and under such name and style is hereby invested with all property and rights of property which now belong or which may hereafter belong to the said corporation; and by this name and style may acquire and hold, for the purpose of its government, welfare and improvement, all such estates or property, or interests in estates or property, whether real or personal, as may be devised, bequeathed or conveyed to it, not exceeding in value one hundred thousand dollars, and in this name and style shall have the right through the board of commissioners of said town, to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, hold and convey real or personal property, whether the said property be situated within the corporate limits of said town or not: *Provided, however,* that the board of commissioners of said town of Kinston shall not contract any debt on the part of the said town, pledge its faith or loan its credit, unless by a vote of the majority of the qualified voters therein.

To continue a body politic.

Name.

May hold real and personal property.

General corporate rights and powers.

No debt to be contracted without vote.

SEC. 5. There shall annually, on the first Monday in May of each year, be elected five commissioners for said town of Kinston, who shall hold their offices until their successors are elected and qualified. The first ward shall elect one commissioner; the second ward shall elect two commissioners; the third ward shall elect one commissioner; the fourth ward shall elect one commissioner: such commissioners shall be qualified electors and residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards. In voting for commissioners as herein provided, the ballots shall be on white paper and may be printed or written, or partly written and partly printed, and shall be without

Five commissioners to be annually elected.

Second ward two, the rest one each.

Qualifications.

Ballots.

Requisites.	device. Both the number of the ward and the name of the commissioner voted for shall distinctly appear on each ballot, otherwise the said ballot shall be void and of no effect.
How deposited.	The ballots shall be deposited by one of the judges or inspectors of election into the box assigned by the judges or inspectors of election for the ward in which the voter resides. The ballots or votes of each ward shall be deposited in separate boxes or apartment of boxes. The ballot boxes shall be furnished by the board of commissioners of said town, and shall be provided with a lock and key, and an opening through the lid of sufficient size to admit of a single folded ballot and no more; and during the voting shall be kept locked. The judges or inspectors of election before the voting begins shall carefully examine the boxes and see that there is nothing in them.
Regulations concerning ballot boxes.	
Method of counting the ballots.	<p>SEC. 6. When the election shall be finished, the registrar and judges or inspectors of election, in the presence of such of the electors of said town as may choose to attend, shall open the boxes and count the ballots, reading aloud the number of the ward and the name of the person that shall appear on each ballot, and if there shall be two or more ballots rolled up together, or any ballot shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, or in any other respect illegal, in either of these cases such ballot shall not be numbered in taking the ballots, but shall be void; and said counting of votes shall be continued without adjournment until completed. The person or persons in each ward having the greatest number of legal votes cast for him or them shall be deemed elected from that ward. It shall thereupon immediately be the duty of the judges or inspectors of election, through one of their number, to declare the result at the court house door in said town, and the persons thus declared to be elected, upon their qualifying, shall be commissioners of said town until their successors are elected and qualified.</p>
Right to reject imperfect or illegal ballot.	
Result to be declared.	

SEC. 7. The board of commissioners of Lenoir county shall appoint at or before their meeting in March, one thousand eight hundred and eighty-five, and annually thereafter, a registrar of voters for said town, and 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 the place in said town and the time for registration of voters. In case of a vacancy in the office of registrar from any cause, or in case of inability on the part of the registrar for any cause, the chairman of the board of commissioners of Lenoir county shall fill the vacancy or appoint some suitable person to act until the inability of the registrar be removed. The registrar, or person acting in his stead in case of inability, shall take an oath before acting as such before some officer of the county of Lenoir having authority to administer an oath, faithfully, truly and honestly to perform the duties of the office of registrar according to law.

SEC. 8. That said registrar shall be furnished by said county commissioners with registration books at the expense of the said town, and it shall be the duty of the said registrar to open his books at the time and place designated by him in his notice of registration at least ten days before the day of election herein provided for, and to register therein the names of all persons applying for registration and entitled to register and vote. It shall be the duty of the registrar and he is hereby authorized to administer an oath to all applicants for registration touching their qualification 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 the 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 declare his place of residence in his ward, his wilful failure so to do shall

Commissioners
to appoint regis-
trar of voters.

Notice.

Registration.

Vacancy, how
filled.

Oath of registrar.

Duty of registrar.

Books.

May administer
oath to voters.

To designate
ward of residence.

be *prima facie* evidence that he is not entitled to register in such ward.

County commis-
sioners of Lenoir
to designate in-
spectors of elec-
tion.

How election to
be conducted by
them.

May administer
oaths.

Vacancies, how
filled.

Books to be kept
open for chal-
lenges and in-
spection on Fri-
day before elec-
tion.

Challenges.

SEC. 9. That the board of commissioners of Lenoir county at or before their meeting in April, one thousand eight hundred and eighty-five, and annually thereafter, shall appoint four judges or inspectors of election for said town, who, after being duly sworn by some officer of the county of Lenoir having authority to administer an oath to conduct the said election fairly, honestly, impartially and according to law, 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 from seven o'clock in the morning till sunset. The registrar and judges or inspectors of election, whose appointments are herein provided for, shall at all times have authority to administer oaths, and shall have all the powers of such officers appointed under chapter sixteen, volume two, of The Code of North Carolina. Should any of the judges or inspectors of election so appointed neglect or fail for any cause to attend at the times and places in the discharge of their duties as provided by this act, the registrar and judges or inspectors of election present shall forthwith fill the vacancy.

SEC. 10. That the registrar and judges or inspectors of election shall meet at the court house in said town on Friday preceding each election herein provided for with the registration books, and shall continue in session from nine o'clock a. m. till two o'clock p. m. During said session the said registration books shall be open to the inspection of the electors of the town, and any of the said electors shall be allowed to object to the names of any person appearing on said books. In case of any such objection the registrar shall enter upon his books, opposite the name of the person or persons objected to, the word "challenged," and if the said person so challenged or objected to shall at any time, upon investigation, be found not duly qualified as an elector, the registrar shall

erase his name from the books: *Provided, however,* that nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered, or offering to register, at any time other than that above specified.

Voters may be challenged on day of election.

SEC. 11. All electors who shall have resided in the State twelve months, in the town of Kinston ninety days, and in the ward in which they offer to register thirty days next preceding the election, shall be entitled to register and vote.

Qualified voters.

SEC. 12. That the board of commissioners elect of said town, at their first meeting after each annual election, which shall be within five days after said election, shall choose some suitable person other than one of their number to be mayor of said town for twelve months, and to hold his office until his successor shall be chosen and qualified. He shall preside at the meetings of the board of commissioners of said town, and have the rights and powers, and perform all the duties prescribed by any and all law for such officers.

Board of commissioners to elect mayor.

Not of their number.
Term.

To preside at meetings.

SEC. 13. That all elections held by virtue of this act shall be held under the supervision of the sheriff of Lenoir county, who shall attend the polls, and by himself and his deputies preserve order.

Election held under supervision of sheriff of Lenoir county.

SEC. 14. That the mayor and commissioners of said town shall hold their offices respectively until the next succeeding election, and until their respective successors are qualified.

Mayor and commissioners to hold until successors are elected.

SEC. 15. That the mayor, immediately after his election, and before entering upon the duties of his office, shall take before a justice of the peace the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, according to my best skill and ability, all the duties of the office of mayor of the town of Kinston, 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 gov-

Oath of mayor.

ernment of the town, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever.”

Commissioners to qualify on Thursday after election.

SEC. 16. That on Thursday succeeding the day of election the commissioners elected thereat shall qualify by taking the oath of office before a justice of the peace of Lenoir county, as prescribed for commissioners of incorporated towns, according to section thirty-seven hundred and ninety-nine, chapter sixty-two, volume two, of The Code of North Carolina; and when organized, shall succeed to and have all the rights, powers and duties prescribed by law.

Vacancies in office of mayor or commissioner, to be filled by the board.

SEC. 17. 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 the unexpired portion of the term, as the case may be; and on 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.

In case of failure to hold election, electors of town on 10 days' notice may hold an election.

SEC. 18. That in case of failure to elect commissioners for said town, on any said first Monday in May, the electors of said town 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 for commissioners of said town, in the way and manner provided for in chapter sixty-two, volume two, of The Code of North Carolina.

Mayor's court constituted an inferior court.

SEC. 19. That the court of the mayor of the said town of Kinston is hereby constituted an inferior court, and as such shall, in all criminal cases committed within the corporate limits of the town of Kinston, have all the powers, jurisdiction and authority of a justice of the peace, 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

Powers.

any adjudged violations thereof, and to execute the by-laws, ordinances, rules and regulations, made or passed by the board of commissioners of the town. The mayor's court shall further be a special court within the corporate limits of the town to arrest and try all persons who may be charged with a misdemeanor for violating any by-law, ordinance, rule or regulation 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 by-law, ordinance, rule or regulation, 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 lock-up, or in the common jail of the county of Lenoir. And that in all cases where a defendant may be adjudged to be imprisoned by the said court or mayor, it shall be competent for the said court or mayor to adjudge also that the said defendant work during the period of his confinement on the public streets, or other public works of said town.

A special court to arrest and try violator of town ordinances.

Punishment.

Offender may be sentenced to work on streets.

SEC. 20. That any person violating any of the by-laws, ordinances, rules or regulations of the town of Kinston shall not only be subject to the penalty thereto attached, but also, in addition thereto, be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned in the common jail of the county or town lock-up, not exceeding thirty days.

A violation of ordinance a misdemeanor.

SEC. 21. 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, and no preliminary affidavit shall be necessary to give the mayor final jurisdiction over the offences against the by-laws, ordinances, rules and regulations of the said town.

Mayor to issue precepts to chief of police or policeman.

SEC. 22. That the mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered

Mayor to keep minute of his judicial proceedings.

To have force of judgments of justices of the peace.

by a single justice of the peace, and may be executed and enforced against the parties in the courts of Lenoir 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 Lenoir.

Fines collected to go to use of the town.

SEC. 23. That all fines collected under the provisions of this act, for violations of the by-laws, ordinances, rules and regulations of the said town, shall go to the use of said town.

Mayor's duties as presiding officer.

SEC. 24. That the mayor, when present, shall preside at all the meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent at any meeting, the board may appoint one of their number *pro tempore* to exercise his duties at the board; and in the event of his absence, or sickness, the board of commissioners may appoint one of their own number *pro tempore* to exercise his duties.

Mayor *pro tem.* appointed by board.

Organization and powers of board of commissioners.

SEC. 25. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. Within five days after their election, they shall convene for the transaction of business, and shall then fix stated days of meeting, for the year, which shall be as often, at least, as once in every calendar month.

First meeting.

Meetings at least monthly.

Special meetings.

The special meetings of the commissioners may, also, be held on the call of the mayor, or a majority of the commissioners, and of every such meeting, when called by the mayor, all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Fine for failure to attend.

SEC. 26. 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.

SEC. 27. That among the powers hereby conferred upon the board of commissioners of said town, they may contract debts or borrow money, pledge the faith of the town, loan its credit, levy and collect by its proper officers taxes for unnecessary expenses only by the consent of a majority of the qualified registered voters of said town; which consent shall be obtained by a vote of the qualified voters therein after thirty days' public notice. It shall be the duty of the said board to appoint the day to take the vote herein provided for, and to give the said public notice, which shall contain the day appointed for the voting and the object thereof. It shall be the duty of the board of commissioners of Lenoir county, upon application to them by the board of commissioners of the town at their monthly meeting prior to the day appointed for said voting, to appoint a registrar of voters for said town and four judges or inspectors of election, who shall in all respects prepare for and conduct the said voting as is provided for at the annual elections. Before they shall enter upon the duties of their offices by virtue of said appointment, they shall take the oath provided for in this act for registrar and judges or inspectors of elections at the annual elections, and shall have the same powers and authority. On the day appointed for said voting, the polls shall be open at the court house in Kinston from seven o'clock in the morning until sunset under the superintendence of the registrar, judges or inspectors of election, and the sheriff of the county, who, with his deputies, shall attend and preserve the peace; and at which time those who consent to the proposition or propositions of the board of commissioners of the town for which the said voting was ordered shall vote "Approved," and those who do not consent thereto shall vote "Not Approved." Should a majority of the votes cast at said voting approve of the said proposition or propositions, the acts and doings of

Powers of commissioners.

Borrow money.

Collect taxes.

By consent of voters only.

Election on contraction of debt, &c.

Methods of election.

the mayor and commissioners of said town in relation thereto shall be binding on the said town. The expenses incurred under this section shall be borne by the town.

Provide water.

Streets.

Market.

Fire.

Police.

Nuisances.

Infectious diseases.

Constables.

Ordinances.

SEC. 28. That the board of commissioners of said town shall provide water for the town, 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 Sundays, appoint and regulate the town police force, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, appoint constables or policemen to execute such precepts as the mayor and other persons may lawfully issue to them to preserve the peace and order and execute the ordinances, by-laws, rules and regulations 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.

May appoint certain officers.

SEC. 29. That the board of commissioners may, in their election at any of their meetings, appoint a town clerk, a treasurer, a collector of taxes, a chief of police and one or more assistant policemen, a town constable, and such other officers as they may deem necessary, who shall respectively hold their offices during the official term of the mayor and commissioners, subject, however, to removal at any time and others appointed in their stead for misbehavior or neglect in office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond, payable to the town [of] Kinston, in such sum as the board of commissioners shall determine.

Term of office.

Removal for misconduct.

Clerk, if appointed, to have salary.

SEC. 30. That if the board of commissioners shall deem it necessary to appoint a town clerk, he shall have a reasonable salary to be fixed by the said board of commissioners, 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 suc-

Duties.

cessor, and generally to perform such other duties as may be prescribed by the board of commissioners.

SEC. 31. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk or other officer having their legal custody. Journals subject to inspection.

SEC. 32. That the treasurer shall have a reasonable salary to be fixed by the board of commissioners, 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. Duties. Disbursement of funds. Keep account.

SEC. 33. That all orders drawn on the treasurer shall be signed by the mayor, and countersigned by the clerk or other person designated by the board to countersign such orders, and shall state the purposes for which the money is applied; and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him. Form of orders on treasurer.

SEC. 34. That all tax lists when made out, completed and delivered into the hands of the tax collector, shall have the same force and effect in the hands of said collector, as a judgment and execution against the property of the person or persons charged in such list, and enforceable in the same manner by said collector in which the sheriffs of the counties enforce and collect state and county tax. The collector shall proceed forthwith to collect the taxes laid All tax lists to be executions. Duties of collector in collecting taxes.

upon such subjects of taxation as the board of commissioners may direct, within five days after the lists shall have been placed in his hands, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers, and so forth, as they are collected, to the treasurer, taking his receipt for the same, and for this purpose he is hereby invested with all the powers, which are now or may hereafter be invested in a sheriff or collector of state taxes; he shall rent out the market stalls and vegetable stands, prosecute all persons who retail without having paid the tax imposed, or sell without a license, also at every monthly meeting of the board of commissioners, he shall produce an abstract showing the sums received by him upon each subject of taxation, and the amounts still due thereon; he shall further specify in said abstract the amount of cash received, and the amount of certificates or other vouchers received in payment of taxes, which abstract shall be placed in the hands of the committee on finance, to be filed with their chairman, and all books and documents belonging to or used in the office of the collector, shall be and are hereby declared to be the property and records of the town, and shall be at all times subject to 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

To rent out market, &c.

To make monthly report.

Compensation.

Procedure concerning insolvents.

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 town attorney.

Bond liable for uncollected taxes, &c.

SEC. 35. That any person or persons who shall refuse or neglect to pay his or her taxes so charged in such tax lists against them, after having been personally notified in writing by the said tax collectors that his or her taxes are due, and that payment is demanded, for the space of thirty days from the service of the said notice on them, shall be guilty of a misdemeanor, and upon conviction before the mayor, or a justice of the peace of the county of Lenoir, shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days; and the defendant may be adjudged by the mayor or justice to work on the public streets, or other public works of the town of Kinston, during the period of such imprisonment.

Refusal or neglect to pay taxes after personal notice a misdemeanor.

Penalty.

SEC. 36. That in all cases when a defendant shall be adjudged to work on the public streets, or other public works of the town of Kinston, by virtue of the provisions of this act, the mayor or justice of the peace so adjudging may adopt all necessary methods and means to compel the defendant to do the work so adjudged.

When defendant adjudged to work on the street, mayor may use means necessary to compel him.

SEC. 37. That the board of commissioners of the town of Kinston shall annually on or before the first day of April in each year cause to be posted at the court house door and three other public places in said town, or in lieu thereof in some newspaper published in the said town, an itemized statement of the receipts and expenditures of money by said town during the preceding year; said statement shall be verified and shall contain the names of all persons who have been paid by said town, the amount claimed by each person, and the amount allowed by the mayor and board of commissioners, and the amounts and sources whence received, of all the funds of

A statement of receipts and expenditures to be posted or published in newspaper.

What it shall contain.

said town, and the amount of the indebtedness of the said town.

Board of commis-
sioners failing to
post statement
guilty of misde-
meanor.

SEC. 38. That the board of commissioners 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 one hundred dollars, or be imprisoned not to exceed twelve months, at the discretion of the court.

Duty of police.

SEC. 39. That it shall be the duty of the police to see that the laws, rules and regulations 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 and 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 of all processes and precepts executed or returned by them which may be allowed to the sheriff of the county in like process and precepts, and also such other compensation as the board of commissioners may allow.

Powers and au-
thority of police.

Fees.

Officer liable for
breach of official
bond.

SEC. 40. 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 by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

May be put in
suit.

Power to lay out
new streets, or
enlarge or ex-
tend old streets.

SEC. 41. That the board of 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, 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 owners of the land and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one who shall be a free-holder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the 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 land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change; and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the 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.

To condemn land.

Method of ascertaining damages.

Arbitrators.

Award of arbitrators to be conclusive.

SEC. 42. That the board of commissioners of said town shall have power from time to time, and for all times hereafter, to make such by-laws, rules, regulations, orders and ordinances as to them shall seem just and reasonable for the good government of the town, and to affix penalties thereto for violations thereof, to make by-laws, rules and regulations for the proper government of their corporate meetings, with penalties attached; to erect necessary market houses, to erect and construct public pumps and wells, to appoint inspectors of wood and weighers and inspectors of cotton, tar, pitch and turpentine, and other products of the country, and to provide how such weighers and inspectors shall be paid; to appoint town watch or patrols, to erect proper and necessary guard houses and

Ordinances for government of town.

Market.

Pumps.

Wood inspectors, cotton weighers, turpentine, &c., inspectors.

Patrols.

Guard house.

mayor's office, to imprison any violator of any of the by-laws, rules, orders, regulations or ordinances of the town, in the common jail of the county or the town lock-up; to do all other acts and things as in their judgment may be necessary for the advantage, improvement and good government of said town of Kinston; and the said by-laws, rules, orders, regulations and ordinances, from time to time alter, change, annul or discontinue, as to them, or a majority of them, shall appear just and reasonable.

Liquor shops not to be opened to give away spirits during Sunday.

SEC. 43. That all bar rooms or places where spirituous, fermented or malt liquors, wines or cider are retailed in any quantity in or within two miles of the town of Kinston, in the county of Lenoir, shall not be opened for the purpose of giving away or otherwise disposing of any of the said liquors, wines or cider, between the hours of twelve o'clock Saturday night and twelve o'clock on Lord's or Sunday nights, under a penalty of a fine not exceeding fifty dollars or imprisonment not exceeding thirty days for each and every offence, to be enforced by warrant issuing from the mayor of said town or justice of the peace of said county of Lenoir: *Provided*, this section shall not apply to said liquors, wines or cider sold or given away upon a physician's certificate in the case of sickness.

Penalty for violation.

Not to apply on physician's certificate.

SEC. 44. 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 fine, penalty or forfeiture 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.

May work on streets, &c., persons who fail to pay fine.

Drains, sidewalks.

SEC. 45. That the board of commissioners shall at any

and all times, and under all circumstances, exercise the management and control of the water drains, public streets, sidewalks and alleys of the said town. They may exercise the management and control of the same through one or more street commissioners appointed by them. Any person or persons hindering or interfering with them or the street commissioners in the exercise of these rights shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. They shall cause to be kept clean and in good repair the streets, sidewalks, alleys and water drains; they may establish the width and ascertain the location of those already provided, and lay out and open others, and may reduce the width of any or all of them; they may also establish and regulate public grounds and protect the shade trees of the town.

Street commissioner.

Interference with street commissioner indictable.

Regulations about sidewalks.

SEC. 46. That the board of commissioners shall have power to establish ordinances, to prevent and extinguish fires, to provide for the establishment, organization, equipment and government of fire companies, provide said companies with fire engines, fire hose and necessary appurtenances; and that in all cases of fire a majority of such board of commissioners as shall be present may, if they deem it necessary, stop the progress of the fire, cause any dwelling house or other buildings to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Regulation of fines.

Fire companies.

May order house to be blown up.

SEC. 47. That the commissioners may require and compel the abatement and removal of all nuisances within the town or within one mile thereof, at the expense of the person causing the same, or the owner or tenant of the grounds whereon the same may be; and may regulate, if allowed to be established, any slaughter house or place, or the exercise within the town or within a mile thereof, of any offensive or unhealthy trade, business or employment.

Nuisances.

Slaughter houses.

SEC. 48. That they may prohibit by penalties the rid-

Fast riding and driving.

- Firing guns, &c. ing or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than six miles per hour, within the town limits, and also the firing of guns, pistols, gun-powder crackers or other explosive, combustible or dangerous materials in the streets, public grounds, or elsewhere in the town.
- May make market regulations. SEC. 49. That the commissioners may establish and regulate the markets, prescribe at what time and place within the town marketable articles shall be sold.
- Public buildings. SEC. 50. 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.
- Regulation of erection of wooden buildings. SEC. 51. That they may provide grave yards 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 interments within the town.
- Graveyards. SEC. 52. 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 that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in 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.
- Bills of mortality. SEC. 53. That if any person shall attempt by force or by threats of violence to prevent the removal to the hos-
- Contagious diseases. Indictable to attempt to prevent removal to hospital of patient.
- Powers to prevent spread of disease.

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. 54. 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. They may also prohibit railroad trains or cars from standing across the public streets, under penalties to be prescribed by them.

Speed of railroad trains may be regulated.

Ringing bells, &c.

SEC. 55. That it shall not be lawful for the commissioners of Lenoir 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 in being at the time of the application to the county commissioners, and if any license shall be granted without permission in writing, attested by the mayor, 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.

County commissioners can not grant license to retail, unless approved by board of commissioners of town.

Person retailing without recommendation, indictable.

SEC. 56. That all penalties imposed by law relating to the town of Kinston, or by this act, or by any of the by-laws, ordinances, orders, rules and regulations of the said town, unless otherwise expressly provided, shall be recoverable in the name of the town of Kinston, before the mayor of said town, or any tribunal having jurisdiction thereof.

Penalties to accrue to town.

SEC. 57. 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

Fine not to exceed fifty dollars.

Appeal.

may appeal in like manner under the same rules and regulations as are prescribed for appeals from a judgment of a justice of the peace.

Mayor's salary. SEC. 58. That the salary of the mayor shall not exceed
Commissioners. two hundred dollars; that the salary of the commissioners
Others to be fixed shall not exceed twenty-five dollars; that the pay or sal-
by board. ary of all other officers of the said town shall be fixed by
Fees of mayor. the commissioners of the said town, and may be increased
Fees of police. or diminished from time to time at the election of the
 commissioners. That the mayor besides his salary shall
 be entitled to the same fees as justices of the peace on all
 process or precepts issued by him. The police or constables
 shall be entitled to the same fees for executing pro-
 cess as the sheriffs or constables of the counties.

Town vested with SEC. 59. That the town of Kinston, through the board
all rights given of commissioners, is hereby vested with all the powers,
by Code, chapter rights, privileges and immunities enumerated in chapter
62. sixty-two, volume two, and elsewhere in The Code of
 North Carolina, not inconsistent with this act.

May levy taxes. SEC. 60. That in order to raise a fund for the expenses
 incident to the proper government of the said town, the
 board of commissioners of said town shall have the power
 to levy and collect taxes on the following persons and
 subjects of taxation situated and being within the corpo-
 rate limits of said town payable in the existing national
 currency, and shall be assessed and collected under the
 rules and regulations prescribed by law, viz:

Polls. I. On each taxable poll or male residing within the
Exemption. corporate limits of said town between the ages of twenty-
 one and fifty years, except such poor and infirm persons
 whom the board of commissioners of said town in their
 judgment may exempt, there may be annually levied and
 collected a tax not exceeding one dollar and fifty cents;
Not over \$1.50. the collection of which may be enforced in the same man-
 ner by the tax collector of said town as is provided for the
 collection of the poll tax for State and county purposes in
 section two, chapter one hundred and thirty-six, acts one

thousand eight hundred and eighty-three, being an act entitled "An act to raise revenue."

II. On all real and personal property, money on hand, solvent credits, investments in bonds, stocks, joint stock companies or otherwise, situated and being within the corporate limits of said town, there may be levied and collected annually an *ad valorem* tax not to exceed thirty cents on every one hundred dollars' valuation thereof.

Real and personal property, solvent credits, &c.

Not over 30 cents on \$100.

III. On the net income and profits other from that derived from property taxed from any source whatever, during the year preceding the first day of June in each year, there may be annually levied and collected a tax not to exceed one-sixth of one per centum. The

Net income.

income tax shall include interest on the securities of the United States, of this State, or other States or governments. In estimating the net incomes of the income

What it shall include.

tax payer, a deduction of one thousand dollars shall be made in his favor. The income tax payer shall return to the mayor of the town the net amount of his income during the first ten days of June in each year, which return shall be filed in the office of the treasurer of the town. Any income tax payer failing to return his income tax as herein provided shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days.

Income tax payer failing to return, indictable.

SEC. 61. That in addition to the persons and subjects of taxation enumerated in section sixty of this act, the board of commissioners of said town shall have power to levy and collect, as herein specified, a special license or privilege tax on the following persons and subjects of taxation, viz:

License taxes.

I. On all person or persons who shall buy and sell spirituous, vinous and malt liquors; and every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell 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

Purchase tax

Not over one-sixth of one per cent.

Procedure to list.

Mayor to furnish statement to treasurer.

Agent to deliver statement for principal.

List may be made out and sworn to before justice.

General regulations by which correct listing of tax is secured.

Books may be examined.

as a license tax not to exceed one-sixth 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 person 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 mayor of said town 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 mayor of said town 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 taxes on said purchases, and the tax collector shall collect said tax without delay. The mayor shall furnish the statement to the treasurer of the town, 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 his 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 mayor, and by him returned to the treasurer. The treasurer shall keep a book in which shall be recorded the list given to him as herein required, and shall furnish the tax collector with a copy of said lists within ten days after the same are given in. It shall be the duty of the tax collector instantly to collect from every person on the list furnished him by the treasurer of the town the taxes embraced therein. The mayor of the town shall have power to require the merchant or other person making his statement to submit his books and all of his papers and bills of purchases for examination to him, and the mayor may also require any and all persons who shall have knowledge or information upon the subject to

make his statement or exhibit his books for examination by him; and every merchant or other person failing to render such list, or refusing on demand to submit his books or other papers 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 be the duty of the tax collector to prosecute every merchant or other person refusing as aforesaid, to the end of obtaining such information and compelling payment of the proper tax.

II. On all itinerant or resident merchants, peddlers or auctioneers, who shall sell privately, or at public outcry, within the town limits, whether by ascending or descending bids, all drummers or commercial travellers, each express company, each telegraph office, each railroad company having a depot within the limits of the town, each photograph artist, and persons taking likenesses of the human face by whatsoever art; each broker, each bank or banker's office, each cotton buyer, 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, each trader, or agent of such, who buys produce on the street for sale in other markets; each gift enterprise or lottery, each dray, each omnibus, each hotel, each barber shop, each lightning rod agent, each fire or life insurance agent, each auctioneer, on every agency for the sale of steam engines, boilers and machinery not manufactured in the town; every dealer in buggies, wagons, or other vehicles not manufactured in the town; each and every surgeon dentist, practicing physician, optician, practicing lawyer, civil engineer, real estate agent or broker, aurist, oculist and chiropodist; on every dealer in horses and mules sold, bartered or exchanged; every cattle, horse or mule drover or dealer, every agency for the sale of snuff, tobacco, or other articles of merchandise not manufactured in

Itinerant merchants, peddlers, auctioneers.

Drummers.

Express company.

Photographers.

Banks.

Cotton buyers.

Dealer in cotton futures or patent rights.

Commission merchant.

Distiller.

Livery stable keeper.

Huckster.

Gift enterprise.

Dray, omnibus, hotel, barber shop, lightning rod agent, insurance agent, agency for sale of machinery, dealer in buggies.

Dentist, doctor, lawyer, civil engineer, real estate agent, horse dealer, oculist and aurist.

Snuff dealer, &c.

Tax not over \$50. the town, an annual tax not to exceed fifty dollars, to be levied monthly, quarterly or yearly, and collected monthly, quarterly or yearly, at the option of the board of commissioners of said town, as designated in their ordinances.

Per capita tax on dogs. SEC. 62. That the board of commissioners of said town shall have power to impose, annually, a tax *per capita*, on all dogs, pups or bitches, not to exceed one dollar, running at large or kept within the corporate limits of the said town, and may require all dogs, pups, or bitches kept within the corporate limits to wear such tax badge as they may designate. No proud bitch shall be allowed to run at large within the town, under any circumstances, and when found running at large shall be killed. Any person residing within the said town having therein any dog, pup or bitch, and shall not return them for taxation as required by the board of commissioners, or shall fail to pay the tax according to law, after fifteen days' public notice of the imposition thereof, shall be guilty of a misdemeanor, and on conviction thereof before the mayor or a justice of the peace, shall be fined not exceeding ten dollars, or imprisoned not exceeding ten days, and the dog, pup or bitch may be treated as a nuisance and destroyed.

Falling to list dogs indictable.

Power to declare live stock running at large nuisances.

SEC. 63. That the board of commissioners of the said town shall have power to declare all horses, mules, cattle, swine, sheep and goats running at large within the limits of the town a nuisance, and 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 nuisances and abate or prohibit by law.

Other subjects of taxation.

SEC. 64. That in addition to the persons and subjects of taxation enumerated in sections sixty, sixty-one and sixty-two of this act, the board of 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 or owners may be forthwith distrained and sold by the tax collector to satisfy the same, namely :

I. Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink, or any other game allowed by law, and every victualling house or restaurant established, used or kept in the town, a tax not exceeding fifty dollars a year.

Bowling alley,
billiard saloon,
skating rink, &c.

Restaurant.

II. Upon every permission by the board of commissioners to retail spirituous, vinous, or malt liquors, a tax not exceeding one hundred dollars: *Provided, however,* that nothing in this act contained shall be so construed as to repeal section four, chapter two hundred and thirty-six, of an act entitled "An act to establish a graded school in the town of Kinston, in Lenoir county," passed and ratified by the General Assembly on the sixth day of March, one thousand eight hundred and eighty-three: *Provided further,* that every permission granted to each dealer in spirituous, vinous and malt liquors under this sub-section, shall expire at the expiration of twelve months from its date, and the said dealer or dealers must then obtain another permission from the said board of commissioners, upon the payment again of the tax imposed upon the granting of such permission. Any dealer or dealers who shall retail said liquors without obtaining said permission or renewing the same, as is provided in this sub-section, shall be considered and construed to be retailing without license and punished according to the law in such cases made and provided.

License to retail
liquor.

Proviso.
Provision regard-
ing sale of liquor
in act 1883, ch. 236,
sec. 4, not re-
pealed.

License must be
renewed annu-
ally.

Retailing with-
out permission,
indictable.

III. Upon every company of circus riders who shall exhibit within the town, a tax not exceeding fifty dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be double.

Circus.

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 arti-

Theatrical com-
pany, &c.

Singers or minstrels.

ficial 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.

Other exhibitions.

V. Upon each show or exhibition of any other kind, and upon each concert or lecture for reward, a tax of five dollars for each lecture or exhibition.

Also all things taxed for State and county purposes.

SEC. 65. That besides the persons and subjects of taxation expressly enumerated in this act, the board of commissioners of the said town shall have power to levy and collect taxes on all persons and subjects of taxation which it is in the power of the General Assembly to tax for State and county purposes under the constitution of the State.

Assessment by township board to be taken by town board.

SEC. 66. That the assessment of the real estate within the corporate limits of the said town, made from time to time by the board of assessors for Kinston township, shall be taken by the board of commissioners as the valuation thereof for the purpose of taxation under this act. Should the assessment made by the said board of assessors include property partly within and partly without the limits of said town in the aggregate, then and in that case the board of commissioners of said town may apportion according to the said assessment, and fix the valuation of that part within the said limits.

Apportionment on property lying partly out and partly in town.

To appoint person to list taxes.

SEC. 67. That the board of commissioners of said town shall annually, on the first Monday in April, appoint some competent person, resident of said town, to list all the real estate in said town at the valuation assessed on the same, all the personal property in said town, all polls subject to taxation, residents within said town, and all other persons and subjects of taxation which shall be required by the board of commissioners to be listed by said list-taker. The said board of commissioners shall allow such list-taker a compensation for his services not exceed-

His duties.

Compensation.

ing one dollar per day for the time actually employed, to be paid by the town.

SEC. 68. That the said list-taker shall advertise in five public places within the town, or in lieu thereof some newspaper published in said town, immediately after his appointment, notifying all tax payers to return to said list-taker all the real estate, personal property, polls and other subjects of taxation within the corporate limits required by the board of commissioners to be then listed, which each tax payer shall own or have under his control on the first day of June, requiring said return to be made to the said list-taker within twenty days after the second Monday in June, under the pains and penalties imposed by law. That the said list-taker shall attend at the court house in Kinston for at least five days for the purpose of taking the list of taxes.

Advertisement by list taker.

List taker to attend at court house at least five days.

SEC. 69. Every person required to list property, polls and other subjects of taxation, as provided by the preceding section, shall make out and deliver to the said list-taker a statement, verified by his oath, of all the real and personal property, money on hand, solvent credits, investment in bonds, stocks, joint stock companies, poll and other subjects of taxation required to be listed, in his possession or under his control on the first day of June, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise.

Tax-payer to make out list.

Oath.

What list shall contain.

SEC. 70. The list shall be given in by the person charged or his agent within twenty days after the second Monday in June as herein prescribed: *Provided*, that agents for the purpose of listing property shall be appointed only by females, non-residents as persons physically unable to attend and file their list at the time prescribed in law for listing property.

To be given in twenty days after second Monday in June.

Agents to act only for females, non-residents and infirm men.

SEC. 71. At the time and place appointed by the list-taker, the tax payer shall attend and file with the list-taker on a blank to be prepared and furnished by the board

Tax payer to attend and file list.

- What list shall contain. of commissioners a verified statement of all the property of every kind and description owned by the tax payer, or under his control subject to taxation, and such other subjects required to be listed for taxation. The tax payer shall also swear to the true value of all property and choses in action except lands, which oath shall be in the following form: "I,, do solemnly swear, (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief: So help me, God."
- Oath of tax payer.
- False return indictable. Any person making a false return of any of his subjects of taxation shall be guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a feme covert, shall be returned on separate lists.
- List to be returned to mayor. SEC. 72. The list-taker shall, on or before the second Monday in July in each year, return the tax list to the mayor of the town. He shall also return a list of the property in the town not given in for taxation, with a description and valuation thereof made by himself, and the names of the occupant and supposed owner, and a list of the taxable polls of the town not given in for taxation. The returns so made shall be open to the inspection of all persons interested.
- Board of commissioners to revise list. SEC. 73. The board of commissioners shall meet on the second Monday in August at the court house and revise the tax lists and valuation reported to them, and complete the list by computing the tax payable by each person, and affixing the same opposite his name. They shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the list of the list-taker as may be right and just. They shall
- Power to summon witnesses.

have power, after notifying the owner or agent, to raise the valuation upon such property as they shall deem unreasonably low. The board of commissioners on tendering the prescribed oath, may take the lists of any person applying to list his taxables, at any meeting of the board held on or before the second Monday in August. The board shall ascertain the value of his property by the examination of witnesses or otherwise and insert it in the abstract, and without satisfactory excuse they may add to the tax of the person so allowed to be given in five per centum on the regular amount of his tax for that year.

To raise the valuation.

SEC. 74. That the board of commissioners of said town shall insert in the tax-list the description and valuation of all property not given in, and the names of the persons supposed to be liable for a poll tax, who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the said board of commissioners on or before the first Monday in October, and all persons who are liable for a poll tax, and shall wilfully fail to give themselves in, and all persons who own property, or have it under their control, and wilfully fail to list it within the time allowed, before the list-takers or the board of commissioners, shall be deemed guilty of a misdemeanor, and, on conviction thereof before the mayor or a justice of the peace, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

To insert in tax list a description of the property not given in.

Person failing to list liable for double tax.

Wilful failure to list a misdemeanor.

SEC. 75. That the board of commissioners of said town shall cause to be made out two copies of the tax list as revised and settled by them. The said lists shall show, in different columns, the sum due by each tax payer to the town; one of said copies shall remain in the office of the mayor of the town, the other shall be delivered to the tax collector of the town on or before the first Monday in September in each year, and he shall receipt for the same.

Two copies of tax list to be made out.

One to be kept by mayor.

The mayor shall endorse on the copy given to the tax collector an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the property of the person charged in such list. Said order shall be in the following or some similar form :

Order to collect taxes.

STATE OF NORTH CAROLINA,
Town of Kinston.

To the tax collector of said town: You are hereby commanded to collect the taxes herein mentioned, according to the provisions and requirements of the existing law.

In witness whereof I hereunto set my hand and seal, day of, 18 ..

....., [SEAL.]
Mayor of Kinston.

Lien of taxes to attach to all property.

SEC. 76. The lien of the said town taxes levied for all purposes, in each year, shall attach to all real property subject to such taxes on the first day of June annually, and shall continue until such taxes, with any penalty which shall accrue thereon, shall be paid; all personal property subject to taxation shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate.

Personal property liable.

Taxes due first Monday in September.

SEC. 77. All taxes, unless in this act otherwise provided, or unless otherwise provided by the board of commissioners in their ordinance, shall be due on the first Monday in September in each year. When paid, the tax collector shall note on the tax-list against the name of the party the date of the payment, and the amount paid; he shall also give a receipt to the party, stating the amount paid, and the date of payment. Any tax collector who shall fail to pay over to the treasurer of the town such taxes as he

Duty of tax collector.

Tax collector failing to pay over, indictable.

may collect shall be guilty of a misdemeanor, and shall be fined or imprisoned, at the discretion of the court.

SEC. 78. The tax collector shall attend at the court house in Kinston during the month of October in each year, for the purpose of receiving taxes, of which fifteen days' notice shall be given by advertisement at three or more public places in said town: *Provided*, that nothing in this section shall be construed to prevent the tax collector from levying and selling after the first day of November, but he shall not sell before that day.

Tax collector to attend at court house in October to collect taxes.

He may sell property after November 1st.

SEC. 79. Whenever the taxes shall be due and unpaid the tax collector shall immediately proceed to collect the same, and in the collection thereof shall have the powers vested in him as are provided in section thirty-four of this act.

When taxes due, tax collector shall collect.

Powers.

SEC. 80. That the board of commissioners of said town shall have power to require of the owners of drays for public hire within the limits of the town to execute a bond with approved security, payable to the town of Kinston, in such sum as they shall determine, for the safe delivery of goods, or other things delivered for carriage, and for any damage that may occur to the said goods, or other things, during the transportation thereof. They may also require the said drays to be numbered or badged. The said bond may be put in suit by any person aggrieved by a breach thereof, without assignment from time to time until the whole penalty be recovered.

Owners of drays may be required to give bond for safe delivery of goods.

And for damages.

Drays may be numbered.

SEC. 81. That all laws and clauses of laws coming in conflict with this act shall be and the same are hereby repealed.

Repealing clause.

SEC. 82. 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. 1885.

CHAPTER 34.

An act to amend the charter of the town of Salisbury.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. The corporate limits of the town of Salisbury shall be as follows: Begin at the centre of the site of the old court house and run four lines; one north of west along and upon the extension of Inniss street three thousand six hundred and fifty-five feet; another south of east along and upon the extension of Inniss street two thousand seven hundred and twenty feet; another south of west along and upon the extension of Main street three thousand one hundred and sixty-five feet; another north of east along and upon the extension of Main street three thousand six hundred and fifty-five feet. And the corporate limits of said town shall be compressed within a parallelogram included within four lines, running at right angles to said lines at the termination thereof and extending each way until they intersect each other respectively.

Mayor and commissioners.

SEC. 2. The government of the said town shall be composed of a mayor and eight commissioners, who shall be biennially elected on the first Monday in May by the qualified voters of said town as herein provided. Two of said commissioners shall be residents of each of the four wards of said town.

Election.

Two commissioners to reside in each ward.

Mayor to preside at meetings of commissioners.

SEC. 3. The mayor shall preside at the meetings of the board of commissioners, but shall have no vote except in case of a tie. At the first meeting succeeding their election the board of commissioners shall elect a presiding officer, to be styled the mayor *pro tempore*, who in the absence of the mayor, or in case of his sickness or death, or when the mayor shall authorize him, shall exercise all the authority conferred by law upon the mayor. All

Mayor *pro tem*.

Vacancies.

vacancies in the offices of mayor, mayor *pro tempore* and

commissioner shall be filled by the board of commissioners, and said appointees shall hold their offices until the next regular biennial election.

SEC. 4. The board of commissioners of Rowan county, on or before the first Monday in April preceding each biennial election, shall select one registrar and two judges of election for each of the four wards of said town to conduct the election which shall be held under the rules, regulations and penalties of the general election law, except as modified by this act. The said board shall make publication of the persons so selected at the court house door immediately after such appointment, and shall cause a notice to be served upon said appointees. If any such registrar or judge of election shall die or fail to perform his duties, the sheriff of said county shall appoint another in his place. Each ward of said town shall be an election precinct. Special elections shall be held under the rules and regulations for the regular biennial elections.

Elections, how held.

SEC. 5. Each registrar shall be furnished by the board of commissioners of said county with all necessary registration books; and it shall be the duty of the registrar to arrange the registration books of his ward before each election in such manner that said books shall show an accurate list of the electors entitled to vote in such ward at said election. And he shall erase from the books the names of all persons not entitled to vote in said ward at said election. The registrars shall keep open their books for the registration of electors on Wednesday, Thursday and Friday preceding the election. There shall be a new registration of voters for the election to be held on the first Monday in May in the year one thousand eight hundred and eighty-five.

Duty of registrar.

New registration.

SEC. 6. No person shall be entitled to vote in any other ward than the one in which he is an actual and *bona fide* resident, nor unless he shall have continuously resided in said ward for ninety days preceding the election. And no registration shall be valid unless it specifies the num-

Qualifications of electors.

Registration, when valid.

ber of the ward and the owner and number of the lot on which the person proposing to vote shall reside.

Mayor to furnish registrars plat of city lots, &c.

SEC. 7. The mayor of said town shall furnish to each registrar a plat or chart of his ward with each lot of said ward plainly numbered thereon. As far as possible the old historical numbers shall be retained. Each block or square shall contain four lots which shall be numbered, whether the streets adjoining them have actually been opened or not. If the mayor shall fail to deliver to any registrar the said plat or chart for ten days after the appointment of said registrar, it shall be the duty of the registrar to prepare the said plat or chart. Any mayor or registrar violating this section shall be guilty of a misdemeanor.

Registrar to prepare plat on failure of mayor.

Misdemeanor.

Officers, how to be voted for.

SEC. 8. Each class of officers shall be voted for in separate boxes. The mayor shall be voted for in one box on one ballot; the commissioners for the north ward shall be voted for in one box on one ballot; the commissioners of the east ward shall be voted for in one box on one ballot; the commissioners of the south ward shall be voted for in one box on one ballot; the commissioners of the west ward shall be voted for in one box on one ballot.

Ballot boxes.

SEC. 9. The board of commissioners of said town, or upon their failure the several registrars shall provide for each ward ballot boxes for each class of officers to be voted for, in which boxes the electors may deposit their ballots for such officers respectively.

Balloting, how done.

SEC. 10. Each elector in person shall deposit his ballot for each class of officers in the proper ballot box; and no person shall dictate to him at the polls how or for whom he shall vote, or interfere in any way with his voting. If among the number of officers voted for there shall be any two or more having an equal number of votes, and either would be duly elected but for the equal vote, the registrars shall determine who shall be chosen.

Registrars to determine tie vote.

Canvass of returns.

SEC. 11. On the next day after the election, at ten o'clock in the forenoon, the registrars of the several wards

shall meet at the court house and canvass and judicially determine the returns; and shall give a certificate to each candidate whom they shall ascertain to be duly elected.

Certificates of election.

SEC. 12. All criminal warrants and process issued by the mayor within his jurisdiction may be served and executed by the sheriff and his deputies or by the Salisbury township or town constable anywhere within the limits of Rowan county.

Criminal process issued by mayor, how served.

SEC. 13. The mayor shall be allowed an annual salary not exceeding five hundred dollars; and his fees when acting as a judicial officer shall be the same as those of a justice of the peace.

Salary of mayor.
Fees.

SEC. 14. The board of commissioners of said town shall have power not oftener than annually to levy taxes for municipal purposes on real and personal property, on all taxable polls, on all moneys, bonds, stocks, licenses, credits, franchises, privileges and other subjects which may be liable to taxation according to the constitution and the laws, subject, however, to the following restrictions and limitations, and none other, to-wit:

Taxation.

(1). The poll tax shall not exceed one dollar and fifty cents.

Poll tax.

(2). The *ad valorem* tax on real and personal property shall not exceed one-half of one per centum on the assessed value of said property; and the constitutional equation between the taxes on property and on the poll shall always be observed.

Ad valorem tax.

(3). The privilege tax on licensed retailers of spirituous or malt liquors shall not exceed two hundred dollars.

Retail liquor dealers.

(4). The privilege tax on venders of wines, cordials or other spirituous or malt liquors, of the measure of a quart or more, shall not exceed one hundred dollars.

Liquor dealers selling not less than a quart.

(5). The privilege tax on hotels shall not exceed twenty-five dollars.

Hotels.

(6). The privilege tax on banks or banking agencies shall not exceed two hundred dollars.

Banks.

- Drays, &c. (7). The privilege tax on public drays, carts or omnibuses shall not exceed ten dollars.
- Insurance companies. (8). The privilege tax on insurance companies or their agents, whether resident or itinerant, shall not exceed twenty-five dollars.
- Auctioneers. (9). The privilege tax on auctioneers shall not exceed ten dollars.
- Commission merchants. (10). The privilege tax on commission merchants shall not exceed twenty-five dollars.
- Restaurants. (11). The privilege tax on public eating houses or restaurants, not connected with a retail liquor shop, shall not exceed twenty-five dollars.
- Telegraph and express companies. (12). The privilege tax on telegraph or express companies shall not exceed fifty dollars.
- Butchers. (13). The privilege tax on butchers or venders of butchered meat shall not exceed fifty dollars: *Provided*, that those who sell the products of their own farms shall not be liable to tax.
- Proviso. (14). Incomes shall not be taxed when any such tax is levied by the State or county.
- Incomes not to be taxed when tax levied by State or county. (15). Professions of residents of said town shall not be specially taxed, except such as may be actually taxed at the time by the State, or except such as are hereinbefore mentioned.
- Professions.

Collection of taxes.

SEC. 15. The board of commissioners of said town shall annually cause to be made out two copies of the tax list of the town as settled by them. Such list shall plainly show the sums due to the town by each tax-payer; one of said copies shall remain in the office of the board, the other shall be delivered to the town constable or tax collector on or before the first Monday in September, and he shall receipt for the same. The clerk of the board shall endorse on the copy of the tax list given to the said constable or tax collector an order to collect the taxes therein mentioned; and such order and tax list shall have the force of a judgment and execution against the property of the persons charged in such list. Such order shall be

similar in form to that mentioned in section three thousand six hundred and eighty-one of The Code.

SEC. 16. In all cases where the board of commissioners of said town shall have omitted, or in any future year shall omit to enter upon the tax list of the town any real or personal property subject to taxation, it shall be their duty when they enter the same on the tax list of any succeeding year to add to the taxes of the current year the simple taxes of each preceding year in which such property shall have escaped taxation, with six per cent. per annum in addition thereto, as far back as said property shall have escaped taxation. Where no assessment of said property has been made for the year in which said property may have so escaped taxation, the said board shall be authorized to value and assess the same for those years.

Collection of taxes on unlisted property.

SEC. 17. The lien of the town taxes levied for any purpose shall attach to all real property subject to taxation on the first day of June annually, and shall continue until such taxes with any penalty which may accrue thereon shall be paid. All town taxes shall be due on the first Monday in September; but the collection of the same by sale shall not be enforced before the first day of November next ensuing.

Lien of taxes.

Taxes, when due.

When collection by sale enforced.

SEC. 18. The real and personal property assessed for town taxation shall be according to the valuation for State taxes; and the clerk of the board of commissioners of said town, or other suitable person, shall advertise and take the list of taxables in the town at the time and in the manner prescribed by law for the collection of State taxes.

Assessment of property.

When tax list to be taken.

SEC. 19. The town constable or tax collector shall be authorized to collect the property, poll and other taxes payable to said town in the manner and with all the authority and remedies given by law to the sheriff or other collecting officer for the collection of the State taxes; and the said constable or tax collector shall have the same

Powers of town constable or tax-collector in the collection of taxes.

Redemption of property sold for taxes.

authority for selling and conveying property for the non-payment of town taxes as the sheriff has in case of the non-payment of State taxes; and delinquent tax payers may redeem any real property so sold for town taxes within the period and in the mode prescribed in chapter fifty-five of volume two of The Code.

Ordinances, police regulations, &c.

SEC. 20. The board of commissioners of said town shall have authority to enact all ordinances, police regulations and laws for or relating to said town, or for the preservation of the public health, or for the collection of taxes therein, not inconsistent with this act or with the law of the land, and may enforce the same by appropriate fines and penalties.

Chapter 62, volume 2 of The Code to be construed as part of this act.

SEC. 21. Except such provisions thereof as are inconsistent with this act, chapter sixty-two of volume two of The Code, entitled "Towns and Cities," shall be construed in connection with and as if it were a part of this act.

Certain laws relating to the town of Salisbury repealed.

SEC. 22. The following acts are repealed: An act for the incorporation of the town of Salisbury, ratified the twenty-seventh day of January, one thousand eight hundred and fifty-nine; three acts to amend the charter of the town of Salisbury, ratified respectively on the sixteenth day of February, one thousand eight hundred and fifty-nine, on the seventeenth day of December, one thousand eight hundred and fifty-two, and on the twenty-second day of February, one thousand eight hundred and sixty-one; an act to extend the corporate limits of the town of Salisbury and to amend the charter of said town, ratified on the twenty-seventh day of February, one thousand eight hundred and seventy-seven, and chapter sixty-nine of the private laws of one thousand eight hundred and sixty-three; but the repeal of said acts shall not revive any other act relating to said town.

SEC. 23. That this act 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. 1885.

CHAPTER 35.

An act concerning the City of Raleigh.

The General Assembly of North Carolina do enact :

SECTION 1. That private acts one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, chapter ninety-eight, be amended as follows:

First, in section fifteen, line nine, by striking out the word "hereafter" and inserting the word "heretofore"; and in section twenty-six insert after the word "disease" in the eighth line, the words: "provide ways and means for the collection and preservation of vital statistics."

Chapter 98, private laws 1856-7, amended.

Who eligible to fill vacancies in board of aldermen.

Vital statistics.

Second, in section twenty-seven, line three, by striking out the word "collection," and inserting the word "collector"; and in lines three and four by striking out the words "one or more constables" and inserting the words "a chief of police."

Tax collector.

Chief of police.

Third, in section thirty, line three, by substituting the word "or" for the word "as."

Treasurer to keep securities belonging to city.

Fourth, in section thirty-two, lines one and two, by striking out the words "the commissioners shall cause to be made" and inserting the words "the clerk of the city shall make." In line two by striking out the word "their" and inserting the word "the." In line five by substituting the words "city hall" for the words "court house." In lines five and six by striking [out] the words "ten days before the annual election of commissioners" and inserting the words "at the end of each fiscal year." In lines six and seven by striking out the words "the commissioners failing" and inserting the words "for his failure." And in line eight after the word "section," by inserting the word "he."

Clerk to make annual statement of receipts and disbursements.

Where to be posted.

When to be posted.

Penalty for failure of clerk.

Fifth, in section thirty-three, line three, after the word "the" insert "board of."

Enforcement of laws, &c., of board of aldermen.

Concerning patrol.

Sixth, by striking out sections thirty-five, thirty-six and thirty-seven of said act.

Sheriff to receive into jail without mittimus persons arrested at night by police.

Seventh, in section thirty-eight, line four, by substituting the words "police force" for the words "watch or constables."

Auctioneers.

Eighth, by striking out sections forty, forty-one, forty-two and forty-three, and in lieu of the sections so stricken out inserting the following as a section: "Every auctioneer licensed by the board of aldermen of the city, after he has given his bond for five thousand dollars with approved security and conditioned as provided in section twenty-two hundred and eighty-one of The Code, shall be entitled to charge two and one-half per centum commission on the amount of sales, unless otherwise agreed between him and the owner of the goods sold; and every person who cries or sells goods at auction shall be considered an auctioneer: *Provided*, that this section shall not, for five years from the ratification of this act, apply to auctioneers of tobacco at tobacco warehouses licensed by the United States government."

Proviso.

Misdemeanor to act as auctioneer without license.

Ninth, in section forty-four, line three, by striking out the word "authorized" and inserting the words "licensed by the city."

Fiscal year.

Tenth, in section forty-five, sub-divisions two, three and five, by striking out the word "April" and inserting the word "June." In sub-division six, line three, by striking out the words "twenty-five cents" and inserting "five dollars."

Per capita tax on swine and goats.

Tax on concerts, &c.

Eleventh, in section fifty-five, sub-division seven, after the word "reward," in line two, by inserting the words, "in the city or within one mile thereof." In sub-division ten, line two, by striking out "April" and inserting "June," and in line five by striking out the word "March" and inserting the word "May."

Tax on dogs.

Additional subjects of taxation. Auctioneers.

Twelfth, by adding to section fifty-five the following sub-divisions: "(1). Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty

dollars a year: *Provided*, that this section shall not conflict with the provisions of section twenty-two hundred and eighty-four of The Code. (2). Upon every stock and bond broker, sewing machine company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales stables or stock yards doing business in the city, a license tax not exceeding twenty-five dollars a year. (3). Upon every bill-poster, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance company or insurance agency for every company represented, and every skating rink or shooting gallery, a license tax not exceeding ten dollars a year." Proviso.
Stock brokers,
&c.
Bill posters. &c.

Thirteenth, by striking out section fifty-nine.

Fourteenth, in section sixty-six, by adding after the word "place," in line three, the words, "and in what manner," and in line five, after the word "packed," by inserting the word "in." Privilege of erecting porch on street repealed.
Market sales.

Fifteenth, in section seventy-seven, line three, by substituting the word "fifty" for the words "twenty-five." Fines.

SEC. 2. That private acts, one thousand eight hundred and sixty-two and one thousand eight hundred and sixty-three, chapter forty-nine, be amended as follows: Chapter 49, private laws 1862-'3, amended.

First, in section seven, by striking out all after the word "county," in line nine, down to the word "calling" in line twelve, and inserting the following, "or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the chief of police for thirty days in some newspaper published in Raleigh." Notice to repair side walk.

Second, in section eight, after the word "city," in lines three, six and eight, by inserting the words, "or within one-half mile of the city limits." Abatement of nuisances.

Third, in section nine, line three, after the word "hour," by inserting the words, "or in a reckless manner." Reckless driving.

SEC. 3. That private acts, one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, chapter sixty-eight, be amended as follows: Chapter 68, private laws 1872-'3, amended.

Failure to repair sidewalk after notice a misdemeanor.

First, in section one, by striking out all after the word "shall" in line four, down to and including the word "lessee" in line six, and inserting instead thereof the following, "fail to repair as ordered, he shall be deemed guilty of a misdemeanor, and fined not more than five dollars for each day's neglect to make such repairs, or imprisoned not more than ten days." In line seven, by striking out the words "any officer" and inserting the words "the chief of police."

Penalty.

Service of notice.

Expense of making sidewalks.

Second, by striking out sections two and three of said chapter.

Chapter 80, private laws 1874-'5, amended.

SEC. 4. That private acts, one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, chapter eighty, be amended as follows:

City election on first Monday in May, 1885, and biennially thereafter.

First, in section two, line one, by striking out the word "annually," and in line two by striking out the words "in each year," and by inserting after the word "May" in line one the words, "one thousand eight hundred and eighty-five, and on the first Monday in May biennially thereafter."

Appointment of registrars of voters.

Second, in section three, line three, by striking out the word "annually" and inserting the words, "at their regular meeting in March biennially thereafter."

Appointment of judges of election.

Third, in section six, line three, by striking out the word "annually" and inserting after the word "shall" in line one the words, "in the year one thousand eight hundred and eighty-five and biennially thereafter." In line three by striking out the word "four" and inserting the word "two."

Two for each ward.

Mayor to be chosen after each election.

Fourth, in section twelve, line two, by striking out the words "each annual" and inserting the word "their" instead thereof.

Judgments in mayor's court.

Fifth, in section sixteen, line thirteen, between the word "to" and "adjudge," by inserting the following: "sentence the defendant to imprisonment in the county jail for a term not exceeding thirty days and to."

SEC. 5. That private acts one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, chapter one hundred and eleven, be amended as follows: In section two, line twenty-four, by striking out the word "annually" and inserting the word "biennially." In line twenty-six, by striking out the word "the" and inserting the word "due," and in line twenty-nine by substituting the word "shall" for the word "should."

Chapter 111, private laws 1876-'7, amended.

New registration.

Due advertisement of places of registration.

SEC. 6. That private acts one thousand eight hundred and eighty-one, chapter ninety-eight, be amended as follows:

Chapter 98, private laws 1881, amended.

First, by adding to sub-division one of section one the sentence: "They may also provide for public schools and public school facilities." In sub-division three, after the word "telegraph" in line three, by inserting the words "or telephone."

Public schools.

Tax on telephone companies.

Second, in sub-division five of section one, after the word "taxed" in line twelve, by inserting the following: "And any person who shall list any property in the name of any person other than the real owner, or who shall fail to disclose the real state of the title thereto if interrogated concerning the same, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days."

Misdemeanor to list property in name of other person than real owner, &c.

Penalty.

Third, in sub-division two of sub-division eight of section one, by substituting the word "stand" for the word "stead."

Tax on table stand for games, &c.

SEC. 7. That all laws or clauses of laws heretofore enacted relating to the city of Raleigh shall be and are hereby amended so as to conform to the provisions of section four of this act, providing for biennial instead of annual elections for aldermen of the said city.

Laws relating to city amended to conform to section four, ante, providing for biennial elections.

SEC. 8. That wherever in any acts heretofore enacted relating to the city of Raleigh the words "constable," "city constable," "city marshal," or other word or words designating the chief police officer of the city occur, the

Chief of police to have powers, &c., of "constable, city constable and city marshal" in former laws.

said acts shall be and are hereby amended by striking out such designations and by inserting the words "chief of police."

References in former laws to provisions of "Revised Code or Battle's Revisal" to refer to re-enactments of such provisions in Code.

SEC. 9. That wherever, in any laws or clauses of laws heretofore enacted relating to the City of Raleigh, reference is made to the provisions of the Revised Code or Battle's Revisal, and such provisions are re-enacted in The Code, such laws shall be and are hereby amended so that the said reference shall be to the appropriate section of The Code.

Fines and penalties collected under mayor's judgments to enure to benefit of city.

SEC. 10. That all fines and penalties imposed by and collected under the judgment of the mayor of Raleigh sitting as a justice of the peace shall belong to and enure to the exclusive benefit of the City of Raleigh.

Authorized to issue bonds to pay indebtedness incurred for public school purposes not exceeding \$25,000.

SEC. 11. That for the purpose of paying the indebtedness of the City of Raleigh, incurred for public school purposes and for the improvement of the public school property, the said city is hereby authorized and empowered to issue bonds to an amount not exceeding in the aggregate twenty-five thousand dollars, of the denominations of one hundred, five hundred and one thousand dollars respectively, and in such proportions as may be deemed advisable, bearing interest not exceeding six per centum per annum (interest payable half yearly), payable at such time or times not exceeding fifteen years from date of issue, and of such form and tenor, and transferable in such way as the board of aldermen may determine.

Bonds, how issued.

SEC. 12. That for the purpose of providing for the payment of the interest accruing on the bonds authorized to be issued by section eleven of this act, as well as of the principal thereof at maturity, and also for the purpose of paying the interest accruing on and the principal at maturity of the bonds issued under authority of chapter eighty, acts of General Assembly, session of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, the board of aldermen of said City of Raleigh are hereby authorized and empowered to

Special tax to pay interest, &c., on bonds and interest, &c., on funded debt of city.

levy and lay a particular tax on the person and subjects of taxation on which said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purpose whatsoever, said particular tax hereby authorized to be levied not to exceed one-third of one per cent. of the assessed value of the property taxed, and one dollar on each taxable poll. The taxes provided for herein shall be collected and exclusively applied to the satisfaction, payment and discharge of the interest accruing on and also of the principal of the bonds authorized in section eleven of this act, and of the interest accruing on, and of the principal of the bonds issued under chapter eighty, acts of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and so much thereof as may not be required to pay such interest as it falls due and cannot be applied in discharge of the principal of said bonds shall be invested so as to secure the payment of the principal of said bonds at maturity; and to insure the due investment of the amount to be collected from year to year in excess of that required to pay the interest on said bonds, the board of aldermen of said city shall appoint some suitable person to be styled "Commissioner of the Sinking Fund of the City of Raleigh," whose duty shall be, under such general rules and regulations as said board of aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal money of said bonds, and to do and perform all such other services in connection with the debt of the City of Raleigh as said board of aldermen may prescribe, and such commissioner shall give bond and receive such compensation for his services as said board may determine: *Provided*, that the tax now levied under provision of chapter forty-four, acts of General Assembly session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, for the payment of the interest on and prin-

Limitation of tax.

Application of tax.

Investment of excess.

Commissioner of sinking fund.

Bond.

Compensation.

Proviso.

Proviso. cipal of the bonds issued under authority of said act, shall not be hereafter levied for said purposes; *And provided further*, that whatever surplus may remain in the sinking fund established under the provisions of said act of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, after payment of the bonds issued under authority thereof, shall be paid over and delivered to the sinking fund commissioner provided for in this act, and shall be held and applied for and to the same purposes as the moneys received by him under the provisions of this act.

Bonds not to be disposed of for other purposes or for less than par. SEC. 13. That none of the bonds authorized in the eleventh section of this act shall be disposed of either by sale, exchange or otherwise, for any purpose whatsoever other than that declared in said section, or for a less price than their par value.

Election to be held upon question of issuing bonds, &c. SEC. 14. The provisions of sections eleven and twelve of this act shall be submitted to a vote of the qualified voters of the City of Raleigh, at an election to be held in said city on a day to be designated by the board of aldermen at any time after ten days from and after the ratification of this act, and after a public notice of thirty days preceding the election, of the time and places when and where the election shall be held, which notice shall contain a copy of sections eleven and twelve of this act, or a synopsis of the same, and be published in two or more newspapers of general circulation in the City of Raleigh. Said election shall be held and returns thereof made under the same rules and regulations as exist in case of election for aldermen of the city. Those qualified voters approving the provisions of sections eleven and twelve of this act shall deposit in a ballot box a slip containing the printed or written word "approved," and those disapproving the same shall deposit a like ballot with words "not approved." If a majority shall vote "approved" it shall be deemed and held that a majority of the qualified voters are in favor of giving the aldermen of the city

Notice of election. Election, how held. Ballots. Bonds to be issued upon affirmative vote.

authority to issue the bonds of the city mentioned in section eleven of this act and likewise to levy and collect the tax provided for in section twelve of this act, but if a majority of said voters shall vote "not approved," then it shall be deemed that a majority of such voters are opposed to such issue and tax.

SEC. 15. This act shall be in force from and after its ratification, and all laws or clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

CHAPTER 36.

An act to incorporate the town of Mount Airy, in Surry County.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Mount Airy, in the county of Surry, be and the same is hereby incorporated by the name and style of the town of Mount Airy, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated. Corporate name.

SEC. 2. That the corporate limits of said town be as follows: Beginning on the north bank of Lovell's Creek, where the lands of M. D. Armfield and R. R. Galloway join, running down the creek with its meanders by the Needmore ford to the ford on the Rockford road, thence a degree line to the Worth ford, in the Ararat river; thence up the river as it meanders to the mouth of branch, passing by Galloway's tan yard; thence to the forks of the road above Galloway's old house, and thence to the beginning. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a marshal, Officers.

and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-five, viz: Mayor, B. Y. Graves; commissioners, R. R. Galloway, J. H. Prather, James H. Sparger, W. R. Hollingsworth and John L. Worth; marshal, W. O. T. Banner.

Temporary officers.

Election, when and how held.

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-five, and each succeeding year thereafter, under the same restrictions that county and State elections are held, and all citizens within said corporation who have resided in the State twelve months, and ninety days within the corporate limits previous to the day of election, shall be entitled to vote at said election.

Electors.

By-laws, &c.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and United States, and levy and collect a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the hundred dollars valuation of property, both real and personal, and to impose fines and penalties, and to collect the same.

Taxation.

Fines and penalties.

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 25th day of February, A. D. 1885.

CHAPTER 37.

An act to incorporate the S. H. Gray Manufacturing Company.

Preamble.

WHEREAS, Sylvester H. Gray of the city of New Berne, has heretofore introduced a new industry into the State

in the manufacture of wooden plates and tin-rimmed boxes, and has made valuable improvements in the machinery for same, and has erected near New Berne in the place hereafter designated a large building for carrying on said business, and now desires to form a company for the purpose of still further extending said manufactures and such others as can be properly connected therewith: therefore

SECTION 1. The General Assembly of North Carolina do enact: that Sylvester H. Gray, Seeger S. Atwell, Isaac Patterson, Alexander S. Pierce and John B. Young, their successors and associates, are hereby constituted a company and body corporate under the name and style of "The S. H. Gray Manufacturing Company," and as such to have a corporate existence for ninety-nine years, and by that name to sue and be sued, plead and be impleaded, to have a common seal, and the power to purchase, hold and convey property real and personal, to manufacture, buy or sell goods, wares or merchandise of wood, metal or other fabrics; to buy, build, hold, employ or convey vessels or rafts of any kind, as well as houses, wharves or buildings; and generally to be invested with all the powers, rights, privileges and immunities which appertain to other like corporations; to make all necessary by-laws and regulations for its government, and to employ its capital in any legitimate way not inconsistent with the constitution and laws of North Carolina and the United States.

SEC. 2. The affairs of said company shall be managed by a board of five directors, which number may be increased or diminished by the stockholders and shall be elected annually and shall hold office till their successors are elected and qualified. The incorporators above named shall constitute the first board of directors; all vacancies shall be filled by the remaining directors unless otherwise provided for in by-laws.

Body corporate.

Corporate name.

Corporate powers.

Board of directors.

Vacancies.

Officers.

SEC. 3. The officers of said company shall be a president and a secretary, with such others as may be provided in the by-laws; they shall be elected or appointed by the directors from their own number, or otherwise if the stockholders so decide in their by-laws. The directors shall fix the compensation and salaries of all officers and employees.

Compensation.

Capital stock.

SEC. 4. The capital stock of said company shall be fifty thousand dollars, with power to increase, divided into five hundred shares of one hundred dollars each, which denomination may be changed in the by-laws of the stockholders so elect. Each share of stock shall be entitled to one vote, and stockholders and directors may vote by proxy in their respective meetings.

Stock vote.

Where operations of company to be carried on.

SEC. 5. The manufactures and operations of said company shall be located and carried on at a place to be hereafter known as "Graywood," on the south side of Neuse river about one mile from New Berne, with such branches in other localities as the directors may deem expedient, and said corporation shall have the right to establish a ferry to New Berne from its own property for the use of its business and the public, and to charge a reasonable toll on same, to be regulated by the directors.

Authorized to establish ferry to Newbern.

Authorized to adopt such portions of chapter 16 of The Code as may be deemed expedient.

SEC. 6. The stockholders may adopt in their by-laws so much of chapter sixteen of the first volume of The Code of North Carolina as they deem expedient and upon filing a copy of said by-laws with the Secretary of State shall be bound by so much of said chapter as may have been adopted and no further; and all further powers and regulations not herein more definitely expressed necessary for the conduct of its affairs may be incorporated in the by-laws of said company: *Provided*, the same do not conflict with the laws of North Carolina and of the United States.

Additional corporate powers.

Proviso.

Authorized to issue bonds, &c.

SEC. 7. Said company may, at its option, issue bonds or other securities, or mortgage the whole or any part of its properties; but all property owned by said corporation

shall be liable for taxes according to its assessed value, Liability for tax
ation. and the taxes thereon shall be given in and paid by the Taxes, how paid. company and not by the several stockholders or parties holding securities thereon.

SEC. 8. 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. 1885.

CHAPTER 38.

An act to incorporate the Dallas High School Company.

The General Assembly of North Carolina do enact:

SECTION 1. That James Hoffman, Henry Setzer, M. L. Body politic. Little, A. P. Rhyne, L. L. Suggs, J. M. Rhodes, John L. Rhyne, M. A. Rhyne, M. H. Rhyne, of Gaston county, and W. A. Manney, J. S. Manney, David Manney, of Cleveland county, and Ambrose Costner, of Lincoln county, their associates and successors, are hereby constituted and declared a body politic and corporate for educational and religious purposes, under the name and style of the Dallas Corporate name. High School Company, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, to have and to hold the High School property, the buildings, grounds, and all appurtenances thereto, situated in the town of Dallas, Gaston county, North Carolina; to acquire by purchase, donation or otherwise, real, personal and mixed property for the purpose of maintaining and carrying on a school of high grade for the white race, in or near Dallas, Gaston county, North Carolina.

SEC. 2. That the capital stock of said company shall be Capital stock. divided into shares of five hundred dollars each, for which

- certificates of stock shall be issued to each share-holder, a receipt of said amount in full, signed by the president and countersigned by the secretary of said company. Said shares of stock shall be transferable on the stock book only, and that such stockholder or his proxy shall be entitled to one vote for each share of stock he may control : *Provided*, that a majority of stockholders in interest shall be necessary to constitute a quorum for the transaction of business in the stock meeting ; *Provided further*, that the liabilities of said company shall affect the stock of the company only, and not the private credit of the stockholders.
- Stock vote. SEC. 3. That officers of said company shall be a president, secretary and treasurer, whose duties shall be such as devolve upon such officers in similar bodies, or such as shall hereafter be defined by said company.
- Quorum.
Liability of stockholders. Board of trustees. SEC. 4. That said company shall constitute its own board of trustees, with full power to rent, lease, mortgage or sell any real or personal property for the purpose of maintaining said school, discharging indebtedness, or reinvesting the proceeds for a like purpose: *Provided*, that said board of trustees may from time to time be increased or diminished, varying in number from seven to thirteen: *Provided further*, that all trustees to be hereafter chosen shall be and shall continue to be members of the Evangelical Lutheran church.
- Powers. SEC. 5. That said board of trustees shall have power to choose the principal or principals of said schools, subject to the regulations already defined in the organic basis of said company: *Provided*, that said trustees shall have no power or authority to employ teachers, to control or manage the course of instruction and government of said school, said engagement, government and management being left entirely in the hands of the principal or principals of said school.
- Proviso. SEC. 6. That said board of trustees shall have perpetual succession, and they are hereby invested with power
- Principal of school.
Proviso.
Trustees to have perpetual succession.

to fill all vacancies caused by death, removal, motion or otherwise: *Provided*, that a majority vote of all the trustees shall be necessary to a choice.

Vacancies.
Proviso.

SEC. 7. That said board of trustees shall have power to make their own by-laws, rules and regulations for their own government: *Provided*, that said by-laws, rules and ordinances shall not be incompatible with the constitution and laws of the State, and the organic basis of the Dallas High School Company adopted upon the organization of said company.

By-laws, &c.
Proviso.

SEC. 8. That said board of trustees shall have the power to receive donations for building, furnishing and endowing said school, to offer and sell scholarships in any of its departments, to confer such literary and honorary degrees as are usually conferred in colleges, to grant such other marks and distinctions as are common to such institutions, and to control the affairs and interest of said corporation in a manner most conducive, in their judgment, to the prosperity of the school.

Powers of trustees.

SEC. 9. That if any person shall sell spirituous liquors within two miles of the property of the Dallas High School Company, he shall be guilty of a misdemeanor, and upon conviction thereof by any competent jurisdiction he shall be fined not less than ten dollars nor more than thirty dollars, or imprisoned not less than ten days nor more than thirty days, or both at the discretion of the court.

Misdemeanor to sell liquor within two miles.

Penalty.

SEC. 10. That all property acquired either by purchase, donation or otherwise, shall, as long as it is used for religious and educational purposes, be exempt from all taxes, whether on the part of the State, county or municipal authorities.

Exemption from taxation.

SEC. 11. That any proposition of change, alteration or amendment of said charter must be supported by a two-thirds vote of all the stockholders of said company: *Provided*, that any such proposed change, alteration or amendment shall proceed from the board of trustees, pre-

Amendment of charter.

Proviso.

sented in writing thirty days before action on part of the stock company.

Meetings.

SEC. 12. That said company shall meet upon its own adjournment, at the call of the president or board of trustees, five days' notice being previously given.

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 25th day of February, A. D. 1885.

CHAPTER 39.

An act to correct the charter of Laurinburg, Richmond county.

The General Assembly of North Carolina do enact :

SECTION 1. That the word "not" be stricken out in the sixth line, section eighth, chapter one hundred and forty-four, private laws of one thousand eight hundred and eighty-three, in the charter of Laurinburg, Richmond county.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1885.

Chapter 144, section 8, private laws 1883, amended.

Commissioners may prevent erection of wooden buildings in any part of town where they may increase danger of fire.

CHAPTER 40.

An act to amend the charter of the town of Statesville.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Statesville, living within the territory prescribed by the first section of an act of the General Assembly, ratified the 11th day of March, one thousand eight hundred and

Body politic.

eighty-one, entitled "an act to amend the charter of Statesville, as contained in the act of the twenty-sixth day of January, one thousand eight hundred and sixty-one, and acts passed subsequently thereto," shall be and continue as they heretofore have been, a body politic and corporate; and henceforth the corporation shall bear the name and style of "The City of Statesville," and under such name and style is hereby invested with all property and rights of property which now belong to the corporation, under any other name or names heretofore used, and by this name may acquire and hold, for the purposes of its government, welfare and improvement all such estates as may be devised, bequeathed or conveyed to it; and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate name.

Corporate powers.

SEC. 2. The administration and government of said city shall be vested in one principal officer, to be styled the mayor, a board of eight aldermen, and such other officers as are hereinafter provided for.

Officers.

SEC. 3. That said city shall be divided into four wards by the intersection of Broad and Centre streets, that part lying northeast of said intersection to be known as ward number one; that part lying southeast as ward number two; that part lying southwest as ward number three; that part lying northwest as ward number four. That the boundary line between the third and fourth wards shall be Broad street to its terminus and thence continue north around the female college westward in the same general direction of said street to the corporate limits. And each ward shall elect two aldermen, who shall hold their office for two years and until their successors are qualified. Such aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward.

Wards.

Aldermen.

SEC. 4. The board of commissioners for Iredell county shall appoint at or before their meeting in March, one

County commissioners to appoint registrar.

thousand eight hundred and eighty-five, and every two years thereafter, a registrar of voters for each of the four wards of the city of Statesville, and shall cause publication thereof to be made at the court house door and notice to be served on such persons by the sheriff.

Registration of voters.

SEC. 5. Said registrars shall be furnished by said county commissioners with registration books; and it shall be the duty of said registrars appointed for the year one thousand eight hundred and eighty-five and thereafter, to open their books at some convenient place in the ward for which they were appointed on or before the last Monday in March in such years, and to register therein the names of all persons applying for registration and entitled to register and vote in that ward for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of colored voters and designating on the registration book opposite the name of each person registering the place of his residence in his ward; and if any applicant for registration shall not disclose the place of his residence in his ward, his wilful failure to do so shall be *prima facie* evidence that he is not entitled to register in such ward. Any person offering to register may be required to take and subscribe an oath that he is a citizen of North Carolina and has resided in the city of Statesville ninety days and in the ward for which he offers to register thirty days next preceding that date, or is otherwise entitled to register; and if any person shall wilfully swear falsely in such affidavit he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of fifty dollars and to be imprisoned sixty days in the county jail: *Provided*, that after the first registration shall have been made by virtue hereof a new registration may not be made biennially, but such registration book shall be revised so as to show an accurate list of electors previously registered and still residing in said city without requiring such electors to be registered anew. And such registrars shall on or before the last

Oath of person offering to register.

Misdemeanor to wilfully swear falsely.

Penalty.

Registration book to be revised biennially.

Monday in March biennially, open said books for the registration of any electors entitled to registration whose names have never before been registered in such ward or do not appear in the revised list: *Provided, however,* that the board of aldermen may at any time order a new registration in the manner herein prescribed.

New registration.

SEC. 6. The registration books shall be closed one day before the day of election, and after the same are closed no person shall be allowed to register, but the registrar shall on application before said books are closed register all persons not then qualified to vote in his ward who will become so qualified on or before the day of election. Immediately after said books are closed they shall be deposited in the office of the clerk and treasurer of the city, and citizens desiring so to do may inspect them. The city clerk and treasurer shall write in each of said registration books the exact time they were deposited with him, and the same shall not be taken from his office until the day of election; any registrar failing to deposit his registration book with the city treasurer at the time prescribed shall receive no compensation for making said registration.

Registration books to be closed day before election, &c.

To be deposited with city clerk.

Penalty for failure of registrar to deposit book.

SEC. 7. The board of commissioners of Iredell county, at or before their meeting in April, one thousand eight hundred and eighty-five, and biennially thereafter, shall appoint three judges or inspectors of election for each of the four wards of the city to open the polls, to receive and deposit the ballots in the boxes provided for that purpose, and to superintend the election for municipal officers to be held on the first Monday in May next succeeding, and the polls shall be opened at such places in the wards respectively as said judges of election shall select. Such election shall be held as near as may be agreeable to the provisions of sections twenty-six hundred and seventy-eight, twenty-six hundred and eighty-one, twenty-six hundred and eighty-three, twenty-six hundred and eighty-four, twenty-six hundred and eighty-eight and twenty-six

County commissioners to appoint judges of election.

Duties.

Election, how held.

hundred and eighty-nine of The Code, volume two; and the registrars and judges of election, whose appointments are herein provided for, shall have authority to administer oaths and shall have all the powers of such officers appointed under the title of elections regulated, chapter sixteen, volume two of The Code.

Electors.

SEC. 8. All electors who have resided in the city of Statesville ninety days and in the ward for which they offer to register thirty days next preceding the election, shall be entitled to register hereunder. All elections held by virtue of this act shall be held under the supervision of the sheriff of Iredell county, who shall attend the polls and by his deputies preserve order.

Sheriff to supervise election.

Polls, when opened, &c.

SEC. 9. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote; and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, such person's ballot shall not be received. Ballots shall be on white paper and without device. The aldermen for each ward shall be voted for on one ballot.

Who entitled to vote.
Challenges.

Ballots.

Ballots to be preserved, &c.

SEC. 10. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list which shall be signed by the judges of election and the registration books, delivered to the city clerk and treasurer for preservation.

Judges of election to decide tie vote as to aldermen.

SEC. 11. If among the persons voted for for aldermen in any ward there should be any two or more having an equal number of votes, the judges of election for such ward shall decide the election between such persons. As soon as the result of the election in any ward is determined, two certificates thereof shall be made under the hand of the judges and registrars, setting forth in writing and in words the number of votes each candidate received, one of which certificates shall be delivered to the sheriff of Iredell county, who shall at once make procla-

Certificates of election.

Proclamation by sheriff.

mation thereof at the court house door; and the other shall be delivered to the mayor of the City of Statesville; and upon application they shall also furnish to each person elected alderman in his ward a certificate of his election. The board of aldermen shall fill all vacancies occurring in their board by death, resignation or otherwise.

Vacancies.

SEC. 12. The mayor shall be elected by the qualified voters of the City of Statesville for the term of two years, and until his successor shall be elected and qualified.

Mayor.

The board of aldermen may allow said mayor an annual salary not exceeding one thousand dollars, to be paid out of the city treasury. In case a vacancy shall occur in

Salary.

the office of mayor, the board of aldermen shall appoint a qualified person to fill the vacancy for the unexpired term. In case two or more persons receive an equal number of votes for the office of mayor, the sheriff of Iredell county shall determine the matter by his vote.

Vacancy.

Sheriff to determine tie vote as to mayor.

SEC. 13. That on or before the fifth day after their election, the mayor and aldermen so elected shall meet at the city hall, or some other place by them appointed, and shall then and there take an oath to support the constitution and laws of the United States, and the constitution and laws of North Carolina, and to discharge the duties imposed upon them by virtue of their office as mayor and aldermen with fidelity and integrity to the best of their ability, which oath shall be administered by a judge, justice of the peace, or the former mayor.

Oaths.

SEC. 14. The mayor of said City of Statesville while acting as such is hereby constituted an official court, with

Mayor constituted an official court.

all jurisdiction and powers in criminal offences occurring within the limits of said city which now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said city.

Jurisdiction.

The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of ap-

Right of appeal

Mayor authorized to adjudge that defendants convicted shall work streets, &c.

peal. And in all cases where a defendant may be adjudged to be imprisoned by the said mayor, it shall be competent for him to adjudge also that the said defendant work during the period of his confinement in the public streets or other public work of said city.

Precepts.

SEC. 15. That the mayor may issue his precepts to the chief of police and to such other officers to whom a justice of the peace may direct his precepts.

Minutes.

SEC. 16. 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 justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.

Effect of judgments.

How executed.

Mayor to preside at meetings of aldermen and to determine tie vote.

SEC. 17. That the mayor when present shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote; he shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties.

Mayor *pro tem*.

Board of aldermen.

Meetings.

Special meetings.

SEC. 18. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meeting for the year, which shall be as often at least as once in every month. Special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen shall be notified, and when called by a majority of the aldermen, such as shall not join in the call shall be notified.

Ordinances, &c.

SEC. 19. That the board of aldermen when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations

for the better government of the city as they may deem necessary not inconsistent with this act or with the laws of the land.

SEC. 20. That among the powers hereby conferred on the board of aldermen, they may borrow money or create a public debt by issuing bonds or otherwise only after they have passed an ordinance by a three fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to a vote of the people and a majority of the qualified registered voters have voted in favor thereof; thirty days' notice shall be given of such election in some newspaper published in Statesville, at which election those who favor creating the debt shall vote "approved," and those who oppose it shall vote "not approved." The board may order a new registration of voters at any and all such elections if they deem it proper to do so. They shall provide water, for macadamizing, repairing and cleansing the streets, regulate the markets and take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, to appoint and regulate a police force, to execute such precepts as the mayor and other persons may lawfully issue to them; to preserve the peace and order of the city and to execute the ordinances thereof; to suppress and remove nuisances, preserve the health of the city from contagious or infectious diseases, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary.

SEC. 21. That at the first meeting of the board of aldermen, or as soon thereafter as practicable, they shall elect a city clerk and treasurer and a tax collector, who shall respectively hold their offices during the term of the board electing them and until their successors are elected and qualified; subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting each of said officers shall take an oath before the mayor to faithfully discharge the

Aldermen authorized to borrow money after affirmative popular vote.

Notice of election.

Ballots.

New registration.

Powers and duties of aldermen.

City clerk and treasurer.

Tax collector.

Oaths.

Bonds.

duties required of him by the board of aldermen; and each shall execute a bond in such an amount as the board may require, with security to be approved by the board; the bonds required of the clerk and treasurer and tax collector shall be renewed every year.

Salary and duties of clerk and treasurer.

SEC. 22. That the clerk and treasurer shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board and to preserve all books, papers and other articles committed to his care during his continuance in office and deliver them to his successor. And he shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said city, and disburse the same according to an order given in obedience to the direction of said board appearing on their minutes. He shall keep a fair and correct account of all moneys so recorded and disbursed by him in a book kept for that purpose, showing from what source money is received and for what purpose paid out, and shall submit said accounts to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said city and to faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board.

Powers and duties of tax collector.

SEC. 23. The tax collector whose appointment is herein provided for shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with sums appearing by the tax list as due for city taxes. He shall be credited in settlements as sheriffs are credited with amount in suit by appeal; all poll tax as in personal property, certified by the clerk of the commissioners of the county by order of the board of county commissioners, to be insolvent and uncollectable. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per centum per month to the city upon all sums so unlawfully retained.

The board of aldermen at the meeting before the last regular meeting in each year shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and city treasurer, and audit and settle the accounts of the city clerk and treasurer; the accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute book of said board and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to re-election to said office: *Provided, however,* that any male person so certified to be insolvent or delinquent as aforesaid not previously exempted by order of the board of aldermen, who shall fail to pay said taxes to the collector for six months after such return of insolvents or delinquents as aforesaid shall be guilty of a misdemeanor, and upon conviction before the mayor shall be fined double the value of the taxes so due, not to exceed in any case fifty dollars; and the mayor, if said person be committed to prison for failure to pay the fine, may employ such offender in working the public streets and other public works of said city as set forth in section thirteen of this act, and said mayor may allow such offender a credit of so much per day on said fine and costs as to him may seem just and reasonable.

Settlement of accounts.

Removal of tax collector.

Failure to pay taxes by male person, a misdemeanor.

Penalty.

SEC. 24. That the board of aldermen shall have power to appoint a police force to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold their office during the term of the board appointing them and until their successors are appointed. The chief of police shall give bond in such sum as the board of aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the city; and to faithfully account for

Police force.

Chief of police to give bond.

- Duties.** all moneys that may come into his hands from fines, penalties, and so forth. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force. It shall be the duty of the chief of police to attend the mayor's court each day and report any violations of law or ordinances of the city; to collect all fines and penalties imposed and pay the same to the city treasurer, and to execute the orders and judgments of said court; see that the laws and ordinances of the city are enforced and to do such other things as may be required of him by the board.
- Powers of police.** The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and apprehending offenders; they shall execute all process directed to them by the mayor or others, and in the execution thereof shall have the same power which sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and ordinances.
- Oath.**
- Fees of chief of police.** SEC. 25. The chief of police shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs and constables for like service. The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation.
- Ordinances for government of police.**
- Compensation of police.**
- Temporary additional policemen.** In time of exigency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.
- Suspension of police.** SEC. 26. The mayor at any time upon charges being preferred, or upon finding said chief or any member of said police force guilty of misconduct, shall have power to suspend such member from service until the board

of aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member shall cease from the time of his suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal; and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

SEC. 27. The board of aldermen shall require the entire police force to wear badges and be so armed and uniformed as to be readily recognized by the public as peace officers, and the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

SEC. 28. That the said board of aldermen may as soon after their election as necessary appoint a weighmaster, whose duty it shall be to weigh all cotton sold in said city, and an inspector whose duty it shall be to inspect all flour, provisions, forage and all other marketable produce sold in said city in their judgment requiring weighing or inspection; and the weighmaster and inspector so appointed shall give bond with approved security payable to the City of Statesville in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law and the ordinances of the city, and shall take an oath before the mayor before entering upon their duties. And the board of aldermen shall have power to remove either of them for misbehavior or neglect or malpractice in office, and appoint a successor instead. And the board of aldermen are hereby authorized and empowered to regulate the fees to be paid for such weighing and inspection, and by whom to be paid, and to make all necessary ordinances for the government of said officers, and to impose fines and penalties for their violation. They may also appoint a city engineer, a city

Dismissal.

Suspension for drunkenness.

Police to be uniformed and wear badges.

Powers of police.

Weighmaster.

Inspector.

Bonds.

Oaths.

Removal.

Fees, &c.

City engineer.

attorney and a sanitary policeman, and prescribe the duties required of each and fix their compensation.

Auctioneers.

SEC. 29. That the said board of aldermen shall at their first monthly meeting or as soon thereafter as practicable, elect one or more auctioneers for the City of Statesville, who shall give bond with approved security in the sum of three thousand dollars payable to the State of North Carolina, conditioned that he will faithfully perform the duties required of auctioneers by law, which said bond shall be filed with the mayor to be by him safely kept, and no person shall exercise the office of auctioneer in said city except those duly appointed by the board of aldermen; and the said board shall make ordinances regulating auction sales in said city; and the said auctioneer or auctioneers shall pay as a tax a certain per centum on all sales, hires and profits made by virtue of his or their office, not to exceed one per centum, to be levied by the board.

Bond.

Auction sales.

Tax on auctioneers.

Listing of property for taxation.

SEC. 30. That the clerk and treasurer shall, on the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons residing in the City of Statesville, who own or have control of taxable property in the city, on the first of June, to return to him on or before the last day of June a list of their taxable property in said city; said lists shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned to the clerk and treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in the City of Statesville, a full and accurate list of all personal property and a full and accurate list of all stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the State and ordinances of the City of Statesville, accord-

Oath.

ing to my best knowledge, information and belief; so help me God." And from the returns so made the clerk and treasurer shall within thirty days after the expiration of the term for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for collection of State taxes. And the said clerk and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the city limits, which assessments may be revised, corrected and amended by the board of aldermen.

SEC. 31. That the clerk and treasurer shall within thirty days from the return of the tax list make out to the best of his knowledge and belief by comparing his books with the returns made to the board of township assessors, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city who shall have failed to return a list in the manner and time aforesaid, and said persons so listed shall forfeit and pay a sum to be fixed by the board, not exceeding twice the amount of his tax, which penalty may be recovered as other fines and penalties imposed by the board of aldermen before the mayor or any justice of the peace. And all persons who are liable for a poll tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed as aforesaid before the list taker, or shall fail to render a satisfactory excuse to the board of aldermen on or before the first day in August of each and every year respectively, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 32. That in order to raise a fund for the expenses incident to the proper government of the city, the aldermen may annually levy and collect the following taxes, viz:

Tax list.

Assessments.

Delinquent tax-list.

Penalty.

Failure to list a misdemeanor.

Penalty.

Taxation.

- Ad valorem* tax. (1). On real estate and personal property situated in the city a tax not exceeding one dollar on every hundred dollars' value.
- Poll tax. (2). On all taxable polls a tax not exceeding three dollars, who may be residents in the city on the first day of June of each year, or may have been so resident within sixty days next preceding that day.
- Omnibuses. (3). On every four-horse omnibus a tax not exceeding fifty dollars; on every two-horse omnibus a tax not exceeding forty dollars.
- Drays, &c. (4). On every dray or express wagon drawn by one or two horses a tax not exceeding twenty-five dollars; if drawn by more than two horses a tax not exceeding fifty dollars.
- Carriages, &c. (5). On all carriages, buggies, sulkeys or other vehicles used in the city for the carriage of persons or for pleasure, a tax not exceeding fifteen dollars.
- Dogs. (6). On every dog a tax not exceeding ten dollars: *Provided*, that a discrimination may be made within this limit on the different species and sexes of dogs.
- Proviso.
- Purchases. (7). On every hundred dollars' value of goods, wares and merchandise purchased for re-sale by any merchant trading in the city, within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding one dollar.
- Levy of taxes. SEC. 33. That as soon as the clerk and treasurer shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place the tax-list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive not exceeding five per centum on the amount collected.
- Collection of taxes.
- Compensation of collector.

SEC. 34. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty.

Collection of tax by distress and sale.

SEC. 35. That when the tax due on any lot or other land [which is hereby declared to be a lien on the same] shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court house door by the collector, after advertising for thirty days in some newspaper published in the City of Statesville, which the collector shall do. And the collector shall divide the said land into as many parts as may be convenient, [for which purpose he is authorized to employ a surveyor] and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land the same shall be struck off to the city; and if not redeemed as hereinafter provided, shall belong to the said city in fee.

Sale of real estate for taxes.

SEC. 36. That the collector shall return an account of his proceedings to the aldermen, specify the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceeding of the board, and if there shall be a surplus after paying said taxes and expenses, or of advertising and selling the same, it shall be paid into the city treasury, subject to the demand of the owner.

Collector to return proceedings of sale to aldermen.

Surplus to be paid to treasurer.

Taxes, upon what levied.

SEC. 37. The taxes for city purposes shall be levied upon all moneys, credits, investments in bonds, stocks, joint stock companies or otherwise; and also on all real and personal property according to the value in money. A tax for city purposes may also be levied upon franchises and incomes, provided no income shall be taxed when the property from which the income is derived is taxed.

When title to be executed to purchaser.

SEC. 38. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser or his assigns; and the recital in such conveyance, or in any other conveyance of land sold for taxes due the city that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Recitals in conveyance *prima facie* true.

Additional subjects of taxation.

SEC. 39. That in addition to the subjects listed for taxation the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the city tax collector immediately; and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, viz:

Tax, how collected.

Itinerant merchants, &c.

1. Upon all itinerant merchants or peddlers selling or offering to sell in the city, a tax not exceeding fifty dollars per year; except such only as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth or manufacture of this State.

Exceptions

Bowling alleys, &c.

2. On every bowling alley, and every billiard table, and every pool table, and every bagatelle table, and every other table or gaming contrivance, the object of which is gain, and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance.

Restaurants, &c.

3. On all keepers of eating houses or restaurants, fish,

or meat, or vegetable or bread stands, or fruiterers, a tax not exceeding one hundred dollars per year.

4. Upon every company of circus riders who shall exhibit within the city or within one mile thereof, a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not to be double. Circuses.

5. Upon every person or company exhibiting in the city or within two miles thereof, stage or theatrical plays, sleight of hand performances, rope-dancing, tumbling, wire-dancing or menagerie, a tax not exceeding two hundred dollars for every day they exhibit. Theatres, &c.

6. Upon every exhibition for reward of artificial curiosities [models of useful inventions excepted] in the city or in one mile thereof, a tax not exceeding fifty dollars, to be paid in advance. Artificial curiosities.

7. Upon each show or exhibition of any other kind, and in each concert for reward, and on every strolling musician, a tax not exceeding twenty dollars, to be paid before exhibiting. Concerts, &c.

8. Upon every goat or hog running at large in the city there may be levied a tax not exceeding ten dollars, and every such goat or hog may be seized or impounded, and if the owner on being notified shall not pay the tax the animal shall be sold therefor after three days' notice at the court house. Goats or hogs running at large.

9. Upon every horse or mule or bull going at large, a tax not exceeding ten dollars. Horses, &c., going at large.

On every license to sell wines, cordials, malt and spirituous liquors, a tax not to exceed one thousand dollars, reserving the right in each instance to levy a tax on wines, malt and spirituous liquors as merchandise. Liquor dealers.

SEC. 40. That taxes for city purposes shall be levied on all real and personal property, trades, licenses and other subjects of taxation as provided in section three, article five, of the State constitution. That all moneys arising from taxes, donations or other sources shall be paid to the Taxes, how levied.
Moneys payable to treasurer.

- Appropriations. treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the aldermen.
- Streets. SEC. 41. That the board of aldermen shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out and open new streets, or widen those already open and make such improvements thereon as the public convenience may require. That when any
- Condemnation of land. land or right of way shall be required for the purpose of opening new streets, or for widening those already open, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city, to be chosen by the aldermen; and in making said valuation said freeholders, after being duly sworn by the mayor, or a justice of the peace, or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such streets or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen, and shall pass the title to the board of aldermen in their corporate capacity of the land so taken: *Provided*, that if any person over whose land the said street may pass or improvement be erected, or the aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next superior court: *Provided, however*, that such appeal shall not hinder or delay the aldermen opening or widening such street or erecting such improvement.
- Appeal.
- Proviso.
- Sidewalks. SEC. 42. That the board of aldermen shall further have power to cause the sidewalk to be curbed and paved or

repaired when deemed necessary, and to recover from the owner or occupier of lots in which curbing or paving shall be made one-half the expenses of the work, which expenses shall be a lien on the lot: *Provided always*, that the owner before whose lots such curbing and paving shall have been ordered, shall have thirty days' notice in writing of such order of the said board. Proviso.

SEC. 43. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair; they shall also have power to purchase when they deem it proper land adjoining the cemetery for its enlargement; they shall also have the power to forbid any and all interments of dead bodies within the limits of said city whenever they shall deem it expedient. Public cemetery.

SEC. 44. That they may provide for the establishment, organization and equipment, government and pay of such number of fire companies as they shall deem necessary and proper. That in case of a fire occurring in said city, the mayor, or in his absence a majority of the aldermen who may be present, may order the blowing up or pulling down, or destroying any house or houses deemed necessary to stop the progress of the fire; and no person shall be held liable civilly or criminally for acting in such case in obedience to such orders. They shall also have power to establish fire limits within said city, within which it shall not be lawful for any person to erect or build any wooden house, make any wooden additions to any building, or cover any building with any material other than metal or slate. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same, under such penalties as the board of aldermen may establish; and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction. Fire companies.
Powers of mayor and aldermen to stop progress of fires.
Fire limits.

Powers of commissioners to control sale and use of fire arms, &c., speed of horses, railroad engines, &c.

SEC. 45. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the city; the pace and speed at which horses may be ridden or driven through the streets; the speed at which railroad engines and trains shall run within the city limits; to prohibit said railroads from stopping their engines or cars on said streets, and to require said railroads to keep the street crossings in good repair; the arrangement of all stovepipes and flues in buildings; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept, and to prevent them from running at large in said city; to cause all alleys, lots, cellars, privies, stables, styes and other places of like character to be examined by a sanitary policeman to be appointed for that purpose; it shall be their duty on complaint, to cause by their order the sanitary policeman to have said places cleansed and the nuisance abated, and the said sanitary policeman or any other person appointed by the board and charged with that duty, shall have authority to enter the premises described to be in bad order, and inspect and have the same cleansed, and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction.

Sanitary powers, &c.

Nuisances.

SEC. 46. They shall have power, and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in said city, and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the city limits. They shall have power, and it shall be their duty, to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupant the expenses as above, which expenses shall be a lien

on the lot: *Provided*, the owner or occupant of said lots, after ten days' notice shall neglect or refuse to remove or abate said nuisance; they shall have authority to cause all nuisances arising from any cause within, and for one mile without the city limits to be removed or abated, and for the removing or abating any such nuisance the power creating the same shall pay the expenses as above required.

SEC. 47. That the said board shall have power to regulate the manner in which provisions and all other articles shall be sold in the streets and markets of said city, and to regulate the manner in which the streets and markets of said city may be used and kept.

Sale of provisions, &c.

SEC. 48. That the board of aldermen shall have power to grant and cancel licenses to sell wine, malt or spirituous liquors within said city to any person whom they may think proper: *Provided*, the party to whom the license is issued shall pay first such taxes as may be imposed by the board, and give bond for one thousand dollars with approved security, conditioned for the keeping of an orderly and lawful house, and no person shall be permitted to sell wine, malt or spirituous liquors within said city or in one mile thereof unless licensed by the board of aldermen: *Provided*, that this section shall not operate to repeal existing law respecting the prohibition of the license and sale of spirituous liquors in said City of Statesville.

Liquor licenses, &c.

Bond to be given.

Proviso.

SEC. 49. That all fines and penalties imposed by this act, or which are or may be imposed by the ordinance of said city or the laws of the State when tried and recovered before the mayor of said city, shall be paid to the city treasurer for the use of said city.

Fines, &c., payable to city treasurer.

SEC. 50. That no mayor or alderman or other officer of said city shall directly or indirectly become a contractor for work to be done for the city, and any person herein offending shall be guilty of a misdemeanor.

Mayor, &c., not to contract for city work.

Misdemeanor.

SEC. 51. That they may establish all public buildings necessary and proper for the city, and prevent the erec-

Public buildings.

- Prevention of erection of wooden buildings. tion or establishment of wooden buildings in any part of the city where they may increase the danger of fire.
- Penalty for violation of town ordinance. SEC. 52. That for the violation of any ordinance or by-law made by said board of aldermen they may prescribe penalties not exceeding fifty dollars for each offence, to be recovered before the mayor without stay or process mesne or final, and when judgment shall be given for any such penalty the party convicted may, unless the penalty and cost be paid, be immediately committed to jail for the space of thirty days, or until payment thereof shall be made.
- How recoverable.
- Penalties recoverable in name of city. SEC. 53. That all penalties imposed by law relating to the city, or by this act by any ordinance of the city, shall be recoverable in the name of the City of Statesville before the mayor or other tribunal having jurisdiction thereof.
- Penalty incurred by minor, how recoverable. SEC. 54. That all penalties incurred by any minor for the breach of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master, if the minor be an apprentice, of such minor.
- Fees of mayor. SEC. 55. The mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any penalty, or for other cause of action, fifty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal law of the State under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on submission or conviction among other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offender by such as may carry him away; for the use of the city seal for other than city purposes, one dollar; for every certificate for other than city purposes, fifty cents.

SEC. 56. That any person or persons violating any ordinances of the city shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of chapter sixty two of The Code, volume two, entitled "Towns and Cities."

Misdemeanor to violate city ordinance.

SEC. 57. That if any vacancy occur in the office of mayor by death, resignation or otherwise, and there is not a board of aldermen competent to fill such vacancy as hereinbefore provided for, then the board of commissioners of Iredell county on such fact being made known to them, shall appoint a recorder for said city whose duty it shall be to preside at the city court known as the mayor's court, with as full and ample authority to try and dispose of all cases within the jurisdiction of the mayor's court as the mayor has under this charter, who shall continue to hold his office and exercise the duties thereof until the office of mayor is filled according to law.

Vacancy in office of mayor.

SEC. 58. That the salary or pay of no officer elected or appointed under this charter shall be increased or diminished during the time for which he is elected or appointed.

Salaries not to be increased or diminished during term, &c.

SEC. 59. Any person who may be able to labor and who has no apparent means of subsistence and neglects to apply himself to some honest occupation for the support of himself and family, or if any person shall be found spending his time in dissipation, or gaming, or sauntering about without employment, or endeavoring to maintain himself or his family by any undue or unlawful means, such person shall be a vagrant and guilty of a misdemeanor and punished by a fine not to exceed fifty dollars, or by imprisonment not to exceed thirty days and the offence shall be cognizable before the mayor of said city who may release the party on his giving a recognizance with security for his industrious and peaceable deportment for one year or less from the date thereof, or may also impose on him a punishment not to exceed that above mentioned. And the said mayor may cause the such person or persons to be farmed out to work the public streets or other public

Vagrants.

Misdemeanor.

Offence cognizable before mayor, &c.

Liability to work on streets, &c.

work of the said city as set forth in section thirteen of this act.

Tramps.

SEC. 60. That tramps as defined and punished by chapter sixty-three, sections thirty-eight hundred and twenty-eight, thirty-eight hundred and twenty-nine, thirty-eight hundred and thirty, thirty-eight hundred and thirty-one, thirty-eight hundred and thirty-two, of volume two of The Code, are subject to the same penalties, punishments and cognizance as vagrants, as set forth in the preceding section.

Chapter 85, section 1, private laws 1881, amended.

All property within corporate limits liable to taxation to pay corporate indebtedness.

SEC. 61. That the proviso clause to-wit: beginning with the word "*Provided*" and ending with the word "Statesville," the same being the last part of section one, chapter eighty-five of an act entitled "an act to amend the charter of Statesville," &c., ratified the eleventh day of March, one thousand eight hundred and eighty-one, is hereby repealed.

Conflicting laws repealed.

SEC. 62. That all laws or parts of laws in conflict with this act are hereby repealed, and that this act take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1885.

CHAPTER 41.

An act to enable the City of Wilmington to issue bonds with coupons in exchange for certain notes made by said city on January first, one thousand eight hundred and eighty-three, and payable twenty years after said date.

Preamble.

WHEREAS, the City of Wilmington is indebted in the sum of thirty thousand dollars for the purchase of certain market houses, and issued for the payment of said sum certain notes bearing date the first day of January, one thousand eight hundred and eighty-three, payable twenty

years after said date, with interest at six per centum per annum payable semi-annually, and the holders of said bonds are put to inconvenience in being required to produce the said bonds for the endorsement of each separate payment of interest thereon, and it is the desire of both the holders of said bonds and the said city to have coupon bonds substituted and exchanged for said notes: now

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the said city of Wilmington, by and with the sanction and approval of the board of audit and finance of the said city, be and they are hereby empowered and authorized to issue coupon bonds bearing interest payable semi-annually at a rate not exceeding six per centum, to the amount of thirty thousand dollars, in denominations of one thousand dollars each, in exchange for said notes; that the said bonds shall be issued and bear date the same as the time of the falling due of any one of the semi-annually payment of the interest on said notes, and shall be made payable on the first day of January, in the year one thousand nine hundred and three, with a proviso that the same may be called in and paid at any time after the first day of January, one thousand eight hundred and ninety-three; said bonds shall be made payable at such places as the said board may determine, and shall not be valid unless signed by the mayor and countersigned by the chairman of the board of audit and finance of the said city.

Mayor and aldermen (with approval of board of audit) authorized to issue coupon bonds in exchange for notes given for purchase of market houses.

Bonds, how issued, &c.

SEC. 2. That said bonds shall be exchanged at par and at no less rate; they shall not be taxable by the said city for any purpose whatever, and the coupons from and after maturity shall be receivable in payment of any and all taxes or other indebtedness due the said city.

Bonds exchangeable at par.

Exempt from city taxation.

Receivable for city taxes, &c.

SEC. 3. That the said bonds, at the option of the holder, shall be registered by the clerk and treasurer of said city,

To be registered at option of holder.

and after such registration shall be transferable only by endorsement.

Executors, &c.,
authorized to
make exchange.

SEC. 4. All executors, administrators, guardians, trustees and other persons acting in any fiduciary capacity, who now hold, or may hereafter hold or become possessed of any of the notes of said city, which were issued for the purchase of said markets as hereinbefore recited, are hereby fully authorized and empowered to exchange the same for bonds issued under this act.

Misapplication of
proceeds of bonds,
&c., a misde-
meanor.

SEC. 5. Any officer or employee of the said city who shall apply the proceeds of any bond issued under this act, or exchanging any such in any other manner, or for any other purpose, or shall issue or have issued any more of the bonds provided for in this act than is necessary for the specific purposes of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one thousand dollars, or imprisoned not less than six months, or both, in the discretion of the court.

Penalty.

Notes received in
exchange, &c., to
be destroyed.

SEC. 6. It shall be the duty of the mayor and the chairman of the board of audit and finance within sixty days from the time when the said notes shall be exchanged in accordance with the provisions of this act, to conjointly destroy all the said notes in the possession of said city, and all bonds which have not been used for the specific purpose of this act.

Special tax for
payment of in-
terest and sink-
ing fund.

SEC. 7. That the board of aldermen and board of audit and finance shall levy a tax upon the property of the citizens of said city to provide for the payment of the interest that may accrue upon said bonds, and in like manner provide for the payment of the principal of said bonds as they may severally mature, by creating a sinking fund for that purpose.

SEC. 8. 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 February, A. D. 1885.

CHAPTER 42.

An act to repeal chapter one hundred and three of private laws of one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact :

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

Chapter 103, private laws 1879, (charter of Forestville, Wake county,) 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 26th day of February, A. D. 1885.

CHAPTER 43.

An act to incorporate the town of Mooresboro, in the county of Cleveland.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Mooresboro in the county of Cleveland, be and the same is hereby incorporated under the name and style of the town of Mooresboro, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town as its board of commissioners may deem necessary or expedient.

Incorporated.

Corporate name.

Corporate powers.

SEC. 2. That the corporate limits of said town shall be a circle of one-half mile from the centre of main street, old Rutherford road and opposite the academy in all directions.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a

officers.

mayor and five commissioners, who shall be styled the board of commissioners of Mooresboro, 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-five 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 Shelby, in said county of Cleveland. A constable and secretary and treasurer to be chosen by the board of commissioners immediately after its organization to hold one year, or until their successors are installed into office. And until the said first Monday in May, one thousand eight hundred and eighty-five, B. H. Bridges shall fill the office of mayor, and J. W. McEntire, W. W. Gilbert, L. C. White, R. H. Fite and Z. R. Walker shall act as commissioners, and C. M. Burress, constable.

Temporary officers.

Taxation.

SEC. 4. The board of commissioners of said town shall have authority to assess and collect annual taxes for municipal purposes on all persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt: *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.

Ordinances.

SEC. 5. That the board of commissioners of the town may pass all ordinances they may deem necessary for the good government, quiet, peace, health and safety of the town, not inconsistent with the constitution and laws of the State and of the United States.

Violation of town ordinance a misdemeanor.

SEC. 6. 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.

Jurisdiction of mayor.

SEC. 7. 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 the 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 or marshal.

SEC. 8. 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 make due return thereof, and in the 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 commissioners may allow.

Duties of constable.

Fees.

SEC. 9. 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 hands

Duties of secretary and treasurer.

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.

Compensation.

Bond of secretary and treasurer.

SEC. 10. 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 five 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.

Bond of constable.

Suit on bond, how instituted.

And the board of commissioners shall institute suit in the name of the "Town of Mooresboro," upon the relation of the State of North Carolina for any violation of said bonds.

Power of mayor to commit offenders to jail.

SEC. 11. That the mayor shall have power to commit any offender who is sentenced to imprisonment for misdemeanor 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 jailor shall receive such persons as are committed by the mayor, and shall charge the same fees as

Duty of sheriff.

Fees.

Power of mayor to require offenders to work on streets.

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 for the non-payment of such fines and costs.

Fines and penalties, how collected and applied.

SEC. 12. 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. 13. That the mayor, immediately after the election, and before entering upon the duties of his office, shall, before a justice of the peace, take the oaths prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law. Oath of mayor.

SEC. 14. That each commissioner, before entering upon the duties of his office, shall take, before the mayor or some justice of the peace, the oath or prescribed for public officers, and an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment. Oath of commissioners.

SEC. 15. That the mayor and commissioners shall hold their office respectively until the next ensuing election, and until their respective successors shall be qualified; the mayor, when present, shall preside at the meetings of said board of commissioners, but shall not be entitled to a vote upon any question except in case of a tie. In the absence of the mayor the board may appoint one of their number mayor *pro tem*. The said board shall have power also to fill all vacancies which may occur. Terms of office.
Mayor to preside at meetings of commissioners, &c.
Mayor pro tem.
Vacancies.

SEC. 16. 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 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 the town or resignation excepted,) shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of Cleveland county in the name and for the benefit of the town of Mooresboro, or on failure to pay such fine, shall be imprisoned in the county jail not to exceed thirty days. Penalty for failure to qualify or serve as mayor or commissioner.

SEC. 17. That the commissioners shall have power from time to time to open out any new streets and alleys within the limits of said town by paying the owners through whose land the said streets and alleys may run the dam- Recovery of penalty.
Streets.

Condemnation of
land.

ages, 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*, 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.

Appeal.

Powers, &c., of
temporary officers.

SEC. 18. That the mayor and commissioners and constable named in this charter shall hold said offices with all the powers, privileges, rights and responsibilities which this charter confers until their successors are elected and qualified.

Provisions of
chapter 62 of The
Code applicable
to town of
Mooresboro.

SEC. 19. That in addition to the rights, franchises and immunities conferred by the foregoing sections, the town of Mooresboro shall have and be subject to all the provisions contained in The Code of North Carolina, chapter sixty-two, not inconsistent with this act.

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 26th day of February, A. D. 1885.

CHAPTER 44.

An act to incorporate Fayetteville Lodge, number three hundred and twenty-nine, Ancient, Free and Accepted Masons, in the town of Fayetteville.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Bond E. Sedberry, George P. McNeill, George Rosenthal, John A. McLaughlin, Henry McD.

Robinson, Ernest A. Smith, William O. Lockamy, Albert A. Slocumb and Thomas H. Sutton and others, officers and members of Fayetteville Lodge, number three hundred and twenty nine, Ancient, Free and Accepted Masons, located in the town of Fayetteville, county of Cumberland and State of North Carolina, be and they are hereby incorporated into a body politic and corporate, under the name and title of "Fayetteville Lodge, number three hundred and twenty-nine, Ancient, Free and Accepted Masons."

Corporate name.

SEC. 2. That with the above name they and their associates and successors shall have perpetual succession and a common corporate seal, sue and be sued, plead and be impleaded before any court of record or justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporation.

Corporate powers.

SEC. 3. That said corporation or lodge shall have authority to construct an automatic or under-ground tube from its hall or lodge room to the lodge room of Phoenix Lodge, number, of Masons, for the purpose of more convenient communication and transmitting of messages between said lodges, and for this purpose may have the right to lay its tubes over the real estate of any person lying between said lodges: *Provided*, said tubes are laid under ground a sufficient depth not to incommode the owners thereof, and shall not be so located as to injure any garden, flower yard or church property.

Authorized to construct automatic tube to lodge room of Phoenix lodge.

Proviso.

SEC. 4. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this State or the United States.

By-laws, &c.

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 27th day of February, A. D. 1885.

CHAPTER 45.

An act to incorporate the Salisbury Woolen Mills.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That J. D. McNeely, agent, T. P. Johnston, C. A. Rice and Benjamin Frankland and their successors be, and are hereby constituted and appointed a body politic and corporate, under the name and style of the Salisbury Woolen Mills, for the purpose of manufacturing woolen goods.
- Corporate name.
- Corporate powers. SEC. 2. That the said Salisbury Woolen Mills shall be entitled to all the rights, privileges, powers and immunities, and shall be subject to all the restraints and restrictions contained in chapter sixteen of The Code of North Carolina, entitled corporations.
- Capital stock. SEC. 3. That the capital stock of said corporation shall be sixty-five hundred dollars, and may be increased to ten thousand dollars, and the said stock shall be divided into one hundred and thirty shares of fifty dollars per share, and may be increased to two hundred shares of fifty dollars per share.
- Place of business. SEC. 4. That the place of business of said corporation shall be at the town of Salisbury, North Carolina, and said corporation is hereby authorized to commence operations as soon as its officers shall direct.
- Stockholders not individually liable for corporate debts. SEC. 5. That the stockholders or corporators of said corporation shall not be individually liable for the debts of the corporation.
- By-laws, &c. SEC. 6. That the stockholders of said corporation shall have power to make all such by-laws and regulations as may be necessary for the government of the corporation, and the transactions of its business.
- 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. 1885.

CHAPTER 46.

An act to change the corporate limits and to amend the charter of the town of Huntersville, Mecklenburg county, North Carolina.

The General Assembly of North Carolina do enact :

- SECTION 1. That the inhabitants of the town of Huntersville shall be a body politic and corporate, and in the name of the Board of Commissioners of Huntersville 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 and personal property. Body politic.
Corporate name.
Corporate powers.
- SEC. 2. The corporate limits of the town of Huntersville shall be as follows, to-wit: Beginning at the first railroad crossing immediately south of R. H. W. Barker's new store, and running one-half mile north, south, east and west, making the said crossing the centre of the square. Corporate limits.
- SEC. 3. That there shall annually, on the first Monday in May in each year, be elected a mayor and four commissioners, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the town. Officers, when elected.
- 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. Qualifications for mayor or commissioners.
Proviso.
- SEC. 5. That all persons entitled to a vote in the county of Mecklenburg for members of the General Assembly, and who shall have been *bona fide* residents of the town of Huntersville ninety days next preceding the election shall be entitled to vote for mayor and commissioners, or at any election held therein for municipal purposes. Electors.
- 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 Oaths of mayor and commissioners.

impartially perform the duties of his office for the town according to the best of his ability, skill and judgment.

Vacancies.

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 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.

Other officers.

Mayor *pro tem*.

Oaths.

Bonds.

Duties of tax collector may be performed by constable.

Mayor constituted an inferior court.

Special court.

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 violating, 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 court and fined not more than fifty dollars. If the accused is dissatisfied with the judgment of the mayor or court, he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

Appeal.

SEC. 9. The mayor may issue his precepts to the town constable, who may execute the same anywhere in Mecklenburg 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 by him and of all his judicial proceedings.

Precepts of mayor, how executed, &c.

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, to control and manage such person or 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 failing to pay costs, &c., liable to work on streets.

SEC. 11. That any town constable, policeman, watchman or other town officer arresting any person or persons in the night for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the lock-up for safe keeping 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.

Persons arrested at night to be committed until morning, &c.

SEC. 12. That the treasurer 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

Duties of treasurer.

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 the duties lawfully imposed on him as town treasurer.

Annual statement of receipts and expenditures.

SEC. 13. 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 in some public place ten days before the day of the annual election of commissioners.

Orders on treasurer, how drawn, &c.

SEC. 14. 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 same.

Proviso.

Duties of constable.

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 powers vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof 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.

Streets.

SEC. 16. That the commissioners shall have power to lay out and open any new street or streets within the cor-

porate 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 road, 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.

Condemnation of
land.

SEC. 17. That the board of commissioners of the town of Huntersville 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 thirty-three and one-third cents on one hundred dollars' valuation of property, and seventy-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 Huntersville, who may be liable to work

Taxation.

on the public roads in lieu of requiring of them such personal services on the roads and streets.

Levy and collection of taxes.

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.

Compensation of collector.

Proviso.

Collection of taxes by distress and sale.

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 four public places in the corporation if the property be personal, or twenty days if the property be real, without any judgment or execution.

Commissioners empowered to declare horses, &c., running at large a nuisance, &c.

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 such 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 liquors, &c., except for medicine, &c.

SEC. 21. That no spirituous liquors, wine, cordial, ale, porter, lager beer, or other spirituous, vinous 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 violating any provision of the section shall, upon conviction, forfeit and

Penalty.

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 any person may so retail or sell shall be deemed a violation of this act.

Misdemeanor.

Each sale, &c., a separate offence.

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 or name called or known, at which games of chance, hazard or skill shall be played, within the corporate limits of Huntersville. And any person who shall violate any of the provisions of this section shall forfeit and pay to the commissioners the sum of fifty dollars for each offence, to be sued for and recovered by the 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 day, or part of a day, in which any billiard table, ten pin alley, or gaming table, or place where any game of chance, hazard or skill shall be kept up, maintained and played by whatever name, shall be deemed a separate offence, and a violation of this act.

Unlawful to keep, &c., billiard table, &c.

Penalty.

Misdemeanor.

Each day, &c., a separate offence.

SEC. 23. 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 tenant of the ground wherever the same may be; they may, also, prevent the establishment 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.

Nuisances.

SEC. 24. That the board of commissioners shall have power to provide water, take all proper means to prevent

Powers of commissioners.

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 sidewalks 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. 25. That the town of Huntersville 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.

Erection of wooden buildings.

SEC. 26. The commissioners shall have power to regulate and control the erection of wooden buildings within the corporation, so as to prevent loss, damage or damages by fire.

Corporate limits.

SEC. 27. That the corporate limits of said town shall be a public school district known as district number thirty-seven.

Chapter 240, laws 1876-'7, repealed.

SEC. 28. That an act to incorporate the town of Huntersville, ratified on the ninth day of March, Anno Domini one thousand eight hundred and seventy-seven, be and the same is hereby repealed.

SEC. 29. 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. 1885.

CHAPTER 47.

An act to extend the corporate limits of the town of Glen Alpine in Burke county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter sixty-one of the private laws of one thousand eight hundred and eighty-three be amended by striking out the words "five hundred yards" in the second line, and inserting "one-half mile."

Chapter 61, section 2, private laws 1883, amended.

Corporate limits of Glen Alpine, Burke 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 27th day of February, A. D. 1885.

CHAPTER 48.

An act to change the name of the "H. R. Welborn company," a corporation at High Point, North Carolina, and for other purposes.

WHEREAS, a corporation by the name of "H. R. Welborn and Company," for the manufacture and sale of tobacco, and dealing in tobacco was duly formed, organized and chartered, with the maximum capital of twenty thousand dollars, under the provisions of chapter twenty-six of Battle's Revisal, at High Point, Guilford county, North Carolina, on the 4th day of February, one thousand eight hundred and eighty-one; and whereas, the plan, terms and articles of said corporation were on that day duly recorded in the office of the superior court clerk and duly registered on said day in book number sixty, pages one thousand eight hundred and fifty-four and one hundred and ninety eight in the register's office of said county;

Preamble.

and whereas, said corporation paid the corporation tax of twenty-five dollars and has continued to do business at High Point ever since under said maximum capital ; and whereas, the present corporators owning the stock therein desire to change the name of their said corporation and increase the maximum of its capital ; and whereas, such changes are not authorized by the existing statutes ;

The General Assembly of North Carolina do enact :

Authorized to change corporate name to "Gordon, Pegram & Co."

SECTION 1. That the corporation organized, known and called the "H. R. Welborn & Company," at High Point, in Guilford county, shall hereafter have the name of the "Gordon, Pegram & Company," and shall hereafter be known and called by that name, and said corporation shall hereafter use said new name of Gordon, Pegram & Company in their books and by-laws, and in their business dealings and transactions.

Corporate powers and liabilities.

SEC. 2. That said corporation under its changed name shall have all the powers, franchises and privileges granted to it in their said charter under the original name, and shall also be liable for all the contracts, obligations, dues, assessments and taxes of said corporation entered into, assumed, incurred and subject to whilst doing business under the name of "H. R. Welborn & Company."

Authorized to increase capital stock.

SEC. 3. That a majority of the stockholders in said corporation, at any meeting after the ratification of this act, shall have the privilege of increasing the capital stock, so that the maximum of stock shall not exceed the sum of fifty thousand dollars.

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 27th day of February, A. D. 1885.

CHAPTER 49.

An act to amend chapter forty-five of the private laws of North Carolina of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter forty-five of the private laws of North Carolina, passed at the session of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, entitled an act to incorporate the "Pennsylvania and North Carolina Land and Lumber Company," be and the same is hereby amended as follows :

Chapter 45, private laws 1870-1, amended.

"The said company shall within one year from the passage of this act cause all its lands in the counties of Brunswick and Columbus to be surveyed and the lines and boundaries thereof plainly and distinctly marked and ascertained. It shall also cause a copy of said surveys, with lines and boundaries thereof clearly and distinctly set forth therein, to be filed within said period in the office of the register of deeds for the counties aforesaid, who shall forthwith cause the same to be entered at large in the books wherein the deeds for the lands for said counties are required to be recorded.

Pennsylvania and North Carolina Land and Lumber Co. required to have lands in Brunswick and Columbus counties surveyed, and copy of survey registered, &c.

SEC. 2. That if the said company shall fail, neglect or refuse to comply with the provisions of this act, then all rights, franchises, privileges and immunities granted to it by virtue of the act aforesaid or any other act of the General Assembly shall cease and be forever determined and its charter declared forfeited.

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 27th day of February, A. D. 1885.

CHAPTER 50.

An act to incorporate "The North Carolina Baptist Orphanage Association."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That John C. Scarborough, R. R. Overby, W. B. Clement, George W. Greene, C. Durham and John H. Mills and their associates and successors be and they are hereby created a body politic and corporate, under the name and style of "The North Carolina Baptist Orphanage Association," with power to receive, purchase and hold property, both real and personal, not to exceed one hundred thousand dollars, to sue and be sued, to plead and be impleaded, to contract and 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 the association and carry out the intent and object thereof.

Corporate name.

Corporate powers.

Officers.

SEC. 2. That the incorporators named shall be the principal officers thereof until they and their associates shall, under the rules and regulations by them adopted, or which they may hereafter adopt, elect successors.

Location of Orphanage.

SEC. 3. That the location of the Orphanage shall be at or near Thomasville, in the county of Davidson, North Carolina.

Objects of corporation.

SEC. 4. The object of the said corporation is to prepare poor and promising orphans for the duties and responsibilities of life; to that end the corporation shall have power to adopt such measures as will enable it to afford protection and extend the benefits of correct training to all such as may be entrusted to its care by lawful authority.

Method of securing control of orphans.

SEC. 5. That said corporation shall have power to secure the control of such orphans by the written consent of those nearest of kin, or of those having the control of

the said orphans, or by petition for such control when necessary to the superior court clerk of the county in which said orphans may be domiciled, who may, in his discretion, grant such control to said corporation; and it shall not be lawful for any person or persons to in anyway interfere with said corporation in the management of said orphans, after they shall have been entered and received by the association.

Unlawful to interfere with management of orphans by corporation.

SEC. 6. The said corporation shall have power to discharge any of said children from the Orphanage when, in the judgment of the general manager, it shall be for the best interest of the child or the advantage of the Orphanage.

Discharge of children from orphanage.

SEC. 7. That the said corporation may, by such quorum as it may by its constitution designate, adopt such by-laws, rules and regulations as may be deemed proper for its efficient management, and to elect, constitute and appoint such officers, committees, teachers and assistants as may be deemed expedient.

By-laws, &c.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1885.

CHAPTER 51.

An act to allow the city of New Berne to issue bonds for the purpose of city improvements and to liquidate its judgments and floating debt.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of city council of the city of New Berne in Craven county be and they are hereby authorized and empowered to issue coupon bonds of the said

City council authorized to issue \$25,000 coupon bonds.

<p>To be sold at par. Not liable to city tax. Coupons receivable for city taxes.</p>	<p>city of New Berne for the amount of twenty-five thousand dollars. The said bonds shall be sold at par and at no less a rate. They shall not be taxable by the said city for any purpose whatever, and the coupons shall be receivable from and after maturity in payment of any and all taxes or other indebtedness due the said city.</p>
<p>When to mature.</p>	<p>SEC. 2. That the said bonds shall mature and be payable in not less than one nor more than thirty years, at the election of said board, from their date, and shall bear interest at the rate of six per centum, payable annually on the first day of January, at the office of the city clerk of said city.</p>
<p>Interest. How issued and application of proceeds.</p>	<p>SEC. 3. That said bonds shall be issued in denominations of from five dollars to fifty dollars. Twelve thousand dollars thereof shall be issued for the purpose of liquidating the present outstanding judgments and floating debt of the said city, and the remaining issue of thirteen thousand dollars shall be used for the purpose of purchasing a lot or lots in the said city and constructing thereon a city hall, market house and other necessary buildings for the use of said city, and said bonds shall be used for no other purpose: <i>Provided</i>, any amount left over after the payment of said city debt shall be transferred to and become an additional fund for the construction of said city improvements.</p>
<p>Proviso. What portion of taxes to be applied to payment of interest, &c.</p>	<p>SEC. 4. That ten per centum of all taxes collected from the property, and thirty per centum of all collected from the polls by the said city shall be allotted and set apart from the general tax levied and collected by said city in each and every year to pay the annual interest upon said bonds, and if after paying said interest there remains in any year a surplus, the same shall be transferred to and become a part of the sinking fund hereinafter provided.</p>
<p>Sinking fund.</p>	<p>SEC. 5. For the purpose of paying off and settling the principal of said bonds as speedily as is expedient, all rents and profits accruing to the said city from the said city hall, market house and other buildings herein pro-</p>

vided for shall constitute a sinking fund, which shall be annually applied so far as it will go to the payment of the principal of said bonds, and if in any year the aggregate amount arising from said rents and profits is less than the sum hereinbefore provided for the payment of the interest on said bonds in said year, a sum sufficient to make said two sums equal shall be added thereto from the general tax levied and collected in said years.

SEC. 6. That said bonds and their coupons shall be issued under the direction of the mayor of said city, and shall be signed by him and countersigned by the city clerk and stamped with the official seal of the said city, and said city clerk shall keep a book suitable for the purpose in which he shall keep an account of the number of said bonds issued, the amount of bonds received and cancelled, old debts and judgments redeemed and paid under this act, and all transactions connected therewith, so that upon inspection thereof the true state of said city's bonded debt may be seen.

Bonds to be issued under direction of mayor, &c.

Clerk to keep record.

SEC. 7. That so soon after the ratification of this act at the election hereinafter provided as may be deemed practicable, the said board shall appoint some suitable person or persons to act for said board for the negotiation and exchange of said bonds, who shall before concluding said sale or exchange report the name or names to said board for approval or rejection, and said bonds shall be issued from time to time as they may be required for the purposes hereinbefore designated.

Negotiation of bonds.

SEC. 8. That so soon after the passage of this act by the General Assembly as may be practicable, the said board of city council shall order an election to be held in the said city, first giving twenty days' notice of the time fixed for holding the same, at which time the polls shall be opened and the election conducted as in other elections in said city and in conformity to the general election laws applicable to said city; and the bonds authorized by this act shall not be issued unless a majority of the qualified

Election to be held upon question of issuing bonds.

voters of said city shall cast their votes in favor of issuing said bonds for the purposes hereinbefore specified. That at said election there shall be at each polling place one box for the deposit of ballots. Those favoring the issuing of said bonds shall deposit in said box a written or printed ticket inscribed with the word "Ratification," and those opposed with the word "Rejection."

Ballots.

Canvass of vote.

SEC. 9. That in five days after the said election, the said board shall meet and canvass the votes so cast and declare the result.

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 28th day of February, A. D. 1885.

CHAPTER 52.

An act to cure defects in the probate of a will, and to ratify and make valid the orders of the probate courts of the counties of Madison and Haywood in regard thereto.

Preamble.

WHEREAS, the late John Strother, a citizen of North Carolina, died in the State of Tennessee, leaving a last will and testament, which was executed in accordance with the laws of this State in force at the date of its execution and probate; and whereas, said last will and testament was admitted to probate in Davidson county court, in said State of Tennessee, at its January session, one thousand eight hundred and sixteen, and was duly proved and recorded in said Davidson county according to the laws of the said State of Tennessee; and whereas, although there were two subscribing witnesses to said last will and testament, it was proved by only one of said witnesses, and it was omitted in said probate to state that said witness who proved said last will

and testament subscribed the same in the presence of the other witness, and saw said other witness subscribe the same; and whereas, the said testator, by his said last will and testament, devised large boundaries of lands in North Carolina to citizens of said last named State; and whereas, an exemplified copy of said last will and testament from the probate court of Davidson county, State of Tennessee, has been produced to the probate courts of the counties of Madison and Haywood in this State, and offered for probate in the same, and duly allowed by said last named courts, and filed and recorded in the same; and whereas, both of the witnesses to said will are dead, and by reason of the long lapse of time since their death, the parties interested are unable to obtain proof of their handwriting, or to otherwise prove or establish said last will and testament; therefore

The General Assembly of North Carolina do enact:

SECTION 1. That the said last will and testament of said John Strother be and the same is hereby declared to all intents and purposes valid and sufficient to pass title to all lands in this State therein devised to the devisees named in the same; and that the exemplified copy of said last will and testament from the said probate court of said county of Davidson, State of Tennessee, which was produced and offered for probate in said counties of Madison and Haywood, in this State, was sufficient to warrant said last named courts to order that said copy be allowed, filed and recorded in said courts, and said orders of said courts are hereby in all things ratified, confirmed and made valid, and shall have the same force and operation as if the original of said last will and testament had been produced and proved in said courts in all respects in accordance with the laws of this State in relation to the probate and recording of wills; and that the said exemplified copy of said will, and the record thereof in said counties of Madison and Haywood, and duly cer-

Will of John
Strother declared
valid.

Exemplified copy
to be filed and re-
corded, &c.

Receivable in
evidence, &c.

tified copies of said record and will by the clerks of the superior courts of said counties shall be received in evidence in all cases, in like manner, and for like purposes, and with like operation and effect in all the courts of this State, in which the original of said last will and testament would be competent if proved and admitted of record in said last named counties according to the laws of this State.

Act not to affect actions now pending.

SEC. 2. This act shall not apply to or in anywise affect any action now pending in any of the courts of the counties aforesaid.

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. 1885.

CHAPTER 53.

An act to amend the charter of the town of Hendersonville.

The General Assembly of North Carolina do enact :

Chapter 35, private laws 1883, amended.

SECTION 1. That chapter thirty-five of the private acts of one thousand eight hundred and eighty-three, being the charter of the town of Hendersonville, be amended by adding thereto the following section :

Retail liquor licenses, how granted, &c.

“That before the mayor and commissioners shall grant license to retail spirituous and malt liquor in said town, where the place at which said retailing is to be done is adjoining a private residence or is within thirty feet of such residence, that the signature in writing of the person occupying said residence or residences, and if unoccupied, the signature in writing of the owner thereof assenting to the granting of such license, shall be obtained and presented to the mayor and commissioners, and it shall be

unlawful for said mayor and commissioners to grant license unless such assent is presented to them by the party making application for retail license.”

SEC. 2. This act shall take effect from and after the first day of January, one thousand eight hundred and eighty-six. Act to take effect from Jan. 1st, 1886.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1885.

CHAPTER 54.

An act to incorporate the town of Margarettsville in Northampton county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Margarettsville in Northampton county be and the same is hereby incorporated by the name and style of the “Town of Margarettsville,” 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. Incorporated. Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the junction of the Meherrin Valley Railroad going south to the south edge of Cypress swamp, thence along the edge of said swamp to a spring at the west end of dam at county road, thence south across swamp to opposite edge, thence west to mill house, thence taking in mill house and going west following main run at mill pond to opposite the line between the lands of D. W. Carr and W. W. Stephenson, thence north along said line to the Good Samaritan hall at county road, taking in said hall, thence north along the line, between the lands of W. H. Parker and W. P. Vick to Meadow hill, thence northeast to the Meherrin Valley Corporate limits.

Railroad, thence south down said railroad to the beginning.

Election.

SEC. 3. That the election for mayor and commissioners shall be held on the first Monday in May, one thousand eight hundred and eighty-five and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this State.

Officers.

SEC. 4. 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, one thousand eight hundred and eighty-five, or until their successors are duly elected and qualified, viz: For mayor, Andrew Spivey; for commissioners, W. H. Parker, J. M. Fleetwood and Daniel E. Bridgers; for marshal, J. B. Bridgers. The said commissioners shall have power to appoint another marshal in case of vacancy.

Temporary officers.

SEC. 5. 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. 1885.

CHAPTER 55.

An act to incorporate the Scottish Carolina Timber and Land Company Limited in North Carolina.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That the Scottish Carolina Timber and Land Company Limited, recently incorporated in the city of Glasgow, Scotland, by virtue of the acts of the Parliament of the Kingdom of Great Britain entitled "The companies' acts, one thousand eight hundred and sixty-two to one thousand eight hundred and eighty," be

and the same is hereby created a body politic and corporate for the uses, purposes and intent of this act, under the same name and style, viz: The Scottish Carolina Timber and Land Company Limited, and under that name and style may sue and be sued, plead and be impleaded in any and all the courts of this State, contract and be contracted with and adopt and use a common seal which they may alter at their pleasure.

Corporate name.

Corporate powers.

SEC. 2. The said corporation shall have power:

Corporate powers.

(1). To take by purchase or other operation of law any lands, tenements and hereditaments in the State of North Carolina, to such an amount as to them shall seem proper, and to hold and convey the same as fully as citizens of this State can or may do;

(2). To apply for and procure from the competent authorities in the United States all charters, business or other powers necessary for commencing and carrying on the company's operations;

(3). To develop the resources of the said lands and hereditaments by building, clearing, planting, mining or otherwise dealing with the same and the produce thereof.

(4). To stock the lands and to breed and deal in all kinds of stock, cattle, sheep and produce;

(5). To aid, encourage and promote immigration into the property of the company and to colonize the same, and for the purposes aforesaid to lend and grant any sums of money;

(6). To deal with, manufacture and render salable the timber found on the said estate;

(7). To buy, manufacture and sell all kinds of goods, chattels and effects required by the company or by any person who may settle on the property of the company or by others;

(8). To construct mills, workshops or other business premises and maintain them, to sink mines and pits for the purpose of mining and carrying away minerals, and to construct and uphold all other buildings and works, to

Corporate powers.

build and equip with rolling and other stock and operate rail, tram, turnpike, or other roads connecting the property with any roads of any and all kinds, and to that end may build bridges and culverts across streams or depressions, to establish and maintain fences, telegraph lines, canals, aqueducts, wells, reservoirs, streets, gas works, piers, wharves and other works which may be deemed necessary or convenient for the company, and to further each and all of these ends this corporation has hereby conferred upon it all the powers, rights, privileges and immunities conferred upon railroad companies and telegraph companies, by chapter forty-nine of The Code of North Carolina, entitled "railroads and telegraph companies," and whenever it may become necessary for the purpose of constructing their roads, canals or other works, to enter upon any lands to which it does not have title or the right of possession and is unable to agree with the owner thereof for the compensation therefor, the mode of procedure to secure the condemnation of such lands shall be as prescribed by law ;

Condemnation of land.

Corporate powers.

(9). To carry on, undertake, and if necessary to purchase or otherwise acquire all or any of the business usually carried on by companies having objects similar to this company in all their several branches: *Provided*, nothing herein contained shall be construed to authorize the sale of any spirituous or malt liquors within any territory where the same is prohibited by law ;

(10). To purchase, take on lease, or in exchange, hire, or otherwise acquire any real or personal property, and any rights or privileges which may be necessary for the purposes of its business and to take titles thereto in the name of the company or of trustees for its use ;

(11). To sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of, or otherwise deal with all or any part of the property of the company ;

(12). To lend money, with or without security, and in

particular to customers of and persons having dealings with the company;

(13). To make, accept, endorse and execute promissory notes and bills of exchange and other negotiable instruments. It may deal in all mineral products, crude and manufactured. It may carry on the business of general merchandise, and buy, sell and exchange all manner of wares, goods, merchandise and products;

(14). To enter into any contracts or obligations in furtherance of the objects of the company, and to guarantee the due performance of the same; Corporate powers.

(15). To raise money in such manner as the company shall see fit, and in particular by the issue of debentures charged upon all or any of the company's property, both present and future;

(16). To do all such other things as are incidental or conducive to the attainment of the above objects;

(17). To make such rules and regulations or by-laws as may to them seem proper for the government of the corporation, and to require bonds from such officers as they may choose for the faithful performance of their duties, payable to the corporation.

SEC. 3. This corporation shall exist and be in full force and effect for the period of ninety-nine years from the date of the ratification of this act: *Provided, however,* Corporate existence. that this act shall not go into effect until copies of the memorandum and articles of association of the corporation shall be recorded in the office of the register of deeds for the counties of Haywood and Madison, State of North Carolina: *And provided further,* Proviso. the said company shall not have or exercise any rights, powers, franchises or privileges in said memorandum or articles contained, Proviso. except such as are by this act conferred: *And provided further,* Proviso. that a non-use of the privileges, rights and powers hereby granted for the period of two years shall be a dissolution of it.

SEC. 4. The principal place of business shall be in the Place of business.

Branch offices.

Property, where listed for taxation.

Provisions of chapter 49 of The Code, in conflict with this act declared inoperative so far as this act is affected.

city of Asheville, county of Buncombe, but the corporation may establish and maintain such other branch offices in this or any other State or territory as it may deem necessary for the convenient transaction of its business, and all property of the company shall be listed for taxation in the county where located.

SEC. 5. That all the sections or parts of sections of chapter forty-nine, Code of North Carolina, entitled "Railroads and Telegraph Companies," in conflict or inconsistent with the provisions of this act are hereby declared inoperative as far as they affect the privileges, rights and powers hereby conferred.

SEC. 6. 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. 1885.

CHAPTER 56.

An act to incorporate the Catawba and Alexander Toll Bridge Company.

The General Assembly of North Carolina do enact :

Incorporation authorized.
Capital stock.

Corporate name.
Purposes of act.

Corporate powers.

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 and known as the Catawba and Alexander Toll Bridge Company, for the purpose of constructing a bridge across the Catawba river, at any point which said company may select, between the mouth of Lower Little river and Lookout Shoals; and said 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.

SEC. 2. That for the purpose of creating the capital stock of such company M. L. McCorkle, L. L. Wither-
 spoon, J. R. Gaither, D. W. Moore and J. M. Avent, of
 the county of Catawba, and J. L. Alexander, C. L. Drum
 and J. T. Hedrick, of the county of Alexander, 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 sub-
 scription 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 neces-
 sary in the construction of said bridge, bonds, stocks or
 other valuable credits, in such manner and on such terms
 as shall be agreed between said company and such sub-
 scribers.

Commissioners.

Books of sub-
scription.Subscriptions,
how payable.

SEC. 3. That whenever the sum of one thousand dol-
 lars 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 places
 as they shall determine, and at general meetings of said
 stockholders not less than a majority of all stock sub-
 scribed shall constitute a quorum for the transaction of
 business, and said stockholders when so met in general
 meeting shall have power, and it shall be their duty to
 elect a president and four directors whose term of office
 shall be one year, and until others are chosen.

Organization.

Officers.

SEC. 4. That it shall be the duty of said stockholders
 at their general meetings to prescribe the manner and

Payment of
stock.

time in which payment of stock on the subscription books shall be made.

Treasurer.

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.

Annual report.

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.

Meeting of stockholders.

Special meetings.

Condemnation of land.

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 be unable 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.

Tolls.

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 sulky or buggy, twenty-five cents; for two-horse wagon, forty cents; for two-horse carriage, forty cents; for three or four-horse wagon or carriage, fifty cents; for five or six-horse wagon, sixty cents; for loose hogs or sheep per head, one cent; for loose cattle or horses, two and one-half cents.

Authorized to locate road from bridge to Taylorsville or Newton or both.

SEC. 9. That said company may survey and locate a route for a road from their bridge site to either Taylorsville in Alexander county, or Newton in Catawba county,

or both, and when they have made such survey and location, if they report the same to the commissioners of the county in which the proposed route lies and shall ask for a jury to assess the damages which land owners may sustain by the making of said proposed road, it shall be the duty of said commissioners to appoint three disinterested freeholders whose duty it shall be to examine the ground, assess the damages, and report the same to the county commissioners; and whenever said commissioners are satisfied that the assessed damages have been paid or have been tendered to the parties designated by the jury, then it shall be their duty to appoint overseers and order the making of the proposed road, and for this work shall assign all persons liable to road duty living within certain limits, to be defined by them. It shall be the duty of the overseers so appointed to make the road along the route indicated in the survey and marked out by the said company, and they and the hands assigned them shall be governed by the general law for making public highways, and shall in every respect be liable to the penalties affixed in the same. And such road when finished shall be deemed a public highway and shall be worked and kept up as such.

Duty of county commissioners.

Overseers.

Duty of overseers.

Road to be a public highway.

SEC. 10. That upon conviction before a justice of the peace of any person who shall ride or drive on the company's bridge at a pace faster than a walk, a penalty of five dollars 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.

Penalty for fast riding or driving on bridge.

Refusal to pay toll a misdemeanor.

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. 1885.

CHAPTER 57.

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 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 by 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 the said State, ratified on the eighteenth day of March, one thousand eight hundred and seventy-five, entitled "An act for the dissolution of the Roanoke Navigation Company;" and whereas, said sale has been duly confirmed by said court and a conveyance of said franchises, rights, privileges, works and property by Thomas N. Hill, receiver of said company, duly appointed by 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 has been duly admitted to probate and recorded in the office of the register of deeds of Halifax county; 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; therefore

The General Assembly of North Carolina do enact:

Body politic.

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 and are hereby vested with every right to own, use and enjoy the franchises,

Corporate name.

Corporate powers.

rights, privileges, works and property of the said Roanoke Navigation Company as acquired by 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 such other land or lands as may be needed to perfect and enlarge the purposes and objects of the said Roanoke Navigation and Water Power Company.

SEC. 2. The said company is authorized and empowered Capital stock.
to create a capital stock of five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, transferable as by 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 pay- Proviso.
ment for lands, materials, 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 pur- Proviso.
chasers 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 paid for said property and for other purposes: *And provided further*, that the said Proviso.
company may increase its said capital stock whenever and to such amount as the majority of the stockholders may determine.

SEC. 3. That the company by its president and board Authorized to is-
sue mortgage
bonds, &c.
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.

By-laws, &c.

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.

Officers and agents.

Compensation.

Principal office.

SEC. 5. That the principal office of said company may be in the city of Petersburg, Virginia, or at such other place outside of this State as its president and board of directors may designate, and the number of directors shall be five, to be elected by the stockholders for such term as the by-laws may fix, one of the number to be chosen by the board president: *Provided*, the said purchasers specifically named with certain other persons they may elect shall compose said board of directors for the first year from the passage of this act: *And provided*, the president of said company shall file with the Secretary of State of North Carolina the name of the place at which said office shall be established together with a list of the directors, and name of the secretary and treasurer of said company and a copy of its by-laws.

Directors.

President.

Proviso.

Proviso.

Legal rights of persons owning or operating mills, &c., not to be interfered with, &c.

SEC. 6. That this act shall not materially interfere with the legal or vested rights of any persons owning or operating mills in Northampton county, or prevent any person owning land on Roanoke river from operating or erecting any mill or other structure to be operated by water power, and using the water of said river for operating said mill or other structure: *Provided*, in so doing he shall not interfere with the legal or vested rights of any other person or corporation in any unreasonable manner.

Franchises, &c., purchased from T. N. Hill, receiver, exempt from taxation.

SEC. 7. The franchises, canal and property purchased from Thos. N. Hill, receiver, and conveyed by him to the "Roanoke Navigation and Water Power Company," shall

be free from all taxation, but all building or improvements erected upon or added to the said canal or property, for the purpose of manufacturing, together with any shares of stock in excess of the number purchased as aforesaid, shall be subject to taxation, and for this purpose be listed and assessed as other property in the State: *Provided, however,* that nothing contained in the foregoing section shall be construed to destroy or interfere with any rights, privileges or immunities to which the said "Roanoke Navigation and Water Power Company" became entitled to by virtue of said purchase, under the decree of the superior court of Halifax county, and the provisions of chapter one hundred and ninety-eight of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five.

Buildings, &c., erected, to be subject to taxation.

Proviso.

SEC. 8. *Provided,* That this act shall not be so construed as to exempt any property or franchises from taxation which are not now exempted by law.

No property exempt from taxation except that now exempted by law.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

Conflicting laws repealed.

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 2nd day of March, A. D. 1885.

CHAPTER 58.

An act to incorporate the Winston Fire Company, number one.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Masten, W. F. Keith, Daniel Kester, H. C. Wooters, A. J. Gales, Albert Peddicord, G. W. Booe, J. W. Bradford and such other persons as are now or hereafter may become members, not to exceed

Body politic.

- seventy-five in number, be and they are hereby created and declared to be a body politic and corporate by the name and style of the Winston Fire Company, number one, and by that name shall sue and be sued, plead and be impleaded in any and all courts of law, and shall have perpetual succession and a common seal, and may purchase, hold and transfer real and personal estate as may be necessary and convenient for the purposes of their association, and for their government may make all necessary by-laws, rules and regulations not inconsistent with the constitution and laws of this State or of the United States, and shall have and enjoy all other rights, privileges and franchises which belong to bodies corporate and politic.
- Corporate name.**
- Corporate powers.**
- Officers.** SEC. 2. That the officers of such corporation shall be fixed by the by-laws of the same; they shall be elected annually and shall hold office until their successors are elected and qualified.
- Fines, &c.** SEC. 3. That said corporation is empowered to impose reasonable fines and penalties to secure prompt and efficient services from its members.
- Members exempt from jury and road duty.** SEC. 4. That the members of said corporation while they continue to perform the duties of firemen shall be exempt from serving upon juries or from the performance of road duty, either within or beyond the corporate limits of the town of Winston.
- 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 2nd day of March, A. D. 1885.

CHAPTER 59.

An act to incorporate the Raleigh Bank.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. G. Upchurch, Julius Lewis, F. O. Moring, W. S. Primrose, E. G. Reade, C. H. Belvin, J. M.

Sherwood, F. H. Briggs and F. A. Olds, 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 "Raleigh Bank," and shall be continued for the period of thirty years with capacity to sue and to be sued and to defend, to take, hold and convey real and personal property, and do a general banking business with all the powers, rights and privileges granted to any bank or banking institution under the statute laws of North Carolina now existing or which may hereafter exist, and especially such powers as are prescribed in The Code, chapter four, volume two, entitled "Banks."

Corporate name.
Corporate existence.
Corporate powers.

SEC. 2. The capital stock of said bank shall not be less than fifty thousand dollars in shares of one hundred dollars each; but the capital stock may be increased to one million of dollars.

Capital stock.

SEC. 3. The incorporators in the first section named, or a majority of them, may open books for subscriptions of stock at such times and places as they may choose. And when fifty thousand dollars is subscribed and twenty-five thousand is paid up, the said incorporators or a majority of them may call a meeting of the stockholders in the city of Raleigh at such place as may be designated by advertisement in one of the city papers for twenty days; and a majority of such stockholders shall constitute a quorum, and they may adopt such laws and regulations for the government of the bank as they please, not inconsistent with the laws of the State, and may elect such number of directors as they may deem necessary, to serve for such time as the stockholders may deem necessary, no one of which directors shall own in his own right less than ten shares of the stock. And the stockholders may increase the stock from time to time to any sum not exceeding one million of dollars.

Books of subscription.

Organization.

Quorum.

By-laws.

Directors.

Increase of stock.

SEC. 4. The directors shall elect one of their number as president, and the president and directors shall appoint a cashier and such other officers and clerks as they may

President.

Cashier and other officers.

deem necessary to serve at the discretion of the directors during the continuance in office of said directors; and the directors shall prescribe their duties, and may take from them bonds with security for the faithful discharge of their duties, and may fix their compensation.

Corporate powers.

SEC. 5. The directors may make all necessary laws, rules and regulations for the conduct and management of the bank which they may think necessary, not inconsistent with the laws of the State; may adopt and use a seal, and alter the same at pleasure; may prescribe the manner of paying for stock and for transferring the same; and may do a general banking business on such terms and rates of discount and interest as may be agreed on, not exceeding the legal rate, and in general have all the powers conferred by the laws of the State on banks and

Liability of stockholder for unpaid subscription.

corporations. And when any stockholder shall be indebted to the bank for unpaid subscription of stock, or in any other way, no transfer of his stock shall be valid as against the bank while such indebtedness exists, but the bank shall have a lien on the stock for such indebtedness, and after notice may advertise and sell the same at the bank door at auction for cash.

Location.

SEC. 6. The bank shall be located at Raleigh, and notice shall be given of the place of business.

Deposits of married women and minors.

SEC. 7. When married women or minors deposit money in the bank to their own credit, they may withdraw the same on their individual checks alone and be bound thereby.

Savings' bank department.

SEC. 8. The bank is authorized to organize in connection with its general banking business, a department for savings, and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto not inconsistent with the laws of the State, as will enable said bank to receive small deposits in said savings department, not less than one dollar, nor more than five hundred dollars, in any single case, and to give certificates or other evidences of deposits,

and to pay such interest as may be agreed on not exceeding the legal rate, and to regulate the time of payment and notice of demand. And to the depositors in the savings department, the bank itself shall be liable for their final payment as to its general depositors or creditors, but the said limit of deposits shall apply only to the savings department and not to the general business of the bank.

SEC. 9. When the bank shall sell the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid for the same, if necessary to secure the debt, and shall receive a valid title thereto, if purchased, as any other purchaser would.

Bank authorized to purchase at sales of property on which it has lien.

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

In the General Assembly read three times, and ratified this the 2nd day of March, 1885.

CHAPTER 60.

An act to incorporate the Bank of Durham.

The General Assembly of North Carolina do enact :

SECTION 1. That W. T. Blackwell, J. W. Blackwell, J. S. Carr, W. W. Fuller, E. J. Parish, John L. Markham and their present and future associates and successors, be and are hereby constituted and declared to be a body politic and corporate under the name and style of "The Bank of Durham," and shall so continue for the period of thirty years, with capacity to sue and be sued, to maintain and defend actions in its corporate name, to take, hold, buy, sell and convey real and personal property, and to conduct, transact and carry on in its full scope and import a

Body politic.

Corporate name.

Corporate existence.

Corporate powers.

general banking business, with all the powers, rights, privileges and immunities hereby specially granted and those contained in chapter four, volume two of 'The Code of North Carolina, entitled "Banks," as well as in the constitution and statutes of this State now existing.

Capital stock.

SEC. 2. That the capital stock of said bank shall be not less than fifty thousand dollars, in shares of one hundred dollars each, with liberty to increase the said capital stock at any time or from time to time to any sum not exceeding one million dollars.

Books of subscription.

SEC. 3. That the corporators named in first section, or a majority of them, may open books of subscription for stock at such times and places as they may choose. And when fifty thousand dollars is subscribed and twenty-five thousand dollars paid in, the said corporators, or a majority of them,

Organization.

may call a meeting of the stockholders in the city of Durham, at such place and after such notice as they may choose, and a majority of such stockholders shall constitute a quorum, and they may adopt such by-laws and regulations for the government of the bank as they please :

Quorum.

By-laws, &c.

Provided, the same are not inconsistent with this charter and the constitution and laws of the United States and of this State ; and may elect such officers at such salaries as they please, and may prescribe the terms of office of all such officers and require bonds of all officers, if they so desire, or if they prefer, may elect only a board of directors and clothe them with power to elect officers for the bank as above set out, and to fix the terms and salaries of said officers.

* Proviso.

Officers.

SEC. 4. The directors shall elect at their first meeting, and annually thereafter, one of their number president of the bank and fix his compensation and prescribe his duties, and he shall be *ex officio* chairman of the board of directors.

President.

SEC. 5. The said board of directors of said bank may adopt and use a seal and break and alter the same at pleasure, may prescribe the manner of paying for stock

Corporate powers.

and for transferring the same, may regulate the method of conducting the business of said bank, may lend money at such rate of interest as they please, subject to the general laws of the State as to the rate, may discount, buy and sell notes, drafts and all other securities or evidences of debt, may loan money on mortgage of real or personal property or both, or upon liens upon crops planted or unplanted, may build, buy or lease a banking house or houses and may sell and exchange the same at pleasure. And no stockholder shall be in anywise individually liable or responsible for any debts, obligations, contracts or engagements of the said bank, and when any stockholder shall be indebted to the bank for unpaid subscription for stock or otherwise, no transfer of his stock shall be valid against said bank while said indebtedness exists, and the bank shall have a lien thereon to the full amount of all such indebtedness and interest thereon, and the substance of this provision being printed on the face of each certificate of stock shall be full and ample notice to purchasers or holders of said stock of all indebtedness which exists at the time of transfer, and after ten days' notice to the owner or holder of such stock the same may be sold at auction at the bank door and the proceeds applied to the payment of such indebtedness and the surplus paid to the owner of such stock.

Liability of stockholder for unpaid subscription.

SEC. 6. The said bank shall be located at Durham.

Location.

SEC. 7. When married women or minors deposit money or other property in said bank or in any of its branches to their own credit, they may withdraw the same on their own order or check and be bound thereby, and such individual check or order of such minor or married woman shall be a valid and sufficient release and receipt to said bank against themselves and all other persons.

Deposits by married women and minors.

SEC. 8. When the said bank shall sell the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid for and purchase any and all such prop-

Bank authorized to purchase at sales of property on which it has a lien.

erty, and their title thereto so acquired shall be valid and binding in all respects.

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 2nd day of March, A. D. 1885.

CHAPTER 61.

An act to incorporate the Confederate Home Association of North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the Confederate Home Association, organized May twentieth, one thousand eight hundred and eighty-four, at Charlotte, North Carolina, be and the same is hereby created a body politic and corporate by that name.

Corporate powers.

SEC. 2. That said association may have a corporate seal, may sue and be sued, implead and be impleaded, and make all necessary by-laws for its government not inconsistent with law.

Authorized to acquire land, &c.

SEC. 3. That said association may acquire title to and hold land for the purpose of founding and maintaining a home for invalid and infirm Confederate soldiers or their widows and children.

Authorized to receive donations, &c.

SEC. 4. That said association be and it is hereby authorized and empowered to receive donations from States, counties, towns, societies, corporations and individuals or any other source.

Authorized to grant similar organizations right to operate under this charter.

SEC. 5. That said association may confer upon other similar organizations the right to operate under this charter.

SEC. 6. That in the event of aid being given said association by the State, the Governor shall have power immediately to appoint the trustees of said association and a majority of the directors of the same after or at the first annual meeting of the same after the passage of this act.

If aid granted by State, Governor to appoint trustees, &c.

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

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

CHAPTER 62.

An act to amend chapter one hundred and thirty-three, private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, amending the charter of Leaks-ville.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-three, private laws of one thousand eight hundred and seventy-three and seventy-four be and the same is hereby amended as follows: Strike out section one and insert in lieu thereof the following: The corporate limits of the town shall be as follows: Beginning at the mouth of Burton's branch, above the boat landing, and running with said branch to the Madison road, thence up the Madison road ninety-six poles to a scrub oak at the bend of the road, thence north sixteen degrees west to the corner of T. W. Field's and Dr. A. B. Johns' lot on the road near T. W. Field's house, thence across said road north five degrees east to the Rodenhizer road, thence east with said road to Dr. Johns' line, thence with Dr. Johns' line to J. W. Burton's line, thence with Burton's and Johns' line to the Marrow-bone road, thence across said road east to Henry street,

Chapter 133, private laws 1873-'4, amended.

Corporate limits.

thence down Henry street to Spring street, thence with Spring street to a branch east of Railroad street, thence down said branch to Dan river, thence up said river to the beginning.

Privilege taxes.

SEC. 2. That the commissioners shall have the power to levy a privilege tax on all tobacco warehouses, all dealers in leaf tobacco, manufacturers of tobacco in all styles, auctioneers, livery stables, or any one keeping horses, mules or vehicles for hire, drays, butchers, non-resident hucksters or traders or the agents of such buying produce on the streets for sale in other markets, merchants, druggists, bar-rooms, bowling alleys, bagatelle and pool tables, agents of fertilizer companies, sewing machine agents, barber shops, furniture stores, and all traders, occupations, professions, exhibitions and business.

Section 5 repealed, (allowing male persons owning town property to vote in town elections).

SEC. 3. Strike out section five.

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 3d day of March, A. D. 1885.

CHAPTER 63.

An act to amend the charter of the city of New Berne.

The General Assembly of North Carolina do enact :

Chapter 42, section 37, private laws 1879, amended.

SECTION 1. That chapter forty-two, section thirty-seven, of the laws of eighteen hundred and seventy-nine, entitled "An act to amend the charter of the city of New Berne," and all acts amendatory thereto, be amended so as to read:

Property exempt from taxation.

"That no property or subjects of taxation which are especially exempted shall be taxed by the city, and that the annual tax upon the poll shall not exceed the sum of one dollar and eighty cents, and that the annual tax on

Poll tax.

Ad valorem tax.

real estate and personal property shall not exceed the sum of sixty cents on the one hundred dollars' valuation."

SEC. 2. All 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 3rd day of March, A. D. 1885.

CHAPTER 64.

An act to incorporate the Pamlico Improvement Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Albert Owen, William B. Rodman, Jr., Body corporate. Calvin M. Bower, C. W. Hoffer and Edward Brown, Jr., and their successors and assigns, be and they are hereby created a body corporate by the name and style of "The Pamlico Improvement Company." Corporate name.

SEC. 2. That the capital stock of said company shall not be less than five thousand dollars, with the right to increase the same to two hundred thousand dollars, to be divided into shares of one hundred dollars each. Capital stock.

SEC. 3. That the said company shall organize and establish by-laws for its government as directed by the general incorporation laws of North Carolina, and shall have the right to buy, improve and sell or otherwise convey lands in any quantity, to make advances of money or property to settlers and others, and on such terms and securities, real and personal, as may be agreed upon; also the right to own steam or other vessels for transporting their lumber, farm produce, merchandise and materials manufactured, and generally shall have all the rights and powers incident to corporate bodies necessary to carry into effect Corporate powers.

all proper objects of the said company not inconsistent with the laws of North Carolina or of the United States.

Corporation governed by provisions of chapter 16 of The Code.

SEC. 4. That the several provisions of the sixteenth chapter of The Code of North Carolina shall be the law to govern this corporation, except so far as altered by this charter.

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 3rd day of March, A. D. 1885.

CHAPTER 65.

An act to incorporate the Bank of Henderson.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That William H. S. Burgwyn, T. W. Ford, N. S. Parker, John H. Tucker, C. W. Raney and R. L. Daingerfield, their present and future associates and successors, are hereby constituted and declared to be a body

Corporate name.

politic and corporate by the name and style of the Bank of Henderson, and as such shall have succession for the

Corporate existence.

term of sixty years, and by that name may sue and be sued, appear, prosecute and defend in any court or place

Corporate powers.

whatsoever, and may have and use a common seal and may 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, and shall have all the powers, rights and privileges granted to any bank or banking institution.

Officers.

SEC. 2. The affairs of this corporation shall be governed

and managed by a president and a board of five directors, to be elected by the stockholders annually, who shall hold their offices for one year and until their successors have been appointed.

SEC. 3. The capital stock of said corporation shall not be less than fifty thousand dollars, divided into one thousand shares of fifty dollars each, and such capital stock may be increased from time to time as said stockholders may elect to a sum not exceeding one hundred and fifty thousand dollars.

SEC. 4. Whenever thirty-five thousand dollars shall be subscribed and twenty-five per centum of that paid, 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 as they may deem sufficient, and such stockholders shall elect a president and five directors who shall hold office for one year and until their successors shall be appointed, and at all meetings of said stockholders and board of directors each share represented in person or by proxy shall be entitled to one vote.

SEC. 5. The Bank of Henderson shall have authority to conduct a general banking business in the town of Henderson, Vance county, to receive money on deposit, to discount bonds, notes and bills of exchange, receiving the interest and discount in advance, to lend money on real or personal property, to make advances on warehouse receipts, bills of lading, certificates of stock, certificates of deposit and other negotiable instruments, and to use its funds and property in any manner incident to the business of banking and not contrary to the laws of the State and those of the United States.

SEC. 6. The Bank of Henderson shall have authority to acquire and hold such real estate as its president and directors may decide to be necessary for the transaction and management of its business, and also such real estate as it may require 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.

Liability of stockholders.

SEC. 7. Each stockholder shall be liable to depositors and creditors to the extent of the amount of his stock at the time of the deposit: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders *pro rata*.

Proviso.

Liability of subscriber failing to pay stock.

SEC. 8. 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 ordinary civil action; or the entire stock of such delinquent may be sold by order of the president and directors for cash at the banking house of said corporation, after advertisement of such sale for twenty days in some newspaper published in said town, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs of such sale, the subscriber shall be liable for the delinquency in a civil action.

Liability of assignee of stock.

SEC. 9. Every assignee of stock shall be under the same liability to the corporation as his assignor.

Lien on stock for debt due by stockholder.

SEC. 10. The said corporation shall have a lien on its stock for debts due it by its stockholders before and in preference to other creditors of the same dignity.

Agencies.

SEC. 11. Agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time, and they shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Officers and agents.

SEC. 12. The president and board of directors shall have authority to elect such officers and agents as they may deem necessary to transact the business of the bank, to fix their compensation, 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. 13. The bank is authorized to organize in connection with its general banking business a department for savings and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said bank to receive small deposits in said savings department, not less than one dollar nor more than five hundred dollars in any single case, and to give certificates or other evidences of deposit, and to pay such interest as may be agreed on not exceeding the legal rate, and to regulate the time of payment and notice of demand. And to the depositors in the savings department, the bank itself shall be liable for their final payment as to its general depositors or creditors. But the said limits of deposits shall apply only to the savings department and not to the general business of the bank.

Savings bank department.

SEC. 14. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 66.

An act to amend the charter of Davidson College.

The General Assembly of North Carolina do enact :

SECTION 1. The following named persons, to-wit: William A. Wood, J. H. Hill, J. Rumple, S. H. Wiley, William W. Pharr, A. D. Hepburn, R. B. Anderson, G. D. Parks, William H. Davis, R. D. Johnston, E. P. Davis, E. Nye Hutchison, C. E. Graham, R. I. McDowell, James C. Alexander, W. S. Primrose, George Allen, T. M. Holt, J. A. Body politic.

Corporate name.	McAllister, D. D. McBryde, William S. Lacy, A. N. Ferguson, E. W. Kerr, Jno. M. Rose, A. McFadyen, A. R. Banks, J. S. White, W. B. Thompson, D. E. Jordan, W. H. Stewart, J. Lowrie Wilson, Jos. B. Mack, L. McKinnon, R. H. Reid, A. White, W. J. McKay, R. W. Milner, Donald Fraser, J. S. Rogers, Donald McQueen, D. L. Buttolph, W. A. Carter, J. B. Stevens, J. W. Montgomery, Joseph Washburn, Lucius Montgomery, Samuel Lowry, D. G. Fowle, John L. Brown and Robert Bingham, and their successors in office, are hereby created a body politic and corporate by the name and style of "The Trustees of Davidson College," and by that name they shall have
Corporate powers.	perpetual succession and a common seal, may sue and be sued, and may purchase, take, receive and hold any real or personal property whatever, and may sell, transfer, lease, mortgage and convey any such property. But
Trustees not authorized to use property given, &c., contrary to conditions of gift, &c.	nothing in this section shall authorize said trustees to use or dispose of any property given, bequeathed, devised or conveyed to them contrary to the conditions annexed to any such gift, bequest, devise or conveyance. The trustees mentioned in this section shall hold their offices for the terms for which they have been respectively elected.
Term of office of trustees.	
Constitution and by-laws.	SEC. 2. The trustees of Davidson College are authorized to make a constitution and laws for the government of said college and the preservation of order and good morals therein, not inconsistent with the constitution and laws of North Carolina or the United States.
Number of trustees, &c.	SEC. 3. The trustees of Davidson College shall not exceed one hundred in number, one-fourth of whom shall go out of office every year, subject however to re-election;
How appointed.	and said trustees shall be appointed by the Presbyteries of Concord, Mecklenburg, Bethel, Atlanta and Florida; and by such other Presbyteries as may be associated with these in patronizing said college, and by the <i>alumni</i> of said college in such manner as the trustees of said college shall provide.
Election of president, professors, &c.	SEC. 4. The trustees of Davidson College shall have the

exclusive right to elect a president of said college and such professors, tutors and officers as they shall think proper.

SEC. 5. The president and professors of Davidson College shall be the faculty thereof, and with the advice and consent of the trustees shall have the power of conferring such degrees and marks of literary distinction as are usually conferred in colleges and universities.

Faculty.

Degrees, &c.

SEC. 6. The trustees of Davidson College shall elect one of their number a president of the board of trustees; and they may appoint a treasurer, secretary and such other officers and servants as may be deemed expedient, and said trustees may prescribe the mode of the election of such officers with the terms thereof, and may enact laws for the regulation of the duties of said trustees and of all officers appointed by them. Twelve trustees shall be a quorum for the transaction of business.

President of board of trustees.

Treasurer and other officers.

Quorum.

SEC. 7. It shall be unlawful for any person to set up or continue any gaming or billiard table, or any device whatever for playing at any game of chance or hazard by whatever name called, or to exhibit any sleight of hand, theatrical or equestrian performances, dramatic recitations, rope or wire dancing, or other itinerant, natural or artificial curiosities, or to sell, give, or transmit to a student of said college, or to any person within three miles of said college any spirituous or malt liquors without the written permission of the chairman of the faculty of said college. Any person violating this section shall be guilty of a misdemeanor and shall forfeit the sum of two hundred dollars to any person who may sue for the same, one-half to the use of the person suing and the other half to the use of the college.

Misdemeanor to set up gaming or billiard table, &c., or to sell, &c., liquor to students, &c., within three miles of college.

Penalty.

SEC. 8. The real property of said corporation shall not exceed in value the sum of three hundred thousand dollars, and the personal property thereof shall not exceed in value the sum of five hundred thousand dollars.

Limitation of real and personal property.

SEC. 9. The real property owned by said corporation,

Exemption from taxation.

not exceeding five hundred acres of land including the college buildings, shall be exempt from taxation, and the personal property thereof, not exceeding five hundred thousand dollars in value, shall be exempt from taxation.

Change of name of college, &c.

SEC. 10. The trustees of Davidson College shall be authorized to change the name of said college and the title and name of the body politic hereby created, and in case of such change of name the new body politic and corporate shall succeed to all the rights, powers, property, privileges and advantages conferred by this act upon the trustees of Davidson College.

Corporation created by this act to succeed to rights, &c., of college, &c., under former laws.

SEC. 11. The trustees of Davidson College, the body politic created by this act as a new corporation, shall succeed to all the rights, powers, property, privileges and advantages vested in said college or in the trustees thereof, pursuant to any act of the General Assembly relating to said college enacted since the first day of January in the year of our Lord one thousand eight hundred and thirty-eight.

SEC. 12. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 67.

An act to incorporate the Cashie and Roanoke Railroad and Lumber Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That James B. Martin, George H. Reeves, James A. Church, E. Dwight Church, R. E. Oatman, John L. Roper and Scott Sykes, their associates, successors and assigns, be and are hereby created a body politic and corporate by the name and style of the "Cashie and Roa-

Corporate name.

noke Railroad and Lumber Company," which shall exercise its corporate powers in perpetual succession, and by that name shall have power to contract, and to acquire, hold and dispose of property, real, personal and mixed; to sue and be sued, plead and be impleaded in every court of the State, and may have and use a common seal, and shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and for its government may make all necessary by-laws and regulations not inconsistent with the constitution and laws of the United States and of the State of North Carolina.

Corporate powers.

SEC. 2. That the said company is hereby authorized to construct and maintain a narrow gauge railroad from a point at or near Hill's Ferry, on the Roanoke river in Bertie county, to a point on the Cashie river at or near Simmons' Landing in Bertie county.

Authorized to construct narrow gauge railroad.

Termini.

SEC. 3. That said company shall have power to construct and operate by steam or otherwise branches not more than twenty miles long in any direction from the main line of said road.

Branch roads.

SEC. 4. That 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 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

Capital stock.

Books of subscription.

Organization.

Directors.

President.

- represented ; the said president and directors to serve one year, and until their successors are 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. 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 who shall hold their offices during the pleasure of the president and board of directors.
- Vacancies.**
- Quorum.**
- Secretary and other officers.**
- Authorized to borrow money on mortgage, &c.**
- Certificates of stock.**
- Stock to be personal property.**
- Subscriptions to capital stock.**
- Condemnation of land.**
- 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 the said 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 recorded in a book to be kept for the purpose, and all sales or transfer of stock in said company shall be recorded in such book. Said stock shall be held and considered as personal property.
- SEC. 7. That subscriptions to the capital stock of said company may be made in lands, timber, timber privileges, labor or money, as may be stipulated.
- SEC. 8. That whenever any land may be needed for the construction of said road, or for warehouses, water stations, turn outs, workshops, wharves, landings or other necessary purposes and for any cause it cannot be purchased, or a right to the use cannot be obtained, the same may be acquired by the said company at a valuation to be ascertained as follows: the clerk of the superior court of Bertie county, upon the written petition of said com-

pany, shall order the sheriff of said county to summon five disinterested freeholders of his county to ascertain, under oath administered by said sheriff, the value of such land, after deducting the enhanced value on account of such railroad, or adding any particular loss or damage caused thereby, and upon the payment or tender by said company, their agent or attorney, of the amount so assessed, the title of the property shall thereby vest in said company: *Provided*, that either party may appeal from the judgment of such assessors to the superior court of Bertie county: *And provided further*, that not more than fifty feet from the centre of the road shall be liable to be condemned. Right of appeal.

SEC. 9. That the said company shall have the exclusive right at reasonable rates to carry passengers and to transport freight over and along said road and branches, and shall have the right to connect the said road or any branch thereof with any railroad or other transportation company that may have been heretofore, or that may be hereafter chartered by this State, and to interchange traffic upon reciprocal terms. Exclusive right of transportation
Right to connect with other roads, &c.

SEC. 10. This act shall take effect from its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 68.

An act to amend the charter of the town of Mooresville.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell any vinous or malt liquors within the corporate limits of the town of Mooresville in Iredell county, North Carolina, and any person so offending shall be guilty of a mis- Misdemeanor to sell vinous or malt liquor within corporate limits.

demeanor and fined not exceeding fifty dollars for each offence.

Jurisdiction and powers of mayor as special court, &c.

SEC. 2. That the mayor shall be a special court and within the corporate limits shall have the powers and authorities of a justice of the peace to preserve and keep the peace, and may cause to be arrested and detained those who flee to the town from other States and counties, and shall cause to be arrested and bound for their appearance at the proper tribunal, to answer for their offences, all persons offending against the laws of the State or against the laws or ordinances and regulations of the corporation. He shall also have within the same limits, as a judicial officer, all the power, jurisdiction and authority of a justice of the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the laws and rules made by the commissioners, and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same, and he may issue process without complaint when he is satisfied that there has been a breach of the law.

Precepts of mayor.

SEC. 3. That the mayor may issue his precepts to constables of the town, and to such other officers to whom a justice of the peace may direct his precepts, and shall be entitled to the same fees as a justice of the peace.

Streets.

SEC. 4. That the board of commissioners shall have power to grade, macadamize and pave the streets and side-walks and to lay out and open new streets, or widen those already open and make such improvements thereon as the public convenience may require. That when any land or right of way shall be required for the purpose of opening new streets or for widening those already open, or for other objects allowed by the charter of the town, and for want of agreement as to value thereof, the same cannot be purchased from the owner or owners, the same

Condemnation of land.

may be taken at a valuation to be made by three freeholders of the town to be chosen by the commissioners, and in making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace, or clerk of the court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantages such owner may receive from the opening or widening such streets or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of commissioners, under their hands and seals, which report on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of commissioners, and shall pass the title to the board in their corporate capacity of the land so taken: *Provided*, that if any person over whose land the said street may pass, or improvement be erected, or the commissioners be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners opening or widening such street or erecting such improvement.

Right of appeal.

Proviso.

SEC. 5. The board of commissioners, a majority being present, shall have power to make such special ordinances for the better government of the town and protection of the health and property of its citizens as may be deemed expedient, not to conflict with the laws and constitution of this State or of the United States. They shall provide for and secure the peace and quiet of the town from disturbances by quarrels, drunkenness, loud, profane, or obscene language, or vulgar songs, riots, affrays, indecent exposure of the person, trespass or other breach of the peace, by impositions of such fines as they shall deem sufficient to prevent the same. The commissioners may compel and require the abatement and removal of all nuisances within the town at the expense of the persons causing the

Ordinances.

Preservation of the peace.

Abatement of nuisances.

same, or the owner or tenant of the ground where the same may be; they may prevent the establishment within the town and may regulate the same if allowed to be established, [of] any slaughter house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment. They shall take such measures to prevent the entrance into and spreading therein of any contagious or infectious disease, as shall be necessary to preserve the health of the people.

Contagious, &c., diseases.

Misdemeanor for officer to become contractor for town work.

SEC. 6. That no mayor, commissioner, or other officer of the town shall directly or indirectly become a contractor for work to be done for the town, and any officer so offending shall forfeit and pay one hundred dollars to the use of the town and shall also be guilty of a misdemeanor. And any commissioner failing to attend the regular monthly meetings of the board, or special meetings when notified of the same by the mayor in writing, shall pay a fine of one dollar to the use of the town, unless satisfactory reasons for absence are given to the board.

Penalty for failure of commissioner to attend meeting of board.

Arrests, when to be made by constable, &c.

SEC. 7. That arrests may be made by the town constable or any policeman of the town in the following cases: first, when he shall have in his hands a warrant duly issued by the mayor of the town or a justice of the peace of Iredell county; or second, when an offence has been committed in his presence and when an offence has been committed and the party is likely to escape before a warrant can be obtained. He shall execute the precepts of the mayor anywhere in the county of Iredell, and in so doing may call to his aid such assistance as may be necessary, and he shall be entitled to the same fees as are allowed by law to sheriffs for similar services. It shall further be the duty of the town constable to collect and pay over to the town clerk all taxes imposed by the commissioners and all fines and costs when execution is issued to him for that purpose, and he shall in no case pay out any money or take any account in payment of taxes by virtue of his office, and to secure the faithful

Execution of mayor's precepts.

Fees.

Collection of taxes, fines, &c.

discharge of his duties he shall give a good and sufficient bond to the State in such sum as the commissioners may direct, which must be filed in the office of the register of deeds. Constable's bond.

SEC. 8. When arrests have been made, the person or persons shall be taken before the mayor or other competent officer for trial immediately, except in the following cases: when the arrest is made between sunset Saturday and eight o'clock a. m. Monday following; second, when the arrest is made in the night time; third, when the person arrested is in a state of intoxication, or where for the safe keeping of the party arrested imprisonment is necessary; in all which cases the prisoner may be committed without mittimus to the calaboose to be brought before the mayor for trial as early as practicable. Person arrested to have immediate trial. Exceptions.

SEC. 9. If any person resists an officer in the discharge of his duties by force or threats, such person shall be fined not less than five nor more than fifty dollars. Penalty for resisting officer.

SEC. 10. That all penalties incurred by any minor for violation of any ordinance made in pursuance of this charter shall be recovered from the parent, guardian, or master if said minor be an apprentice. Penalties incurred by minors recoverable from parent, &c.

SEC. 11. That all persons to whom the town shall become indebted shall present their claims duly sworn to, to the board of commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof if considered just; and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the board and an order made therefor. Collection of claims against town.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 69.

An act to incorporate "The Bank of New Berne," of New Berne, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That John Hughes, Washington Bryan, George Allen, E. W. Carpenter, L. H. Cutler, R. S. Tucker, George B. Guion and John A. Guion, and their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of

Corporate name.

"The Bank of New Berne," and by such name may acquire, hold and convey real and personal estate; may sue and be sued, plead and be impleaded, in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations.

Corporate powers.

Place of business.

SEC. 2. That the office and place of business of said bank shall be in the city of New Berne, North Carolina,

Capital stock.

and the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, in shares of one hundred dollars each, and the corporators in the first section named, or any four of them, are hereby empowered to cause books to be opened at such time or times, at such place or places, and for such periods as they may determine, and by such persons as they may name as commissioners for the purpose of securing subscription to said stock.

Books of subscription.

Organization.

SEC. 3. That whenever five hundred shares of stock shall have been subscribed, and twenty-five per centum of the same paid to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, when such stockholders, a majority of the stock subscribed

Directors.

being represented, shall elect five directors, and said directors shall take charge of the books and money in the

hands of the commissioners and enter upon the discharge of their duties as directors of said bank; shall hold office for one year and until their successors are duly elected and assume office; and shall elect one of their number to be president of said bank during their continuance in office; and they shall have power to fill all vacancies in said board of directors occurring from death or otherwise.

President.

Vacancies.

SEC. 4. That the president and directors of said bank may adopt and use a common seal, and alter the same at pleasure; may make and adopt such by-laws for their government as by them are deemed proper and necessary; may make and appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties; may 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, and in general have the privileges conferred on corporations by the general laws of the State relating to corporations.

Corporate powers.

SEC. 5. That said bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes; and shall pay such taxes as may be imposed on banks by the revenue laws of the State.

Lien on stock for debt due by stockholders.

SEC. 6. That said bank may receive and pay out the lawful currency of the country, and deal in exchanges, gold and silver coin, bullion, uncurrent paper, and public and other securities; may take as security for money loaned on promissory notes, bills of exchange, etc., individual endorsements, agricultural liens, chattel mortgages, mortgages of real estate and any other valuable thing; may purchase and hold such real estate as the board of directors shall deem desirable, and at pleasure sell or exchange the same; may purchase and hold such personal and real property and estate as may be conveyed to secure debts due said bank, and may sell and convey the same; may discount notes and other evidences of debts;

Corporate powers.

may lend money on such terms as are now authorized by law; and may receive on deposit moneys on terms to be agreed on between the officers and depositors, not exceeding the rate allowed by law, and issue certificates of the 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 the seal of the bank.

Powers of president and directors.

SEC. 7. That the president and directors of said bank shall direct when, to whom, and in what manner dividends of profits may be made and declared, and shall be allowed to open the subscription books from time to time at their discretion, until the whole of the stock is taken; they may call meetings extraordinary of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws; and a number of stockholders not less than three, holding together not less than one-third of the capital stock, may call a special meeting on giving twenty days' notice thereof, printed in some newspaper published at New Berne, or if there be no newspaper published at New Berne, in some newspaper published at Raleigh, North Carolina. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Stockholders' meetings.

Special meetings.

Stock vote.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 70.

An act to incorporate the Carolina Manufacturing and Transportation Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of encouraging manufactures and constructing and maintaining factories, mills, dams, waste-ways, canals and water courses of any kind and for any purpose between Weldon and Gaston, North Carolina, and for the purpose of promoting the objects of the General Assembly of North Carolina concerning the Roanoke Navigation Company, passed at the session of the year one thousand eight hundred and seventeen, George P. Phillips, James Aken, Philip M. Harder and Henry P. Horton, of the county of Columbia, New York; Horton Harder of the county of Rensselaer, New York; Thomas L. Emry, John A. Moore, Charles G. Gee and William H. Day of Halifax county, North Carolina; Matt W. Ransom, Senior, and Matt W. Ransom, Junior, of Northampton county, North Carolina, and Henry L. Dawes of Pittsfield, Massachusetts, their successors, associates and assigns, be and they are hereby created a body corporate under the name and style of the "Carolina Manufacturing and Transportation Company," which shall have all the corporate powers not forbidden by the laws of the United States and of North Carolina, shall have a common seal, and by that name may sue and be sued, plead and be impleaded, and may purchase, hold, convey and assign all kinds of property, both real and personal, in fee simple and forever. The said company shall enjoy all rights which corporate bodies may exercise, and make all by-laws and rules necessary to its proper government, not inconsistent with the laws of the United States or of the State of North Carolina.

SEC. 2. That said company is authorized and empowered to create a capital stock of fifty thousand dollars in

shares of fifty dollars each, which shall be deemed personal property, transferable as the by-laws of such company may prescribe. The said shares shall be issued only when fully paid and shall not thereafter be assessable, but the same may be so issued and granted in payment for lands, materials, services, labor, work, buildings, machinery, easements, ways and other property, in the prosecution and objects of its charter, and at such rate as the said company by its president and board of directors may see fit. The capital stock of said company may be increased to any amount not exceeding one million dollars whenever a majority in value of the stockholders shall so determine, the said stock to be issued in the same manner and for the same amount and for the same purposes as the original stock.

Increase of capital stock.

Books of subscription.

SEC. 3. That the corporators above named, or any three of them, are hereby authorized to open books of subscription at such times and places as they shall deem best, and under such rules and regulations as they may prescribe, for the purpose of creating or increasing the capital stock of such company; and they may receive such subscription in any kind of property mentioned in section two of this act.

Organization.

SEC. 4. That when the sum of fifty thousand dollars in any kind of property mentioned in section two of this act shall have been subscribed to the capital stock of said company; or when lands to the value of fifty thousand dollars shall have been purchased for the purposes of said company, the said corporators (or any three of them acting for that purpose after due notice to the other corporators above mentioned) shall call a general meeting of the stockholders of said company to meet in Weldon, North Carolina, after thirty days' notice of such meeting in some newspaper published in Weldon, to elect a board of directors of said company to consist of five stockholders therein. The stockholders at said meeting and at all other meetings wherein they shall have the right to vote,

Meeting of stockholders.

Stock vote.

may vote either in person or by proxy, and their votes shall be cast and counted to the extent and in the same ratio which their stock shall bear to the whole stock represented in such meetings. At said first meeting the said incorporators shall choose five directors who are stockholders in said company; and the said directors shall within six months from notice of their election meet at such time and place as they may agree, and from their number elect a president, a secretary and such other officers and make such by-laws as may be necessary to perfect the organization and carry into effect the object of this charter.

Directors.

President and other officers.

By-laws.

SEC. 5. That the president and board of directors of said company shall have power at any time to issue bonds and pledge the same, and borrow money thereupon, not exceeding the amounts hereinbefore named; and they shall also have power to secure the same by mortgage or other legal assurance of said property; but the stockholders in said company shall not be responsible for the debts, mortgages, contracts or assurances of said company beyond or further than the property which they may own as stockholders in said company. The said president and board of directors are hereby authorized to issue certificates of stock, make mortgages and contracts as may be necessary to build and keep in repair such dams, waste-ways, canals, water-courses, mills, factories and the appurtenances thereto as may be necessary to carry into effect the objects of said corporation, according to such rules and regulations as the said board of directors may direct. The said company shall also have power to lease or sell its franchises or other property, or any part thereof, to any person or corporation for such time and upon such terms as the said board of directors may prescribe; and it may also purchase, lease, hold and use the franchise and property of any other corporation or person in such manner and to such extent and for such time as said board of directors and president shall prescribe.

Authorized to issue mortgage bonds.

Liability of stockholders.

Corporate powers.

Corporate powers.

SEC. 6. That said corporation shall have power to erect and maintain any dam, waste-ways and obstructions in and across the Roanoke river that may be necessary for the purposes of said corporation; and shall also have power to cut and construct such canals from said river upon the lands of said corporation as may be necessary for the purposes of this charter, and for the uses of such others as the said corporation by their president and board of directors shall prescribe: *Provided*, that the construction and maintenance of said dams and canals shall not interfere with the easy navigation of said Roanoke river by vessels engaged in commerce: *Provided further*, this act shall not materially interfere with the legal or vested rights of any persons owning or operating mills in Northampton and Halifax counties, or prevent any person owning land on Roanoke river from operating or erecting any mill or other structure to be operated by water power, and using the water of said river for operating said mill or other structure: *Provided*, in so doing, the legal or vested rights of this or any other corporation or person are not interfered with in any material or unreasonable manner. *Provided further*, the property of this corporation shall be subject to taxation as other property in this State.

Proviso.

Proviso.

Proviso.

Proviso.

Condemnation of land.

SEC. 7. That whenever lands shall be required for the construction of such dams, waste-ways, obstructions, canals and other necessary uses of said corporation, including lands necessary for the overflow and discharge of water, and the said company cannot upon reasonable terms purchase the same, an easement in and to the said land may be acquired by said corporation as follows: the said company may file a petition before the clerk of the superior court of Halifax or Northampton county and cause a summons to be issued as in cases of other special proceedings against the owners of said lands, setting forth the lands desired to be condemned and the purposes to which they shall be devoted; thereupon the said clerk, if the

said corporation shall need said lands or the use thereof for the purposes of this charter, shall issue a writ to the sheriff of the county in which said land may be situate, commanding him to summon five freeholders in said county not connected by blood or marriage with the owner of said land or any stockholder in said corporation, to meet upon said lands and (after being sworn by said sheriff to assess the damage to said lands at their true value) to value and assess the damage thereto at their true value. The said freeholders shall meet on said land pursuant to said summons by the sheriff, and after assessing the damage thereto report their finding in writing to the clerk who issued said order to the sheriff. The said sheriff and freeholders shall be allowed the same fees and pay as is provided by law in special proceedings in the assignment of dower, and said freeholders shall make their report within ten days from the time they shall have so met. Upon the filing of said report the said corporation or the owner of the said lands may file exceptions thereto, and the said cause shall in all respects be heard and tried as is provided for other special proceedings in this State: *Provided*, that for the public good the said corporation shall construct and maintain a public grist mill or mills, and receive the same tolls and be subject to the same regulations as are now or may be hereafter prescribed by law for other public mills: *Provided further*, that in the construction and maintenance of said dams and canals said corporation shall not encroach upon the property, rights, privileges and franchises of any other corporation now chartered and operated under the laws of this State.

Exceptions to report to be tried as a "special proceeding."

Proviso.

Proviso.

SEC. 8. That the said corporation may change its name and adopt any other which the said board of directors may select at any time after six months' publication of the purpose so to do in some newspaper published in Halifax or Northampton county, and under that name

Change of name

enjoy all the powers herein conferred upon the above named corporation.

SEC. 9. This act shall take effect and be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 71.

An act to incorporate the North Carolina Millstone Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the following named persons, viz., Louis Grimm, James C. Taylor, Geo. A. Taylor, their associates, successors, and assigns are hereby created a body politic and corporate, under the name and style of North Carolina Millstone Company, with a capital of fifty thousand dollars, with the liberty from time to time to increase the same to any sum not to exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and to have all the privileges hereby specially granted, and also all those conferred upon corporations by the statutes embodied in the sixteenth chapter of The Code, entitled "Corporations."

Corporate name.

Capital stock.

Corporate powers.

Corporate powers.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the business of manufacturing mills, millstones, farming implements, machinery, to engage in any species of manufacturing enterprise at pleasure, and also to build and contract for the building of bridges, and also to explore, work and mine gold, silver and copper and other minerals, and to vend, smelt and reduce such mineral ores, and the said corporation may buy, sell and deal in

goods, wares and merchandise, and carry on and engage in a mercantile business in all its branches.

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 evidence of any indebtedness so created, and to secure the payment of the same by mortgage on its property or otherwise.

Authorized to purchase, &c., land, borrow money on mortgage, &c.

SEC. 4. That said corporation may issue stock, both common and preferred, 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 issue stock, &c.

SEC. 5. 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 elect such officers as they may deem necessary or expedient, to prescribe their duties, compensation and terms of service; and to make all such by-laws, rules and regulations for the management and proper conduct of the corporation and its business, not inconsistent with the constitution and laws of this State or the United States, as they may deem proper and necessary.

Directors.

Officers.

By-laws, &c.

SEC. 6. 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 at Parkewood in the county of Moore, to Carthage, or to any point on the line of the Raleigh and Augusta Air Line Railroad, and shall have all the powers to condemn lands, and to do all other things necessary for the accomplishment of this purpose conferred upon corporations by chapter forty-nine of The Code.

Authorized to construct, &c., turnpike, &c.

Condemnation of land, &c.

SEC. 7. That this corporation shall have the power to lease or sell any railroad that may be constructed by it to any railroad in North Carolina, and any other railroad

Authorized to lease, &c., railroad, &c.

shall have the power to lease or buy from this corporation any such railroad as may be constructed by it; and said corporation shall have the power to subscribe to, purchase or hold the capital stock or bonds of any other railroad or branch railroad in the State.

Authorized to construct and operate telegraph or telephone line.

SEC. 8. That this corporation shall have the power to construct or operate a telegraph or telephone line between its factory and Cameron or any other point on the Raleigh and Augusta or the Cape Fear and Yadkin Valley Railroads.

Authorized to own and operate road steamers, &c.

SEC. 9. That said corporation shall have the right to own and operate one or more road steamers between its factories and Carthage, Cameron or any other point on the Raleigh and Augusta Air Line Railroad, or on the Cape Fear and Yadkin Valley Railroad, or to any point on any other railroad that may be built through or in the county of Moore.

Private property of stockholders not liable for corporate debts.

SEC. 10. The private property of the stockholders of the corporation shall not be liable for the debts of the corporation.

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 5th day of March, A. D. 1885.

CHAPTER 72.

An act to incorporate the "Henderson Savings Bank."

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Samuel Watkins, E. G. Brodie, J. H. Lassiter, R. E. Young, D. Y. Cooper, Samuel R. Harris, and J. S. Burwell, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Henderson

Corporate name.

Savings Bank," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and beimpleaded in any of the courts of the State, and have continual succession for ninety-nine years, and a common seal for the purposes indicated in the title. Corporate powers.

SEC. 2. The principal office or banking house of this corporation shall be located in the town of Henderson and State of North Carolina. Principal office.

SEC. 3. The capital stock of said corporation shall not be less than twenty-five thousand dollars, in shares of twenty-five dollars each; and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding one hundred thousand dollars. Capital stock.

SEC. 4. The incorporators in the first named section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said "Henderson Savings 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 organization of said Henderson Savings Bank, may, at their discretion from time to time, re-open books of subscription to said capital stock, until the sum be wholly taken. Books of subscription.

SEC. 5. Whenever twenty-five thousand dollars shall be subscribed, and twelve thousand dollars shall be paid into the capital stock of the said "Henderson Savings Bank," the before named incorporators, or a majority of them, shall call a meeting of the subscribers of said stock at such time and place, and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president to serve during their continuance in office: *Provided*, that no person shall be a director in said bank without having first subscribed and taken at least fifteen shares of said stock. Organization.

SEC. 6. The said "Henderson Savings Bank" may secure, receive and pay out the lawful currency of the country, Meeting of stockholders.

Directors.

President.

Proviso.

Corporate powers.

deal in exchange, gold and silver coin, uncurrent paper and public or other securities; may purchase and hold real and personal estate and property as may be conveyed to secure debts to said "Henderson Savings Bank," or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same, may discount notes and evidences of debt and lend money on such terms as may be agreed upon between the parties as may be allowed by law, and may take and receive the interest at the time of making said loan. This corporation shall have the power to loan money to or receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *femmes covert* or other persons, on such terms and times and manner of collection and payment as may be agreed upon between the parties, and to invest in the stocks, bonds or other securities of this or any other State and of the United States or of any corporation under the laws thereof.

Liability of subscriber failing to pay stock.

SEC. 7. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him by the directors, 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 may be sold by the order of the directors for cash at the banking house in Henderson after advertisement of sale for twenty days in a newspaper published in the town, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all cost attending the sale, the subscriber shall be liable for the delinquency in a civil action.

Liability of assignee of subscriber.

SEC. 8. If any subscriber shall assign his stock before its full payment, he and all his assignees and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action, in every case of delinquency in a subscription or others; the subscription shall be

deemed a promissory note payable to the bank, as well in respect to the remedy for recovering the same as in the distribution of assets of any deceased subscriber.

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the bank, 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 not inconsistent with the laws of this State, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank not greater than the legal rate; 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 Henderson. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of president and directors.

Stockholders meetings.

Special meetings.
Stock vote.

SEC. 10. That to aid planters, miners, manufacturers and others, the said Henderson Savings Bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons, any sum or sums of money, and to secure the repayment of the same, take in writing a lien or liens on the crop or crops to be raised, even before planting the same, or upon the present prospective products of any mining operations, or upon any article then existing or thereafter to be made, purchased, manufactured, or otherwise acquired, and any liens so taken shall be good and effectual in law; *Provided*, the same are duly recorded under the existing laws of registration anterior to all other liens and mortgages for securing such loans or advances, and the said bank shall have power to make loans upon mortgages of real and personal property with power of sale inserted upon default of payment, and to bid and purchase a valid title

Authorized to make advances to planters, &c.

Proviso.

Loans on mortgage, &c.

at sale when the same is necessary to satisfy the debt, and also to receive in storage or warehouse, any tobacco, cotton, wheat, corn or other produce, or any manufactured article whatsoever as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same; the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust; and any sales made thereunder according to the terms therein recited shall be good and valid in law.

Conflicting laws
repealed.

SEC. 11. All laws and clauses of laws coming in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 5th day of March, A. D. 1885.

CHAPTER 73.

An act to incorporate the Carolina Telegraph Company.

The General Assembly of North Carolina do enact :

Body corporate.

SECTION 1. That Isaac Bates, G. W. Williams, Donald McRae and W. H. Bernard, their successors and assigns be, and the same are hereby constituted a body corporate, under the name and style of The Carolina Telegraph Company, and as such shall have succession and a common seal, capacity to sue and be sued, and to hold and convey such property, real and personal, as may be necessary for the prosecution of their business.

Corporate name.

Corporate powers.

Authorized to erect and operate telegraph and telephone lines.

Condemnation of land.

SEC. 2. That said corporation is authorized to erect and operate lines of telegraph and telephone in the State of North Carolina, and may secure right of way and land necessary for their use under the general laws

of said State as now provided for railroad or telegraph companies.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 74.

An act to incorporate the town of Mount Holly in the county of Gaston.

The General Assembly of North Carolina do enact:

SECTION 1. That a town is hereby established in the Corporate name. county of Gaston by the name of Mount Holly, with the following metes and bounds, viz: Beginning at a point Corporate limits. on the west bank of the Catawba river and at the junction of Dutchman's creek with said river, running thence with the southern bank of Dutchman's creek to the mouth of Alexander's branch; thence with the eastern bank of Alexander's branch to the Beattie's ford road; thence in a direct line south-eastwardly to the Catawba river, and thence along the western bank of said river to the beginning.

SEC. 2. That the government of said town of Mount Officers. Holly shall be vested in the following persons and their successors in office: A. J. Bagley, J. Y. Bryant, H. N. Miller, W. F. Williams, F. W. Clark and J. H. Sharp as commissioners.

SEC. 3. That the commissioners and their successors in Incorporated. office, appointed in pursuance of the provisions of this act, shall be and they are hereby incorporated into a body corporate by the name of the Commissioners of the town of Mount Holly, and by such name shall have succession

Corporate powers.

and a common seal, sue and be sued, and shall have power from time to time to make such rules, by-laws and ordinances as to them or a majority of them shall seem proper for the good government of said town ; to appoint a town clerk, constable and such other officers as they may deem necessary, and to allow them such compensation as the commissioners may determine ; to lay out, alter and repair the streets of said town ; to levy and collect taxes upon all taxable property within the limits of the town, and generally to do and perform any and all acts which a municipal corporation may do, including the regulations of all sales of commodities of all kinds within the corporate limits, and the licensing of trades and occupations of any kind therein which are permissible by law in any other town in North Carolina, and any existing law which may conflict with the power and authority hereby granted to said commissioners is hereby repealed.

Conflicting laws repealed.

Election.

SEC. 4. That an election shall be held on the first Monday of February in each and every year for the election of five commissioners to govern said town, who shall hold their offices for one year and until their successors are duly elected and qualified, and said election shall be held under the direction of the commissioners then in office, and at said election every male inhabitant twenty-one years of age shall be entitled to a vote.

Commissioners.

Election, how held.

Electors.

Term of office of commissioners.

SEC. 5. That the persons hereby appointed commissioners shall hold office until their successors are duly elected and qualified.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 75.

An act to enable the city of Wilmington to provide for the payment of the bonds maturing in the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of paying such bonds of the city of Wilmington as shall become due during the years one thousand eight hundred and eighty-seven (1887) and one thousand eight hundred and eighty-eight (1888) the mayor and board of aldermen of said city, by and with the sanction and approval of the board of audit and finance of the same, are hereby authorized and empowered to issue coupon bonds, bearing interest payable semi-annually at a rate of interest not exceeding six (6) per centum per annum, to the amount of one hundred and fifty thousand dollars, in denominations not less than one hundred dollars or more than one thousand dollars, to be made payable on the first day of January, (1912) one thousand nine hundred and twelve, with a provision therein inserted that the same may be called in and paid at any time after the expiration of ten years from the date of issue; said bonds shall be made payable at such places as the said board of aldermen and board of audit and finance may determine, and shall not be valid unless signed by the mayor and countersigned by the chairman of said board of audit and finance.

SEC. 2. That said bonds shall not be sold or exchanged at a less sum and rate than their par value; they shall not be subject to taxation by the said city for any purpose whatever, and the coupon from and after maturity shall be receivable in payment of any and all taxes or other indebtedness due the said city.

SEC. 3. That the said bonds, at the option of the holder or holders thereof, shall be registered by the clerk and

Authorized to issue coupon bonds to pay bonds falling due in 1887 and 1888.

Description of bonds.

Not to be sold for less than par.

Not subject to city taxation.

Coupons receivable for city taxes.

Registration of bonds.

treasurer of said city, and after such registration shall be transferable only by endorsement.

Executors, &c., authorized to exchange bonds.

SEC. 4. All executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, who now hold or may hereafter hold or become possessed of any of the bonds of said city which shall mature or become due during the years one thousand eight hundred and eighty seven (1887) and one thousand eight hundred and eighty-eight (1888) are hereby fully authorized and empowered to exchange the same for bonds issued under this act.

Officer misapplying proceeds of bonds, &c., guilty of misdemeanor.

SEC. 5. Any officer or employee of the said city who shall apply the proceeds of any bond or bonds issued under this act, or exchange any such in any other manner or for any other purpose, or shall issue or have issued any more of the bonds provided for in this act than are necessary for the specific purposes of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars, or be imprisoned not less than one month or both, in the discretion of the court.

Penalty.

Unused bonds to be destroyed.

SEC. 6. It shall be the duty of the mayor and the chairman of the board of audit and finance within three months from the time when the said bonded debt shall be funded, in accordance with the provisions of this act, to conjointly destroy all the said bonds in the possession of the city of Wilmington, which have not been used for the specific purpose of this act.

Special tax.

SEC. 7. That the board of aldermen and board of audit and finance shall levy a tax upon the property of the citizens of said city to provide for the payment of the interest that may accrue upon said bonds, and in like manner provide for the payment of the principal of said bonds as they may severally mature, by creating a sinking fund for that purpose.

SEC. 8. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 76.

An to extend the corporate limits of the town of Reidsville.

The General Assembly of North Carolina do enact :

SECTION 1. That the corporate limits of the town of Corporate limits Reidsville in Rockingham county, be extended as follows, to-wit: Beginning at a gum near E. M. Powell's lot, thence east forty-six poles to a stone; thence south one hundred and five and one-half poles to a sourwood; thence west sixty poles to a stone; thence north twenty-five poles; thence west ninety-four poles to a stone; thence south one hundred and twenty poles to a stone corner; thence west seventy-five poles to a stone corner; thence north one hundred and forty-two poles to a stone; thence west seventy-eight poles to a stone near Foust's brick yard; thence north twenty-eight poles to a stone; thence west sixty-six poles to a stone near Draper Settle's; thence north ten degrees east one hundred and forty poles to a stone near the old Lambeth place; thence north eighty degrees east one hundred and fifty-three and one-half poles to a stone near Mrs. Matlock's; thence north four degrees west two hundred and eight poles to a stone near A. L. Morris'; thence east one hundred and thirteen poles to a stone near R. H. Wray's; thence south four degrees east ninety-six poles to a stone near T. F. Scoggins'; thence east forty-seven poles to a stone near Irvin's line; thence south four degrees east two hundred and forty poles to the beginning.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act 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. 1885.

CHAPTER 77.

An act to authorize the city of Wilmington to subscribe to the capital stock and purchase bonds of the Cape Fear and Yadkin Valley Railway Company.

The General Assembly of North Carolina do enact:

Subscription to capital stock of C. F. & Y. V. R. R. by city, or purchase of first mortgage bonds, authorized.

SECTION 1. That for the purpose of aiding in the extension of the Cape Fear and Yadkin Valley Railway from the town of Fayetteville to the city of Wilmington, the board of aldermen of the city of Wilmington, by and with the consent of the board of audit and finance, are hereby authorized and empowered to subscribe to the capital stock or to purchase the first mortgage bonds of the Cape Fear and Yadkin Valley Railway Company in an amount not exceeding the sum of two hundred and fifty thousand (\$250,000) dollars, upon such terms and conditions as may be agreed upon by the president and directors of the Cape Fear and Yadkin Valley Railway Company and a commission of five citizens of the city of Wilmington, to be selected and appointed by said board of aldermen and of audit and finance of said city.

Terms and conditions.

SEC. 2. Before said subscription to stock or purchase of bonds is made the board of aldermen of the city of Wilmington shall submit the question of subscription or purchase, or of no subscription or no purchase, stating the terms and conditions on which the same is to be made

Election to be held upon question of subscription or purchase.

and the amount to be voted on, to the legally qualified voters of said city at an election to be held upon a day appointed by them, upon thirty days' notice in the manner provided by law for holding other elections in said city, at which election the legally qualified voters of said city shall be entitled to vote for or against said subscription or purchase, as the case may be, those favoring on ballots written or printed "Subscription" or "Purchase," and those opposing on ballots written or printed "No subscription" or "No purchase;" such election shall be held at the usual voting places in said city, and by persons appointed in the same manner that persons are appointed for holding other elections in said city of Wilmington, and the result thereof announced and declared as prescribed by law for other elections.

Election, how held.

Ballots.

SEC. 3. That if the result of said election shall show that a majority of the qualified voters of said city favor subscription or purchase, as the case may be, then the board of aldermen, with the approval of the board of audit and finance, are hereby authorized to make the same to the amount voted for at said election; and to meet and pay the same to issue bonds of the city of Wilmington for said amount, in such denomination, at such rate of interest, and payable at such time and places as said boards may determine.

Subscription or purchase to be made upon affirmative vote.

Bonds to be issued.

SEC. 4. That said subscription and the payment of the same to the Cape Fear and Yadkin Valley Railway Company, or the payment for the mortgage bonds to be purchased from the Cape Fear and Yadkin Valley Railway Company, shall be made upon such terms and conditions and at such time as may be agreed upon by the commissioners appointed as aforesaid and the president and directors of the Cape Fear and Yadkin Valley Railway Company.

Terms and time of making subscription or purchase.

SEC. 5. That to provide for the interest on said bonds and their payment at maturity, the board of aldermen of said city, with the approval of the board of audit and

Special tax.

finance as now required by law, shall in addition to other taxes each year assess and levy upon all property and polls and other subjects of taxation in said city a sufficient tax to pay said interest and create such sinking fund as shall be deemed necessary.

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

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1885.

CHAPTER 78.

An act to amend the charter of the City of Charlotte.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. That the corporate limits of the City of Charlotte shall be and the same are hereby extended to, and bounded and circumscribed by the following metes and boundaries, to-wit: Beginning at a stone post on the west side of the Atlantic, Tennessee and Ohio Railroad, the north corner of the said city as heretofore fixed by law, and run south sixty-five and one-half degrees, west forty-one hundred and sixty-two and one-half feet to a stake in the great road near Sugar creek, thence south twenty-eight degrees, west four thousand and five (4,005) feet to a stone post near the St. Catharine mine, the west corner of the said city as now fixed; thence south twenty-four degrees, east thirty-two hundred and sixty-two and one-half feet to a stake in the Camden road, thence south sixty degrees, east thirty-three hundred and three and one-half feet to a stone post, the south corner of said city as now fixed; thence north sixty-two and three-fourths degrees, east thirty-five hundred and ninety-two feet to a stake in the Providence road, thence north thirty-six and

one-half degrees, east thirty-nine hundred and fifteen feet to a stone post, the east corner of the city as now fixed; thence north twenty-three and three-fourths west thirty-seven hundred and twelve and one-half feet to a stake in the Salisbury road, and thence north sixty-five degrees, west twenty-nine hundred and ninety-two and one-half feet to the beginning.

SEC. 2. That all laws now in force and provided for the government and regulation of the city of Charlotte shall be so construed as to operate and extend to the limits prescribed by this act.

Laws now in force applicable to extended limits of city.

SEC. 3. That the salary of the mayor of said city shall be fixed by the board of aldermen, and shall be not more than eighteen hundred dollars, nor less than one thousand dollars, and the mayor shall receive no other compensation whatever for his services, but all fees now prescribed to be paid to him shall be collected as now provided by law, and shall be paid to the treasurer of said city.

Mayor's salary.

SEC. 4. That the salary of chief of police, to be fixed by the board of aldermen, shall be not less than one thousand dollars, nor more than fifteen hundred dollars, and he shall receive no other compensation whatever for his services, and all fees now prescribed to be collected by and paid to him shall be paid to the treasurer of said city.

Salary of chief of police.

SEC. 5. That the precepts of the mayor may be executed by any constable or other lawful officer of Mecklenburg county within that county.

Execution of mayor's precepts.

SEC. 6. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That 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. 1885.

CHAPTER 79.

An act to incorporate the Merchants' Bank, of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That Walter L. Steele, David G. Worth, Alfred Martin, Wm. H. Chadborne, S. W. Cole, James Sprunt, Thos. C. Leak and Geo. Chadborn, their associates and successors, are hereby constituted and declared a body
- Corporate name. politic and corporate by the name and style of the Merchants' Bank, of Wilmington, North Carolina, and shall
- Corporate existence. continue for the term of sixty years, with capacity to take,
- Corporate powers. hold and convey real and personal estate and with all the powers, rights and privileges granted to any bank or banking institution.
- Capital stock. SEC. 2. The capital stock of said corporation shall not be less than fifty 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 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 corporation 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 corporation may at their discretion from time to time, reopen books of subscription to said capital stock until the same as herein limited be wholly taken.
- Organization. SEC. 4. Whenever fifty thousand dollars shall be subscribed, and twenty-five thousand dollars shall be paid into the capital stock of said corporation, 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 ;
- Meeting of stockholders.

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 chosen ; and said directors shall elect a president to serve during their continuance in office.

Directors.

President.

SEC. 5. The president and directors of said corporation may adopt and use a common seal, and alter the same at pleasure ; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties ; prescribe the manner of paying for stock and the transfer thereof, may do a general banking business on such terms and rates of discount and interest as is now provided by law. The said corporation shall have a lien on its stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Corporate powers.

Lien on stock for debts due by stockholders.

SEC. 6. The said corporation may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper, and public or other securities, may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the said corporation, or may be sold under execution to satisfy any debt due to said corporation, and may sell and convey the same, may purchase and hold real and personal estate and property, and at pleasure sell or exchange the same, may discount notes and other evidences of debt, and lend money on such terms as is now provided by law, may receive deposits and issue certificates therefor bearing interest, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit, signed by the proper officers of the said corporation shall be as binding as if under the seal of the same.

Corporate powers.

SEC. 7. If any subscriber shall fail to pay for 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

Liability of subscriber failing to pay stock.

may be recovered in the name of the corporation either by motion of the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash, at the banking house of said corporation, in the city of Wilmington, after advertisement of such sale for twenty days in some newspaper published in said city, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs of such sale, the subscribers shall be liable for the delinquency in a civil action.

Liability of 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 motion as aforesaid, or by civil action; in every case of delinquency in a subscriber, or others, the subscription shall be deemed a promissory note, payable to the said corporation as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Powers of president and directors.

SEC. 9. The president and directors of said corporation shall exercise and have all such powers and authority as may be necessary for governing the affairs of the said corporation; they shall have power to prescribe the rules for the conduct of said corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this State, and may regulate the terms and rates on which discounts and loans may be made, and deposits received by the corporation, and they shall direct when dividends of profits shall be made and declared. They may call a meeting of the stockholders whenever they think proper, and any number of stockholders holding one-tenth of the stock may call a special meeting on giving thirty days' notice in some newspaper published in the city of Wil-

Stockholders' meetings.

Special meetings.

mington. At all meetings stockholders may be represented by proxy, each share being entitled to one vote. Stock vote.

SEC. 10. The bank is authorized to organize in connection with its general banking business a department for savings and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto not inconsistent with the laws of the State as will enable said bank to receive small deposits in said savings department, not less than one dollar nor more than five hundred dollars in any single case, and to give certificates or other evidences of deposit, and to pay such interest as may be agreed on, not exceeding the legal rate, and to regulate the time of payment and notice of demand. And to the depositors in the savings department, the bank itself shall be liable for their final payment as to its general depositors or creditors. But the said limit of deposits shall apply only to the savings department and not to the general business of the bank. Savings bank department.

SEC. 11. All laws and parts of laws in conflict with this act are hereby repealed. Conflicting laws 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 6th day of March, A. D. 1885.

CHAPTER 80.

An act to incorporate the "Davis School" in Lenoir county.

The General Assembly of North Carolina do enact :

SECTION 1. That Adam C. Davis and those who may be associated with him be incorporated into a company under the name and style of the "Davis School," with the reserve rights, powers, privileges and duties of such corporation. Incorporated. Corporate name. Corporate powers.

porations, for the purpose of carrying on a military and classical academy.

Governor empowered to commission superintendent, not higher than colonel.

SEC. 2. That the Governor shall be empowered to grant a commission to the superintendent of the aforesaid military and classical school: *Provided*, the rank so conferred shall be no higher than that of colonel; and that the Governor be empowered to grant commissions to such other officers of the said school as may be recommended by the superintendent: *Provided*, the rank so conferred shall be no higher than that of major; and only such officers shall be recommended by the superintendent as are essential to the efficiency of said school.

Commissions to other officers, not higher than major.

Rank of officers.

SEC. 3. That officers commissioned as herein provided shall take rank according to the date of the commission with officers in the line of the "North Carolina State Guard."

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1885.

CHAPTER 81.

An act to incorporate the Bilesville Academy in Stanly county.

The General Assembly of North Carolina do enact :

Trustees.

SECTION 1. That J. R. Ivey, J. L. Coggins, A. S. Miller, D. M. Ritchey, Wm. Suotherly, H. C. Crowell and M. S. Parker, trustees of the Bilesville Academy, who shall serve until the first Tuesday in March, eighteen hundred and eighty-six, on which date annually thereafter seven trustees shall be elected by the stockholders to serve for twelve months thereafter, or until their successors shall have been elected, a joint stock company in the county of Stanly and their successors in office, are hereby incorporated a body corporate for educational purposes

Incorporated.

under the name and style of Bilesville 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.

Corporate name.
Corporate powers.

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 to serve the unexpired time, three of whom shall constitute a quorum for the transaction of business.

Vacancies.
Quorum.

SEC. 3. That it shall be unlawful for any person or persons within two miles of said Bilesville Academy to sell, give away or otherwise dispose of any vinous or spirituous liquors.

Unlawful to sell, &c., liquors within two miles.

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 in 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 6th day of March, A. D. 1885.

CHAPTER 82.

An act to amend the charter of the town of Enfield.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-five of the laws of one thousand eight hundred and sixty and

Chapter 165, laws 1860-'61, amended

sixty-one, entitled "an act to incorporate the town of Enfield," be amended by striking out in section one of said act in the twelfth line thereof the words "the one hundred and eleventh chapter of the Revised Code," and inserting in lieu thereof, "chapter sixty-two of The Code," and by adding after the word "towns" in the thirteenth line of said section the words "and cities."

Corporate powers.

Unlawful for county commissioners to grant retail liquor license without written consent of town commissioners.

SEC. 2. That section three of said act be amended by striking out in the second line thereof the words "court of pleas and quarter sessions," and inserting in lieu thereof the words "county commissioners."

Fire company.

SEC. 3. The commissioners of said town shall be authorized and empowered to provide for the organization of a fire company for the said town of Enfield, under such rules and regulations as they may prescribe not inconsistent with the laws of this State. And for the more efficient work of such fire company, they shall have power to purchase and provide the necessary machines, engines, motive power and other appliances suitable for use by the said fire company, and they are further empowered for

Engines, &c.

Special tax.

the purposes in this section specified to levy and collect on the taxables of said town, including real and personal estate and privileges, such sum or sums of money as may be necessary to pay for and keep in repair the said machine, motive power and appliances, but the said commissioners shall be limited in their power so that they shall not levy and collect in any one year more than fifteen cents on the hundred dollars' worth of real and personal estate, and in same proportion on other taxables and privileges.

Limitation of 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 7th day of March, A. D. 1885.

CHAPTER 83.

An act to amend the charter of the town of Cressville in Washington county and to change the name thereof.

The General Assembly of North Carolina do enact :

SECTION 1. That the name of the town of Cressville in Washington county be and the same is hereby changed to that of Creswell. Name changed to Creswell.

SEC. 2. That the act of the General Assembly of North Carolina, chapter sixty of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled "An act to incorporate the town of Cressville in Washington county" be and the same is hereby amended by striking out the word "Cressville" wherever it occurs in said act and insert in lieu thereof the word "Creswell." Chapter 60, private laws 1873-'4, amended.

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. 1885.

CHAPTER 84.

An act to incorporate the town of Aulander in Bertie county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Aulander in Bertie county be and the same is hereby incorporated by the name of the town of Aulander, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated. Corporate name.

SEC. 2. That the corporate limits of said town shall be Corporate limits

as follows: One thousand yards square, the boundaries of which shall be of equal distance east, west, north and south from the centre of said square, which said central point or centre is hereby fixed at the point where the two main roads cross each other in said town.

Officers. SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable.

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-five, and annually thereafter, and until said election and until their successors are duly elected and qualified, the following shall be the officers of said town, to-wit: Thomas J. White, mayor; W. D. Hoggard, Thomas Price and W. D. Burden, commissioners; and James M. Myers, constable.

Temporary officers.

Corporate powers, &c. 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 sixty-two of The Code.

SEC. 6. 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. 1885.

CHAPTER 85.

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:

Corporate limits. SECTION 1. That the corporate limits of the town of Greenville be and the same are hereby enlarged and ex-

tended so as to be included and embraced in the following boundaries, to-wit: Beginning on Tar river at the present north-east corner of said town and running thence with the present eastern boundary to a point one hundred and sixty-four (164) south of the southern side of Fifth street, in a line with the eastern side of Reade street and running thence south thirteen and one-half ($13\frac{1}{2}$) degrees west sixteen hundred and eighty-two (1682) feet 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 (2821) feet, thence north thirteen and one-half ($13\frac{1}{2}$) degrees, east eighteen hundred and twenty-three (1823) feet to the southern edge of the river road, thence to various courses of the southern edge of said road to the western boundary extended 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 (2030) feet to Tar river, thence down the various courses of said river to the beginning.

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 with said street 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 boundaries, all east and north of this line shall constitute and be known as the First 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 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.

SEC. 4. That portion of said town embraced in the fol-

lowing 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 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.

Mayor and board of councilmen.

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 ward to elect two councilmen.

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

Election, when held.

an election on the first Monday in May, one thousand eight hundred and eighty-five, 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.

Vacancies.

Mayor.

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 *pro tem.*

Treasurer.

SEC. 7. That the board of councilmen so to be elected shall elect from their number at their first meeting a treasurer; also shall elect 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

Clerk and policemen.

Bond of treasurer.

amount of taxes due said town for the preceding year; he shall receive all money belonging to the town, or which ought to be paid or delivered to him, and he shall keep the same safely for the use of the town; he shall disburse the funds according to such orders 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.

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 clerk.

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 shall 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 compensation as the board of councilmen may allow.

Duties and powers of police.

Fees, &c.

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 or more than five hundred dollars per annum.

Salaries.

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-five and until the councilmen herein provided for are elected and qualified.

Present board of commissioners; to hold office until first Monday in May, 1885, &c.

SEC. 12. That at the election herein provided for, no one shall be allowed to vote unless he has resided in the

Electors.

State twelve months and in the ward in which he offers to vote ninety days immediately preceding the election.

Registrars and inspectors of election for election in 1885 to be appointed by town commissioners.

SEC. 13. That the board of town commissioners now in office shall appoint one registrar and two inspectors for each ward to conduct in their respective wards an election on the first Monday in May, one thousand eight hundred and eighty-five. 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 the hours of eight a. m. and five 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.

Registration.

Election, how held.

In future elections county commissioners to appoint registrars and inspectors.

Taxation.

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-five, 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 each male between the ages of twenty-one and fifty years; 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

Ad valorem tax.

Poll tax.

Purchase tax.

Retail liquor dealers.

Lawyers.

Drays.

Dogs and goats.

Venders of drugs, &c.

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 every person offering chances or gifts as an inducement to purchase, a tax not to exceed twenty dollars per day ; on circuses a tax not to exceed twenty-five dollars per day ; on each travelling theatrical, minstrel or musical troupe or any other troupe or company taxed by the laws of the State, 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 each 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.

Gift enterprises,
&c.

Circuses.

Theatres, &c.

Billiard tables,
&c.

Hotels, &c.

Livery stables,
&c.

Horse drovers,
&c.

SEC. 15. That the board of commissioners for the year one thousand eight hundred and eighty-five and thereafter the board of councilmen may levy a tax not exceeding fifty dollars each year upon each hall, opera house or theatre in said town, and whenever said tax is levied circuses and theatrical, minstrel or musical troupes or companies, or any other troupe or company taxed by the laws of the State exhibiting therein shall be exempt from the tax imposed in the preceding section.

Tax on halls, &c.

Companies exhibiting therein exempt from town tax.

SEC. 16. The said board 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.

Taxes, how listed and collected.

SEC. 17. 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 and pumps, 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 appoint their duties.

Powers of board of councilmen.

Ordinances, &c.

SEC. 18. 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 State.

Confinement of person violating town ordinance, &c.

SEC. 19. 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 sheriff for his or their appearance before the mayor or other court.

Bail.

Mayor to be a special court.

SEC. 20. That the mayor shall be a special court and within the corporate limits shall have the powers and authorities of a justice of the peace to preserve and keep the peace, and may cause to be arrested and detained criminals who 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.

Misdemeanor to violate town ordinance.

Penalty.

SEC. 21. That any violation of such ordinances as may be enacted by the councilmen shall be a misdemeanor, punishable by a fine not to exceed fifty dollars or imprisonment in the county jail or town prison not to exceed thirty days, with power to compel violators to work on the streets in the meantime.

Failure, &c., to work on streets, 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 nor 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 meantime compelled to work on the streets of the town. Penalty.

SEC. 23. The councilmen of said town shall have power to open new streets whenever they are necessary for the public convenience, and upon the written application of not less than ten persons who are freeholders in said town, and shall have full power and authority to condemn any land necessary for that purpose: *Provided, however,* that no land shall be condemned for any purpose where such condemnation will in any manner interfere with the buildings, front yard or curtilage of any person objecting thereto, nor shall the intersections or courses of road or roads now leading into said town (both old and new portions) ever be changed, but the same shall within a reasonable time be opened for streets by the commissioners of said town: *And provided further,* that just and reasonable compensation be paid to the person or persons injured before work is commenced on the same. New streets.
Condemnation of land.
Proviso.

SEC. 24. That said compensation by way of damages shall be ascertained by three resident freeholders, one to be selected by the mayor, one by the party injured and the third by the two freeholders just elected. Proviso.
Damages, how ascertained.

SEC. 25. That any person or persons whose lands are sought to be condemned by the councilmen of said town or who may be dissatisfied with the damages assessed, may appeal from the order of condemnation or the report of the freeholders as the case may be, to the next term of the superior court of Pitt county, in giving bond in the sum of one hundred dollars; where the necessity of such Right of appeal.

condemnation and the damage thereby sustained shall be submitted to a jury and shall thereafter be proceeded in as other cases in the superior court.

Public roads within corporate limits constituted public streets.

SEC. 26. That the public roads lying within the territory added by this act to the corporate limits of said town are hereby constituted public streets of said town.

Conflicting laws repealed.

SEC. 27. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 28. 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. 1885.

CHAPTER 86.

An act to amend chapter one hundred and twelve of the private laws, one thousand eight hundred and eighty-three, entitled "An act for the relief of the creditors of the former town of Fayetteville, and for other purposes."

Preamble.

WHEREAS, certain creditors of Fayetteville, by inadvertence or other excusable neglect, failed to bring their claims within the terms prescribed in chapter one hundred and twelve, private laws of one thousand eight hundred and eighty-three, within the time therein prescribed :

The General Assembly of North Carolina do enact :

Chapter 112, sec. 19, private laws 1883 amended.

Creditors allowed until Sept. 1st, 1885, to accept terms of act, &c.

SECTION 1. That section nineteen of said chapter one hundred and twelve of the private laws of one thousand eight hundred and eighty-three be so amended as to allow creditors until the first day of September, one thousand eight hundred and eighty-five, to accept the terms and bring their claims within the provisions of said act.

SEC. 2. That section eleven of said chapter be amended so as to read as follows, viz: Section 11 amended.

SCHEDULE B.

The taxes in this schedule are hereby and shall be imposed as license tax for the privileges of carrying on the business or doing the acts named within said district, and any person or corporation who may within said district do the acts or carry on the business named without having first paid the license or privilege tax therefor as herein prescribed shall be guilty of a misdemeanor. Privilege tax.
Misdemeanor to carry on business, &c., without obtaining license.

1. Traveling theatrical companies, five dollars on each exhibition. Theatrical companies.

2. On each concert or musical entertainment for profit and on each lecture for reward or private gain, three dollars, unless such concert, lecture or musical entertainment be given for religious, charitable or public purposes. Concerts, &c.

3. On all companies or persons who exhibit museums, waxworks or curiosities of any kind, natural or artificial, or who give entertainments of any kind for reward or private gain, five dollars for each exhibition. Museums, &c.

4. On every exhibition of a circus or menagerie, for each day or part of a day fifty dollars. Circuses, &c.

5. On each billiard table, bowling alley or alley of the like kind, skating rink, bagatelle table, or stand or place for any other game or play with or without a name, whether they be kept in connection with or separate from any place where liquor is sold, twenty dollars per annum, unless they be kept solely for private exercise or amusement. Billiard tables, &c.

6. On each stable that keeps horses or mules for livery, sale or exchange, and on each person who may keep horses or mules for hire or to let, with or without vehicles, twenty-five dollars per annum. Livery stables, &c.

7. On every person other than licensed livery men as referred to in the preceding sub-division, who buys and Horse dealers &c.

sells, or who offers to buy or sell horses or mules as a business, twenty-five dollars per annum.

Itinerant dentist,
&c.

8. On every itinerant dentist, optician or portrait painter, daguerrean artist, or other persons taking or enlarging likenesses of the human face, or medical practitioner, five dollars.

Liquor dealers.

9. On every person who shall buy and sell spirituous, vinous or malt liquors, twenty-five dollars per annum: *Provided*, that licensed druggists who buy and sell wines and liquors solely for medicinal purposes shall not be liable to this tax.

Proviso.

Peddlers.

10. On every person who, as principal or agent, peddles drugs, nostrums, medicines or goods, wares or merchandise, of whatever name or description, whether such person travel on foot or with a conveyance or otherwise, ten dollars per annum: *Provided*, that no more than one person peddle under the same license.

Proviso.

Itinerant light-
ning rod dealers.

11. On every itinerant who deals in or puts up lightning rods, ten dollars per annum.

Auctioneers.

12. On every auctioneer who shall sell, either by ascending or descending bids, or at public outcry, such articles of goods, wares and merchandise as are the subject of traffic and sale by merchants and traders, ten dollars.

License taxes,
how collected,
&c.

And the tax collector shall collect said license taxes in the same manner as sheriffs collect State and county license taxes, and pay the same into the treasury, less his commissions. Upon receipt of the license tax as above prescribed, the tax collector shall give to the person or corporation paying it a receipt, showing the purpose for which it was paid, and authorizing said person or corporation to conduct the trade, profession or business therein mentioned within said district until the first day of January next ensuing; and he shall keep a record of licenses so granted; and it shall be the duty of the marshal to see that no person or corporation shall carry on the bus-

Receipt to be
given, &c.

Record to be
kept.

Duty of marshal.

iness or do the acts above named without having such license.

SEC. 3. That section six of said chapter one hundred and twelve of the acts of one thousand eight hundred and eighty-three be amended by striking out all after the words "Cumberland county" in line eleven and substituting therefor the following: "And on every hundred dollars' value of all property and subjects of taxation of every kind within said district, and the provisions of this section shall be construed to apply to all non-residents doing business within the limits of the tax district upon their respective avocations and business, their stock in trade, bank stock, solvent credits growing out of their business located as above, just as though they were actual residents of the district: *Provided*, that this section is not intended to levy a tax upon any real or personal property lying beyond the limits of said tax district."

Section 6 amended.

Liability to taxation of non-residents doing business within limits of district.

Proviso.

SEC. 4. That the proviso to section nine of said act be amended so as to read as follows, viz: "*Provided*, the tax collector may deduct and retain as and for his commissions not more than five per centum of the amount collected. The commissioners may fix the rate at not more than five nor less than three per centum."

Section 9 amended.

Commissions of tax collector.

SEC. 5. That section thirty-seven of chapter one hundred and twelve, private laws of one thousand eight hundred and eighty-three, be amended by substituting in line ten the word "six" for the word "ten"; in line eleven the word "five" for the word "eight"; in line twelve the word "three" for the word "six."

Section 37 amended.

License tax on wagons, &c.

SEC. 6. 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. 1885.

CHAPTER 87.

An act to authorize the town of Durham to issue bonds.

The General Assembly of North Carolina do enact:

Commissioners authorized to issue coupon bonds not exceeding \$15,000.

Description of bonds.

May be issued in classes.

To be numbered, &c.

Record to be kept.

Bonds not to be sold for less than par.

Proceeds to be expended for graded school purposes.

Act to be submitted to popular vote.

Election, when held.

SECTION 1. That the commissioners of the town of Durham be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of fifteen thousand dollars, and in denominations of not less than twenty-five dollars nor more than five hundred dollars, drawing interest from date of bonds at a rate not to exceed seven per centum per annum, and payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid; that the said bonds shall be made payable after the expiration of fifteen years from the date thereof: *Provided, however,* that the board of commissioners of the town of Durham may divide them into three classes of equal amounts: first class payable after five years, the second class payable after ten years, and the third class at the expiration of fifteen years from date of said bonds. It is further enacted that said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the town of Durham and the secretary of the board of town commissioners. That a record shall be kept of said bonds showing the number, amount and to whom sold.

SEC. 2. That the bonds shall not be sold for less than their face value, and that the proceeds arising from the sale of said bonds 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 for white children: *Provided, however,* that this act shall be submitted to the qualified voters of said town for their ratification or rejection at an election to be held in said town at such a time as the commissioners may appoint within twelve months from the rat-

ification of this act. The said election shall be advertised by the commissioners of said town for thirty days prior to the day of election in at least two papers published in said town. Those who are in favor of issuing said bonds shall vote "For school bonds," those who are opposed shall vote "No school bonds." That the number of votes cast for and against said bonds 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 to the register of deeds of Durham county. If a majority of the votes cast shall be "For school bonds," then said commissioners shall proceed at once to issue and sell the bonds, but if a majority of the votes cast shall be against or "No school bonds," then this act shall be of no force and effect. The inspectors shall be appointed and the election shall be held as all other elections in the town.

SEC. 3. In order to pay interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the commissioners of the town of Durham shall levy a special tax of ten cents on the hundred dollars' worth of real and personal property in the town and thirty cents on each poll: *Provided, nevertheless,* that the tax collected from the colored population of the town shall be applied for the benefit of the public schools for colored children as now provided by law in said town.

SEC. 4. If a majority of the votes cast are for the issuing of said bonds then the commissioners of the town of Durham shall within twenty days after the election appoint 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 for creating a sinking fund to pay the principal of said bonds at maturity. The trustee so appointed shall give a bond with good and sufficient security in the sum of twenty

Notice of election.

Ballots

Canvass of vote, &c.

Commissioners to issue bonds on affirmative vote.

Election, how held.

Special tax.

Taxes collected from colored persons to be applied to school for colored children.

Trustee to be appointed to receive proceeds of bonds, &c.;

Bond.

Special taxes
amount collected
payable to trustee.

Trustee to pay
amount received
to school committee
as needed, &c.

Proviso.

Trustee to pay
interest on bonds
semi-annually.

Trustee to lend
out funds on
mortgage, &c.

When trustee to
lend on other
securities.

Trustee to lend
out proceeds of
bonds, &c.

thousand dollars, payable to the commissioners of the town for the faithful performance of his duty as trustee, and the said commissioners may require a renewal of said bond at any time. The town commissioners shall order the tax collector of the town to pay over to the said trustee all the special taxes collected as provided in this act, and the said trustee shall pay over to the graded school committee the amount received from the sale of said bonds as they may need it for the purposes specified in this act, on their orders being regularly and properly endorsed by the chairman and treasurer of the graded school committee: *Provided, however,* that the graded school committee shall not draw on the said trustee any faster than they shall actually need for the accomplishment of the work, viz: the purchase of suitable grounds and the erection of suitable school buildings, and furnishing the same; semi-annually the commissioners of the town of Durham shall order the said trustees to pay the accrued interest on said bonds, and the coupons shall be *prima facie* evidence of the discharge of his duty and a receipt for the money so paid out. It shall be the duty of the trustee to lend the money coming into his hands for the purpose of paying interest and creating a sinking fund at the highest legal rate of interest that can be obtained, securing 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' of the value of such real estate, and the interest on said loans to be paid semi-annually. If unable to make satisfactory loans on mortgages, then said trustee may loan on such securities as may be approved by the board of town commissioners; the said trustee shall be empowered to lend on the same securities as the sinking fund a part or all the proceeds arising from the sale of said bonds on the approval in writing of the graded school committee.

SEC. 5. The commissioners of the town of Durham shall appoint each year 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 every six months to examine the books, papers and accounts of the said trustee, and to report in writing to the board of commissioners. If the said committee find that the trustee has been negligent or careless in the performance of his duty they shall report the same to the town commissioners, whose duty it shall be to remove him from his position as trustee and to appoint his successor. If the office of trustee becomes vacant from death, resignation or otherwise, the commissioners shall within five days fill such vacancy.

Graded school committee.

Duties.

Vacancy in office of trustee.

SEC. 6. The said trustee shall be allowed the sum of two hundred dollars per annum compensation for his services, to be paid out of the sinking fund.

Compensation of trustee.

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. 1885.

CHAPTER 88.

An act to amend an act entitled "An act to incorporate the town of Wake Forest College in the county of Wake," being chapter one, private laws of special session one thousand eight hundred and eighty.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one, section two, of the private laws of special session of one thousand eight hundred and eighty, be so amended as to exclude from the corporate limits of the town of Wake Forest College all that terri-

Chapter 1, section 2, private laws special session 1880 amended.

Corporate limits of Wake Forest College.

tory which lies on the east side of the Raleigh and Gaston Railroad and on the north side of Spring street.

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. 1885.

CHAPTER 89.

An act to incorporate the Raleigh Savings Bank.

The General Assembly of North Carolina do enact:

SECTION 1. That J. J. Thomas, Julius Lewis, B. P. Williamson, Gustav Rosenthal, W. J. Hicks, Geo. H. Snow, V. E. Turner, G. D. Rand and B. R. Harding and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Raleigh Savings Bank," and by such name may acquire, hold and convey real and personal property; sue and be sued, plead and be impleaded in any of the courts of the State, and have a continual succession for ninety-nine years, and a common seal for the purposes indicated in the title.

SEC. 2. That the capital stock of said corporation shall not be less than twenty-five thousand dollars, which may be increased from time to time to a sum not exceeding five hundred thousand dollars, in shares of twenty-five dollars each, payable as follows: ten per centum of each share in cash, and ten per centum per month for each month thereafter until the full sum is paid; said corporation may however commence the business of banking when ten thousand dollars of the capital stock aforesaid has been paid in. The stockholders shall not be individually liable for the debts of the corporation.

Graded school committee.

Order.

Trustee be-7rancy in office of trustee.

Body politic (corporation).

Corporate name. Corporate powers.

Corporate existence.

Capital stock.

When to commence business.

Stockholders not individually liable for corporate debts.

Sec. 3. That the nine persons first named in section one of this act shall be and remain directors of this corporation until their successors are chosen: *Provided*, that no person shall be a director in said corporation without having first subscribed and taken at least ten shares of said stock.

Directors.

Proviso.

Sec. 4. It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, fix salaries, fill vacancies, and generally do and perform such duties as the rules, regulations and by-laws of this corporation shall prescribe when the same shall have been duly ratified by a majority in number and value of the stockholders, voting thereon in person or by proxy.

Duties of directors.

Compensation.

Sec. 5. The principal office or banking house of this corporation shall be located in the City of Raleigh and State of North Carolina, and branches thereof may be opened and established in such other places as may be deemed expedient and beneficial.

Principal office.

Branch offices.

Sec. 6. That this corporation shall have the power to receive and pay out the lawful currency of the country; deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or receive deposits of money or other property or evidences of debt from corporations, miners, apprentices, *femmes covert*, or other persons on such terms and time and manner of collection and payment as may be agreed upon between the parties, and for the use and loan of money may charge so high a rate of interest as eight per centum per annum, and may take and receive said interest at the time of making said loan; free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other State or of the United States, or of any corporation under the laws thereof; and to take such real and personal property conditioned in such form for the payment of the principal and interest of money loaned;

Corporate powers.

Body politic.

advanced or expended as may be deemed most safe, expedient and beneficial.

Authorized to guarantee payment of notes, &c.

SEC. 7. That said corporation shall have power and authority to guarantee the payment of principal and interest of notes, bonds, bills of exchange and other securities or evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and may charge therefor so high a rate of interest as eight per centum per annum, and may take and receive the interest at the time of making said transaction.

Compensation.

Taxes, how payable.

SEC. 8. That said corporation shall pay to the State under the laws thereof an annual tax on such shares of stock therein equal to that charged by the State on other property of like value; said tax shall be paid to the Public Treasurer on the first day of January in each and every year.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1885.

CHAPTER 90.

An act to confirm a law passed by the General Assembly of Virginia, an act to incorporate the John L. Roper Lumber Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That John L. Roper, Wm. H. White, Theodore S. Garnett, Jr., John F. Stewart and Wilson Godfrey, and their associates and successors, be and they are hereby created and constituted a body politic and corporate by

the name of the John L. Roper Lumber Company, for the purpose of acquiring and owning swamp lands in the State of North Carolina, and of conducting a general lumber business in all of its departments and branches, especially purchasing and owning swamp lands, and of cutting, preparing for market and manufacturing juniper, cypress and other timber; and by that name and style the said company shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded in any courts and places, and have a common seal, which it may alter and change at pleasure, and be at all times subject to the rules and regulations imposed by the general laws of this State in relation to joint stock companies, so far as they are applicable to and not inconsistent with the provisions of this act.

Corporate name.

Corporate powers.

SEC. 2. The capital stock of the said company shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each, and the said capital stock may be increased to five hundred thousand dollars by the stockholders at any meeting called for that purpose; and the said company is hereby authorized to subscribe to and hold stock in any other incorporated company.

Capital stock.

SEC. 3. The said company may acquire and hold real estate to such extent as it may deem necessary and requisite for the convenient transaction of its business, not to exceed at any one time three hundred thousand acres.

Authorized to acquire real estate not exceeding 300,000 acres.

SEC. 4. The said company shall have authority to make from time to time such by-laws and regulations as it may deem necessary for the management of its affairs, fix the number of its directors, and elect a president and other necessary officers; it may hold its annual meetings at Norfolk or elsewhere in the State of Virginia or at such place in North Carolina as a majority of the directors may determine. The president shall be elected by the stockholders, and a vice-president may be elected from the board of directors by the directors if they shall deem such an officer necessary. A secretary and treasurer shall be

By-laws.

Directors.

Annual meetings.

President and other officers.

electd by the board of directors, and one person may hold both of these offices if the company shall so determine! All officers of the company shall be elected for the term of one year and until their successors are elected and qualified. The president shall be entitled to vote at all meetings, and each stockholder present in person or by proxy shall be entitled to one vote for each share of stock held.

Authorized to construct rail-ways, &c.

Sec. 5. The said company may contract for and purchase, lay off and construct such railways, canals and roads as may be necessary for the prosecution of its business.

Authorized to issue mortgage bonds, &c.

Sec. 6. The said company shall have right to issue bonds for the purpose of borrowing money and to secure the payment thereof by deed in trust or other lien upon its real estate and personal property, not exceeding in amount the paid up capital of the company.

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. 1885.

CHAPTER 91.

An act to amend the charter of the town of Warsaw.

The General Assembly of North Carolina do enact :

Body corporate.

SECTION 1. That the inhabitants of the town of Warsaw shall continue to be as heretofore a body corporate under the name and style of "The Town of Warsaw," 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 Warsaw, and in and by that name may sue and be sued, plead

Corporate name.

Corporate powers.

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.

Printed or im-
posed on day of
election

SEC. 2. The present mayor and commissioners and other officers of the town of Warsaw shall be and the same are hereby declared to be like officers, with the powers and duties of the town of Warsaw until their successors are elected and qualified as hereinafter provided.

Present officers to
continue until
successors are
elected, &c.

SEC. 3. That the corporate limits and boundaries of the said town of Warsaw shall be as follows: Beginning at the fifty-fifth mile post of the Wilmington and Weldon Railroad Company, where the old plank road crosses the said railroad, and runs three-eighths of a mile each way from said mile post, forming a circle which is three-fourths of a mile in diameter, and the town authorities are hereby instructed to survey and have marked out the above described boundaries.

Corporate limits.

SEC. 4. The officers of the town of Warsaw shall consist of a mayor and five commissioners, to be elected by ballot on the first Monday in May of each year (or on such other day as may be designated and set apart by the general law of the State for municipal elections); also a constable, secretary and treasurer; to be chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected and qualified; and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters written or printed, and put up at three or more public places within the corporate limits of the said town, and if the board of commissioners of Duplin county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold said election.

Town officers.

When elected.

Commissioners to
choose constable,
&c.

Notice of elec-
tion.

Inspectors.

SEC. 5. That any qualified voter of this State shall be eligible as mayor or commissioner, and entitled to vote in the municipal elections of said town: *Provided*, he shall

Qualifications of
mayor, &c.

Electors.

Provide.

have resided within the corporation for ninety days next preceding the election.

Duties of inspectors on day of election.

SEC. 6. 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.

Canvass of votes, &c.

SEC. 7. At the close of the election the votes shall be counted by the inspectors, and of such persons voted for as mayor the one having the largest number of votes shall be declared duly elected mayor, and of such persons voted for as commissioners the five receiving the largest number of votes shall be declared duly elected; and the officers thus elected shall be notified of their election within two days after the same by the inspectors.

Oath of inspectors.

SEC. 8. The inspectors, before proceeding to act as such, shall be sworn by the mayor or a justice of the peace of Duplin county to conduct the election fairly, impartially and according to law, and in case of the absence of an inspector his place shall be supplied by the commissioners.

Tie vote for mayor or commissioners, how determined.

SEC. 9. That if among the persons voted for for mayor there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners elect shall proceed, within five days after their qualification, to elect mayor of and from such persons thus tied, and if there should be a like tie among commissioners thus voted for, the remaining commissioners shall decide the tie within three days after their said qualification.

Result of election to be certified, &c.

SEC. 10. That the inspectors shall certify and subscribe the poll and registration lists and return them to the town secretary, who shall take charge of and preserve the same.

Oath of mayor and commissioners.

SEC. 11. That the mayor and commissioners after election, and before entering upon the duties of their respec-

tive offices, shall take and subscribe (the mayor before some justice of the peace and the commissioners before the mayor) the following oath: I, A. B., do solemnly swear that I will faithfully and diligently endeavor to perform the duties of the office of mayor or commissioner to which I have been elected, so help me, God.

SEC. 12. That if any person who shall be elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from town, or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore*, or to fill the unexpired term; and likewise in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy.

Mayor *pro tem.*

Vacancies in board of commissioners.

SEC. 13. That any person elected mayor or commissioner for said town who shall refuse to qualify and act as such shall forfeit and pay to the equal use of the town and of him who shall sue therefor the sum of twenty dollars.

Penalty for refusal to qualify as mayor or commissioner.

SEC. 14. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon, and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guard house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Duplin

Powers and jurisdiction of mayor.

Right of appeal.

county upon recognizance, with security for his appearance at the next term thereof.

Precepts of mayor.

SEC. 15. That the mayor may issue his precepts upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to any constable of the town, or to such other officers to whom a justice of the peace may direct his precepts.

Duties of mayor.

SEC. 16. The mayor shall preside at all meetings of the town commissioners, and vote in no case except in an equal vote between said commissioners, then he shall give the casting vote. He shall keep a faithful minute of all the precepts issued by him, and of all his judicial proceedings.

Judgments rendered by mayor, how executed, &c.

Judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the courts of Duplin and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Duplin county.

Violation of town ordinance a misdemeanor.

SEC. 17. 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 not more than thirty days.

Imprisonment for fines, &c.

SEC. 18. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now or as may hereafter be provided by law.

Fines collected for use of town.

SEC. 19. That all fines collected under the provisions of the foregoing act for violation of town ordinances shall go to the use of the town.

Fees of mayor.

SEC. 20. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and an additional salary to be allowed by the board of commissioners not to exceed one hundred dollars a year.

Salary.

Jurisdiction, &c., of mayor.

SEC. 21. That the mayor shall have and it shall be his duty to exercise all the jurisdiction, powers and duties given to justices of the peace in chapter twenty-five of The Code, entitled "Crimes and Punishments," subject to

the restrictions and limitations contained in that chapter; *Provided*, the mayor shall not take jurisdiction of any offence committed beyond the limits of the town.

Proviso.

SEC. 22. The commissioners shall form one board and a majority of them shall be competent to perform all the duties prescribed for commissioners unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year which shall be as often as once a month during the same. Special meetings of the commissioners shall also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor the commissioners not joining in the call shall be notified in writing.

Board of commissioners.

Meetings.

of boards to prevent dogs, &c. Special meetings.

SEC. 23. The commissioners shall have power to make and to 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.

Ordinances, &c.

SEC. 24. The commissioners shall have power and it shall be their duty to provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or irregularities, tending to disturb the peace of the citizens. They shall provide for repairing the streets, sidewalks and alleys, and cause the same to be kept clean and in good order, take all proper means to prevent and extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prohibit any indecent exposure of the person by imposing such fines and imprisonment in all cases within the jurisdiction of a justice of the peace as they shall deem adequate.

Proviso. of boards to prevent dogs, &c. to prohibit things of guns, &c.

Powers of commissioners. Guard house, &c.

Compensation of town officials for feeding prisoners.

Proviso.

Streets.

SEC. 25. That the commissioners may require and compel the abatement and removal of all nuisances, and shall

Abatement of nuisances, &c.

have power to pull down and remove any old house, barn or other building in said town, when the same may be considered dangerous from fire or other causes to the safety, the person or property of adjacent residents: *Provided, however*, that before such removal the owner of such property shall be notified in writing by the secretary of such board of the action, and allow one month for repairing or removing of such building.

Proviso.

Authorized to prevent dogs, &c., from running at large.

SEC. 26. That the commissioners shall have power to prevent dogs, hogs, horses and other brutes from running at large in the town, and the town marshal may by order of the mayor seize and detain such animals till such fines and cost as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days' notice at three public places therein, and apply the proceeds to the payment of said cost and fine, and pay any surplus to the owner of the stock.

Authorized to prohibit firing of guns, &c.

SEC. 27. That they may prohibit the firing of any gun, pistol, fire-cracker, gunpowder, other materials or other dangerous combustibles in the streets, public grounds, or elsewhere in said town.

Guard house, &c.

SEC. 28. The commissioners may build or establish a guard-house in which to secure and confine offenders against town ordinances, and for feeding such prisoners

Compensation of town marshal for feeding prisoners.

the town marshal shall be allowed such compensation as is allowed to the keeper of the common jail in Duplin county: *Provided*, in the above case, that no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having had his case heard and determined before the mayor.

Proviso.

Streets.

SEC. 29. The commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever

they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of the land or property and the damages, the mayor of the town shall issue his warrant to the town marshal commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings, findings, and so forth, into the office of the mayor, there to be filed. Before proceeding to view said premises, and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I, A. B., do solemnly swear or affirm that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen, and a true report make, so help me, God." If the party damaged or claiming damages refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either of the commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the superior court of Duplin 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.

Condemnation of land.

Right of appeal.

SEC. 30. 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 said town; upon all money on hand; solvent credits; upon all polls and upon all other subjects of taxation taxed by the General Assembly and the laws of the State for public purposes: *Provided*, that annual tax on property shall not exceed thirty-three and one-third cents on the one hundred dollars' valuation thereof, nor shall the poll tax and

Taxation.

Limitation of tax.

street commutation tax exceed the sum of one dollar annually.

Additional subjects of taxation.

SEC. 31. That in addition to subjects liable to taxation for State purpose, the commissioners shall have power to levy and collect a specific or license tax upon the following subjects: all itinerant or travelling merchants, peddlers, bar-rooms, liquor dealers, or auctioneers, who shall offer to sell within the corporate limits of said town, all drummers or commercial travellers, photograph artists, sewing machine or crasing machine agents, horse drover or fruit tree seller, offering to exercise their business within the corporate limits of the town; upon all venders of cider, patent medicine or nostrums of any kind; upon every show, concert, menagerie, sleight-of-hand, or theatrical performances exhibiting; within said corporation, and upon every hog or other stock running at large within the same, whether belonging to persons inside or outside the corporation.

Tax lists.

SEC. 32. That all persons liable to taxation of any kind in said town shall, on or before the first day of June in each and every year, make a return of their respective lists of taxable property, as assessed by the township assessors for the State, to the secretary or clerk of said board commissioners: such lists shall give a description of the tracts or lots of land, the taxable polls and all other property liable to taxation by the persons returning the same, and shall be sworn to before some justice of the peace or before the secretary or clerk, who is hereby authorized and empowered to administer oaths required by law to be taken by persons making such returns. The said lists thus taken shall be filed with the secretary or clerk, who shall, after a levy of taxes assessed thereon, in the same manner as tax lists are made or required to be made for the collection of State taxes. The secretary or clerk shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to double tax. The usual tax list made as aforesaid by

Unlisted property.

Tax list to have force of judgment, &c.

the secretary or clerk and placed in the hands of the marshal or tax collector, shall have the force and effect of a judgment and execution for the taxes assessed and appearing on said lists respectively; and the same may be collected by levy and sale of the property of the party owing such taxes on giving such notice as is required by law on execution from one of the superior courts of the State, and the officer charged with the duty of collecting such taxes shall have all the power vested by law in sheriffs or tax collectors for the collection of taxes due the State.

How collected.

SEC. 33. That said taxes shall be due on the first Monday of October in each and every year, but the tax collector shall have no power to enforce collection of same by sale before the first day of November next ensuing. When the taxes due shall be unpaid on the first day of November, the tax collector shall proceed to collect the same in the manner prescribed by law for the collection of State taxes by the sheriffs of the State.

Taxes, when due and collectable.

SEC. 34. The marshal or town tax collector appointed by the commissioners is hereby authorized and empowered to sell real estate in said town for taxes, whether such real estate belongs to a resident or non-resident, or persons unknown, and so much thereof as may be necessary to satisfy the taxes due and cost of collection; and the owner, or any one for him, shall be allowed to redeem any property thus sold at any time within two years from the sale on paying the purchaser the amount of tax, costs and expenses of sale, with twenty-five per centum thereon, and one dollar for the expense of reconveyance. If the real estate thus sold is not redeemed within the time specified, then the tax collector shall convey the same in fee to the purchaser, and the recital in said deed that the taxes were due and unpaid at the time of sale shall be *prima facie* evidence of the fact.

Sale of real estate for taxes.

Redemption of land sold for taxes.

To be conveyed to purchaser if not redeemed, &c.

County commissioners not to grant retail liquor license without written permission of town commissioners.

SEC. 35. That it shall not be lawful for the board of commissioners of Duplin county to grant license to retail

spirituous liquor within the limits of the town of Warsaw without the written permission of the commissioners of said town, attested and signed by their secretary, and presented by the applicants at the time of application and filed with the register of deeds of said county, and if such license be thus granted by the board of county commissioners without such permission the same shall be void and the person obtaining such license shall be indictable as in other cases of retailing without license.

Duties and powers of town constable.

SEC. 36. That it shall be the duty of the constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to sheriffs of the county on like processes and precepts, and also such other compensation as the commissioners may allow. He shall execute all processes issued or directed to him by the mayor or any justice of the peace of Warsaw township within the limits of said town, and to that end may summon any citizen of said town to his assistance, who upon refusal to act shall be considered guilty of a misdemeanor, and upon complaint of said marshal shall be tried and punished in the discretion of the mayor within the limits prescribed in the jurisdiction of a justice of the peace. He shall enter into a good and sufficient justified bond in the sum of five hundred dollars, payable to the State of North Carolina and approved by the commissioners, and shall at the end of every month pay over to the town treasurer all fines, penalties and forfeitures, together with other moneys collected by him, and report the same to the commissioners under oath.

Fees.

Bond.

Constable to arrest offenders, &c.

SEC. 37. That the town constable may arrest parties offending against town ordinances and endeavoring to

make their escape without the limits of said town without a warrant, and he shall commit all offenders in a state of intoxication to the guard house until they become sufficiently sober to appear before the mayor for trial. The town marshal or constable shall by virtue of his office be town tax collector, unless he fails to give the bond required by commissioners for that purpose, or is otherwise deemed incompetent.

To be tax collector.

SEC. 38: The secretary or clerk of said town shall by virtue of his office as such, after his appointment or election by commissioners, be town treasurer, who shall keep regular minutes of the proceedings of the board, preserve all books, papers and articles committed to his care during his continuance in office, and enter into a good and sufficient justified bond as treasurer to honestly and faithfully disburse all moneys coming into his hands and a just and true account render when required by commissioners.

Town clerk to be treasurer, &c.

Bond.

SEC. 39. That the clerk and treasurer shall call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and at the expiration of his term deliver the same with all moneys and property of said town in his possession to his successor in office.

Duties of clerk and treasurer.

SEC. 40. That all persons to whom said town shall become indebted shall present their claims duly sworn to to the board of commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof if considered just, and the treasurer shall in no case pay any claim presented to him till the same shall

Claims against town, how audited and paid.

have been audited and approved by the commissioners and an order made therefor.

Officer failing to turn over property, &c., to successor guilty of misdemeanor.

SEC. 41. That all officers of said town of Warsaw who shall on demand fail to turn over to their successors in office the property, money, books or effects of the town, shall be deemed guilty of a misdemeanor and upon conviction before the superior court of Duplin county shall be fined at the discretion of the same.

Conflicting laws repealed.

SEC. 42. This act shall be in force from and after its ratification, and all laws and clauses of laws coming in conflict with the same are hereby repealed.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 92.

An act to incorporate the Wake Forest Cemetery Association.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Philip W. Johnson, Charles E. Taylor, James S. Purefoy, William C. Powell, William B. Royall, John M. Brewer and Frederick M. Purefoy, be and they are hereby made a body politic and corporate, under the name and style of "The Wake Forest Cemetery Association," and by this name may sue and be sued, plead and be impleaded in all the courts of this State, may contract and be contracted with, and may have perpetual succession and a corporate seal.

Corporate name.

Corporate powers.

Authorized to purchase land for cemetery, &c.

SEC. 2. That said corporation may purchase and hold as much land, not exceeding twenty-five acres, as may be necessary for locating and establishing a cemetery near Wake Forest College, in the county of Wake and State of North Carolina, and may sell or otherwise dispose of the

land so acquired in suitable lots, to be used exclusively as a place of burial for the dead.

SEC. 3. That the real estate of said corporation and the burial lots conveyed by it to individual proprietors shall be exempt from all taxation, and shall not be liable to be sold on execution. Exemption from taxation.

SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure in said cemetery, or any fence, railing, enclosure or other work for the protection or ornamentation of the same, or of any burial lot therein, or who shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, at the discretion of the court; and such offender shall moreover be liable for the trespass in an action by the corporation in any court of competent jurisdiction; and in such case any member of the corporation shall be a competent witness. Wilful destruction, &c., of tomb, &c., a misdemeanor.
Penalty.

SEC. 5. That the land purchased by the corporation shall forever remain dedicated to the purpose of a cemetery, and the lots therein which the corporation shall convey to individual proprietors shall be so conveyed as to reserve to the corporation or its agents the right to limit the number of interments to be made therein, and to specify the persons or classes of persons to be interred. Land to remain forever dedicated to cemetery purposes, &c.

SEC. 6. That said corporation may prescribe the form of conveyance for the burial lots in said cemetery, and how and by whom the same shall be executed, and may make all such laws, rules and regulations not inconsistent with the laws of this State and of the United States as they may deem necessary for the control of their property and the improvement and ornamentation of said cemetery. Form of conveyance for burial lots, &c.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 93.

An act to amend chapter five of private laws of one thousand eight hundred and eighty-one, being the act incorporating the town of Saluda in the county of Polk.

The General Assembly of North Carolina do enact :

Chapter 5, section
4, private laws
1881 amended.

SECTION 1. That section four of chapter five of private laws of one thousand eight hundred and eighty-one be amended by striking out in line six thereof the words "twelve months" and substituting therefor the words "ninety days."

Qualification of
electors.

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. 1885.

CHAPTER 94.

An act to incorporate The Mutual Benefit and Relief Association.

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 J. B. Stickney, G. W. Blount, A. B. Deans, H. G. Williams, F. W. Barnes, A. Branch, E. M. Nadal and John K. Ruffin and their successors be and are hereby created a body politic, to be known by the name, style and title of The Mutual Benefit and Relief Association, and subordinate branches working under

Corporate name.

the jurisdiction of said association, 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 and receiving in its corporate name property, real, personal and mixed, and of making such rules and regulations as the association may enact, not in conflict with the laws of this State and the United States.

Corporate powers.

SEC. 2. To unite all white persons of sound bodily health and good moral character, who are socially acceptable, and between the ages of sixteen and sixty-one years, to extend moral and material aid to members and those dependent upon them, to provide for disabled and helpless members, to lay up a fund for the relief of old members in their declining years, to provide a fund for the benefit of the widow and orphans of deceased members, to collect assessments levied upon its members by the association, and upon satisfactory proof of the death of a member who has complied with all its lawful requirements pay a sum not exceeding five thousand dollars to his or her family or those dependent on him or her, or as he or she may direct.

Purposes and powers of corporation.

SEC. 3. The said association and subordinate branches thereof 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 direct.

Corporate seal.

SEC. 4. The private property of members of the corporation shall be exempt from the corporate debts of the association or branches thereof.

Property of individual members not liable for corporate debts.

SEC. 5. The association and branches thereof shall provide for the election of such officers as the association shall deem necessary to transact the business of the corporation, who shall hold office until their successors are duly elected and qualified.

Officers.

SEC. 6. The said corporation shall have power to create, hold and disburse the funds named in its objects for aiding members and those dependent upon them, and bene-

Authorized to adopt rules, &c., for creation and disbursement of corporate funds, &c.

Funds exempt
from execution,
&c.

Exemption from
insurance laws.

fitting the widows and orphans of deceased members under such rules and regulations as the association 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 the State.

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 9th day of March, A. D. 1885.

CHAPTER 95.

An act to incorporate Rankin-Richards Institute, at Windsor, Bertie county.

The General Assembly of North Carolina do enact:

Body politic.

SEC. 1. That Rhoden Mitchell, Bryant Lee, Benjamin Clark, Luke Pierce, Charles J. White, Reuben Allen, Isaac Hendricks, Dorsey Mitchell, Cupid Thompson, Alfred Rhodes, Benjamin Cherry, Nathan Hyman, Morgan Mitchell and Noah Cherry, Jr., and their associates and successors in office, be and they are hereby created and constituted a body politic and corporate by the name and style of trustees of Rankin-Richards Institute, an institution of learning situated at Windsor in the county of Bertie and State of North Carolina, and as such, and by said name of institution as aforesaid, shall be capable in law and in equity to sue and to be sued, to plead and to be impleaded, to use a common seal, and to make such by-laws and regulations and rules for the government of

Corporate name.

Corporate powers.

said institution as they, the said trustees, and their successors may deem best, not inconsistent with the laws of the United States or of the State of North Carolina.

SEC. 2. That said trustees and their successors are and shall be authorized to appoint a president, treasurer, recording secretary, corresponding secretary, and a superintendent, and such officers and teachers as they may by reason know would best serve the interest of said institution.

SEC. 3. That said trustees and their successors shall have and hold all estate, property and funds now belonging to said institution, and shall have and hold all property, funds, money, donations, legacies and devises which may hereafter be granted, given, conveyed, bequeathed and devised to said institution, in trust nevertheless for the use and support of said institution: *Provided*, that such property shall not exceed in value one hundred thousand dollars.

SEC. 4. That the said trustees shall have power to appoint an executive committee to consist of ten members, viz: the president, treasurer, recording secretary, corresponding secretary and superintendent and five other persons of said corporation as said body may elect, making ten persons, a majority of whom shall constitute a quorum, and shall have full power to transact any business for the said institution.

SEC. 5. That the said executive committee shall have power after the two first years next ensuing after the adoption of this act to elect the trustees for said institution, and to fill all vacancies that may occur in the same.

SEC. 6. 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. 1885.

Officers.

Property, how held, &c.

Not to exceed \$100,000

Executive committee.

Executive committee after two years to elect trustees, &c.

CHAPTER 96.

An act to amend an act to incorporate the town of Garner Station in Wake county.

The General Assembly of North Carolina do enact :

Chapter 88, section 2, private laws 1883, amended.

Corporate limits.

Conflicting laws repealed.

SECTION 1. That section two of chapter eighty-eight of the private laws of one thousand eight hundred and eighty-three, be amended as follows: In line two strike out the words "two hundred yards each way from T. W. Bennett's store," and insert in lieu thereof the words "five hundred yards each way from T. W. Bennett's store."

SEC. 2. 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 its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1885.

CHAPTER 97.

An act to incorporate The Littleton Union Cemetery Company.

The General Assembly of North Carolina do enact :

Body corporate.

SECTION 1. That Jesse L. Shaw, Jno. E. McCraw, J. E. Rue, Jr., J. E. Rue, Sr., and W. A. Johnston, they and their associates and all such persons as shall become holders of burial lots in the cemetery hereafter named, are hereby constituted a body corporate by the name of The Littleton Cemetery Company.

Corporate name.

Corporate powers.

SEC. 2. That the said corporation shall have power to purchase, take and hold in fee a tract of land when purchased, in trust for the uses hereinafter mentioned, to-wit: first, the said corporation shall have power to lay out avenues and walks, and divide such tract into sub-lots;

and may sell or otherwise dispose of such sub-lots in the said cemetery, and take the proceeds of sale, first to pay to Jesse L. Shaw owner of said tract for the same, to the amount of one hundred and seventy-five dollars in total for the entire tract, not to exceed four acres lying and being in the township of River, county of Warren and State of North Carolina; after which the proceeds of sale of lots shall be used to erect thereon such improvements, including fences, buildings and other accommodations as they may deem suitable; second, the sub-lots shall be conveyed to their respective purchasers in fee, and the purchaser of each lot, his heirs and assigns, shall have the exclusive use and occupation thereof only for the interment of deceased persons, with the common use of the avenues and walks, subject to such rules and regulations as may be established by the said corporation relative to the rights and privileges of the holders of lots, and the transfer of the same, the digging of graves, the building of vaults, the erecting of monuments, and the ornamenting and preserving of the whole or any part of said cemetery.

SEC. 3. That the care and management of said cemetery and the business of the said corporation shall be confided to five directors or managers, being lot holders, who shall have the exclusive superintendence thereof, and shall hold their offices for one year and until others are chosen; and the said managers shall be chosen on the first Monday in September in every year, in the town of Littleton, North Carolina, and time of day as shall be directed by the by-laws of the said corporation, notice being given thereof in three public places in the vicinity; and each lot holder shall in all cases be entitled to one vote for each lot held by him or her; and the persons receiving the greatest number of votes shall be the managers; and it shall be the duty of the managers for the time being, immediately before proceeding to an election, to make a report of the state of affairs of the association;

Directors.

How chosen, &c.

Vacancies

and all vacancies occurring by death, resignation or otherwise among the managers, may be filled by a majority of the remainder; and a majority of the managers shall at all times be a quorum for transacting the business of the said corporation.

Temporary directors.

SEC. 4. That the persons hereinbefore named as corporators shall constitute the first board of managers, who shall, as soon as they may deem it expedient after the purchase of a tract of land for the purpose herein set forth, call a meeting of the managers, with power and whose duties it shall be to make by-laws, rules and regulations relative to the duties of the managers, the right of lot holders, the privilege of visitors and the general government of the cemetery.

Duties.

Exemption from taxation, &c.

SEC. 5. That from and after the purchase of such tract of land for the purpose of such cemetery, the premises so purchased, the burial lots, vaults, monuments and other fixtures of said cemetery shall not be subject to any assessment, taxes or fines, or liable to be seized upon, distrained, sold or otherwise subject to any process of law or assignments, under any insolvent law whatever, except for incumbrances existing at or previous to the purchase of said tract of land for such cemetery; and that after such purchase no street or road shall be opened through the lands of this corporation.

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. 1885.

CHAPTER 98.

An act to amend, alter and extend the charter of Scotia Seminary.

The General Assembly of North Carolina do enact:

Corporate powers.

SECTION 1. That the corporation known as the "Scotia Seminary," created by letters patent from the Governor

of North Carolina, issued on the twenty-second of November, eighteen hundred and seventy, shall have perpetual succession, the right to increase their capital stock to such sum as they deem proper, and the right to purchase, lease, hold and convey such real estate and personal property as they deem proper.

SEC. 2. That the officers and teachers in said institution shall be elected and their number regulated as prescribed in the by-laws, but their number combined shall not exceed eighteen at any one time; and two-thirds of the same shall be members of the Presbyterian church, and all persons employed as teachers in the seminary shall be subject to approval and removal by the board of missions for freedmen of the Presbyterian church in the United States of America, and its successors in office.

Officers and
teachers, how
elected, &c.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 99.

An act to form association of the ex-Confederate soldiers of Beaufort county, North Carolina.

The General Assembly of North Carolina do enact: That R. W. Wharton, W. A. Blount, Wm. Shaw, C. C. Thomas, C. H. Gallagher, J. D. Myers, N. Harding, W. H. Call, W. A. B. Branch, W. H. VonEberstein, W. B. Cowell, D. N. Bogart, T. P. Ricaud, Decatur Jarvis, Ed. Marsh, J. G. Berry, Thos. Allen, A. C. Latham, J. A. Oden, J. T. Respass, Geo. H. Brown, Sr., and others and their successors, are hereby constituted and declared to be a corporation and body corporate.

Body corporate.

Corporate name.	SEC. 2. That the name and style of said corporation shall be the "Association of ex Confederate soldiers of Beaufort county" for the preservation of the memories of those soldiers of said county who died in the Confederate cause and for the purpose of maintaining and caring for suitable burying grounds.
Purposes of corporation.	
Authorized to acquire land, &c.	SEC. 3. That the said corporation shall have full power to acquire and hold by purchase or gift such land and property as is necessary to carry out the purpose of its creation, not exceeding five acres; the same shall be free and exempt from taxation of all kinds whatsoever, whether State, county or town.
Exemption from taxation.	
Officers.	SEC. 4. The officers of such association shall be president, vice-president, treasurer and secretary and a board of five directors, to be elected by the association annually.
By-laws, &c.	SEC. 5. Said corporation shall have full power to enact all by-laws and regulations necessary for its government.
Corporate existence.	SEC. 6. The said corporation shall exist for a period of ninety-nine years. In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 100.

An act to incorporate the North Carolina Practical Business College.

The General Assembly of North Carolina do enact :

Body politic.	SECTION 1. That B. W. Ray, his associates and their successors, be and they are hereby constituted a body politic
Corporate name.	and corporate by the name of the North Carolina Practical Business College, for the practical training of young men for business, with all the powers, rights and privileges conferred on corporations by chapter sixteen, volume one of The Code.
Corporate powers.	

SEC. 2. That they are authorized and empowered in their corporate name to purchase and hold such real estate as they may deem necessary for the purposes above named and may convey the same at pleasure.

Authorized to purchase &c., real estate.

SEC. 3. That under this act of incorporation power shall be conferred upon said North Carolina Practical Business College to grant diplomas and issue such other certificates of merit as they may deem advisable.

Authorized to grant diplomas, &c.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 101.

An act to amend the charter of the town of Durham.

The General Assembly of North Carolina do enact :

SECTION 1. That section eleven, chapter one hundred and ten of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be amended in line two by striking out "five" and inserting in lieu thereof "seven."

Chapter 110, section 11, private laws 1874-'5, amended.

Number of commissioners.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 102.

An act to incorporate the town of McFarland in Anson county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of McFarland in the county of Anson is hereby incorporated by the name of McFar-

Incorporated.
Corporate name.

land, and shall be subject to the provisions of chapter one hundred and eleven, Battle's Revisal.

Corporate limits. SEC. 2. The corporate limits of said town shall be one mile square, run with the cardinal points of the compass, with the centre of the Cheraw and Salisbury Railroad freight house in said town exactly in the centre of said one mile.

Election. SEC. 3. An election shall be held in said town on the first Monday in May, one thousand eight hundred and eighty-five, and annually thereafter on each succeeding 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.

Residents not exempt from work on public roads. SEC. 5. That nothing in this act shall be so construed as to exempt any person residing within the corporate limits of the town of McFarland from working on the public roads outside of the incorporation.

Temporary officers. SEC. 6. 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-five, and until their successors shall be elected and qualified: Mayor, W. J. Young; commissioners, S. B. Tolar, A. A. Johnson and C. E. Braswell; for marshal, A. J. Cator.

Subject to laws regulating sale of liquor around Pleasant Hill M. E. church. SEC. 7. This act shall be in force from and after its ratification: *Provided*, that this charter shall be subject to all the conditions and privileges heretofore granted to the Pleasant Hill Methodist Episcopal Church, South, in regard to the sale of spirituous liquors.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 103.

An act to incorporate the Trustees of Hickory Grove Methodist Church and Camp Ground in the county of Mecklenburg.

The General Assembly of North Carolina do enact:

SECTION 1. W. Harvey Taylor, Harvey S. Taylor, D. W. Hucks, J. R. Baker and E. C. McLelland 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 Hickory Grove Church and Camp Ground," in the county of Mecklenburg; and said corporation shall have power to purchase and hold real estate and to acquire the same by gift or otherwise, shall have perpetual succession and 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.

Body politic.

Corporate name.

Corporate powers.

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 greater than nine.

Vacancies.

SEC. 3. That it shall not be lawful for any person to sell or give away or dispose of spirituous liquors, except for medicinal purposes, at or within two miles of Hickory Grove Church and Camp Ground; and any person violating the provision 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 to sell, &c., liquor within two miles except for medicinal purposes.

Penalty.

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 are being occupied for worship, and any person violating this section shall

Misdemeanor to exhibit one's self drunk, &c.

Penalty. be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor to use loud and profane language, &c. 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 within 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.

Penalty. Misdemeanor to fire off gun, &c. 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 in 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 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 or well in the limits of the incorporation, whereby those who are occupying the grounds for worship are disturbed: *Provided*, the offences committed in this section be committed while the camp ground is occupied for worship; and for every such offence the offender shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty. Misdemeanor to wilfully destroy, &c., tent, &c. SEC. 7. That it shall be a misdemeanor to wilfully destroy, injure, deface or pull down any tent on the said Hickory Grove Camp Ground, or to destroy, injure or deface or pull down the arbor or any out house, shed or

other 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. Penalty.

SEC. 8. That the trustees of Hickory Grove 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. Ordinances, &c.
Proviso.

SEC. 9. That the trustees of Hickory Grove 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 intendant of police, who shall hold his office for one year, or until his successor is appointed. Special police, &c.
Intendant of police.

SEC. 10. That the special police shall have power to keep the peace, and to execute all processes to them directed by the intendant 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. Powers of police, &c.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 104.

An act to incorporate the Albemarle and Currituck Steam Transportation Company.

The General Assembly of North Carolina do enact:

Body corporate.

SECTION 1. That T. E. Newbern, A. J. Forbes, E. A. Leigh, Jr., D. N. Morgan, H. H. Skinner, R. B. Thatch, J. J. Burgess, J. P. Chappell, J. R. Darden, W. Y. Johnson, C. H. Johnson, W. P. Johnson, T. F. Winslow, J. J. Jones and W. H. Jones, and such other persons as may be associated with them and their successors, be and they are

Corporate name.

hereby created a body corporate by the name, style and title of "Albemarle and Currituck Steam Transportation

Capital stock.

Company," with a capital of ten thousand dollars, with the privilege of increasing the same to one hundred thousand dollars whenever the directors of said company shall deem it expedient, said capital to be divided into shares of one

Certificates of stock.

hundred dollars each, and to be represented by certificates of stock for one hundred dollars, each to be numbered from "1" to "1,000" respectively, as the same shall be issued,

Authorized to issue bonds, &c.

also with authority to issue bonds as the directory may deem necessary for the purpose of purchasing, building, owning and operating steamboats and barges on the Albemarle and Currituck sounds and any bays, rivers, creeks or other waters connecting therewith; to build piers, bridgeways and wharves in said sounds, rivers, creeks and bays, (*provided*, they do not obstruct navigation in the same), and own and use the same in connection with their steamboats and barges.

Authorized to buy land, construct wharves, &c.

SEC. 2. That the said company shall have power to buy land and own the same, for wharf purposes, and may construct such wharves, piers or bridgeways on or in front of the same as they may deem necessary for their use.

Authorized to construct wharves in front of public road, &c.

SEC. 3. That said company shall have power to construct such wharves or piers as may be necessary for their

use in front of any public road or landing leading to any of said navigable waters, and connect the same by bridgeways with the shore, at such public road or landing (*provided*, such wharf shall be used by the public for the transportation of passengers and freights, free from any charge for wharfage on goods or passengers conveyed by the boats of said company). Proviso.

SEC. 4. That said company shall have authority to have and to use a common corporate seal and to change or annul the same at pleasure, and by the style and title aforesaid shall be capable of suing and being sued before the courts of this State. Corporate seal, &c.

SEC. 5. That said company may make such rules, regulations and by-laws as they shall deem necessary, for the will or doing of the business affairs of the company (*provided* the same are not in conflict with the laws of this State and of the United States), and may amend or repeal the same or any part thereof at pleasure. By-laws, &c. Proviso.

SEC. 6. There shall be a meeting of said corporation at such time and place after the passage of this act, as the persons above named or any five of them shall appoint, for the purpose of choosing a board of directors and other officers, as the by-laws adopted by them may prescribe. Meeting for organization.

SEC. 7. That this act shall go into effect from its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 105.

An act supplemental to "An act to extend the charter of the Carolina City Company."

WHEREAS, the original act of incorporation of the "Carolina City Company" expired by limitation on the Preamble.

fifteenth day of February, Anno Domini one thousand eight hundred and eighty-five, and it appears that stockholders in Carteret county having large interests therein were desirous of winding it up, and had obtained permission from the supreme court to bring suit for such purpose in the name of the State, which suit is now pending in the superior court of Carteret county; and it appears that certain other stockholders, without the knowledge of the plaintiffs in said suit, caused to be introduced a bill into this General Assembly to extend the charter of said company, which was passed and ratified on the fourteenth day of February, one thousand eight hundred and eighty-five, which it is claimed defeats the process of said court and the objects of said suit: now therefore,

The General Assembly of North Carolina do enact:

Chapter 17, *ante*,
not to take effect
until ratified by
majority in interest
of stockholders.

SECTION 1. That said act entitled "An act to extend the charter of the Carolina City Company," ratified the fourteenth day of February, Anno Domini one thousand eight hundred and eighty-five, shall be of no force and effect until the same is accepted by at least a majority in actual interest of all the stockholders in said company, and proof thereof is filed in the office of the superior court of Carteret county on or before the next fall term of said court; and upon such filing, with proof of such interest, and its approval by the court, then said suit in the name of the State shall abate and said company shall be liable for the costs; but in case such proof is not so made and approved, then the jurisdiction of said Carteret superior court shall continue in the premises, and it may appoint a receiver and order the winding up of said company, the disposal of its property and the distribution of its assets among such of its stockholders as shall within one year after such order prove their interests.

Abatement of
suit in Carteret
superior court.

In what event
suit to continue
and company to
be wound up.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 106.

AN to incorporate the town of Tryon City in the county of Polk.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Tryon City in the county of Polk is hereby incorporated by the name of Tryon City, and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: one-half mile in every direction from the intersection of Pucolet street with the Spartanburg and Asheville Railroad.

Corporate limits.

SEC. 3. An election shall be held in said town on the first Monday in May, one thousand and eight hundred and eighty-five, 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.

Election.

Officers.

Electors.

SEC. 4. That the following named persons shall be mayor, commissioners and marshal until the election on the first Monday in May, one thousand eight hundred and eighty-five, and until their successors shall be elected and qualified: mayor, T. T. Ballenger; for commissioners, C. L. Jordan, George A. Smith and Edwin Anderson; for marshal, John M. Dalton.

Temporary officers.

SEC. 5. That the mayor, commissioners and marshal shall form a council and may make, publish and enforce ordinances for the public 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, Battle's Revisal.

Town council.

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

In the General Assembly read three times, and ratified the 11th day of March, A. D. 1885.

CHAPTER 107.

An act to incorporate the town of Ansonville in Anson county.

The General Assembly of North Carolina do enact :

- Incorporated. [SECTION 1. That the town of Ansonville in the county
 Corporate name. of ANSON is hereby incorporated by the name of Ansonville, and shall be subject to the provisions of chapter one hundred and eleven of Battle's Revisal.
- Corporate limits. SEC. 2. The corporate limits of said town shall be as follows: Beginning at a large red oak on the Salisbury road near Mrs. M. Y. Waddell's, and runs east twenty chains, thence south eighty chains, thence west eighty chains, thence north eighty chains, thence to the beginning.
- Election. SEC. 3. An election shall be held in said town on the first Monday in May, one thousand eight hundred and eighty-five, and annually thereafter on each successive year, for a mayor, three commissioners and a marshal, and
 Officers. any person living within said corporate limits and entitled to vote for members of the General Assembly may
 Electors. vote at said election.
- Town council. SEC. 4. That the mayor, commissioners and marshal shall form a council, and may make, publish and enforce ordinances for the police regulation of said town, not inconsistent with the laws of the State or of the United States: *Provided,*
- Prohibition laws. SEC. 5. That this charter shall be subject to all conditions and privileges heretofore granted any church or school house within the corporate limits of said town in regard to the sale of spirituous liquors.
- SEC. 6. This act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 108.

An act to incorporate the town of Lewisville in the county of Columbus.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Lewisville in Columbus Incorporated. county be and the same is hereby incorporated by the name and style of the town of Lewisville, and it shall be Corporate name. subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits and boundaries of Corporate limits. said town shall be as follows: Beginning at A. B. Hill's mill-house and running a direct course to J. M. Rasberry's upper land corner, then running with said J. M. Rasberry's line to the new road, then a direct line to the west end of the sand ridge near the big bay, then a direct line to the east side of H. Lee's plantation, then a direct line to the grave yard near Maggie Stevens, then a direct line to the beginning, it being about one mile square.

SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-six, viz: mayor, John J. Long; commissioners, Temporary officers. J. C. Lee, R. B. Lewis, J. M. Rasberry, W. C. Sasser and J. A. Mills; marshal, James J. Jackson.

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-six, and each succeeding year thereafter, under the same restrictions that county and State elections are held, and all citizens within said Election. corporation who shall have resided twelve months within the State and ninety days within the corporate limits previous to the day of election shall be entitled to vote at said election. Electors.

By-laws, &c.

SEC. 5. That said commissioners shall have power to pass all by-laws and regulations for the good government of the town not inconsistent with the laws of the State and United States, and levy and collect a tax on all subjects of State taxation, not to exceed sixteen and two-third cents on each hundred dollars, and to impose fines for the violation of town ordinances and collect the same.

Taxation.

Fines.

Fines collected to go into town treasury.

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 11th day of March, A. D. 1885.

CHAPTER 109.

An act to amend the charter of the town of Washington.

The General Assembly of North Carolina do enact:

Chapter 199, sec. 17, laws 1846-'7, amended.

SECTION 1. That section seventeen of chapter one hundred and ninety-nine, laws of one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven, entitled an act for the incorporation of the town of Washington, be amended by striking out "April" wherever it occurs in the said section and inserting "June."

Liability to taxation.

Chapter 345, sec. 6, laws 1850-'1, and Chapter 108, private laws 1879, repealed.

SEC. 2. That section six of chapter three hundred and forty-five, laws of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, entitled an act to amend an act for the incorporation of the town of Washington, and chapter one hundred and eight of the private laws of one thousand eight hundred and seventy-nine, entitled likewise an act to amend an

act incorporating the town of Washington, be and they are hereby repealed.

SEC. 3. That the boundaries of the town of Washington shall be as follows: Beginning at cedar post upon Pamlico river, the eastern corner of the Macnair land, and running with the Macnair line north thirty-four degrees east to its intersection with a line drawn two hundred and ten feet north of and parallel with fifth street; thence with the said intersecting line to the west side of Washington street; thence with Washington street to the river; and thence with the river to the beginning. That the wards of the said town shall be as defined in section two, chapter one, private laws one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 110.

An act to incorporate the Bank of Scotland Neck.

The General Assembly of North Carolina do enact :

SECTION 1. That W. H. Kitchin, Noah Biggs, N. B. Josey, D. Edmondson, W. A. Dunn, M. Hoffman, William Hodges, R. M. Johnson, W. B. Wood, R. E. Hancock, W. T. Whitehead, G. S. White and E. E. Hilliard, 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 Scotland Neck, 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 State,

Corporate limits.

Wards.

Body politic.

Corporate name.

Corporate existence.

Corporate powers.

together with the rights, powers and privileges incident or belonging to corporations as set forth in the laws of this State.

Capital stock.

SEC. 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars, in shares of one hundred dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding 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, and 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 in their discretion from time to time re-open books of subscription to said capital stock, until the same be wholly taken.

Organization.

SEC. 4. When thirty thousand dollars shall be subscribed and fifteen 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 from their number to serve during their continuance in office.

Directors.

President and vice-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, 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 this State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Lien on stock for debts due by stockholders.

SEC. 6. That said bank may pay out and receive the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current paper, and public or other securities, may purchase and hold such personal and real estate and property as may be conveyed to secure debts to the bank, or may be sold under executions to satisfy any debt due the bank, and may sell and convey the same at pleasure; 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 debts, 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 agreed on between the officers and depositors, and issue certificates of the 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 deposits signed by the proper officers of the bank shall be as binding as under seal of the bank. Each stockholder of the bank 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*.

Corporate powers.

Liability of stockholders to depositors.

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 Scotland Neck, after advertisement of sale for twenty days in a newspaper published in the State, and if at such sale

Liability of subscriber failing to pay stock.

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.

Liability of 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 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.

Powers of president and directors.

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 the State. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Meeting of stockholders.

Special meetings.

Stock vote.

Authorized to make advancements to planters, &c., to take liens, &c.

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 payment of the same taking in writing a lien or liens on the crop or crops to be raised even before planting the same or upon the present or prospective products of any mining operations, or upon any article or articles then existing or thereafter to be made, purchased, manufactured or otherwise acquired, and any lien so taken shall be good and effectual in law:

Provided, the same is duly recorded under the existing Proviso.

law of registration anterior to all other liens and mortgages for securing such loans or advances. And the said Authorized to
make loans on
mortgages, &c.

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, produce or any manufactured articles whatsoever as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law: *Provided*, that nothing in this act shall be Proviso. construed to authorize taking or receiving a greater rate of interest than the legal rate.

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 11th day of March, A. D. 1885.

CHAPTER 111.

An act to incorporate the Bank of Wayne at Goldsboro, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That W. F. Kornegay, Henry Weil, E. B. Body politic.
Borden, Rufus Edmondson, W. T. Faircloth, their present

Corporate name.	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 Wayne, and shall so
Corporate existence.	continue for the term of sixty years, with capacity to take, hold and convey real or personal estate and with all the
Corporate powers.	powers, rights and privileges granted to any bank or banking institution by this or any preceding Legislature of this State, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the first, second and third sections of chapter sixteen of The Code entitled "Corporations."
Capital stock.	SEC. 2. The capital stock of said corporation shall not be less than fifty 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 incorporators in the first section named, or a majority of them, are hereby authorized and 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.
Organization.	SEC. 4. Whenever fifty thousand dollars shall be subscribed and twenty-five thousand dollars shall be paid into the capital stock of said bank, the before named incorporators, 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.	SEC. 5. The president and directors of the bank may
President and vice-president.	
Powers of president and directors.	

adopt and use a common seal and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation, and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof, may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State; and in general have the privileges conferred on corporations by the general laws of the State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Lien on stock for debts due by stockholders

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public 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 or other evidences of debt and lend money on such terms as may be agreed on not inconsistent with the laws of the State. It may receive on deposit moneys on terms to be agreed on between the officers and depositors.

Corporate powers.

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 wherein 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 Goldsboro, after advertisement of sale for twenty days in a newspaper published in said city of Goldsboro; and if

Liability of subscriber failing to pay stock.

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.

Liability of 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 a 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.

Powers of president and directors.

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules 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 the stockholders whenever they may think proper, and any number of stockholders holding together one-fifth 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.

Meetings of stockholders.

Special meetings.

Stock vote.

Authorized to make loans on mortgage, &c.

SEC. 10. Said bank shall have power to make loans upon mortgages of real estate 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 article whatsoever, as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same; the said liens, pledges or mortgages being duly recorded and reg-

istered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 112.

An act to incorporate the town of Mills Springs in the county of Polk.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Mills Springs in the county of Polk be and the same is hereby incorporated by the name and style of the town of Mills Springs, and shall be subject to all provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as follows: one-half mile east, west, north and south from the Basin spring.

SEC. 3. That the officers of said incorporation shall consist of a mayor and four commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-five, viz: O. J. Nelson, mayor; D. F. Merrow, M. C. Cowart, J. P. Aledge, W. W. Cowart, commissioners; M. L. Waldrop, marshal.

SEC. 4. There shall be an election held for officers provided for in this act on the first Monday in May of each and every year under the same rules and regulations that the State and county elections are held, and all persons who are eligible to vote under laws of this State and who shall have resided in the State twelve months and in the

corporate limits thirty days previous to the day of election shall be entitled to vote at said election.

By-laws, &c.

SEC. 5. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and the United States, and levy and collect taxes on all subjects of State taxation not to exceed one-half of the State tax, and to impose fines for violation of the town ordinances and collect the same.

Taxation.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 113.

An act to repeal section twenty-seven, chapter two hundred and twenty-eight of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

The General Assembly of North Carolina do enact:

Section 27 of chapter 228, laws 1876-7, repealed.

Special tax for support of extra police in town of Tarboro.

SECTION 1. That section twenty-seven of chapter two hundred and twenty-eight, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, being entitled "An act to amend the laws relating to the town of Tarboro," be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after April 1st, 1885.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 114.

An act to incorporate the Durham Street Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That John C. Angier, R. D. Blacknall, W. T. Blackwell, J. S. Carr, W. W. Fuller, E. Morehead, J. T. Mallory, J. W. Blackwell, J. T. Morgan and their associates and successors be and they are hereby created a body politic and corporate under the name and style of "The Durham Street Railway Company," and by that name may sue and be sued, plead and be impleaded, and be capable of purchasing, holding, buying, selling, leasing and conveying real and personal property, with all the rights and powers granted to corporations in chapter four of The Code of North Carolina, and chapter forty-nine of said Code of North Carolina, or as are granted to any and all street railway companies in this State, and in particular that of condemning, using and appropriating lands for railway purposes, and as such corporation they shall have a common seal which they may break or alter at pleasure.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time, or from time to time to any sum not exceeding one million dollars, as a majority of the stockholders may determine; and the said company shall have the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, franchises and effects to secure their payment.

SEC. 3. The said company is hereby authorized to make, construct and equip, maintain, conduct and operate lines of street railways with one or more tracks, and all necessary side tracks and switches, turnouts and branches, using such motive power on said lines as the board of di-

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Authorized to borrow money on mortgage.

Authorized to construct and operate lines of street railways, &c.

rectors may select, with liberty to change the same in whole or in part at any time, through, along and over and under the streets of the town of Durham, and to points within the vicinity of said town, and to erect such depots, stables, offices, engine houses, sheds, shops and other necessary buildings as the board of directors may desire, and to demand and receive such sums of money for the carriage of passengers as the board of directors may think proper, and such compensation for the transportation of freight and parcels, if the directors shall see fit to carry the same, as they may fix, and to alter said rates at pleasure; and shall have the power and authority to eject from any of the cars, carriages or coaches of said railroad any person or persons who do not pay their fare upon demand by the conductor or other person in charge of said car, carriage or coach, or who do not pay according to the rules and regulations of said company.

By-laws, &c.

SEC. 4. That the board of directors of said company may make any and all by-laws, rules and regulations for the government of said company as they may think proper, and elect such officers and employees as they may think necessary and fix their terms and salaries: *Provided* the same be not inconsistent with the constitution and laws of this State and the United States.

Officers and employees.
Proviso.

Misdemeanor to injure railway, &c.

SEC. 5. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the superior court.

Penalty.

Misdemeanor to throw stones, &c., at any car, &c.

SEC. 6. That any person or persons who shall cast, throw, shoot, propel or project, or in anywise put in motion any stone, rock, shot, pellet or other missile of any kind or nature, at, against or into any car, carriage, coach or train upon said railroad, whether the same be in motion or at rest, with intent to injure any such car, car-

riage, coach or train or any person or persons therein or thereon, or any horse or other animal attached thereto or connected therewith, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the superior court. Penalty.

SEC. 7. The conductors, drivers and other agents and servants of said company while in the active service of said company or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privilege which belong to similar officers and agents of railroad companies in this State, and in addition to the general powers conferred upon such agents and officers they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid or not, and the said company shall not be liable or responsible in damages or otherwise therefor, and such agent or officer shall not be liable civilly or criminally therefor unless he use greater force than is necessary to eject such person. Powers of conductors, &c.

SEC. 8. That said company shall be deemed fully organized immediately upon the ratification of this act, and a majority of the corporators named herein may meet at any time thereafter and elect such officers as they deem necessary: *Provided*, that there shall be a board of directors, to consist of not less than three stockholders of the company; they may issue stock, bonds and other securities through such officers or agents as they may designate, obtain subscriptions, enter into contracts for the construction and furnishing of their line or lines, and for the building or leasing of houses, stables, offices and shops and all such other property, real or personal, as may be necessary. And said company shall have power to do any and all other things not specially prohibited by the laws of this State; and the stockholders therein shall not be personally liable for any of the debts, obligations, Organization.
Directors.
Corporate powers.
Stockholders not personally liable for corporate debts.

Exclusive rights
for thirty years.

engagements or contracts of said company ; and the said company shall have the exclusive right for thirty years from the granting of this charter to construct and operate lines of street railway through, in, over and under and along the streets and thoroughfares of the town of Durham: *Provided*, work shall commence on some one of said lines within two years from the passage of this act.

Proviso.

Conflicting laws
repealed.

SEC. 9. All laws or clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 115.

An act to incorporate The Germania Mutual Fire Insurance Company of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That William A. French, Henry A. Burr, Alexander D. Brown, Henry C. Evans, Matthew J. Hayes, John D. Woody, Benjamin H. J. Ahrens, John H. Hanby, Robert E. Calder, Alexander Adrian, Roger Moore, William Goodman, Thomas D. Meares and Rufus W. Hicks, of the city of Wilmington, and such other persons as may hereafter become associated with them according to the subsequent provisions of this act, are hereby created, constituted and declared to be a body politic and corporate for the purpose of effecting insurance against loss or damage by fire, by the name and style of "The Germania Mutual Fire Insurance Company of Wilmington, North Carolina," and said corporation shall have power and authority to insure dwelling houses, stores, shops and any

Corporate name.

Corporate powers.

other buildings or structures, household furniture, merchandise, goods, wares or any other property or effects against loss or damage by fire, and shall have all the rights, powers and privileges incident or belonging to corporations as set forth in the first, second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "Corporations."

SEC. 2. All persons who shall at any time hereafter be insured in or by said company and also their respective heirs, executors, administrators and assigns, or devisees or legatees of the building or effects insured, so long as they continue to be insured in or by said company or as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer; and during their continuance as such members shall be entitled to one vote at all meetings of the members of said corporation for each and every one hundred dollars in value of property which they shall severally have insured in or by said company.

Persons insured to become members of corporation.

Entitled to vote, &c.

SEC. 3. The affairs of said company shall be managed by a board of directors consisting of not less than twelve of the members, but the number may be increased to thirty, or any number between twelve and thirty, as may from time to time be determined at any general meeting of the members of said company; and all vacancies at any time existing in the board of directors may be filled by the remaining directors for the remainder of their term of office. There shall be annual meetings of the members of said company at which the directors shall be elected, and the directors shall elect from their own body the president of said company, and also a vice-president, and appoint a secretary and treasurer, and all such other officers and agents as they may consider necessary, and all the officers, agents and employees of said company including the president and vice-president shall hold their respective offices or employments at the pleas-

Directors.

Vacancies.

Annual meeting.

President and other officers.

Directors to continue in office on failure to hold annual meeting.

ure of the board of directors. If for any cause there should be a failure to hold the regular annual meeting of said company, or a failure to elect a board of directors, the directors then in office shall continue to act as such until their successors are elected at the next ensuing regular annual meeting, or at such called or special meeting of the members as may be provided for by the by-laws of said company.

Rates of insurance, &c.

SEC. 4. The board of directors, or such committee of the directors as may be specially appointed by the board for that purpose, may determine the rates of insurance and the amount to be insured on any application for insurance in or by said company, and shall also determine the amount in cash to be paid or deposited by the person applying for insurance under the limitation of the next section provided.

Insurance, how effected, &c.

SEC. 5. Every person who may become a member of this company by effecting insurance therein and giving a note or bond payable to the company or to the treasurer of the company for its use for the premium of insurance on the property offered for insurance shall, before receiving his policy, pay to the company or its duly authorized agent such sum in cash as may be agreed on, not exceeding ten per centum of the amount of such premium note or bond; and shall thereafter pay annually the legal interest on the amount of said note or bond, reduced by any cash payment thereon, and shall also pay such assessments on the same as shall from time to time be required by the by-laws of the company. In such note or bond shall be set forth a sufficient description of the land on which the building or buildings insured are situated, the amount insured thereon, the interest or estate of the party insured in the same and the time or term of such insurance, and the execution of such note or bond being first duly acknowledged or proved before any one of the judges of this State, or the clerk of any court of record in this State or his deputy, or before a justice of the peace

or a notary public of the county in which the property insured is situated, may be registered in such county, thereupon shall create and constitute a lien in the nature of a mortgage to the amount of such note or bond on the interest or estate set forth in the same, and if default in the payment of the annual interest on said note or bond or in the payment of any assessment thereon as is hereinbefore provided be made, the directors of said company or their proper committee or officers may sell or cause to be sold by public auction at the door of the court house of the county in which the property insured is situate, for cash or on such other terms as to them may seem best the interest and estate of the party insured in the land and premises described in such note or bond, or so much of such part thereof as said company by its directors or their proper committee or officer may determine to sell, having first duly advertised the time and place of any such sale in the mode and for the time required by law in cases of sales of real estate made under execution in the hands of a sheriff, giving notice also to the person so in default, or his representative, agent or attorney, or if such person be absent from the State and have no duly authorized agent or attorney, then giving notice to such person by publication in some newspaper published in the county in which the principal or home office of said company is, of the time and place of any such sale. Upon any sale being made as aforesaid, said company shall convey the interest and estate in the land referred to in the note or bond aforesaid which may have been so sold to the purchaser at such sale, freed and discharged of all right of redemption by the party or parties to said note or bond, their heirs or assigns; and after retaining from the proceeds of such sale the amount due said company by the party or parties in default as aforesaid, together with all costs and expenses incident to such sale and conveyance, the overplus, if any, shall be paid by said company to such party or parties, their heirs or assigns. In

Lien of note given for insurance upon property insured.

Sale of property on default of payment.

Conveyance to purchaser.

After payment of note, &c., surplus to be paid to party in interest, &c.

Note given by
married women.

all cases in which a note or bond as aforesaid shall be given by any married woman, she shall be examined upon her acknowledgment thereof as to her voluntary execution of the same, by some one of the judges of the State, or before the clerk of any court of record in this State or his proper deputy, or before any justice of the peace or notary public of the county in which the property to be insured is situate, and her private examination as to her voluntary execution of said note or bond being taken by the officer or person before whom such acknowledgment may be made as aforesaid, shall be valid for the purpose set forth. Upon the production to the register of the county in which the property to be insured is situated, of every note or bond given or made for the purpose aforesaid, duly proved and acknowledged as aforesaid such probate or acknowledgment duly certified thereon, it shall be the duty of such register to record such note or bond with the certificate endorsed thereon; and for such service he shall be entitled to a fee of forty cents; and in all legal proceedings a duly certified copy from the books of the register of any such note or bond shall be received in evidence for or against said company in like manner as the original would be.

Registration of
note, &c.

Fee.

Evidence.

Notes secured
otherwise than
by lien on prop-
erty insured.

SEC. 6. That in all cases in which a note or bond of the character of that referred to in the next preceding section is not given by the person effecting insurance in said company, the directors of said company, or their proper committee or officers, shall take from such person one or more notes or bonds for the premium on such insurance secured to the satisfaction of the board of directors, who may from time to time require additional security to any such notes or bonds at their pleasure. Interest shall be annually paid on such notes or bonds and also such assessments thereon as shall be made by the board of directors; and the by-laws of the company may prescribe and provide any such penalties or forfeitures for any default in making any of such payments as to the mem-

Interest and as-
sessments.

Penalties, &c.

bers of said company may seem best calculated to secure the utmost promptness in making said payments. At the expiration of the term of insurance of any member of said company, all notes or bonds given by him whether under this or the preceding section upon effecting the insurance so expiring, or such part of any such notes or bonds as shall remain unpaid after the settlement of all losses and expenses incurred by the company during said term, shall be relinquished and given up to the makers thereof.

Notes to be relinquished at expiration of term of insurance, &c.

SEC. 7. The said company is hereby authorized and empowered to make, execute and deliver all such agreements, contracts and policies as may be deemed necessary or convenient for the transaction of its general business of insuring real or personal property against loss by fire; and the same may be of such form and authenticated in such way as the members of said company by their by-laws may prescribe or direct; and said company shall have power to make loans of any money it may have on hand; and any such loans as may be made to any member of said company may be made at such rate of interest or discount as may be agreed on between the parties to any such contract not inconsistent with the laws of this State: *Provided further*, that nothing in this act shall be construed to exempt this corporation from the operation of the law in relation to insurance, chapter twenty-nine of The Code of North Carolina.

Authorized to make agreements, issue policies, loan money, &c.

Not exempt from insurance law, chapter 29 of The Code.

SEC. 8. The principal office for the transaction of the business of the company shall be in the city of Wilmington, and said company is hereby empowered to purchase, hold and convey any such real estate as may be necessary or convenient for the transaction of its general business or any business incident thereto, or any such real estate in which the directors of said company may deem it beneficial to the interest of said company to invest any surplus money belonging to said company.

Principal office.

SEC. 9. That the corporators in the first section of this

When policies of insurance to be issued.

act named, or a majority of them, may by advertisement in one or more newspapers or otherwise solicit applications for insurance by this company, but no policy of insurance shall be issued by this company until at least twenty-five of such applications for insurance have been made, and such applicants, together with a majority of said named corporators, have duly organized said company.

Corporate powers.

SEC. 10. The members of said company at any meeting at which a majority may be present may provide by their by-laws for any matter or thing or state of circumstances in connection with any policy of insurance to be hereafter issued by said company, prescribe what shall work a forfeiture of any such policy and under what circumstances policies may be annulled and cancelled by the company, and may provide by their by-laws generally for any and all matters and circumstances likely to arise or which may occur thereafter between said company, its officers, agents or employees in any way whatever with the members of said company, or concerning the property insured by said company.

Corporate existence.

SEC. 11. That this act shall be in force from its ratification, and shall continue in force for the term of ninety-nine years.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 116.

An act to incorporate The Piedmont Bank of Greensboro, North Carolina.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That James M. Winstead, Julius A. Gray, J. W. Scott, D. F. Caldwell, George Donnell, John L.

King and A. M. Scales and their associates and successors are hereby constituted and declared to be a body politic and corporate by the name and style of "The Piedmont Bank" of Greensboro, and by such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations.

Corporate name.

Corporate powers.

SEC. 2. That the office and place of business of said bank shall be in the city of Greensboro, North Carolina, and the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars in shares of one hundred dollars each. And the corporators in the first section named, or any five of them, are hereby empowered to cause books to be opened at such time or times, at such place, and for such periods as they may determine, and by such persons as they may name as commissioners for the purpose of receiving subscriptions to said stock.

Place of business.

Capital stock.

Books of subscription.

SEC. 3. That whenever five hundred shares of stock shall have been subscribed, and twenty-five per centum of the same paid in to said commissioners, they shall call a meeting of the subscribers to said stock, at such time and place, and upon such notice as they may deem sufficient, when such stockholders, a majority of the stock subscribed being represented, shall elect five directors, said directors shall take charge of the books and money in the hands of the commissioners, and enter upon the discharge of their duties as directors of said bank, shall hold office for one year, and until their successors are duly elected and assume office, and shall elect one of their number to be president of said bank during their continuance in office.

Organization.

Directors.

President.

SEC. 4. That the president and directors of said bank may adopt and use a common seal, and alter the same at pleasure, may make and adopt such by-laws for their

Powers of president and directors.

government as by them are deemed proper and necessary, may make and appoint all necessary officers and agents, fix their compensation, and take bond and security for their faithful discharge of their duties, may 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 the State, and in general have the privileges conferred on corporations by the general law of the State relating to corporations.

Lien on stock for debt due by stockholders.

SEC. 5. That the said bank shall have lien on the stock for debts due it by the stockholders before and in preference to other creditors except for taxes, and shall pay such taxes as may be imposed on banks in the revenue laws of the State.

Corporate powers.

SEC. 6. That said bank may receive and pay out the lawful currency of the country, and deal in exchange, gold and silver coin, bullion, uncurrent paper and public and other securities, may purchase and hold a lot of ground for a place of business and at pleasure sell or exchange the same, may purchase and hold such real and personal property and estate as may be conveyed to secure debts due said bank and may sell and convey the same, may discount notes and other evidences of debt, may lend money on such terms as may be agreed on not inconsistent with the laws of the State, and may receive on deposit money on terms to be agreed upon between its officers and depositors, not exceeding the rate allowed by law, and issue certificates of the 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.

Dividends.

SEC. 7. That the president and directors of said bank shall direct when, to whom and in what manner dividends of profits may be made and shall be allowed to

open the subscription books from time to time at their discretion until the whole of the stock is taken, they may call meetings extraordinary of the stockholders whenever they think proper and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws, and a number of the 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 thereof printed in some newspaper published in Greensboro, North Carolina. At all meetings stockholders may be represented by proxy and each share of stock shall be entitled to one vote.

Stockholders' meetings.

Special meetings.

Stock vote.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 117.

An act to incorporate the Huntersville High School in the town of Huntersville, Mecklenburg county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That J. S. Sossaman, R. H. W. Barker, J. I. Blakely, J. W. Mullen, S. B. Holbrooks, J. Mc Holbrooks, J. B. Nicholson, R. B. Hunter, A. J. Hunter, D. B. Carver, W. E. Alexander, J. M. Segraves, I. I. Ranson, W. I. Ranson, J. R. Hunter, J. H. Hunter, B. D. Brown, J. A. Pope, S. C. Hunter, R. M. Ranson, Rev. W. W. Orr, Jno. M. Gibbs, Dr. H. J. Walker, A. Darby, W. A. Chester and all other persons who may be associated with them, and their successors, for the purpose of advancing the cause of education among the white race, are hereby constituted

Body politic.

a body corporate and politic by the name, style and title of the Huntersville High School.

Corporate name.

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, to plead and be impleaded in any court of law or equity in this State, to contract and be contracted with, to purchase, hold and convey in their corporate capacity, property, real and personal, and shall have power to enjoy all and every right and privilege incidental and belonging to corporate bodies according to the laws of this State.

Officers.

SEC. 3. The officers of this corporation shall consist of a president, vice-president, secretary and treasurer, to be elected annually by the stockholders of said corporation, (the first election to be held on the second Friday of March, one thousand eight hundred and eighty-five,) who shall hold their office until the third Wednesday of July, one thousand eight hundred and eighty-five, when their successors shall be elected in the manner as hereinafter provided.

Corporate seal, &c.

SEC. 4. The said corporation shall have a seal, and the officers herein provided for shall have full power to represent the Huntersville High School in all things whatsoever, subject to any rules or regulations the stockholders may make for their government.

Trustees.

SEC. 5. The stockholders of said corporation shall elect nine trustees in the following manner: three for a term of three years, three for a term of two years, three for a term of one year (the first election to be held on the first Monday of June, one thousand eight hundred and eighty-five), and at the expiration of their respective terms their successors shall be elected each for a term of three years by the stockholders at their annual meeting.

Stock vote.

SEC. 6. In the election of officers and trustees above provided for, and in all matters of business, every person owning one hundred dollars of stock or one-half that amount

in said Huntersville High School, shall be entitled to one vote or one-half vote as the case may be, and the officers of the said Huntersville High School are hereby authorized to issue certificates of stock to all persons owning as much as one hundred dollars or half that amount of stock therein. The certificates shall be signed by the president and secretary. Certificates of stock.

SEC. 7. There shall be an annual meeting of all the stockholders of this Huntersville High School who may own as much as one share or one-half share of stock therein at the close of each scholastic year, and at such other times as a majority of the stockholders may appoint, at which meeting or meetings all regulations that may be deemed necessary for the welfare of said Huntersville High School shall be made and adopted. Meeting of stockholders.

SEC. 8. A majority of the stockholders shall constitute a quorum for the transaction of business after due notice. Quorum.

SEC. 9. It shall be the duty of the trustees elected by this company to hold annual meetings, or as often as they may deem necessary, to elect teachers, fix and guarantee their respective salaries, determine the rates of tuition, and when due, and to attend to all other matters delegated to them by the stockholders. Election of teachers, &c.

SEC. 10. It shall further be the duty of the trustees to make whatever laws and by-laws that may be necessary for their own government not inconsistent with the laws of this company, and to make a faithful report of all their transactions to the company at its annual meetings. By-laws, &c.

SEC. 11. That said company shall have the right to open books for the purpose of receiving donations to said Huntersville High School, and every person donating any amount to the same, or promising to donate any amount to said Huntersville High School, upon payment of the amount so promised to the treasurer of said company, it shall be the duty of said treasurer to issue to such person or persons a simple receipt under his hand Donations.

and seal of said corporation, setting forth the amount so donated.

When stockholders authorized to sell corporate property.

SEC. 12. Should the aforesaid stockholders at any time conclude that the purposes and objects for which stock was subscribed or donations made have failed, then it shall be the duty of said stockholders, after advertising the same for thirty days in a newspaper published in the State, to sell the aforesaid school property on such terms as they may think right and just and for the best interest of all parties concerned, and after paying all debts and charges against them as stockholders of said Huntersville High School, if any, divide and distribute the remainder of the fund arising from said sale among the stockholders and donors, or their legal representatives equally in proportion to the amount invested in or donated to said Huntersville High School, retaining all costs and expenses of sale, and when such conclusion as aforesaid shall have been reached by said stockholders and published and declared, then this corporation shall be deemed to be abrogated and annulled to all intents and purposes in the law.

Application of proceeds.

Corporation to be annulled, &c.

Individual property of stockholders not liable for corporate debts.

SEC. 13. That the individual property of the aforesaid stockholders shall not be liable for the debts of said corporation.

Authorized to grant diplomas, &c.

SEC. 14. That under this act of incorporation power shall be conferred upon said Huntersville High School to grant diplomas or issue such other certificates of merit as the corps of teachers shall deem advisable.

Unlawful to sell liquor within two miles.

SEC. 15. 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 Huntersville High School building.

SEC. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 118.

An act to amend and consolidate the acts incorporating the town of
Williamston.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Williamston, in the county of Martin, be and the same is hereby incorporated under the name and style of the town of Williamston, and that H. S. Godard, W. H. Carstarphen, John H. Hatton, Riley Heath and B. B. Watts, 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 Williamston," 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; that Wilber Martin, 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 commissioners and mayor of said town until their successors shall be elected and qualified as provided for in chapter sixty-two of The Code, entitled "Towns and Cities."

Corporate name.

Commissioners incorporated.

Corporate powers.

Temporary officers.

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 the north corner of First and Main street and running thence south thirty-two and one-half east eighty-seven poles in R. B. Salsbury's field to what formerly was Gibson's line; thence south fifty-six and three-fourth west eighty-two poles to a corner in said Gibson's line, opposite the lots formerly owned by W. W. Ward and Samuel Hatton; thence south forty seven and one-half west one hundred and thirty-two and two-thirds poles to a stake near the new

Corporate limits.

road leading to Jamesville; thence north eighty nine west sixty-eight poles to a stake in Hassell's field; thence north thirty-four west two hundred and forty-seven poles to a small chopped gum in Jordan Hyman's field in a small branch; thence north fifty-seven and one-half east two hundred and seventy-four poles to a stake in J. H. Lanier's field; thence south thirty-one east eighty-two poles to first station.

Registrar and judges of election.

Duties of registrar.

SEC. 3. It shall be the duty of the commissioners of said town on the first Monday in March of 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 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 such 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 list; but the commissioners of said town may at any time, if they think proper, upon giving thirty days' notice at three public places in said town, require an entirely new registration of voters before any election held therein.

New registration.

Oath of registrar and judges of election.

SEC. 4. 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 Constitution of North Carolina, before some justice of the peace

of Martin county, and said election shall be otherwise Election, how held. conducted according to chapter sixty-two entitled "Cities and Towns" of The Code of North Carolina.

SEC. 5. The commissioners of said town may erect at Public scales. some suitable place within said corporation public scales for the purpose of weighing fodder, hay, oats, 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 fees and determine by whom Weigher. they shall be paid, and 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.

SEC. 6. The commissioners of said town shall have Streets. 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 Condemnation of land. condemn and appropriate any land necessary for the purpose of this section on making compensation as hereafter provided to 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 and 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, free holders, 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 streets 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, changed or discontinued on a day not to exceed 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 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 assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvements 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 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 the owner or owners of said lands 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 commissioners of said town: *Provided, however,* that either party dissatisfied with the amount of damages so assessed by said jurors may appeal to the next term of the superior court of Martin

Right of appeal.

county on giving the adverse party ten days' notice in writing of such intended appeal.

SEC. 7. The commissioners of said town shall have power to open and lay out any new sidewalks, alter, change, make narrower or widen any existing sidewalks within the corporate limits of said town, and the manner and mode of so doing shall be in all respects governed by the preceding section.

SEC. 8. The commissioners of said town shall have power to prohibit the erection of any wooden buildings in any portion of said town.

SEC. 9. All improved farm land or lands not laid off into town lots included within the corporate limits of said town are hereby exempted from any taxes which may be levied by the board of commissioners of said town.

SEC. 10. That the town of Williamston aforesaid shall have the right of way to the Roanoke river and may construct a public street at least sixty feet wide from some point on the southwestern boundary of said town to the river aforesaid, and all damages and expense thereby incurred shall be paid by said town, the damages to be assessed by three discreet freeholders to be appointed by the commissioners of said town.

SEC. 11. That all laws and clauses of laws coming in conflict with this act 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 11th day of March, A. D. 1885.

CHAPTER 119.

An act to amend chapter five of private laws of one thousand eight hundred and eighty-one, being the act incorporating the town of Saluda in the county of Polk.

The General Assembly of North Carolina do enact :

Chapter 5, section 4, private laws 1881, amended.

Qualification of electors.

SECTION 1. That section four of chapter five of private laws of one thousand eight hundred and eighty-one, be amended by striking out in line six thereof the words "twelve months" and substituting therefor the words "ninety days."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 120.

An act to incorporate the town of Morganton and for other purposes.

The General Assembly of North Carolina do enact :

Body politic.

Corporate name.

Corporate powers.

Corporate limits.

SECTION 1. That the inhabitants of the town of Morganton shall be and continue as they have heretofore been, a body politic and corporate, and in the name of the board of commissioners of Morganton shall have a right to contract and be contracted with, sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

SEC. 2. That the corporate boundaries of the town of Morganton shall be as follows, to-wit: Beginning at the southwest corner of Mrs. Kate Erwin's lot on the Western North Carolina Railroad, and runs northwest to the

southwest corner of D. C. Pearson's vacant lot on Concord street, thence southwest with rear line of Hardin's, Erwin's and Mrs. Chambers, lots to the Rutherford road, thence north with said road to its junction with the Asheville road, thence north to Judge A. C. Avery's southwest corner of present inclosure on McDowell Ford road, then north about fifteen degrees north of east to head of Rocky Ford lane, then southeast to where the old line crosses the railroad, then to the rock at the foot of the hill below the depot, thence to the beginning.

SEC. 3. That there shall be held on the first Monday in May, one thousand eight hundred and eighty-five and every year thereafter, an election for a mayor and five commissioners, who shall hold their offices until their successors are qualified, said mayor and commissioners to be elected by the qualified voters of said town.

Election for mayor and commissioners.

SEC. 4. That any qualified elector in this State shall be eligible as mayor or commissioner: *Provided*, he shall have resided within the corporate limits of said town for the twelve months next preceding the day of election.

Qualifications of mayor and commissioners.

SEC. 5. That all persons entitled to vote in the county of Burke for members of the General Assembly, and who shall have been *bona fide* residents of the town of Morganton ninety days next preceding the day of election, and shall be registered on the registration book of said town as hereinafter prescribed, shall be entitled to vote for mayor and commissioners, and at any election held therein for any municipal purposes.

Electors.

SEC. 6. That the mayor immediately after the election, and before entering on the duties of his office, shall before a justice of the peace of the county of Burke, take the following oath: I,, do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability all the duties of the office of mayor of the town of Morganton while I continue therein, and I will cause to be executed as far as in my power all the laws, ordinances and

Oath of mayor.

regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever.

Oath of commis-
sioners.

SEC. 7. That each commissioner before entering upon the duties of his office shall take before the mayor or any justice of the peace of Burke county an oath that he will truly and impartially perform the duties of a commissioner for the town according to the best of his skill, ability and judgment.

Vacancies.

SEC. 8. The board of commissioners shall have power to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their duties and terms of office. The board of commissioners shall be further authorized to appoint one of their members as mayor *pro tempore* to act as mayor in case of absence of the mayor or his inability to perform the duties of his office, and the person so appointed shall possess all the powers and rights of the mayor during his absence or inability to attend to his duties.

Officers.

Mayor *pro tem.*

Mayor to make
quarterly reports
to commis-
sioners.

SEC. 9. It shall be the duty of the mayor to communicate quarterly in writing to the board of commissioners (or oftener if he shall deem it expedient): first, a general statement of the situation and condition of the town in relation to its government and improvement; second, to recommend for the adoption of the board of commissioners all such measures connected with the police security, health and cleanliness of the town as he shall deem expedient; third, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every regular monthly meeting of the board of commissioners the total amount of costs and fines that have been imposed by him in all judicial proceedings for the violations of city ordinances during the previous month, and he shall be vigilant and

active in causing the laws and ordinances for the government of the town to be duly executed and enforced.

SEC. 10. That the mayor shall have power to commit any person convicted of a violation of any town ordinances to the county or town prison until the fine and costs imposed by him and the jail fees are paid, and such persons can only be released as is provided in like cases in other courts.

Power of mayor to commit persons convicted of violating ordinance.

SEC. 11. 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 have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall 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 imprisoned at the discretion of the court or mayor, not exceeding the length of time specified in the ordinance or ordinances so violated, or both: *Provided*, the fine shall in no case exceed the sum of fifty dollars nor the imprisonment thirty days.

Jurisdiction of mayor as an inferior court.

Special court.

SEC. 12. That any person violating any ordinance of the town shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars and imprisonment at labor on the streets for thirty days, or both.

Violation of town ordinance a misdemeanor.

Penalty.

SEC. 13. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Burke county, or to such other officer to whom a justice

Execution of mayor's precepts.

of the peace may direct his precepts. An endorsement by the mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.

Power of constable, &c., to commit person arrested for trial.

SEC. 14. That any town constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the town or county prison for as early trial as practicable.

Persons falling to pay fines, &c., liable to work on streets.

SEC. 15. 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 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 ordinance and by-laws to confine, control and manage such persons until the said fees and penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

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 they shall have power at any time to widen, enlarge, change, 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 sought to be condemned or appropriated for public use by the commissioners and the commissioners cannot agree as to the compensation, then the matter shall be referred to arbitration, 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

Condemnation of land.

shall in his stead choose 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 sought to be condemned and ascertain the damages that will be sustained by, 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 for which it is condemned, and all damages agreed upon between the owner of the land and 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. Right of appeal.

SEC. 17. That the board of commissioners of the town of Morganton shall have power not oftener than annually to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the General Assembly for public purposes, not to exceed thirty-three and one-third cents on the one hundred dollars' worth of property and one dollar on the poll. Taxation.
Limitation of tax.

SEC. 18. That in addition to subjects liable to taxation for State purposes, the commissioners shall have power to levy and collect a specific or license tax on the following subjects, to-wit: all itinerant merchants, peddlers or auctioneers who shall sell or offer to sell privately or at public auction within the town limits, whether by ascending or descending bids, all drummers or commercial travellers, each express company, each telegraph office, and each railroad company having a depot within the corporate limits of the town, each itinerant photograph artist or person taking likeness of the human face, each broker or banker's office, each dealer in patent rights, each sewing machine company or agents, each life or fire insurance agent, all commission merchants and commer- Additional subjects of taxation.
License tax.

cial brokers, each livery stable, each distiller of fruits or grain, every huckster or trader who buys produce on the streets for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray, each omnibus and each butcher.

Tax on dogs.

SEC. 19. That the board of commissioners shall have power to impose annually such tax *per capita* on all dogs running at large or kept within said town as they may deem proper, and may require all dogs to wear such tax badges as they may designate.

Live stock running at large.

SEC. 20. That the board of commissioners shall have power to declare all horses, cattle, sheep, hogs, jacks, jennets, goats and dogs running at large within the corporate limits of the town a nuisance, and the commissioners may at their option impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated: *Provided*, that this section shall not apply to dogs whose owners have paid such tax as may be imposed on them, and otherwise complied with the ordinances in regard thereto.

Fines, &c.

Proviso.

Impounding and sale of animals running at large.

SEC. 21. That the board of commissioners are empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in section twenty of this act found roaming at large in the streets contrary to the ordinances of the town: *Provided*, no animal shall be sold without first being advertised for five days at the court house door and two other public places in said town. All strays so taken and duly advertised to be sold at public auction at the court house door, the proceeds to be applied first to the payment of the fine, and of keeping, advertising and selling of said animals, the balance, if any, to be paid to the owner of such animal if known; if the owner be not known and no claim to the same be set up and established to the satisfaction of the mayor within thirty days after said sale, the money to be covered into the treasury

Proviso.

for the benefit of the town, and the mayor is hereby empowered to make title to all such strays after having fulfilled the requirements of this section.

SEC. 22. That the board of commissioners shall have power and authority to levy and collect a special tax not exceeding fifty dollars upon every circus company for each separate exhibition within the town; upon every person or company exhibiting within the town limits stage or theatrical places, sleight of hand performance, rope or wire dancing, and tumbling, and menageries, and the exhibition for reward of artificial models or curiosities (models of useful invention excepted), a tax not to exceed twenty dollars for each separate exhibition, said taxes to be paid before the exhibition, or the tax may be doubled; upon any other exhibition for reward not enumerated above, five dollars for each exhibition: *Provided*, that this act shall not apply to exhibitions by amateur companies when said exhibition is for a religious or charitable object: *And provided further*, that the board of commissioners are authorized and empowered to remit a part or the whole of any of the taxes allowed in this section upon good and satisfactory cause being shown to them by the exhibition: *And provided further*, that the tax collector in case of a failure on the part of any of the exhibition above specified to pay said tax before exhibiting, shall immediately after the exhibition closes demand from said exhibitions, the manager or treasurer, if he or she be known, if not, any member of the company, double the amount of the tax, and if it be not paid he shall immediately levy on any of the goods or property belonging to said company, or any of them, or which was used in the exhibition or exhibitions given by them.

Special tax on circuses, &c.

Proviso.

Proviso.

Proviso.

SEC. 23. That the board of commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the persons causing the same. They may also prevent the establishment of and may regulate, if allowed to be established, any

Abatement of nuisances.

Slaughter houses.

slaughter house or place for the slaughtering of animals within the town, or may prevent the establishment or regulate, if allowed to be established, any offensive or unhealthy business, trade or employment.

Market house.

SEC. 24. That the board of commissioners, as soon as they deem it expedient for the convenience and interest of the town, may provide for the erection of a market house and for the regulation of the same.

Tax on venders of fresh meats.

SEC. 25. That the board of commissioners shall have power and authority to levy and collect a special license tax on every person who sells either on the streets from wagons or in houses, as a business, any fresh meats for consumption in the town: *Provided*, that this shall not apply to any merchant who pays his regular tax and who purchases said meat in the course of his regular business.

Proviso.

Sidewalks.

SEC. 26. That the board of commissioners shall have the power to require the owner or owners of lots, or a person having as great an interest therein as a lease for three years, no part of which has expired, on such streets as they may direct, to construct and keep in proper repair the sidewalks in front, and all sidewalks adjoining said lot or lots in such manner as may be prescribed by said commissioners: and in case of failure of said lot owner or lessees so to do, after thirty days' notice in writing, then the said commissioners shall have the authority to do it at the expense of said lot owner or lessees, which shall be a lien and charge upon said lot or lease: *Provided*, the commissioners shall require the same to be done with earth, gravel or sand, but in case the commissioners shall require the sidewalks to be paved with brick, stone, or costly material, then the town shall defray not exceeding one-half of the expenses, in the discretion of the commissioners, and the balance by said lot owner or lessee, which shall also be a lien and charge upon said lots or lease; and the foregoing liens may be enforced by the commissioners in such manner as they may direct in their ordinances.

SEC. 27. That the town of Morganton is hereby vested with all the powers, rights, privileges, immunities enumerated in chapter sixty-two, volume two, The Code of North Carolina, entitled "Towns and Cities," not inconsistent with the provisions of this act.

Corporate powers.

SEC. 28. That judgments rendered by the mayor shall have all the force, virtue and validity of judgments rendered by justices of the peace, and may be executed and enforced against the parties in the county of Burke 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 Burke.

Mayor's judgments, how enforced, &c.

SEC. 29. That the mayor shall keep his office in some convenient part of the town designated by the commissioners. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed; when present he shall preside at all the meetings of the board of commissioners, and when there is an equal division on any question or in the election of officers by the board, he shall determine the matter by his vote and shall vote in no other case; he shall receive such compensation and fees as may be allowed by the board of commissioners.

Mayor's office.

Duties.

Compensation.

SEC. 30. That the commissioners shall form one board and three of them shall constitute a quorum and a majority of those present shall be competent to perform all 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 for meeting for the year, which shall be as often at least as once in every calendar month; special meetings of the commissioners may also be held on the call of the mayor or two of the commissioners, and when called by the mayor all the commissioners shall be notified in writing; when called by the commissioners the mayor and such of the commissioners as shall not join in the call shall be notified in writing.

Commissioners.

Quorum.

Duties, &c.

Meetings.

Penalty for failure of mayor or commissioners to attend meeting.

SEC. 31. That if the mayor or 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 sickness of himself or family, or absence from the town on necessary business, he shall forfeit and pay for the use of the town the sum of one dollar.

Ordinances, &c.

SEC. 32. That the commissioners when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be consistent with this act, with the laws of the land.

Minutes, &c.

SEC. 33. All ordinances passed by the board shall be entered on the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that distinct purpose and which shall set forth the date of their passage.

Moneys arising from taxation, &c., payable to treasurer.

Appropriations.

SEC. 34. All moneys arising from taxation, donation or other sources shall be paid to the treasurer of the town, and no appropriation thereof shall be made except for the necessary expenses of the town, and by a concurring vote of four-fifths (4-5) of all the commissioners, and no account shall be valid against said town unless the same has been contracted by the board of commissioners by a majority vote at a regular meeting, and no account shall be paid by the treasurer until the same has been presented to the board at a regular meeting and is ordered to be paid by a majority vote, and is entered on a book to be kept for that purpose, and to be known as "The Record of Accounts."

Accounts against town.

SEC. 35. 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 first Monday in May, and the commissioners failing to comply with the

Annual statement of receipts and disbursements to be posted, &c.

duties imposed in this section shall forfeit and pay for Penalty.
the use of the town fifty dollars.

SEC. 36. That any person elected mayor or commis- Penalty for
sioner who shall refuse to qualify and act as such shall refusal to qualify
forfeit and pay to the use of the town twenty-five dollars, and act as mayor
said sum to be recoverable as other fines for breaches of or commissioner.

SEC. 37. That the board of commissioners may take Prevention of
such measures as they may deem effectual to prevent the spread of conta-
the entrance into the town or the spreading therein of any gious diseases.

contagious or infectious diseases, may stop, detain and examine for that purpose all things and persons coming from places believed to be infested with such disease, may cause any person in the town believed to be infested with such contagious disease, and whose stay may endanger the public health to be removed to some place within or without the town limits, may cause to be disinfected or destroyed such furniture or other articles which shall be believed to be tainted or infected with any contagious or infectious diseases, or of which there shall be reasonable cause to apprehend will generate or propagate diseases, and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the treasury.

SEC. 38. That it shall be the duty of the policemen Duties and pow-
elected by the commissioners to see that the laws, ordi- ers of police.
nances and the orders of the mayor and commissioners are enforced, and to report all breaches thereof to the mayor, to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables, he shall execute all precepts lawfully directed to him by the mayor or other judicial officers, and in the execution thereof shall have the same powers which the sheriffs or constables of the county have, and he shall have the same fees on all pow- Fees.
ers and precepts executed and retained by him which

- Compensation. may be allowed to the sheriff on like process and precept, and also such other compensation as the commissioners may allow.
- Bonds. SEC. 39. That the board of commissioners shall have power and authority to designate such of the officers elected by them as shall give bonds, which bonds shall be with security to be approved by the commissioners in a penal sum to be fixed by the board of commissioners, payable to the town of Morganton, with conditions for the faithful discharge of the duties of the office held by said officer.
- Unlawful to put up billiard tables, &c., without license from commissioners. SEC. 40. That no person shall erect, put up, keep, use or maintain any billiard or pool table, ten-pin alley or any gaming table or place by whatsoever name known or called at which games of chance or hazard or skill shall be played within the limits of the town of Morganton without first having paid the tax and obtained from the board of commissioners a license therefor as herein-after provided: *Provided*, that this act shall not apply to persons erecting billiard tables in their own houses and for use of themselves and families.
- Proviso. SEC. 41. That the board of commissioners shall have power and authority to levy and collect a corporation tax of not less than ten dollars per annum on each billiard or pool table, not less than ten dollars per annum on each ten-pin alley, and not less than ten dollars per annum on any other gaming table or place mentioned in section forty of this act.
- Tax on billiard tables, &c. SEC. 42. That any tax collector elected by the commissioners of the town of Morganton shall have the same powers and be subject to the same penalties in collecting the taxes levied in said town as the sheriffs of the State in the collection of taxes by them.
- Tax collector. SEC. 43. That no ordinance adopted by the commissioners shall be of any effect until public notice shall have been given of the same by posting the same at the court house door and two other public places in said town after ten days.
- No ordinance to take effect until notice given.

SEC. 44. That the board of commissioners of Burke county at their meeting in April, one thousand eight hundred and eighty-five, shall select a registrar of voters for the town of Morganton and shall cause publication thereof to be made at the court house door, and notice to be served on such registrar by the sheriff, and shall give ten days' public notice of a registration of voters in and for said town, specifying time and place and name of registrar; said registrar shall be furnished by said county commissioners with a registration book, and it shall be the duty of said registrar appointed as aforesaid to open his books of registration at such time and place in the town of Morganton as may be designated by the said county commissioners.

Registrar of voters.

Notice of registration.

Duty of registrar.

SEC. 45. That all persons entitled to vote in the county of Burke for members of the General Assembly and who shall have been *bona fide* residents of the town of Morganton ninety days immediately preceding the election shall be entitled to register hereunder.

Electors.

SEC. 46. Any person applying to be registered under the provisions of this act shall take the following oath, to be administered by the registrar: "I,, do solemnly swear that I have been a citizen and resident of the State of North Carolina for the last twelve months, and a *bona fide* resident of the town of Morganton for the last ninety days, so help me, God."

Oath of elector.

SEC. 47. The commissioners of the county of Burke, at their meeting in April, one thousand eight hundred and eighty-five, shall appoint two persons as judges for the election to be held on the first Monday in May, one thousand eight hundred and eighty-five, for mayor and commissioners of the town of Morganton, and shall cause said persons to be notified of their appointment at least ten days before the first Monday in May, one thousand eight hundred and eighty-five; and the judges so appointed, together with the registrar mentioned in section forty-four of this act, shall hold and conduct the election,

Judges of election.

Duties.

Oath. and the said judges before opening the polls for said election shall take the oath prescribed, and in the manner prescribed in section two thousand six hundred and seventy-eight, chapter sixteen, volume two of The Code of North Carolina, and shall conduct said election in the manner prescribed in said chapter for the conduct of elections held for State and county officers.

Election, how held.

Polls, when opened, &c.

SEC. 48. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day; no person whose name has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, such person's ballot shall not be received; the mayor and commissioners shall be voted for on one ballot.

Challenges.

Canvass of vote, &c.

SEC. 49. After the ballots are counted by the judges of election, they shall declare the result to the sheriff of the county of Burke, and shall deliver to him the poll list signed by them, and the registrar shall deliver to him the registration book, and the sheriff, on the day after said election, shall proclaim at the court house door the result as declared to him by the judges, and he shall notify the persons elected mayor and commissioners of their election.

Sheriff to proclaim result, &c.

Mayor and commissioners to have custody of registration books, &c.

SEC. 50. After the persons elected mayor and commissioners on the first Monday in May, one thousand eight hundred and eighty-five, shall have taken the oath of office as required by sections six and seven of this act and have entered upon the discharge of their duties, the sheriff shall deliver to them the registration book and the poll list mentioned in section forty-nine of this act.

Commissioners to appoint registrar in 1886 and thereafter.

SEC. 51. The commissioners of the town of Morganton shall preserve the said registration book and at their meeting in April, one thousand eight hundred and eighty-six, and every year thereafter, appoint a registrar with like duties as those imposed on the registrar appointed by the commissioners of Burke county under this act: *Provided*, that in any future election held in said town the

Proviso.

registration made for the election held in said town on the first Monday in May, one thousand eight hundred and eighty-five, shall be held sufficient until such time as the board of commissioners of said town of Morganton shall order a new registration, and the registrar appointed by the board of commissioners of said town shall register such persons as apply for registration and who are entitled to register under the provisions of this act: *Provided*, that nothing herein contained shall be construed to mean that the commissioners of said town shall not substitute a new registration book whenever they may deem it proper, and they may cause the names of such persons as are entitled to register and vote to be transferred to said new book, and the name of any person on said new book shall be *prima facie* evidence of his right to vote in any election held in said town.

Proviso.

SEC. 52. The commissioners of said town at their meeting in April, one thousand eight hundred and eighty-six, and every year thereafter, shall appoint two judges of election who shall be citizens of the town, whose duty it shall be to open and hold an election for mayor and commissioners as provided by section six of this act, which said election shall be held by them as other elections are held for State and county officers: *Provided*, that said judges shall declare the result of said election at the court house door in the town of Morganton after the polls are closed on the day of election and shall deliver the poll list signed by them and the registration book to the board of commissioners of the town in office on the day of said election, and in case of a contest over the election of mayor or any of said commissioners the declaration of said result by the judges and the poll list shall be *prima facie* evidence of the election of the person declared to be elected.

Commissioners to appoint judges of election in 1886 and thereafter.

Proviso.

SEC. 53. That in all elections for mayor and commissioners held under the provisions of this act, the persons receiving the highest number of votes for either of said

Persons receiving highest vote elected.

Tie vote.

offices shall be declared elected, and in case of a tie vote the judges of election and the registrar shall decide who shall be mayor or commissioner, as the case may be.

Present officers to hold until successors are elected.

SEC. 54. That the present mayor and commissioners and other officers of the town of Morganton be and they are hereby declared to be like officers with like powers and duties of the town of Morganton until their successors are elected and qualified as hereinbefore prescribed.

Unlawful to erect wooden buildings within certain boundaries.

SEC. 55. For the better protection of property holders in said town of Morganton, there shall hereafter be no frame or wooden building erected or put up within the following limits, to-wit: Beginning on the west corner of J. G. Bynum's yard and runs up the street between R. K. Purnell's and J. H. Pearson's lots, thence on up the street in front of Dunnivant's and Mrs. Collett's to the Methodist church, thence with the street leading to the Mountain Hotel to the Tate lot, where R. B. Brittain now lives, thence down the street in front of Mrs. Seagle's to the Depot street, thence across Depot street to the deep ravine known as "Break Neck," in rear of Mrs. Caldwell's, J. A. Cox's, J. S. Lorten's and J. G. Bynum's residences to the lane between J. G. Bynum's and Mrs. Corpening, thence to the beginning: *Provided*, that the commissioners of said town shall have the power in their discretion to grant a permit to any person owning a frame or wooden building within said limits which was built and is used exclusively as a private dwelling house to add to or enlarge the same of wood: *Provided further*, that said enlargement or addition shall not be nearer than seventy-five feet from any other house than they are being added to.

Proviso.

Proviso.

Cemetery.

SEC. 56. The commissioners of said town shall have the power as soon as they deem it practicable to purchase and hold to them and their successors without the corporate limits of said town, if they deem it advisable, so much land as in their judgment they may deem necessary to be used by the citizens and residents of the town

for the purpose of burying the dead, to be known as the cemetery, and for the purpose of carrying into effect this section the commissioners are hereby vested with the control of all interments of the dead, and shall have the power to grant or refuse a permit for the burial of the dead in any of the graveyards in said town at the date of the ratification of this act, may charge and collect a fee of not more than five dollars on each permit granted for said burial, and it shall be unlawful for any person or persons to bury any remains of any dead persons in said graveyard until such permit is granted and fee paid, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction before the mayor shall be fined not exceeding fifty dollars, the fine to be appropriated by said commissioners to a fund to be used in keeping up and adorning the said cemetery or cemeteries, and the fee collected for burial permits as above set forth shall be applied in like manner: *Provided always*, that the permit for burial shall in no case be refused by said commissioners when the fee accompanies the application, until the cemetery or cemeteries above mentioned shall have been purchased by said companies.

Commissioners to have control of burials.

Misdemeanor to bury remains of any dead person without permit.

Penalty.

Proviso.

SEC. 57. The commissioners shall have power to sell on such terms, as may be agreed upon by them and the purchasers, lots in said cemetery or cemeteries to citizens and residents of the town, or to others in their discretion, and shall make deeds to the said purchasers in fee, said deeds to recite that the same are to be held for burial purposes and for no other, and the purchasers of said lots and their heirs shall have the exclusive right to said lots, and no burial shall be made in said lots without permission of the owners of said lots.

Sale of cemetery lots.

SEC. 58. The commissioners shall have full power and control over said cemetery or cemeteries, and shall have power to adopt such rules and regulations for the government of the same as they may deem necessary, not incon-

Commissioners to have control of cemetery, &c.

sistent with this act and the laws of the State; they shall have the power to charge a burial fee not to exceed three dollars for each^e body buried, to be used for the purpose of keeping up and improving said cemetery or cemeteries.

Separate cemeteries for white and colored persons.

SEC. 59. The commissioners shall provide separate cemeteries for the white and the colored people, and the fines and fees paid by the white people shall be used in that cemetery provided for them, and those paid by the black people in that cemetery provided for them, and the money accruing from sale of lots in said cemetery shall be used by the commissioners for the keeping up and improving said cemeteries after paying for the same.

Conflicting laws repealed.

SEC. 60. That all laws and clauses of laws coming in conflict with this act, and all laws heretofore passed chartering or amending the charter of the town of Morganton, be and the same are hereby repealed.

Sidewalks and streets.

SEC. 61. That the mayor and commissioners shall have the power from time to time to levy and collect uniform assessments, either in proportion to frontage or value on all lots located in the town and bounded by any street, of the owners of said lots or tracts of land for the purpose either of curbing or paving the sidewalks adjacent to said lots, or paving or macadamizing the streets by which any of said lots may be bounded. The mayor and commissioners may in lieu of such assessment allow the owners of lots either to build curbing or pave sidewalks, or pave or macadamize the streets adjacent to their respective lots under the supervision of the mayor and commissioners. When the mayor and commissioners shall deem it impracticable or unadvisable to curb or pave a sidewalk on both sides of a street or portion of a street, the owners of lots on both sides of such streets may be compelled to pay an assessment to be applied to curbing or paving a sidewalk on one side of the street or constructing crossings or paving or macadamizing such street.

SEC. 62. That the mayor of the town of Morganton shall be authorized and empowered to sell at public auction to the highest bidder, either as a whole or in lots, all that part of the public square of said town of Morganton bounded as follows: lying between Green and Sterling streets and Meeting street, and a line drawn parallel with said Meeting street and the wall of the court house in said town distant from said wall south east one hundred feet. The mayor shall be empowered, after advertising said lot or lots for sixty days, to sell either for cash or one-third cash, taking note and security for the residue of the purchase money to be paid in equal instalments in six and twelve months and reserving title, and he shall report such sale to the judge of the eighth judicial district or to the judge riding the said eighth district for confirmation. Upon evidence that said lots shall have sold for an adequate price, the judge shall order said sale to be confirmed and shall direct the clerk of the superior court to record report of sale and its order of confirmation in the minutes of such term of said court, and shall direct the said mayor to make title to the purchaser or purchasers on payment of the purchase money. The said mayor shall have power herein to convey any portion of the said lots only on condition that the lot so conveyed shall revert to and become the property of the county of Burke, if there shall at any time be erected thereon a wooden building or a building covered with any material other than slate or tin. The money arising from the sale of said lots shall be appropriated only for the purpose of constructing cisterns, the purchase of a fire engine and equipage, or the building of a house for the fire department. The mayor and commissioners may reserve a lot for the purpose of building such house thereon.

Sale of portion of
public square au-
thorized.

Sale, how made,
&c.

Application of
proceeds.

SEC. 63. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 121.

An act to incorporate the North Carolina Baptist Ministers' Aid Association.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That C. Durham, C. T. Bailey, W. R. Gwaltney, C. E. Taylor, R. R. Overby, J. D. Hufham and H. W. Norris, their associates and successors, be and they are hereby created a body politic and corporate under the name and style of "The North Carolina Baptist Ministers' Aid Association," with power to receive, purchase and hold real and personal estate not exceeding at one time the sum of fifty thousand dollars, and may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal and perpetual succession, and do such acts and things as may be deemed proper and necessary to carry out the intent and purposes of the association.

Corporate name.

Corporate powers.

Objects of corporation.

SEC. 2. The object of this corporation shall be purely benevolent or charitable and for the purpose of raising a fund or funds for the assistance of the families of deceased members and for the assistance of aged and indigent Baptist ministers and their widows and orphans. The said corporation or association may adopt such rules, regulations, constitution or by-laws as they may deem necessary or proper for the government and management of the same not inconsistent with the laws of the State or of the United States, and may enjoy and exercise all the rights and powers set forth in chapter sixteen, volume one of The Code not inconsistent with this act. The funds necessary for the objects of this association shall be created by assessments upon the members of the same.

By-laws, &c.

Corporate powers.

Assessments.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 122.

An act to amend the charter of the town of Columbia.

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners of the town of Columbia shall have power whenever they may deem it necessary or to the interest of the town to condemn any land for the purpose of opening of any new street or for the lengthening or widening of any street, and for that purpose shall appoint a jury of not less than three nor more than five freeholders of the town who, after being notified of their appointment, shall meet on or at the premises or land to be condemned and assess the damages that the owner may sustain by reason of such condemnation, deducting however from the same the estimated value of the improvement that may accrue to the premises by the opening or improvement of the street. The owner or owners of the land shall first have at least five days' notice of the time and place of meeting of the jurors; said notice to be served by the town constable or any other person authorized by law to serve notices. The jury shall return a report of their proceedings to the board of town commissioners who may confirm the same, and after paying or tendering to the owner the amount of damages assessed may subject the land condemned for the desired purpose: *Provided, however,* that the owner of the land if dissatisfied with the report of the jury may, if the same be confirmed, appeal to the superior court of the county, where the same may be heard anew as to the amount of damages sustained; but such appeal shall not have the effect to stay proceedings for making the desired improvement.

Condemnation of
land for streets.

Right of appeal.

SEC. 2. It shall be lawful for the commissioners of the town to prevent by ordinance horses, hogs, cattle or any other kind of live stock from running at large in the

Commissioners
authorized to
prevent live stock
from running at
large.

streets; and all such ordinances now existing for said town are declared valid and in full force until altered by the board of commissioners of the town; and they may also make all such other laws and ordinances as they may deem proper for the regulation and good government of the town, and any person violating any ordinance of said town shall on conviction be punished as prescribed in said ordinance by a fine not to exceed fifty dollars, or by imprisonment in the county jail not exceeding thirty days. All fines collected for violation of any of the town ordinances shall be paid into the treasury for the benefit of the town.

Other ordinances, &c.

Penalty for violation of town ordinance.

Fines, &c., payable into town treasury.

Arrest of persons violating town ordinances.

SEC. 3. It shall be the duty of the constable to report to the mayor all violations of town ordinances that he may know or hear of, and the mayor shall be authorized, with or without complaint on oath, to issue a warrant for the arrest of the offender, setting forth in the warrant the charge against him in a plain and simple manner, and upon the defendant being brought before him may take jurisdiction and hear and determine the case according to law.

Condemnation of land for draining town, &c.

Damages.

SEC. 4. The board of commissioners of the town shall have power and authority to condemn land for draining the town or any part thereof, and the damages shall be assessed in the same manner and under the same regulations as prescribed in section one of this act in reference to condemning land for streets, with the same right of appeal as therein provided.

Burials may be prohibited within corporate limits.

SEC. 5. The commissioners of the town may forbid and prohibit the burial of any dead body within the corporate limits of the town.

Powers of tax collector.

SEC. 6. For the purpose of collecting the taxes the town constable or tax collector of the town shall have the same power and authority as the sheriff or tax collector of the county may have for the collection of State and county taxes.

SEC. 7. Whenever there is not sufficient amount of funds in the treasury of the town to pay the expenses necessary to put the streets in order, the board of commissioners may by order direct the town constable to summon to work on the streets all male citizens of the town between the ages of eighteen and forty-five years; and any such person after two days' notice failing to meet and work as required by the constable or overseer of the streets, and failing to pay the constable for use of the town one dollar on the day before the day he is required to work, shall on conviction pay such fine not to exceed five dollars, as the board of commissioners by ordinance may require, the same to be paid to the treasurer for the town; but the hands shall not be required to work on the streets whenever there are sufficient funds in the treasury to pay for such work.

Liability of citizens to work on streets.

Penalty for failure.

SEC. 8. Any person who shall publicly or indecently expose his naked person to or within the view of the citizens of the town by bathing in the Scuppernong river or otherwise, shall be guilty of a misdemeanor, and be punished by a fine not exceeding fifty dollars, or by imprisonment not to exceed thirty days; and the jurisdiction of the mayor of the town is hereby extended so as to authorize and empower him to issue his warrant for such offenders, and hear and finally determine all such cases. All laws and clauses of laws in conflict with this act or any part thereof are hereby repealed so far as affecting the same.

Indecent exposure of person a misdemeanor.

Jurisdiction of mayor.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 123.

An act in reference to the charter of the town of Wake Forest College.

The General Assembly of North Carolina do enact :

Operation of charter, *ante*, postponed to Jan. 1st, 1887.

SECTION 1. That an act to amend an act to incorporate the town of Wake Forest College, laws of one thousand eight hundred and eighty-five, ratified seventh day of March, one thousand eight hundred and eighty-five, be amended so as to postpone the operation of said act until January first, one thousand eight hundred and eighty-seven.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 124.

An act to incorporate the town of Keelsville in the county of Pitt.

The General Assembly of North Carolina do enact :

Incorporated.

Corporate limits.

SECTION 1. That the village of Keelsville in the county of Pitt be and the same is hereby incorporated under the name of Keelsville, and the limits of said town shall be bounded as follows: Beginning at the fork of the road near Oak Grove church north seventy-seven, west thirty-seven poles to a pine, thence south twenty-one, west one hundred and fifty seven poles to A. B. Congleton's (south of his house), thence south fifty-two, east twelve poles to the Greenville road, thence south eighty-four, east one hundred and ninety poles to the Washington road, thence south eighty-seven, east twelve poles with said road, thence south thirty-one, east eight poles to H. Taylor's avenue,

thence north sixty, east sixty-four poles to a ditch, thence north eighty-nine, west one hundred and twelve poles, thence north seventy-nine, west eighteen poles to the Washington road, thence twenty-seven, west seventy-five poles to the beginning.

SEC. 2. That the officers of the town shall be a mayor, Officers. five commissioners and a constable, to be elected in accordance with the general laws regulating the elections of cities and towns for officers thereof.

SEC. 3. That until the next election according to law Temporary officers. and until their successors shall be elected or appointed, the officers of said town shall be for mayor, Asa Congleton, and for commissioners, Theophilus Keel, J. N. Keel, Henry Taylor and Abram Congleton, and for constable, Samuel Whitley.

SEC. 4. That the said town and the officers thereof shall Corporate powers. be governed by, and shall have and exercise all the jurisdictions, rights and powers conferred under the law as contained in chapter one hundred and eleven of the Revised Code of North Carolina. And the constable of said Jurisdiction, &c., of constable. town shall have the same jurisdiction and powers possessed and exercised by township constables in said county, and the commissioners of said town shall also have power Taxation. and authority to levy a tax on personal property in like manner as on real estate.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 125.

An act to incorporate the French Broad Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That Edward J. Aston, Thomas I. Van Body politic. Gilder, James H. Merrimon and Charles E. Graham and

- their present and future associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the French Broad Bank, and shall so continue for the term of fifty years, and shall have power to receive money on deposit on such terms as may be agreed upon by and between the said bank and the depositors therein; to draw and accept bills of exchange, foreign and domestic; to buy, sell and negotiate bullion, coin, gold and silver ore, bonds, promissory notes, stocks of incorporated companies and foreign and domestic bills of exchange; to lend money upon real and personal security and to discount bonds, notes and bills of exchange, and to receive in advance the interest that may be agreed upon, not to exceed however the rate of eight per centum per annum; to guarantee the payment of notes, bonds, bills of exchange and other evidences of debt and receive compensation therefor; 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 money and property in any manner whatever that is lawful for any bank or banking institution now doing business in this State.
- Corporate name.**
- Corporate powers.**
- Capital stock.** SEC. 2. The capital stock of the said bank shall be twenty thousand dollars divided into shares of one hundred dollars each, and such capital stock may be increased from time to time as the bank may elect to a sum not exceeding five hundred thousand dollars; and whenever the capital stock shall be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon the payment of the par value of the same: *Provided*, that one-fourth of the capital stock shall be paid in before the said bank shall commence business.
- Proviso.**
- Authorized to acquire real estate, take mortgages, &c.** SEC. 3. The said bank may acquire, hold, sell and convey so much real estate as shall be requisite for the convenient transaction of its business, or which shall be

mortgaged or conveyed in trust to it for its security or indemnity, or conveyed to it to satisfy previously contracted debts, or purchased at sales made under decrees or orders of court in its favor, or under execution issued to satisfy any judgment in its favor, or at sales made by the said bank or by trustees under conveyances in trust for its security or indemnity; and it shall be lawful to insert in any and every mortgage or deed of trust conveying real or personal property to secure money lent by or a debt due to the said bank a power of sale to the said bank whereby the said bank upon default payment of such loan or debt may sell the property sold to secure the payment thereof after given notice of the time and place of sale for the time specified in such mortgage or deed of trust.

SEC. 4. The said bank may act as the agent of any person or persons wishing to lend money in this State upon real or personal security or to sell any land or lands in this State, and to convey such land and lands by deed, in the name of its principal and principals, acknowledged by the said bank as such agent when so authorized by a power of attorney, and to charge and receive compensation therefor.

Authorized to act as agent of person loaning money, selling land, &c.

SEC. 5. That the said bank be and it is hereby authorized to accept and execute any trusts of any and every description which may with its consent be committed or transferred to it by any person or persons whomsoever, by any bodies corporate or public, or by any court of the State of North Carolina or of the United States, or of any one of the States of the United States, and to accept the appointment and office of executor or administrator of any kind or nature whenever such office or appointment is made or conferred by any person or persons, or by any court of competent jurisdiction of this State or of any one of the United States; and that in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, as-

Additional corporate powers in relation to trusts, &c.

signee, guardian of any minor, or committee of a lunatic, it shall and may be lawful for such court to appoint the said bank with its agent such receiver, trustee, administrator, assignee, guardian or committee, and where any person shall appoint the said bank the executor of his or her will, or any court shall appoint the said bank a receiver, trustee, administrator, assignee, guardian or committee, or shall order the deposit of any money with the said bank, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance of its duties as such executor, administrator, receiver, trustee, assignee, guardian or committee, and shall be absolutely liable for any default; and in addition thereto the court may require the said bank to give such other and additional security as it may judge to be expedient; and the court may, if deemed necessary, examine the officers of the bank under oath or affirmation as to the sufficiency of its capital stock as such security as aforesaid. The accounts of the said bank as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be regularly adjusted and settled before such court or officer as shall have jurisdiction thereof, which said court or officer shall upon such adjustment and settlement being made allow to the said bank all proper, legal and customary costs, charges and expenses for its care and management of the trusts and estates aforesaid, and shall charge the said bank with interest not exceeding six per centum per annum, whenever the said bank shall be liable for or chargeable with interest as such receiver, trustee, executor, administrator, assignee, guardian or committee, or upon money deposited therewith as aforesaid. The said bank, as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be subject to all lawful orders and decrees made by the proper tribunal under the laws of this State.

Deposits by receivers, &c.

SEC. 6. Any receiver, trustee, executor, administrator, assignee, guardian or committee of a lunatic, and any

public officer is hereby authorized to deposit in the said bank for safe keeping any moneys which have or may come into his possession by virtue of his said office or appointment as aforesaid.

SEC. 7. The principal office of the said bank shall be in the City of Asheville in this State. The said bank may establish and withdraw at its pleasure agencies for the transaction of its business, and such agencies shall be subject to and governed by such rules and regulations as the board of directors of the said bank may prescribe.

SEC. 8. The said bank shall have all the general powers and be subject to all the general restrictions provided for by the laws of this State, or which may be hereafter enacted by the General Assembly in regard to bodies politic and corporate.

SEC. 9. This act shall be in force after its ratification. In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 126.

An act to incorporate the Greensboro Water Supply Company, and allow city of Greensboro to take stock therein by a vote of the people of said city.

The General Assembly of North Carolina do enact:

SECTION 1. That John H. Dillard, D. W. C. Benbow, Julius A. Gray, W. D. McAdoo, W. M. Houston, J. W. Scott, L. M. Scott and W. E. Bevill 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 Greensboro Water Supply Company," with its principal place of business at Greensboro, North Carolina, and by such name

Purposes of act. and title shall have perpetual succession for the purpose of obtaining and supplying the city of Greensboro and all others resident near thereto with water for public, domestic, manufacturing and other purposes, and for building, erecting and owning machinery and fixtures for said purpose, and for buying, holding and owning such real and personal estate as may be necessary in connection with or advantageous to the object and purposes of. this charter, and by the said name 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.

Authorized to erect reservoir, lay pipes, &c.

SEC. 2. That said corporation, when organized and ready for business as hereinafter provided, 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 demand, to erect engines, rams or other machinery necessary or advantageous to the supply or distribution of water, to lay main pipes, conductors or aqueducts, and for the purpose of erecting or establishing the same, and any and all other things necessary to be done in 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 the corporation and the owner of the land, or the person entitled to the beneficial interests therein, this corporation may have the same condemned to its use in the manner now provided in the charter of the city of Greensboro for the condemnation of land for streets and other public uses: *Provided always*, that the corporation 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 pur-

Condemnation of land.

Damages.

pose of repairing, improving or replacing main pipes, ditches, &c.

SEC. 3. That said corporation shall have a minimum Capital stock. capital stock of seventy-five thousand dollars, to be divided into shares not less than ten dollars each, with power to increase the capital stock from time to time to one hundred and fifty thousand dollars by a majority vote of the stockholders.

SEC. 4. That the said corporators herein above named Subscriptions to stock. and such others as they may appoint and hereby authorize to solicit and receive subscriptions to the stock of the company privately or by opening books of subscription, and when fifty thousand dollars is subscribed towards Organization. the capital stock, then the said corporators or any one of them may advertise for a general meeting of the stockholders to be held at such time and place as given in the notice, at which meeting the stockholders shall elect by Officers. a majority vote a president, secretary and treasurer, and also five directors to be chosen from the number of the stockholders or others, who shall hold their office for one year and till their successors are elected, each stockholder having in such election one vote for every share of stock Stock vote. by them respectively owned, with power to abolish the office of secretary and treasurer, one or both, or combine them into one and have their duties performed by the president alone if the stockholders so prefer.

SEC. 5. That the company may in stockholders' meet- By-laws, &c. ings make all by-laws which they may deem necessary and proper touching organization under this act not specifically herein provided for, and for the accomplishment and conduct of the business contemplated by this act not inconsistent with the constitution of the United States and the constitution of the State of North Carolina, and not inconsistent with this act, the stockholders in all such meetings having the same as prescribed above in regard to the election of officers, and having right to vote in person or by proxy.

Subscriptions,
how paid, &c.

SEC. 6. The subscriptions to the stock of the company shall and may be paid in such installments and in such manner as a majority of the stockholders in general meeting may determine, but the stockholders of this corporation shall not be liable for any loss, damage or responsibility beyond the assets of the said company.

Liability of stock-
holders.

Certificates of
stock.

SEC. 7. The said company may open certificates of stock in such forms and subject to such regulations as it may prescribe, with power also to issue bonds with coupons for interest attached to such an amount and on such time as the stockholders in general meeting may determine, and generally may do all other matters and things necessary to the proper and successful transaction of the business for which it is organized, including the power in case of the issue of bonds as authorized in the section to secure the same by a mortgage on the corporate property.

Authorized to
issue mortgage
bonds, &c.

City of Greens-
boro authorized
to subscribe not
exceeding \$50,000,
and to issue
bonds, &c.

SEC. 8. That the city of Greensboro through and by its board of commissioners for the purpose of aiding in the construction and maintaining of any water works this company may resolve to build and operate for the purpose of supplying the people in and around said city, may subscribe for and take stock in said company to an amount not exceeding fifty thousand dollars, and to enable said city to pay such subscription its board of commissioners are hereby authorized and empowered to issue and sell from time to time, to run for thirty years from the date of their issue, which in all cases shall be the day such bonds shall be sold or delivered, coupon bonds to be known as "Greensboro Water Bonds" in the name of the city of Greensboro, in such denomination and form and payable at such place as said board shall determine, bearing interest at the rate of six per centum, payable semi-annually.

Description of
bonds.

Bonds not to be
sold for less
than par, &c.

SEC. 9. That said bonds of the city may be sold for cash or turned over to the company in payment of its subscriptions, but in no case shall any of them be sold,

hypothecated or otherwise disposed of for a less sum than par value and then only in such amounts as shall be necessary to pay up all assessments from time to time made by the company to the full amount of its subscriptions.

How sold, &c.

SEC. 10. That the coupons to be annexed to said city bonds shall represent the interest and require the payment of the same for the first ten years, and thereafter the coupons shall represent the interest accruing and five per centum of the principal until the same is discharged, and to meet these payments the board of commissioners of the city of Greensboro are hereby authorized to apply all dividends to the city on its stock in this company, if necessary, less its current expenses of the company, and to meet the deficiency, if any such there be, they are authorized annually to assess, levy and collect an adequate sum on the polls and all the subjects of taxation now or hereafter authorized to be taxed under the charter and amendments thereof of the city in addition to the amounts required for other purposes.

Coupons.

Application of dividends on city stock.

Special tax.

SEC. 11. That the shares of the capital stock of the company which may by virtue of the provisions of this act be subscribed for by the city of Greensboro shall be held by the said city as security for the payment of the bonds of the city to be issued as herein provided, and the interest accruing on the same, and all such dividends as may accrue on the stock aforesaid shall, after paying current expenses as heretofore provided, be applied by the commissioners of the sinking fund hereinafter provided for to the payment of the coupons on said city's bonds as they become due, and if there shall be at any time from the dividends or profits a sum more than sufficient to pay off the coupons that are then due, the same shall be paid to such person as the commissioners of said city shall direct, who shall be styled "Commissioners of the Sinking Fund of the city of Greensboro," and shall give such bond or bonds as such as may be required of him by the

How stock to be held by city.

Application of interest and dividends.

Commissioner of sinking fund.

Duties.

city, and under such general rules and regulations as said commissioners shall from time to time prescribe, he shall make investments of so much of the dividends or profits collected as aforesaid as may not then be needed for the payment of the coupons, and shall do and perform all such other services in connection with the said stock and bonds as the commissioners may require of him, for which he may receive such compensation as said commissioners may allow.

Compensation.

Bonds, how issued, &c.

SEC. 12. That the said bonds shall be issued under and by direction of the board of city commissioners, a record of which shall be made by the clerk thereof, and 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 or certificates of stock in the company as the case may be, resulting from the sale thereof. And it shall be the duty of the mayor and treasurer each to keep a book suitable for the purpose, whenever they shall enter the number of bonds sold, and the amount and date thereof, to whom issued, and in addition the treasurer shall enter in the book kept by him the amount of bonds and coupons received and cancelled by him, the number and dates thereof and from whom received, and to secure any and all moneys and certificates of stock that may or ought to come into his hands, and for the faithful performance of all his duties under this act, said treasurer shall give bond and good and sufficient sureties payable to the said city in amount and form as may be prescribed by the city commissioners.

Duty of mayor and treasurer.

Bond of treasurer.

Exemption of bonds from city taxes.

Coupons receivable for city taxes.

Interest on bonds and coupons not presented for payment.

SEC. 13. 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 of city taxes for any fiscal year in which they fall due or thereafter, and if the holder of any 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.

SEC. 14. That before the said city shall have any power to subscribe to the capital stock in said company or issue the bonds herein authorized, the provisions of this act in regard thereto shall be first submitted to and approved by the majorities of the registered voters as herein provided for at an election to be held on the first Monday in May next, and for this purpose the commissioners shall order a new registration of all persons entitled to register and vote under the charter of the city and all amendments thereto in regard to registering and voting for mayor and commissioners, and to this end a new book shall be furnished: *Provided*, that in addition to the above ratification before the city shall have such power aforesaid, the provisions hereof in regard to the city's issuing bonds and taking stock as aforesaid shall be further approved by a majority of the votes cast at said election by the resident freeholders of the 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 are freeholders as aforesaid and who shall take this additional oath: "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 of the city of Greensboro: so help me, God," which shall be administered by the registrar.

SEC. 15. That the commissioners shall provide in addition to the "general registration book" a second registration 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 of the proviso in section thirteen of this act. And they shall further pro-

Election to be held upon question of city subscription.

When to be held.

New registration.

Majority of freeholders to approve, &c.

Separate registration of freeholders.

Oath.

Separate registration book.

Separate boxes.

vide two boxes numbered one and two respectively, and at the said election the vote cast by persons whose names are registered on the "general registration book" and who are qualified voters under the provisions of the charter and the 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 on 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 the right to vote in box number one.

Proviso.

Election, how held, &c.

SEC. 16. That the inspectors or judges of election and registrar shall be appointed, the registration book kept open, 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 may be modified by this act.

Ballots.

SEC. 17. That the commissioner 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 subscription and issue of bonds as aforesaid 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, then said city shall have no power to make said subscription or issue bonds; but in case the said requisite majority approving the subscription and issue of bonds, then and in that case the commissioners shall make the subscription and issue the bonds as herein provided.

Subscription to be made only upon affirmative vote in both boxes.

Another election, when to be held, &c.

SEC. 18. That should the question of approval or non-approval as hereinbefore provided for, for any cause not be submitted on 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 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 the commissioners of Greensboro shall have the same power to subscribe for stock and issue bonds as they would have had if the provisions hereof had been approved at the election at which they were first submitted or ought to have been submitted: *Provided*, that such election shall not be held on any other day in the year than the first Monday in May.

Subscription to be made on affirmative vote, &c.

Proviso.

SEC. 19. That at the close of any election at which the provisions of this act shall have been voted on, the votes shall be counted by the inspectors or judges 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 said board of commissioners next incoming after such election within two days after the qualification of said board; and it shall be the duty of the mayor, if the requisite majorities be for approval, within five days after filing said certificate, to proclaim the result of said election, and then, after the result being declared for approval, the board of commissioners for the city of Greensboro may make such subscription and issue bonds as herein provided for.

Canvass of votes.

Duty of mayor to proclaim result.

Duty of commissioners to make subscription, &c.

SEC. 20. That the treasurer of this corporation or such other person as has charge of its funds shall enter into such bond or bonds payable to the corporation as the directors thereof shall require, conditioned among other things for the faithful performance of all duties devolving upon him under this act and the resolutions and by-laws of the company.

Treasurer's bond.

SEC. 21. That any and all persons who shall wantonly, maliciously or negligently interfere with or injure mains,

Misdemeanor to wantonly, &c., interfere with, &c., mains, &c.

pipes, ditches, reservoirs, pin-plugs or other property of this 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.

Penalty.

Chapter 140, private laws 1883, (act to incorporate Greensboro Water Works Co.) repealed.

SEC. 22. That chapter one hundred and forty of private laws of one thousand eight hundred and eighty-three is hereby repealed.

SEC. 23. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 127.

An act to amend the charter of the town of Waynesville.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the inhabitants of the town of Waynesville shall be and continue as heretofore they have been, a body politic and corporate, and shall bear the name and style of The Town of Waynesville, and under such name and style it is hereby invested with all the property and rights of property which now belong to the present corporation of The Town of Waynesville, and by the corporate name of "The Town of Waynesville" may purchase and hold for the purpose 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 reinvest as shall be deemed advisable by the proper authorities of the corporation.

Corporate name.

Corporate powers.

SEC. 2. That the corporation line of "The Town of Waynesville" shall hereafter be defined and located as follows: beginning on the east side of Richland creek on a rock and corner of S. L. Love and heirs of R. G. A. Love's land, and runs up the east bank of said creek to Lute's and Brown's corner, then with their line to the branch near the brick yard, then up the branch to a stake on the bank of the branch, about five poles above Brown's tanhouse, then south fifty-seven degrees east to Brown's corner at the top of the hill, thence south sixty-one degrees east, nine poles to corner of cemetery lot, thence south seventy-five degrees east with that line to southeast corner of the same, then north sixty-eight degrees east with the line of the same to its east corner, thence north fifty-one degrees east to the ford of the creek near S. O. Shelton's house, thence north thirty degrees east to S. L. Love's line, thence with the line of S. L. Love and heirs of R. G. A. Love to the beginning.

SEC. 3. There shall on the first Monday in May in each and every year be elected by the qualified voters of the town of Waynesville, a mayor and three aldermen, who shall be residents within the corporate limits of the said town of Waynesville.

SEC. 4. That the election provided for in the foregoing section shall be held under the same rules and regulations as are now provided by law for holding elections in towns and cities, chapter sixty-two, volume two of The Code, and that the officers so elected shall qualify and be subject to the same law and have and exercise the same power and authority as is now provided by law for like officers under said chapter sixty-two of The Code, volume two, unless otherwise herein provided for.

SEC. 5. That in order to raise a fund for the expenses incident to the proper government of the town and for the improvement thereof, the aldermen shall on the first Monday in June in each year levy the following taxes, to-wit: first, on all real and personal property within the corpo-

- rate limits of the town of Waynesville, 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 Haywood county, a tax *ad valorem* not exceeding one dollar on every hundred dollars in valuation; second, on all taxable polls residing within the corporate limits of the town of Waynesville on the first day of June of each year, a tax not exceeding three dollars.
- Poll tax.
- Omnibuses. SEC. 6. Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding ten (\$10) 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 five (\$5) 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 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 said town shall report the same to the mayor on or before a day to be fixed in said ordinance, and on payment to the mayor of the amount of license taxed, fixed on his vehicle or vehicles, shall obtain from him a certificate stating the kind and the number of each kind of vehicles which he shall be entitled to use: *Provided*, that any person shall take a license *pro rata* for any portion of a year, not less than three months upon 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 a license therefor, without having procured such license, shall be deemed guilty of a misdemeanor, and on conviction,
- Hacks, &c.
- Drays, &c.
- Proviso.
- License to be obtained, &c.
- Proviso.
- Misdemeanor to use vehicle without license.

tion before the mayor, shall be fined double the amount of his license tax and the cost of the action. Penalty.

SEC. 7. Upon every saddle-horse kept for hire, a license tax not exceeding two dollars and fifty cents per annum. Saddle horses kept for hire.
 The license on saddle horses shall be obtained in the same manner as herein prescribed for vehicles and under the same penalties. License. This and the preceding section shall apply to all vehicles and horses used in the town of Waynesville for hire, whether the stables in which the same are kept be within or outside of the corporate limits of the town. To apply to all vehicles and horses used in town.

SEC. 8. On every express company, telegraph company or railroad company doing business in the town, or having an office therein, a tax not exceeding one per centum of its gross receipts at its said office, and the manager or agent of such company at the said office shall on the first day of June of each year or by such other day as the aldermen may appoint, make to the mayor 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-five 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-five. Express companies, &c. For neglect or refusal of 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 penalty as the board of aldermen may prescribe, and the offending agent shall be deemed guilty of a misdemeanor and shall be liable to arrest and conviction before the mayor of the town. Oath as to gross receipts. Penalty for neglect. Proviso. Misdemeanor.

SEC. 9. That the citizens of Waynesville and others liable to taxes under this charter shall on the day prescribed for listing State and county taxes render on oath Property to be listed for taxation.

to clerk of the town, or mayor in case no clerk shall be appointed, who is hereby constituted a commissioner of affidavit for that purpose, a list of such property taxable under this chapter and which is not liable to State and county tax under all rules and penalties prescribed for 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 or mayor, as the case may be, shall procure from the register of deeds of Haywood 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 in the town of Waynesville and such other records pertaining to matters taxable by the town as may be kept in his office; and where any real estate assessed by the county authorities shall lie partly within the town and partly without the limits of the town, it shall be the duty of the commissioners of the county to appoint a justice of the peace and two freeholders to appraise the property within the town and fix upon it its true value in proportion to the value of the whole as assessed for taxation; and where there is an increase in value of town property by reason of any improvement, it shall be the duty of the board of aldermen at their meeting in May of each and every year to certify the same to the board of county commissioners at their regular meeting in June, and the county commissioners shall appoint assessors to value said town property under the same rules as are provided by law for assessing real property, and in case of decrease of the value of real property by fire or other destruction of the same, reduction shall be made in the same manner as provided for assessing such property when there is an increase. The board of aldermen shall have all the powers given to the authorities of Haywood county pertaining to revision of tax list except the powers to alter the valuation of real estate.

Penalty for failure.

Assessment of property.

Real estate partly within and partly without corporate limits.

Increase of value of property.

Decrease of value of property.

Revision of tax list.

SEC. 10. That as soon as the tax list can be completed and not later than the regular meeting of the aldermen in August, 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 October following: *Provided*, that the aldermen may extend the time for completion of such collection as they may think best, but not later than the first of March ensuing, and the tax collectors 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 centum on the amount collected, at the discretion of the aldermen.

Levy of tax.

Collection of tax.

Extension of time.

Duty of tax collector.

Fees.

SEC. 11. That all persons who are liable for poll tax to said town 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 failure to list State and county taxes, and on conviction therefor before the mayor shall be fined not exceeding twenty-five dollars or be 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 taxes found due by him to the town, together with the costs of the prosecution.

Failure to list poll or property a misdemeanor.

Penalty.

Proviso.

SEC. 12. 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 the town of Waynesville, if the property to be sold be personal.

Collection of tax by distress and sale.

Tax to be lien on real estate.	SEC. 13. That when the tax is due on any real estate
Sale of personal property.	the tax shall be a lien on the same, and if it shall remain unpaid after the time fixed for the collection of such tax
Sale of real estate.	the collector shall proceed to collect the same by distress of personal property if sufficient amount can be found in the town belonging to the owner of such real estate, and if sufficient personal property cannot be found the collector shall report to the aldermen such real estate
How made.	the amount of taxes due thereupon, and thereupon they shall order a sale of the same or so much thereof as may be necessary for the payment of taxes and cost due. All sales of real estate shall be made at the court house door in the town of Waynesville, and shall be advertised for twenty days at the court house door and three other public places in said town, and for one week in some newspaper published in the town of Waynesville, if any. It
Notice to owner.	shall be the duty of the collector to notify the owner of such lot of the amount of taxes, costs and expenses due thereon, and the day of sale, if the residence of such owner
Real estate, how sold.	be known. The collector shall divide such real estate into suitable lots if the same can be conveniently done, but if not he shall sell the whole; in either case he shall sell to the highest bidder for cash, and if such real estate shall not sell for enough to pay the taxes due and costs, &c., of sale, he shall bid the amount of tax and costs for
Certificate of purchase.	the town. The collector shall give the purchaser a certificate of purchase, and the owner, his administrator, executor or heirs may at any time within twelve months after the date of sale redeem said real estate by paying to the purchaser the amount of his bid, with twenty-five per centum added; and if the purchaser cannot be found or will not accept the money, such party may pay the same over to the treasurer of the town and take his receipt therefor, and notify the tax collector or his successor in office, and such payment shall be deemed a good payment. After twelve months if the land has not been re-
Redemption of land sold.	deemed, the collector or his successor in office shall exe-
When deed to be executed.	

cute a deed of conveyance to the purchaser, which deed shall vest the title, and if the town shall be the purchaser the title shall vest in the town. Purchase by town.

SEC. 14. 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 town 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 on any other property of the owner which may be forthwith distrained and sold to satisfy said taxes: Additional subjects of taxation.

1st. Upon all itinerant merchants or peddlers offering to vend in the town, a license tax not exceeding fifty dollars in addition to a tax not exceeding one per centum on his purchases. This clause is intended to include all itinerant venders of patent medicines. Tax, how recovered.

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, upon every flying trapeze, twenty-five dollars. Itinerant merchant, &c.

5th. Upon every lottery of any kind whatsoever, where persons are induced to buy goods, wares, or any kind of merchandise with a chance to draw a prize, a tax not exceeding fifty dollars. Shooting galleries, &c.

6th. Upon every hotel, restaurant or eating house, a license tax not exceeding twenty-five dollars, but the aldermen shall have power to discriminate so as to adjust this tax equitably between the several houses. Lotteries, &c.

7th. Upon every company of circus riders or performers by whatever name called, who shall exhibit within the town, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side show connected therewith, a license tax Hotels, &c.

Circuses, &c.

- not exceeding twenty dollars for each performance, and upon every advertisement of such show within the town by posters, placards or otherwise, a license tax not exceeding fifty dollars, and any person putting up such posters or placards before paying such tax shall be deemed guilty of a misdemeanor, and upon conviction before the mayor shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, but he may be discharged by the mayor upon the payment of the tax and costs of prosecution. The tax herein specified shall be paid before exhibition or otherwise be doubled.
- Advertisement by posters, &c.**
- Misdemeanor.**
- Tax, when payable.**
- Theatres, &c.** 9th. Upon every person or company exhibiting within the town any stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibition, and for advertising the same in the town by posters or placards or otherwise, when the performance is to be outside of the town not exceeding twenty-five dollars, the tax to be paid before exhibiting or posting, otherwise to be doubled.
- Advertisement by posters, &c.**
- Artificial curiosities, &c.** 10th. Upon every exhibition for reward of artificial curiosities, models of useful inventions excepted, within the town, a tax not exceeding twenty-five dollars, to be paid before exhibition, or the same to be doubled.
- Concerts, &c.** 11th. Upon each show or exhibition of any kind, and on every concert for reward, upon every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same to be doubled: *Provided*, the aldermen may exempt from this tax such concerts as are deemed for the public good.
- Proviso.**
- Discretionary tax upon certain occupations.** 12th. Upon all of the following objects and occupations the aldermen may at discretion impose the following taxes: on auctioneers, not exceeding twenty dollars; on itinerant jewelers or silversmiths offering for sale their wares, not exceeding twenty dollars; on dentists, local or itinerant, not exceeding five dollars; on photographers,

not exceeding fifteen dollars; on dealers in leaf tobacco, not more than ten dollars; on dealers in lightning rods and patented medicines, not more than twenty dollars; on bank or bank agents, not exceeding fifty dollars; on brokers, not exceeding twenty-five dollars; on hucksters' stands, not exceeding ten dollars; upon tobacco manufacturers, not exceeding twenty dollars; upon tobacco warehouses, not exceeding twenty dollars; upon retail dealers in fresh meats, not exceeding twenty dollars; upon each boarding house, not exceeding five dollars; upon each ice-cream saloon, not exceeding five dollars; upon dealer or agents for fertilizers, not exceeding twenty-five dollars; upon dealers in lumber, each yard, not exceeding twenty dollars; upon soda fountain, not exceeding five dollars; upon lawyers, not exceeding five dollars; upon brewers manufacturing and wholesaling their own products, not exceeding twenty dollars; upon skating rinks, not exceeding ten dollars; upon dogs, not exceeding two dollars; upon every dealer in or agent for carriages, buggies, wagons, sewing machines, gins, tobacco, tin ware, cotton yarns, not exceeding twenty dollars; upon every person or firm or company selling pistols, bowie-knives, dirks, slung shots, brass knucks, or other like deadly weapons, in addition to all other taxes, a license tax not exceeding forty dollars.

SEC. 15. Upon every druggist or apothecary who shall sell spirituous liquors in connection with his business as a druggist otherwise than as a medicine, the aldermen shall levy a tax of twenty-five dollars for each day or a part of a day he shall so sell, on due proof being made before the mayor in the name of the town of Waynesville that such sale was not for medicinal purposes or in compliance with existing statutes. It shall be the duty of the marshal to collect this tax and prosecute any and all persons violating the provisions of this section, and shall receive in compensation for his services one-fourth of the amount recovered, in addition to his other fees.

Druggists, &c.,
selling spirituous
liquors otherwise
than as medicine.

Duty of marshal.

Compensation.

Streets.

SEC. 16. The board of aldermen shall have full power and authority to straighten or widen streets or lay off and establish new streets when in their opinion the same shall be required for the best interests of the town. Whenever it shall be necessary to straighten, widen or establish new streets and the owner of any land which may be required for that purpose shall claim damages, the owner of the land shall file his claim with the clerk of the town, and it shall be the duty of the board of aldermen forthwith to appoint three freeholders, residents of said town, connected with the claimant neither by consanguinity or affinity, who shall forthwith go upon the premises and view the same and assess the damages which will accrue to such property, taking into consideration the benefit which will accrue to such property from the improvement, and report the same to the board of aldermen, who shall pay the damages assessed, if any, and proceed to establish such street. If the owner of such premises is dissatisfied with such assessment, he may appeal from the finding of the commissioners to the next term of the superior court, when the same shall be tried before a jury, but such appeal shall not have the effect to stay the improvement.

Damages, how assessed, &c.

Right of appeal.

Sidewalks.

SEC. 17. The board of aldermen shall have full power and it shall be their duty to establish and make good and permanent sidewalks where the same may be needed on one or both sides of the streets of said town.

Nuisances.

SEC. 18. The board of aldermen shall have full power and authority to declare any house or building in said town which endangers the property or health of said town by reason of being unsafe or unwholesome or dangerous to be a nuisance, and have power to require the same to be put in a safe or wholesome condition, as the case may be, and if the owner of such property shall fail to place said property in a safe or wholesome condition, the board of aldermen may order the marshal to remove the same or make the needed repairs as the public good may

require, which shall be a charge upon the property and may be recovered by suit against the owner of said property.

SEC. 19. The marshal have full power and authority to execute a warrant issued by the mayor in any part of Haywood county, and the mayor in the absence of the marshal shall have power to depute any peaceful citizen of said town to execute his warrant for violation of any of the ordinances of the town.

Execution of
mayor's war-
rants.

SEC. 20. The aldermen may appoint such police force they at any time may think advisable, and allow them such compensation as they may think expedient not exceeding two dollars per day each; any person appointed a policeman shall be summoned by the marshal to help make arrest or quell an affray, who shall refuse to serve shall be deemed guilty of a misdemeanor.

Police.

SEC. 21. All citizens resident in said town liable to road duty under the laws of the State shall be liable to do six days' work each upon the streets and sidewalks of said town in each year; in lieu of such labor they may pay four dollars and fifty cents each, which shall be expended in improvements of the streets and sidewalks.

Liability of resi-
dents to work
streets, &c.

SEC. 22. The aldermen at their first meeting shall elect a marshal, town clerk and treasurer, each of whom shall file bond payable to "The Town of Waynesville"; the marshal in the sum of three hundred dollars, the clerk in the sum of three hundred dollars, and the treasurer in a sum double the estimated town tax, which bonds shall be approved by the board of aldermen, duly probated and recorded in the office of register of deeds of the county [of] Haywood. The original shall be deposited with the mayor, and a duly certified copy may at all times be used as evidence. The office of clerk and treasurer may be united in one person if the board of aldermen shall deem best.

Town officers.

Bonds.

Clerk and treas-
urer.

SEC. 23. The marshal shall also be tax collector in case he files bond in the sum of double the amount of taxes

Tax collector.

which shall come into his hands. If the marshal fails to file such bond, it shall then be competent and become the duty of the board of aldermen to elect a tax collector, who shall file bond in double the amount of the taxes, to be approved by the board of aldermen and probated and registered as provided for bond of marshal and clerk.

No officer to contract for town work.

SEC. 24. That no mayor or alderman or other officer of the town government directly or indirectly become a contractor for work to be done by the town, and any person herein offending shall be guilty of a misdemeanor.

Misdemeanor.

Prevention of live stock from running at large.

SEC. 25. That the aldermen shall have full power to prevent cattle, horses, dogs, and other brutes from roaming at large in the town, either in the day or night time.

Public buildings.

SEC. 26. The aldermen may establish all public buildings necessary for the town, and may prohibit the erection or establishment of wooden buildings in any part of the town where they may increase the danger by fire.

Wooden buildings.

Cemetery.

SEC. 27. The aldermen shall by ordinance regulate and govern the cemetery included within the corporate limits of the town, and it shall be their duty to lay off the unoccupied portion of said ground into suitable lots, with walks and drives laid out to the best advantage, not interfering with the graves already in said graveyard, and may by ordinance prohibit the digging of a grave or burial in any other place than that allotted for graves.

Prevention of contagious diseases, &c.

Hospitals.

SEC. 28. The aldermen may take such measures as they may deem necessary to prevent the introduction and spread of contagious or infectious disease, to establish hospitals and to remove to such hospitals any person suspected of having such disease, and provide for the nursing and medical attention of such person at his expense, which may be recovered before any court having jurisdiction.

Powers, &c., of marshal and policemen.

SEC. 29. 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.

SEC. 30. 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: first, when the arrest is made between sunset on Saturday and eight o'clock Monday morning following; second, when the arrest is made in the night; third, when the person arrested is found in a state of inebriation; fourth, 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 county jail or town prison, unless sufficient bond be given for appearance before the proper court.

Persons arrested to be carried before mayor immediately.

Excepted cases.

SEC. 31. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 128.

An act to amend the "charter of the city of Asheville."

The General Assembly of North Carolina do enact:

SECTION 1. That there shall on the first Monday in May, one thousand eight hundred and eighty-five, be elected by the qualified voters of the city of Asheville a mayor and six aldermen who shall be residents within the corporate limits of said city of Asheville, and shall hold their offices as follows: The mayor for the term of two years from and after his election and until twelve o'clock meridian of the third Monday of May, one thousand eight hundred and eighty-seven, three of the said aldermen for the term of two years from and after their said election and until twelve o'clock meridian of the third Monday of May, one thousand eight hundred and

Mayor and aldermen, when elected.

Terms of office.

eighty-seven; the other three for the term of four years from and after their said election and until twelve o'clock meridian of the third Monday of May, one thousand eight hundred and eighty-nine; and thereafter there shall be elected biennially on the first Monday in May a mayor and three aldermen. The mayor to hold his said office for the term of two years and until twelve o'clock meridian of the third Monday of May following the election of his successor, and the aldermen shall hold their offices for the term of four years and until twelve o'clock meridian of the third Monday of May following the election of their successors, it being the purpose and intent of this charter that the terms of office of the said six aldermen shall be four years, but that half their number shall be elected biennially.

When to be installed in office.

SEC. 2. That hereafter the mayor and aldermen shall be installed in their said offices at twelve o'clock meridian on the third Monday in May ensuing their election.

Mayor to vote only when necessary to decide tie vote of aldermen.

SEC. 3. That in all cases of a tie vote of the aldermen, the mayor shall have the right to vote, but shall not be allowed to vote in any other case.

Voting places.

SEC. 4. That the aldermen shall have the right and power to establish as many voting places in said city as they may deem necessary for the convenience of the voters.

Fines for nuisances to constitute lien, &c.

SEC. 5. That all the fines imposed by the ordinances of said city for nuisances committed or suffered by the owners on their lands or other real property in said city shall constitute a lien upon said property whereon said nuisances were committed or suffered, and it shall be competent for the mayor to file notice of said lien in the office of the clerk of the superior court of Buncombe county as notices of liens are required and allowed to be filed under chapter forty-seven of The Code of North Carolina, and to enforce said liens in any court having jurisdiction thereof.

Notice of lien.

Enforcement of lien.

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

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 11th day of March, A. D. 1885.

CHAPTER 129.

An act to incorporate the town of Yanceyville.

The General Assembly of North Carolina do enact :

That the town of Yanceyville in the county of Caswell be and the same is hereby incorporated by the name and style of the town of Yanceyville, and shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated. Corporate name.

The corporate limits of said town shall be as follows: Corporate limits.

One-half mile east, west, north and south from the northeast corner of the court house square, running with the four cardinal points of the compass.

That the officers of said town shall consist of a mayor, five commissioners and a constable, to be elected in accordance with the general laws regulating elections in cities and towns. Officers. Election.

That until their successors are elected and qualified the following shall be the officers of said town: mayor, John W. Corbett; commissioners, C. D. Vernon, H. F. Brandon, W. F. Herndon, S. D. Crowder and E. Slade; constable, George I. Wilson. Temporary officers.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 130.

An act to incorporate the town of Elk Park, in the county of Mitchell.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the town of Elk Park, in the county of Mitchell, be and the same is hereby incorporated by
- Corporate name. the name and style of the town of Elk Park, and shall be subject to all the provisions contained in chapter sixty-two (62) of The Code not inconsistent 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 compass, taking the railroad depot in said town as the centre of the corporate territory.
- Officers. SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first day of May, one thousand eight hundred and eighty-five, viz: mayor, William Walsh; commissioners, Luke Bonner, Dickson Horton, H. H. Lewis; marshal, W. M. Crowder, all of whom shall hold their offices until their successors are elected and qualified.
- 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-five, 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.
- Duties and powers of officers. SEC. 5. The officers mentioned in this act shall perform the same duties, and exercise all the powers and privileges prescribed in section sixty-two (62) of The Code.
- Oaths. SEC. 6. 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 the oath prescribed by law for such officers.

SEC. 7. That all fines collected for violation of any of the town ordinances shall be paid into the treasury for the benefit of said town. Fines collected payable into town treasury.

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 11th day of March, A. D. 1885.

CHAPTER 131.

An act to amend the charter of the town of Aurora, Beaufort county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter five, private laws, special session one thousand eight hundred and eighty, entitled "An act to incorporate the town of Aurora, in the county of Beaufort," be and the same is hereby amended to read as follows: Beginning at the southwest corner of the present corporate limits and running thence along the south line of same east to the present southeast corner and past same to the centre of South Dividing creek, thence down centre of same to a point opposite the mouth of Bailey's creek, thence to and up centre of same to a point opposite the northwest corner of corporation limits in the prolongation of the west line thereof, thence south to and pass said northwest corner along the west line of said corporation to the beginning. Chapter 2, section 5, private laws special session 1880, 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 11th day of March, A. D. 1885.

CHAPTER 132.

An act to appoint a cotton weigher for the town of Louisburg.

The General Assembly of North Carolina do enact:

County commissioners to appoint cotton weigher.

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

Vacancies.

Duties.

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

Oath.

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

Bond.

SEC. 4. That said weigher shall give a bond in the sum of one thousand dollars payable to the State of North Carolina, conditioned for the faithful performance of his duty as cotton weigher; said bond shall be taken by the county commissioners and filed in the office of register of deeds of said county. Said weigher shall be entitled to ten cents per bale for weighing, to be paid one-half by the purchaser and one-half by the seller.

Compensation.

No other person to weigh cotton under penalty.

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

Exception.

which case any person agreed upon by said weigher and the buyer and seller of the cotton shall be authorized to act in his place.

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

Penalty for abuse of power by weigher.

Damages, how recovered.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 133.

An act to allow the collection of arrears of taxes due the town of Edenton.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of councilmen of the town of Edenton be and they are hereby empowered and authorized to place in the hands of a suitable person the list of uncollected taxes due the town of Edenton for the year one thousand eight hundred and eighty four, for the purpose of having the same collected: *Provided*, that the collector shall execute a bond approved by said board in such sum as they may require for the faithful payment over to the town treasurer of such sums as may be collected.

Board of councilmen to place list of uncollected taxes for 1884 in hands of suitable person for collection.

Bond.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 134.

An act to incorporate the town of Fairfield in the county of Hyde.

The General Assembly of North Carolina do enact :

Incorporated. **SECTION 1.** That the town of Fairfield in Hyde county be and the same is hereby incorporated by the name and
Corporate name. style of the town of Fairfield, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits. **SEC. 2.** That the corporate limits of said town be as follows: Beginning at the southwest corner of Academy lot and running northwardly and parallel with Academy street one-half mile to W. F. Midyett's road; thence eastwardly to Fairfield canal; then southwardly parallel with the first line one-half mile; then westwardly to the beginning.

Officers. **SEC. 3.** That the officers of said incorporation shall consist of a mayor, three commissioners and marshal, and the commissioners shall have power to appoint a secretary and treasurer.

Temporary officers. **SEC. 4.** That until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-five, the following named persons shall fill said offices, viz: mayor, John C. Brown; for commissioners, W. D. Murray, Joseph A. Mawn and David H. Carter; for marshal, F. F. Spencer.

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-five, 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 for twelve months and ninety days within said corporation previous to the day of election, shall be entitled to vote at said election.

Corporate powers and duties. **SEC. 6.** That said commissioners shall have and exer-

cise all such corporate powers and duties as are conferred upon commissioners of incorporated towns in chapter sixty-two, volume two of The Code, 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 of the United States, and to impose fines and penalties for the violation of town ordinances and collect the same.

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. Fines collected payable into town treasury.

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 11th day of March, A. D. 1885.

CHAPTER 135.

An act to incorporate the town of Scuffleton in the county of Greene.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Scuffleton in the county of Greene be and the same is hereby incorporated under the name and style of "The town of Scuffleton" subject to all the rules, regulations and provisions of chapter sixty-two, volume two of The Code concerning towns and cities. Incorporated. Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a small pine on the bank of Little Contentnea creek forty-four poles below the bridge across said creek and running thence north eighty-four degrees, west eighty-three poles to a lightwood stump, then north four degrees, east one hundred and ten poles to three Corporate limits.

cypress trees on the bank of said creek, thence with the meander of the creek to the beginning.

Temporary officers.

SEC. 3. That until the next general election for municipal corporations, the officers for town shall be as follows: F. P. Johnston, mayor; J. R. Spicer, treasurer; W. R. Johnston, R. Moore, W. A. King, commissioners.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 136.

An act to incorporate the town of Kittrell, Vance county.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the town of Kittrell in Vance county be and the same is hereby incorporated, by the name and style of the town of Kittrell, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town be as follows, to-wit: Beginning in the centre of Chavis road at its intersection with Third street, thence southerly through Woodliff's land to the centre of Louisburg road pointed by large rock on north side of the road and skinned pine tree on south side; thence southwest through Woodliff's land to a post in the ground at the intersection of South street and Chavis road; thence north of west with South street on south side of South street to the Raleigh and Gaston Railroad, across said railroad in the same direction to a stone in Dr. Sugg's land eight hundred and fifty yards; thence north to Capehart's and Da-

vis' and Dr. Blacknall's line; thence with this line to the Oxford road; thence across said road in same direction through Davis' land to a stone and poplar stump in B. Y. Simms' line six hundred and fifty yards; thence south of east through Davis' and other lands to the Raleigh and Gaston Railroad and across said railroad in the same direction to the intersection of Third street into Williams street and with Third street on the north side Third street to the beginning, nine hundred and forty yards.

SEC. 3. That the officers of said town shall consist of a Officers. mayor, three commissioners and a constable; and the commissioners shall have power to appoint a secretary and treasurer.

SEC. 4. There shall be an election for officers mentioned Election. in this act on the first Monday in May, one thousand eight hundred and eighty-five, and every year thereafter, under the same restrictions that county and State elections are held: all male citizens over twenty-one years Electors. who have resided in the State twelve months, and ninety days within said corporation previous to the day of election, shall be entitled to vote at said election.

SEC. 5. That the said commissioners shall have power By-laws, &c.; 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.

SEC. 6. That all fines collected for the violation of any Fines collected payable into town treasury. town ordinance shall go into the town treasury for the benefit of the town.

SEC. 7. That until their successors are elected on the Temporary officers. first Monday in May, one thousand eight hundred and eighty-five, the following named persons shall fill said offices, viz: mayor, David Outlaw; commissioners, W. F. Davis, I. L. Hunt, W. H. Blacknall; constable, H. A. Finch.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

CHAPTER 137.

An act to incorporate the School of Art, Science and Industry, near Charlotte, Mecklenburg county, North Carolina.

Preamble.

WHEREAS, it is to the advantage of the State that schools be established where the youth may be trained for those occupations and pursuits for which nature has best endowed them, so that they may become thinking, intelligent and practical workers of the world's working force;

The General Assembly of North Carolina do enact:

Body corporate.

SECTION 1. That Matthew O. Beatty, John Wilkes, R. Y. McAden, W. J. F. Liddell, C. Dowd, John Eaton, A. B. Farquhar, Joseph Walton, G. V. Lawrence and S. J. Beatty, and such other persons as may be associated with them, their successors and assigns, be and they are hereby created

Corporate name.

a body corporate by the name and title of the School of Art, Science and Industry, by which name said corporation and their successors may sue and be sued, plead and be impleaded in any court of law and equity; shall have power to make such by-laws and regulations as they may deem necessary for the government and successful carrying on of said school, and not inconsistent with the laws of the State; shall have perpetual succession, and enjoy all the rights, privileges, powers, immunities and franchises granted to an institution of learning; shall have a common seal with such device and inscription as they shall deem proper, and may change, alter and amend

Corporate powers.

the same at pleasure, and all official acts shall be authenticated by affixing the same. They shall be able and capable in law to hold all manner of lands and tenements, rents, annuities and other heraditaments which at any time or times have been granted, bargained, sold, released, devised or otherwise conveyed unto them; and the same are hereby vested in said corporation and their successors forever; and the said corporation and their successors shall be able and capable in law to purchase, receive, hold and enjoy in fee simple or otherwise all classes of property, rents, annuities, heraditaments by gift or otherwise of any person or persons or corporations, and to transfer the same; and shall be able and capable in law to take and possess all moneys, goods and chattels that have been given or may hereafter be given or bequeathed by any person or persons or corporation for the use of said school, and the same to apply according to the will of the donors; and all such gifts of whatever kind shall be held in special trust and confidence for the benefit of and advancement of said school according to the direction of the donor.

SEC. 2. The management of said school shall be invested in a board of directors which shall consist of not less than

Directors.

three nor more than five persons, three of whom shall be residents of the State; a president, secretary and treasurer of the school, and the board shall be elected from the directors as the by laws shall prescribe. The board of directors shall be elected by ballot by the board of corporation out

Officers.

of their own number, and shall hold office as the by-laws may determine; a majority of the directors shall constitute a quorum for the transaction of business; they shall fill all vacancies occurring in their own body until the next succeeding election, and shall have power to make all needful rules and regulations for the well ordering of the affairs of the school not inconsistent with the laws of the State.

Directors, how elected, &c.

SEC. 3. Said corporation shall have the right to buy and sell all material or materials and products made, con-

Corporate powers.

structed, built, raised, grown or manufactured which may come within the object of said school, to prepare individuals for such pursuits in life as may be indicated to be best by each one's natural ability.

No mortgage to be given on property, &c.

SEC. 4. No liens or mortgages shall ever be given on the property of said school, and it must be kept entirely unincumbent forever; and as it must depend to a great extent upon the benevolence of philanthropists for its success, its property shall be free from taxation.

Degrees, &c.

SEC. 5. Said corporation shall have power to confer upon their own students such degrees or marks of distinction or of proficiency in art, science and trades as are usually conferred in colleges or universities at the time of graduation.

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

In the General Assembly read three times, and ratified⁷ this the 11th day March, A. D. 1885.

CHAPTER 138.

An act to amend the charter of the town of Murfreesboro in Hertford county.

The General Assembly of North Carolina do enact:

Chapter 243, laws 1854-'5, and chapter 186, laws 1876-'7, amended.

SECTION 1. That chapter two hundred and forty-three of the laws of one thousand eight hundred and fifty-four, and chapter one hundred and eighty-six of the laws of one thousand eight hundred and seventy-six and seventy-seven be amended as follows: That said town shall be divided into two wards, to be known as first and second wards respectively.

Divided into wards.

First ward.

SEC. 2. The first ward shall be bounded as follows, to-wit: Beginning at the corner of South and Second

streets; thence down Second street to River street; thence up River street to Third street; thence up Third street to Williams street; thence up Williams street to Fourth street; thence along Fourth street to River street; thence from southwest corner of Fourth and River streets to the northeast corner of E. C. Worrell's yard; thence along the northern boundary of said yard to the Gulley; thence up the Gulley to River street; thence up River street to the division fence between the lots of C. E. Myrick and Mrs. Annie Cowper; thence along the line of said fence sixty yards; thence a straight line via the rear of A. P. Hines' blacksmith shop to West street to Main street; thence down Main street to Spring Avenue; thence down Spring Avenue to the southwest corner of Cook and Harrell's warehouse; thence a straight line to the southern terminus of Seminary Avenue; thence along the southern boundary of H. H. Cook's lot fifty yards; thence a straight line to the southwest corner of the yard of D. A. Barnes Hutchings' lot; thence a straight line running parallel with Vance street to the lot of G. D. Parker; thence down the western boundary of said Parker's lot to South street; thence along said street to the beginning.

SEC. 3. The remaining portion of said town shall be known as the second ward. Second ward.

SEC. 4. That at every annual election held in said town for the election of commissioners for said town, the legally qualified voters in the first ward shall be entitled to elect four commissioners, and the legally qualified voters in the second ward shall be entitled to elect one commissioner; and commissioners so elected shall constitute the board of commissioners of said town. First ward to elect four commissioners and second ward one.

Board of commissioners.

SEC. 5. That at every election held in said town under its charter, the board of commissioners shall provide separate ballot boxes for the voters of the two wards: *Provided*, the election for both wards may be held at the same place and conducted by one set of judges and one registrar. Separate boxes for each ward.

Proviso.

Registrar.

SEC. 6. That the said board of commissioners shall only appoint one registrar to register the voters of said town: *Provided, however,* that the names of the voters of the two wards shall be kept separate, the names of the voters in the first ward shall be kept in a book marked "Voters of the First Ward," and those in the second ward in a book marked "Voters in the Second Ward."

Proviso.

Commissioners to elect mayor.

SEC. 7. That said board of commissioners shall, within thirty days after each annual election, elect from the qualified voters in said town the mayor, who shall hold his office for twelve months, and until his successor is duly elected and qualified.

Term of office.

Office of clerk and treasurer may be severed.

SEC. 8. That said board may, at their discretion, sever the offices of clerk and treasurer, and it shall be the duty of the treasurer of said town to call on the constable once in every thirty days, and oftener if necessary, and demand the money collected by him for said town; and the constable, on demand of the treasurer, shall pay over all money or moneys in his hands belonging to said town; and his refusal shall be reported to the board of commissioners by the treasurer at their next meeting.

Duty of treasurer.

Duty of constable.

Taxation.

SEC. 9. That the board of commissioners shall have power annually to levy a tax upon all persons and property within the town subject to taxation for county purposes under the general laws of the State for the year in which said taxes are levied: *Provided,* the tax shall in no case exceed twenty-five cents on the one hundred dollars' valuation of property and seventy-five cents on the poll.

Proviso.

Section 14, chapter 243, laws 1854-'5, repealed.

SEC. 10. That section fourteen of chapter two hundred and forty-three of the laws of one thousand eight hundred and fifty-four to the word "Provided" in the eighth line is hereby repealed.

Eastern boundary of town.

SEC. 11. That the eastern boundary of First street continued from the southern boundary of the town to River street, and thence down said street or road to the river, shall be the eastern boundary and limit of said town.

SEC. 12. That all laws and provisions of laws in conflict with the provisions, spirit and intent of this act are hereby repealed. Conflicting laws 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 11th day of March, A. D. 1885.

CHAPTER 139.

An act to incorporate the “Newton and Taylorsville Turnpike and Bridge Company.”

The General Assembly of North Carolina do enact :

SECTION 1. That E. O. Elliott, A. J. Stine, J. A. Gount, M. S. Deal, C. T. Sigmon, J. P. Matheson, E. M. Stevenson, R. P. Matheson, D. Boon Little and R. Z. Linney, their associates, assigns and successors, are hereby created and declared a body politic and corporate under the name and style of the “Newton and Taylorsville Turnpike and Bridge Company.” Body politic. Corporate name.

SEC. 2. That the said company shall have power to make all necessary by-laws, rules and regulations for its government, sue and be sued, plead and be impleaded in any court of record in this State. By-laws, &c.

SEC. 3. That said company shall have power to make and keep in repair a turnpike road running by the most direct, convenient and practicable route from Newton to Taylorsville by going within one mile of the “Sparkling Cawtawba Springs” as stated in the petition. Authorized to build turnpike from Newton to Taylorsville.

SEC. 4. Whenever any land or right of way shall be needed by the said company for the purpose of constructing the road, to supply stone, gravel or other material, if the parties cannot agree, the same may be taken at a valuation to be made by a commission of five freeholders, Condemnation of land.

to be known and selected by two justices of the peace of the county where the land lies, or by the county commissioners thereof, which valuation made on oath shall be recorded by the register of deeds in said county and payment of the valuation or tender thereof, or in case the owner of the land does not live in the county, a deposit of the same in the office of the superior court clerk, the said land or right of way shall vest in the company so long as it shall be used for the purpose of a turnpike road.

Right of appeal.

Either party may appeal from the decision of the commissioners to the superior court, but no proceedings under this section shall hinder or delay the company from proceeding with their work. The right of condemnation, except for materials of construction, shall not include any garden, yard, burial ground or building, nor more than thirty feet on each side of the centre of the road, and not exceeding one acre for each toll house.

Limitation of right of condemnation.

Use of public roads authorized.

SEC. 5. That said company may use such portions of any public road as may be in their opinion convenient and necessary.

Certificates of stock.

SEC. 6. Said company shall have power to issue certificates of stock to an amount not exceeding forty thousand dollars, in shares of five dollars each, and each stockholder shall be individually liable to the creditors of said company to an amount only equal to the amount unpaid on the stock held by him for any debt or liability of said company.

Books of subscription.

SEC. 7. That books of subscription may be opened along the proposed line of said road, and kept open until the whole stock shall be subscribed. It shall be lawful, however, when two hundred shares have been subscribed, for the stockholders to call a meeting and elect directors, who, when chosen, may proceed to employ a corps of engineers and complete the survey.

Organization.

Tolls.

SEC. 8. That when said road is completed the company may erect toll gates where deemed necessary, and may charge and collect toll not to exceed the following rates :

six-horse wagon, one dollar; five-horse wagon, ninety cents; four-horse wagon, eighty cents; three-horse wagon, sixty-cents; two-horse wagon, fifty cents; one-horse wagon, thirty-cents; two-horse carriage, one dollar; two-horse buggy, sixty-five cents; other vehicles, thirty cents; man and horse, twenty cents; loose horse, ten cents; cattle, hogs, &c., five cents each: *Provided, however,* that until the road is completed, the company may collect tolls in proportion to the whole distance: *Provided further,* that no tolls shall be collected until the bridge is completed.

Proviso.

Proviso.

SEC. 9. That this company is authorized to employ convicts from the State authorities upon such terms as may be agreed on.

Convict labor.

SEC. 10. That if said company shall fail to build said turnpike road, they are authorized to build a bridge across the Catawba river under this act at such point as the incorporators may deem best.

On failure to build turnplke, authorized to build bridge across Catawba river.

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 11th day of March, A. D. 1885.

CHAPTER 140.

An act to incorporate the Christian Brotherhood of Norfolk, Virginia.

The General Assembly of North Carolina do enact:

SECTION 1. That Theo. N. Ramsey, A. J. Harrell, J. N. Manning, D. J. Godwin, A. Savage, E. S. Powell and J. B. Riddick, and their associates, be and they are hereby created a body politic and corporate with perpetual succession, by the name and style of the Christian Brotherhood of Norfolk, Virginia, and by that name are hereby made capable in law to sue and be sued, to plead and be

Body politic.

Corporate name.

Corporate powers.

impleaded, contract and be contracted with, to make, have and use a corporate seal, and to alter and renew the same at pleasure, and shall have the right to take and hold by purchase, gift or otherwise real or personal property not exceeding twenty-five thousand dollars in value, or so much as may be necessary to carry out the objects of the Brotherhood, and to dispose of and convey the same at pleasure.

To be under control of "Christian Brotherhood of Norfolk, Va."

SEC. 2. That the corporation hereby created shall be in all respects subservient to and under the management and control of the Christian Brotherhood of Norfolk, Virginia, a corporation heretofore created by and existing under the laws of the State of Virginia.

Objects of corporation.

SEC. 3. That the objects of this Brotherhood are entirely benevolent for the purpose of encouraging a high standard of morality, lightening the burdens of the poor, abating privations and suffering, promoting industry, economy and needed reform, and providing for the relief of widows and orphans by voluntary contributions.

Membership.

SEC. 4. Any one between the ages of twenty and sixty-five years, of good moral repute, and whose application may be proved in accordance with the by-laws of said brotherhood, may become a member thereof.

Officers.

SEC. 5. The officers of said corporation shall be the same as those elected to fill offices in the Christian Brotherhood of Norfolk, Virginia.

By-laws, &c.

SEC. 6. The corporation may adopt such by-laws and regulations as may be necessary for the government of the brotherhood, and as are not repugnant to the by-laws and regulations adopted by said Brotherhood in the State of Virginia, may fill all vacancies which may exist for any reason in their own body, and may appoint officers and agents of said corporation, and three shall constitute a quorum to do business.

Vacancies.

Officers and agents.

Misnomer not to invalidate any deed, &c.

SEC. 7. A misnomer of the corporation in any deed, gift, grant or devise, or in any instrument or contract, or in any suit against them, shall not invalidate the same

if the corporation shall be sufficiently described therein to ascertain the intention of the parties.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1885.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, May 18th, 1885.

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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TO THE

PUBLIC AND PRIVATE LAWS, AND RESOLUTIONS,

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